

SEWAGE SERVICES (TRADE EFFLUENT SURCHARGE) REGULATION

(Made by the Governor in Council under section 12 of the
Sewage Services Ordinance (of 1994))

1. Commencement

This Regulation shall come into operation on [].

2. Interpretation

In this Regulation -

"COD" () means Chemical Oxygen Demand;

"COD_s" () means Chemical Oxygen Demand-Settled which
is a measurement of the oxygen demand of the water soluble
portion of a sample of trade effluent after gravity separation
of the nonsoluble portions by the sample being left sitting
still for 60 minutes;

"COD_t" () means Chemical Oxygen Demand-Total which is
a measurement of the oxygen demand of a total sample of trade
effluent without allowing the time necessary to allow gravity
separation of the sample;

"strength of domestic sewage" () means sewage where
COD_t equals 500g/m³ and COD_t - COD_s equals 150g/m³;

"water control zone" () means any part of Hong Kong
declared to be a water control zone under section 4 of the
Water Pollution Control Ordinance (Cap. 358).

3. Trade effluent surcharge rates

(1) Subject to subsection (2) and section 4, a consumer or agent who is liable to pay a trade effluent surcharge under section 4 of the Ordinance shall, where the premises to which the surcharge relates produce trade effluent in the course of a trade, business or manufacture listed in column 1 of Schedule 1, pay a surcharge -

(a) where the premises are located in a water control zone, at the rate specified in column 2 of Schedule 1; or

(b) where the premises are located outside a water control zone, at the rate specified in column 3 of Schedule 1,

for each cubic metre of water supplied by the Water Authority, other than water supplied specifically for flushing purposes.

(2) For a trade, business or manufacture listed in Schedule 3, the amount of the trade effluent surcharge determined under this section or section 4, as the case may be, shall be equal to 80% of the volume of water supplied, other than water specifically supplied for flushing purposes, multiplied by the applicable rate.

4. Variation of trade effluent surcharge rate

(1) Where a consumer or agent believes that -

(a) the COD_s of trade effluent discharged from his premises is less than the COD_s specified in column 3 of Schedule 2 for the relevant trade, business or manufacture; or

(b) the difference between the COD_t and the COD_s of trade effluent discharged from his premises is less than the difference between the COD_t specified in column 2

and the COD_s specified in column 3 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 Works and submit the results to the Drainage Authority together with any other relevant information that the Drainage Authority requires.

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

(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 1 year at which time the rate established under section 3 shall apply subject to the consumer 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 or less in strength than the strength of domestic sewage, the Drainage Authority shall not impose a trade effluent surcharge for a period of 1 year in accordance with subsection (3).

5. Reduction of trade effluent surcharge by the Drainage Authority

For the purposes of section 9(1)(d) of the Ordinance, no trade effluent surcharge shall be reduced, waived or refunded unless the volume of wastewater being discharged into a communal drain or communal sewer is not more than 85% of the volume of water on which the trade effluent surcharge is based.

6. Financial penalties for unpaid trade effluent surcharges

(1) Where a consumer or agent fails to pay trade effluent surcharges on or before the date specified for payment, the Drainage Authority may add a late payment penalty equal to 5% of the unpaid amount.

(2) Where an amount referred to in subsection (1) remains unpaid 6 months after the date specified for payment, the Drainage Authority may add an additional late payment penalty equal to 10% of the total amount owing.

7. Notification of incorrect category of use

(1) Where a consumer or agent receives a bill for trade effluent surcharges and the bill states that the trade effluent surcharges are based on a trade, business or manufacture that is incorrect, the consumer or agent shall, not more than 30 days after the date the bill was issued, notify the Drainage Authority that it is incorrect and advise the Drainage Authority of the correct trade, business or manufacture or, if he does not know the correct trade, business or manufacture, supply sufficient information on the use of the premises so that the Drainage Authority can determine the

correct trade, business or manufacture.

(2) A person who fails to notify the Drainage Authority and supply the required information under subsection (1), or supplies false information, commits an offence and is liable on conviction to a fine at level 6.

8. Transitional

Trade effluent surcharges shall not be collected in respect of water supplied during a billing period under the Waterworks Ordinance (Cap. 102) which period commenced before the day the Sewage Services Ordinance (of 1994) comes into operation.

SCHEDULE 1

[s. 3]

Trade, business or manufacture	Rate for premises located in a water control zone	Rate for premises located outside a water control zone
	\$/m ³	\$/m ³
yarn sizing	3.78	10.67
washing new garments, excluding laundries	0.82	0.82
soy and other sauces	3.78	8.38
laundries	0.60	0.60
soap and cleaning preparations, perfumes, cosmetics	3.78	16.05
medicines	3.78	4.98
paints, varnishes and lacquers	1.16	1.16

basic industrial chemicals	3.78	4.02
pulp, paper and paperboard	4.09	4.09
bleaching and dyeing of garment	0.64	0.64
bleaching and dyeing of knitted fabric	1.01	1.01
bleaching and dyeing of woven fabric	1.73	1.73
textile stencilling and printing	1.32	1.32
knit outerwear	1.49	1.49
spinning cotton	0.34	0.34
tanneries and leather finishing	2.56	2.56
soft drinks and carbonated waters industries	1.49	1.49
breweries and manufacture of malt liquor	3.29	3.29
distilling, rectifying and blending spirits	0.11	0.11
cocoa, chocolate & sugar confectionery	3.78	4.26
vermicelli, noodles, and similar farinaceous products	3.29	5.16
bakery products	3.29	5.16
grain mill products	5.98	9.54
vegetable oil, peanut oil, peppermint oil and aniseed oil	3.78	19.55
canning preserving and processing of fish and crustaceans	1.73	1.73
canning and preserving fruit & vegetables	3.63	3.63
dairy products	3.78	9.15
slaughtering, preparing and preserving meat	3.78	9.01
restaurants	3.78	9.12
wearing apparel other than knit outerwear	1.80	1.80

SCHEDULE 2

[S. 4]

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Trade, business or manufacture	COD _t g/m ³	COD _s g/m ³
yarn sizing	5 160	4 436
washing new garments, excluding laundries	660	330
soy and other sauces	3 900	3 243
laundries	725	425
soap and cleaning preparations, perfumes, cosmetics	7 805	7 453
medicines	2 910	2 482
paints, varnishes and lacquers	1 000	619
basic industrial chemicals	2 500	2 262
pulp, paper and paperboard	1 870	947
bleaching and dyeing of garments	730	635
bleaching and dyeing of knitted fabric	980	837
bleaching and dyeing of woven fabric	1 290	1 090
textile stencilling and printing	890	404
knit outerwear	1 226	1 093
spinning cotton	570	541
tanneries and leather finishing	1 755	1 436
soft drinks and carbonated waters industries	1 200	914
breweries and manufacture of malt liquor	1 780	1 304
distilling, rectifying and blending spirits	580	485
cocoa, chocolate & sugar confectionery	2 500	2 214
vermicelli, noodles, and similar farinaceous products	2 500	1 548
bakery products	2 500	1 548

grain mill products	2 860	680
vegetable oil, peanut oil, peppermint oil and aniseed oil	7 600	5 315
canning preserving and processing of fish and crustaceans	1 495	1 257
canning and preserving fruit & vegetables	1 990	1 628
dairy products	3 960	3 084
slaughtering, preparing and preserving meat	3 870	2 823
restaurants	3 600	2 315
wearing apparel other than knit outerwear	990	476

SCHEDULE 3

[s. 3]

TRADE, BUSINESS OR MANUFACTURE

1. bleaching and dyeing of garments
2. bleaching and dyeing of knitted fabric
3. bleaching and dyeing of woven fabric
4. soft drinks and carbonated waters industries
5. breweries and manufacture of malt liquor
6. distilling, rectifying and blending spirits
7. restaurants

SCHEDULE 4

Standard TES Charge Rate Matrix for Water Control Zone

COD _s (g/m ³)	COD _{t-s} (g/m ³)															
	0	100	130	160	200	250	320	400	500	630	790	1000	1260	1580	2000	2000
2000	\$3.78	\$2.82	\$2.82	\$2.86	\$3.06	\$3.30	\$3.63	\$4.02								
1580	\$2.82	\$2.08	\$2.08	\$2.13	\$2.32	\$2.56	\$2.90	\$3.29	\$3.77	\$4.39						
1260	\$2.08	\$1.49	\$1.49	\$1.54	\$1.73	\$1.97	\$2.31	\$2.69	\$3.17	\$3.80	\$4.57	\$5.58				
1000	\$1.49	\$1.01	\$1.01	\$1.06	\$1.25	\$1.49	\$1.83	\$2.21	\$2.69	\$3.32	\$4.09	\$5.10				
790	\$1.01	\$0.64	\$0.64	\$0.69	\$0.88	\$1.12	\$1.46	\$1.84	\$2.32	\$2.95	\$3.72	\$4.73	\$5.98			
630	\$0.64	\$0.34	\$0.34	\$0.39	\$0.58	\$0.82	\$1.16	\$1.55	\$2.03	\$2.65	\$3.42	\$4.43	\$5.68			
500	\$0.34	\$0.11	\$0.11	\$0.16	\$0.36	\$0.60	\$0.93	\$1.32	\$1.80	\$2.42	\$3.19	\$4.20	\$5.45	\$6.99		
400	\$0.11	\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88		
320	\$0.00	\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88		
250	\$0.00	\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88		
200	\$0.00	\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88		
160	\$0.00	\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88		
130	\$0.00	\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88		
100	\$0.00	\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88		
0	\$0.00	\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88	\$8.90	0

COD_{t-s} (g/m³)

Standard TES Charge Rate Matrix for Non Water Control Zone

COD _s (g/m ³)		100	130	160	200	250	320	400	500	630	790	1000	1260	1580	2000	2500	3000
8500	8000	\$17.52	\$17.52	\$17.57	\$17.76	\$18.00	\$18.34	\$18.72	\$19.20	\$19.83	\$20.50	\$21.61	\$22.86	\$24.40	\$26.42	\$28.82	\$3000
		\$16.37	\$16.37	\$16.42	\$16.61	\$16.85	\$17.19	\$17.58	\$18.06	\$18.68	\$19.45	\$20.46	\$21.71	\$23.25	\$25.27	\$27.68	\$2880
7500	7000	\$15.23	\$15.23	\$15.28	\$15.47	\$15.71	\$16.05	\$16.43	\$16.91	\$17.54	\$18.31	\$19.32	\$20.57	\$22.11	\$24.13	\$26.53	\$2750
		\$14.08	\$14.08	\$14.13	\$14.32	\$14.56	\$14.90	\$15.29	\$15.77	\$16.39	\$17.16	\$18.17	\$19.42	\$20.96	\$22.98	\$25.39	\$2650
6500	6000	\$12.94	\$12.94	\$12.99	\$13.18	\$13.42	\$13.76	\$14.14	\$14.62	\$15.25	\$16.02	\$17.03	\$18.28	\$19.82	\$21.84	\$24.24	\$2500
		\$11.79	\$11.79	\$11.84	\$12.03	\$12.27	\$12.61	\$13.00	\$13.48	\$14.10	\$14.87	\$15.88	\$17.13	\$18.67	\$20.69	\$23.10	\$2400
5500	5000	\$10.65	\$10.65	\$10.70	\$10.89	\$11.13	\$11.47	\$11.85	\$12.33	\$12.96	\$13.73	\$14.74	\$15.99	\$17.53	\$19.55	\$21.95	\$2300
		\$9.50	\$9.50	\$9.55	\$9.74	\$9.98	\$10.32	\$10.71	\$11.19	\$11.81	\$12.58	\$13.59	\$14.84	\$16.38	\$18.40	\$20.81	\$2150
4500	4000	\$8.36	\$8.36	\$8.41	\$8.60	\$8.84	\$9.18	\$9.56	\$10.04	\$10.67	\$11.44	\$12.45	\$13.70	\$15.24	\$17.26	\$19.66	\$2050
		\$7.21	\$7.21	\$7.26	\$7.45	\$7.69	\$8.03	\$8.42	\$8.90	\$9.52	\$10.29	\$11.30	\$12.55	\$14.09	\$16.11	\$18.52	\$1900
3500	3000	\$6.07	\$6.07	\$6.12	\$6.31	\$6.55	\$6.89	\$7.27	\$7.75	\$8.38	\$9.15	\$10.16	\$11.41	\$12.95	\$14.97	\$17.37	\$1800
		\$4.92	\$4.92	\$4.97	\$5.16	\$5.40	\$5.74	\$6.13	\$6.61	\$7.23	\$8.00	\$9.01	\$10.26	\$11.80	\$13.82	\$16.23	\$1700
2500	2000	\$3.78	\$3.78	\$3.83	\$4.02	\$4.26	\$4.60	\$4.98	\$5.46	\$6.09	\$6.86	\$7.87	\$9.12	\$10.66	\$12.68	\$15.08	\$1600
		\$2.62	\$2.62	\$2.66	\$2.86	\$3.00	\$3.63	\$4.02	\$4.50	\$5.13	\$5.90	\$6.91	\$8.16	\$9.70	\$11.72	\$14.12	\$1500
1500	1200	\$2.08	\$2.08	\$2.13	\$2.32	\$2.56	\$2.90	\$3.29	\$3.77	\$4.39	\$5.16	\$6.17	\$7.42	\$8.96	\$10.98	\$13.39	\$1400
		\$1.49	\$1.49	\$1.54	\$1.73	\$1.97	\$2.31	\$2.69	\$3.17	\$3.80	\$4.57	\$5.58	\$6.83	\$8.37	\$10.39	\$12.79	\$1300
1000	700	\$1.01	\$1.01	\$1.06	\$1.25	\$1.49	\$1.83	\$2.21	\$2.69	\$3.32	\$4.09	\$5.10	\$6.35	\$7.89	\$9.91	\$12.31	\$1270
		\$0.64	\$0.64	\$0.69	\$0.88	\$1.12	\$1.46	\$1.84	\$2.32	\$2.95	\$3.72	\$4.73	\$5.98	\$7.52	\$9.54	\$11.94	\$1200
600	500	\$0.34	\$0.34	\$0.39	\$0.58	\$0.82	\$1.16	\$1.55	\$2.03	\$2.65	\$3.42	\$4.43	\$5.68	\$7.22	\$9.24	\$11.65	\$1150
		\$0.11	\$0.11	\$0.16	\$0.36	\$0.60	\$0.93	\$1.32	\$1.80	\$2.42	\$3.19	\$4.20	\$5.45	\$6.99	\$9.01	\$11.42	\$1100
400	300	\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88	\$8.90	\$11.30	\$1050
		\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88	\$8.90	\$11.30	\$1000
200	160	\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88	\$8.90	\$11.30	\$950
		\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88	\$8.90	\$11.30	\$900
100	0	\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88	\$8.90	\$11.30	\$850
		\$0.00	\$0.00	\$0.05	\$0.24	\$0.48	\$0.82	\$1.20	\$1.68	\$2.31	\$3.08	\$4.09	\$5.34	\$6.88	\$8.90	\$11.30	\$800

COD_{t-s} (g/m³)

Clerk to the Executive Council.

COUNCIL CHAMBER,

1994.

Explanatory Note

The purpose of this Regulation is to establish the trade effluent surcharges under the Sewage Services Ordinance (105 of 1994).