For information

NOTE FOR SUBCOMMITTEE TO STUDY
THE PROPOSED RESOLUTION ON INCREASE OF FINES IN
WATERWORKS ORDINANCE AND WATERWORKS REGULATIONS

Supplementary Information

INTRODUCTION

In considering the proposed resolution on 21 July 2006, the Subcommittee requested the Administration to provide prosecution figures for the past one year, five years and ten years in respect of each of the existing offence provisions in the Waterworks Ordinance and Waterworks Regulations, including the information on the results of prosecution and the penalty imposed by courts in cases where the defendants were convicted.

THE ADMINISTRATION'S RESPONSE

2.   A table summarising the requested information is at **Annex 1**. Members may wish to note that in the table, the information in respect of the numbers of prosecution and conviction cases and the sum of fines for each individual offence provision in the Waterworks Ordinance and Waterworks Regulations for 2005, 2001-2005 and 1996-2005 are shown.

Environment, Transport and Works Bureau
August 2006

Prosecution, Conviction & Fines Summary Report

Year	Item	Section / Regulation *													Total
		S14	S15	S28	S29	S30(4)	S31	R9	R11	R12	R23	R39	R41	R44(b)	
2005	No. of Prosecutions	70	0	2	74	4	32	0	21	1	7	0	2	0	**213**
	No. of Convictions	67	0	2	74	4	31	0	20	1	7	0	2	0	**208**
	Sum of Fines	$124,600	$0	$4,000	$154,600	$2,000	$62,100	$0	$25,900	$1,500	$13,600	$0	$1,200	$0	**$389,500**
2001-2005	No. of Prosecutions	249	8	3	452	6	143	0	100	2	23	0	8	2	**996**
	No. of Convictions	242	8	3	440	6	140	0	98	2	23	0	8	2	**972**
	Sum of Fines	$375,600	$8,300	$5,500	$785,300	$6,800	$233,100	$0	$118,150	$4,100	$32,850	$0	$4,500	$1,200	**$1,575,400**
1996-2005	No. of Prosecutions	528	14	4	1055	13	336	1	206	2	33	2	24	2	**2220**
	No. of Convictions	510	14	4	1028	13	327	1	203	2	33	2	24	2	**2163**
	Sum of Fines	$920,150	$17,800	$7,500	$2,031,800	$25,600	$668,300	$750	$283,850	$4,100	$49,550	$2,000	$13,450	$1,200	**$4,026,050**

* Please see attached notes for brief description of each section or regulation listed in the table.

Notes

	Section/ Regulation	Particulars	Maximum Penalty
	Waterworks Ordinance(Chapter 102)		
S14	section 14	with regard to construction, installation, alteration or removal of fire or inside service without permission	Fine: $ 5,000
S15	section15	with regard to construction, installation, alteration, repair or removal of fire or inside service by unauthorised persons other than licensed plumbers	Fine: $ 5,000
S28	section 28	with regard to wastage or misuse of water supply	Fine: $ 5,000
S29	section 29	with regard to unlawful taking of water	Fine: $ 5,000
S30(4)	section 30(4)	with regard to polluting water forming part of the waterworks	Fine: $ 20,000 Imprisonment: 2 years
S31	section 31	with regard to damage to waterworks.	Fine: $ 5,000
	Waterworks Regulations (Chapter 102 sub. Leg. A)		
R9	regulation 9	with regard to use of inside service without permission for reception or conveyance of any water other than water from the waterworks	Fine: $ 4,000
R11	regulation 11	with regard to drawing of fresh water from inside service by means of hosepipe or similar apparatus without permission	Fine: $ 4,000
R12	regulation 12	with regard to use of fresh water for flushing without permission	Fine: $ 4,000
R23	regulation 23	with regard to installation or use of booster pump on fire or inside service without permission and the associated arrangement for pumping water	Fine: $ 4,000
R39	regulation 39	with regard to inappropriate use of, or preventing without authorization other persons from taking water from, public standpipes	Fine: $ 4,000
R41	regulation 41	with regard to fishing in waters forming part of the waterworks without licence, by any means other than by rod and line, or using explosive or toxic substance	Fine: $ 4,000
R44(b)	regulation 44(b)	with regard to contravening any condition of a fishing licence	Fine: $ 4,000

``