

INTERPRETATION AND GENERAL CLAUSES
ORDINANCE

RESOLUTION

**SEWAGE SERVICES (TRADE EFFLUENT
SURCHARGE) (AMENDMENT) REGULATION 2008**

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

RESOLVED that the Sewage Services (Trade Effluent Surcharge)
(Amendment) Regulation 2008, published in the Gazette as Legal
Notice No. 106 of 2008 and laid on the table of the Legislative
Council on 14 May 2008, be amended –

(a) by repealing section 3 and substituting –

“3. Trade effluent surcharge rates

Section 3(1)(a) and (b) is repealed and the
following substituted –

“(a) if the billing period for the surcharge
begins on a date before 1 August 2008
and ends on a date between 1 August
2008 and 31 July 2009 (both days
inclusive), at the rate calculated in
accordance with the formula specified in
Part I of Schedule 5;

- (b) if the billing period for the surcharge begins on a date between 1 August 2008 and 31 July 2009 (both days inclusive) and ends on a date before 1 August 2009, at the rate specified in column 3 of Schedule 1;
- (c) if the billing period for the surcharge begins on a date between 1 August 2008 and 31 July 2009 (both days inclusive), and ends on or after 1 August 2009, at the rate calculated in accordance with the formula specified in Part II of Schedule 5;
or
- (d) if the billing period for the surcharge begins on or after 1 August 2009, at the rate specified in column 4 of Schedule 1,.”.”;

(b) by adding –

“3A. Variation of trade effluent surcharge rate

- (1) Section 4(3) is amended by repealing “2 years” where it twice appears and substituting “3 years”.
 - (2) Section 4(4) is amended by repealing “2 years” and substituting “3 years”.”;
- (c) in section 4, by adding –

“(1A) Section 8(1) is repealed and the following substituted –

“(1) Where a new trade effluent surcharge rate –

(a) was determined under section 4(2) before 1 August 2008 during a billing period; and

(b) is applicable to the relevant consumer or agent on 1 August 2008,

the new rate shall be in effect for 3 years from the beginning of the billing period. On the expiry of those 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.”;

(d) in section 5, in the new Schedule 1, within the square brackets, by adding “& Sch. 5” after “s. 3”;

(e) by adding –

R1: the rate that is specified in respect of the trade, business or manufacture concerned in column 3 or 4 (as may be appropriate) of Schedule 1 as in force immediately before the commencement of the Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2008 (L.N. 106 of 2008);

N2: number of days of the relevant billing period after 31 July 2008;

R2: the rate that is specified in respect of the trade, business or manufacture concerned in column 3 of Schedule 1.

(b) In paragraph (a), “relevant billing period” (有關的發單收費期間) means the billing period of the bill concerned that begins on a date before 1 August 2008 and ends on a date between 1 August 2008 and 31 July 2009 (both days inclusive).

PART II

RATES OF SURCHARGE IN RESPECT
OF BILLING PERIOD BEGINNING ON
A DATE BETWEEN 1 AUGUST 2008
AND 31 JULY 2009 (BOTH DAYS
INCLUSIVE), AND ENDING ON OR
AFTER 1 AUGUST 2009

$$\frac{(N1 \times R1) + (N2 \times R2)}{(N1 + N2)}$$

- (a) In this formula –
- N1: number of days of the relevant billing period before 1 August 2009;
- R1: the rate that is specified in respect of the trade, business or manufacture concerned in column 3 of Schedule 1;
- N2: number of days of the relevant billing period after 31 July 2009;
- R2: the rate that is specified in respect of the trade, business or manufacture concerned in column 4 of Schedule 1.
- (b) In paragraph (a), “relevant billing period” (有關的發單收費期間) means the billing period of the bill concerned that begins on a date between 1 August

2008 and 31 July 2009 (both days inclusive), and ends on or after 1 August 2009.””.