

DRAFT

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1))

Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2008

Resolved that the Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2008, published in the Gazette as Legal Notice 106 of 2008 and laid on the table of the Legislative Council on 14 May 2008, be amended –

(a) by adding a new section 3A –

"3A. Variation of trade effluent surcharge rate

(1) Section 4 is amended by adding –

"(2A) Where the Drainage Authority determines a new trade effluent surcharge rate under subsection (2), the Drainage Authority shall reimburse the expenses incurred by the consumer or agent under subsection (1) if the Drainage Authority is satisfied that such expenses are reasonably incurred.

(2B) For the purpose of subsection (2A), the Drainage Authority may require the consumer or agent to furnish proof of incurring the expenses and such other relevant information."

(2) Section 4(3) is amended by deleting "2 years" and substituting "3 years".

(3) Section 4(4) is amended by deleting "2 years" and substituting "3 years".

(b) in section 4, by adding –

"(3) In the new section 8(1), by repealing "2 years" and substituting "3 years"."

Section 4 Variation of trade effluent surcharge rate

(1) Where a consumer or agent believes that-

- (a) the CODs of trade effluent discharged from his premises is less than the CODs specified in column 4 of Schedule 2 for the relevant trade, business or manufacture; or
- (b) the difference between the COD_t and the CODs of trade effluent discharged from his premises is less than the difference between the COD_t specified in column 3 and the CODs specified in column 4 of Schedule 2 for the relevant trade, business or manufacture,

he may, at his own expense, have his trade effluent tested by an approved laboratory in accordance with the technical memorandum issued by the Secretary for the Environment and submit the results to the Drainage Authority together with any other relevant information that the Drainage Authority requires. (L.N. 106 of 2002; L.N. 130 of 2007)

(2) Where the Drainage Authority is satisfied that the CODs is less than the CODs in column 4 of Schedule 2 for the relevant trade, business or manufacture or the difference between the COD_t and the CODs is less than the difference between the COD_t in column 3 and the CODs in column 4 of Schedule 2 for the relevant trade, business or manufacture, he shall determine a new trade effluent surcharge rate using the applicable matrix in Part I or II of Schedule 4.

(2A) Where the Drainage Authority determines a new trade effluent surcharge rate under subsection (2), the Drainage Authority shall reimburse the expenses incurred by the consumer or agent under subsection (1) if the Drainage Authority is satisfied that such expenses are reasonably incurred.

(2B) For the purpose of subsection (2A), the Drainage Authority may require the consumer or agent to furnish proof of incurring the expenses and such other relevant information.

(3) A trade effluent surcharge rate determined under subsection (2) shall take effect from the beginning of the billing period during which such determination was made and shall be in effect for ~~2 years~~ 3 years. Upon the expiry of those ~~2 years~~ 3 years the rate provided for in section 3 shall apply subject to the consumer or agent having further tests done under subsection (1) and the Drainage Authority making

another determination under this section.

(4) Where tests performed under this section show that trade effluent being discharged is equal in strength to, or less in strength than, the strength of domestic sewage, the Drainage Authority shall not impose a trade effluent surcharge for a period of ~~2 years~~ 3 years in accordance with subsection (3). (L.N. 46 of 2007)

Section 8 Transitional

(1) Where a new trade effluent surcharge rate—

- (a) was determined under section 4(2) before 1 July 2007 during a billing period; and
- (b) is applicable to the relevant consumer or agent on 1 July 2007,

the new rate shall be in effect for ~~2 years~~ 3 years from the beginning of the billing period. Upon the expiry of those ~~2 years~~ 3 years the rate provided for in section 3 shall apply subject to the consumer or agent having further tests done under section 4(1) and the Drainage Authority making another determination under section 4.