

An Ordinance to provide for the imposition of sewage charges and trade effluent surcharges and other related matters.

本條例旨在就排污費及工商業污水附加費的徵收及其他有關事宜，訂定條文。

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

由香港總督參照立法局意見並得該局同意而制定。

1. Short title and commencement

- (1) This Ordinance may be cited as the Sewage Services Ordinance.
- (2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Planning, Environment and Lands by notice in the Gazette.

1. 簡稱及生效日期

- (1) 本條例可引稱為《污水處理服務條例》。
- (2) 本條例自規劃環境地政司以憲報公告指定的日期起實施。

2. Interpretation

In this Ordinance, unless the context otherwise requires—
 "agent" (代理人) has the same meaning as in the Waterworks Ordinance (Cap. 102);
 "communal drain" (公用排水渠) means a drain that is not used exclusively by one discharger;
 "communal service" (公用供水系統) has the same meaning as in the Waterworks Ordinance (Cap. 102);
 "communal sewer" (公用下水道) means a sewer that is not used exclusively by one discharger;
 "consumer" (用戶) has the same meaning as in the Waterworks Ordinance (Cap. 102);
 "domestic sewage" (住宅污水) means waste of a kind and quantity that is generated by the use of a toilet, water closet, bath, shower, sink, basin or other sanitary fitting in domestic premises or while at a place of work;

2. 釋義

在本條例中，除文意另有所指外——
 "工商業污水" (trade effluent) 指任何完全或部分在任何行業、業務或製造業作業過程中所產生的污水，不論其中是否含有懸浮顆粒物質；
 "工商業污水附加費" (trade effluent surcharge) 指根據第 4 條所徵收的工商業污水附加費；
 "公用下水道" (communal sewer) 指並非由一名排污者專用的下水道；
 "公用供水系統" (communal service) 的涵義與《水務設施條例》(第 102 章) 中該詞的涵義相同；
 "公用排水渠" (communal drain) 指並非由一名排污者專用的排水渠；
 "水務監督" (Water Authority) 指水務署署長；
 "用戶" (consumer) 的涵義與《水務設施條例》(第 102 章) 中該詞的涵義相同；

"Drainage Authority" (排水事務監督) means the Director of Drainage Services or his authorized representative;

"sewage charge" (排污費) means a charge imposed under section 3(1);

"trade effluent" (工商業污水) means any effluent, either with or without particles of matter in suspension therein, that is wholly or in part produced in the course of any trade, business or manufacture;

"trade effluent surcharge" (工商業污水附加費) means a trade effluent surcharge imposed under section 4;

"wastewater" (廢水) means water that is directly or indirectly used in or generated by human activity;

"Water Authority" (水務監督) means the Director of Water Supplies.

3. Sewage charges

(1) A consumer whose premises are connected, whether directly or indirectly, to a communal drain or a communal sewer which is vested in and maintained by the Government, for the purpose of removing wastewater therefrom shall pay, or if there is a communal service, the agent shall pay, to the Government a sewage charge at a prescribed rate based on the volume of water supplied to the premises by the Water Authority, other than water supplied specifically for flushing purposes.

(2) Notwithstanding subsection (1), where the Waterworks Regulations (Cap. 102 sub. leg.) provide that there shall be no charge in respect of a prescribed volume of water supplied for domestic purposes, no sewage charge shall be payable in respect of such water provided for such purpose.

(3) Notwithstanding subsection (1), a regulation may provide that, where premises are used for a prescribed trade, business or manufacture, the charge under subsection (1) shall be based on a prescribed percentage of the volume of water supplied to the premises by the Water Authority, other than water supplied specifically for flushing purposes.

(4) The consumer or agent, as the case may be, shall be billed for, and shall pay, the sewage charge at the same time as for charges under the Waterworks Ordinance (Cap. 102), and sections 10(a), 19(4)(c), 21 and 34(2) and (3) of that Ordinance apply to an unpaid sewage charge as though it were a charge imposed under that Ordinance.

(5) The Water Authority may increase the amount of a deposit under section 19(1) of the Waterworks Ordinance (Cap. 102) where a consumer or agent is liable to pay sewage charges.

4. Payment of trade effluent surcharges

(1) Where a consumer whose premises are connected, whether directly or indirectly, to a communal drain or a communal sewer which is vested in and

"代理人" (agent) 的涵義與《水務設施條例》(第 102 章) 中該詞的涵義相同;

"住宅污水" (domestic sewage) 指在住所處所或在工作地方使用廁所、水廁、浴缸、淋浴器、洗滌盆、洗臉盆或其他衛生設備所產生的一類某一類型的廢料;

"排水事務監督" (Drainage Authority) 指渠務署署長或獲其授權的代表;

"排污費" (sewage charge) 指根據第 3(1) 條所徵收的費用;

"廢水" (wastewater) 指人類活動所直接或間接使用或產生的水。

3. 排污費

(1) 任何用戶的處所如直接或間接接駁屬於政府並由政府維修的公用排水渠或公用下水道，以便將廢水從該處所排出，該用戶須向政府繳付以水務監督供應該處所的水的水量為依據，而按訂明的收費率計算的排污費（供應專用以沖廁的水除外）。

(2) 儘管有第 (1) 款的規定，凡《Waterworks Regulations》(第 102 章，附屬法例) 規定不就某訂明水量的供應予住宅用途的水收費，則無須就提供作該等用途的該等水繳付排污費。

(3) 儘管有第 (1) 款的規定，規例可規定，凡處所是用作訂明行業、業務或製造業用途的，第 (1) 款所規定的費用，須以水務監督供應該處所的水的水量的訂明百分率為計算費用依據（供應專用以沖廁的水除外）。

(4) 有關用戶或代理人（視屬何情況而定）須獲發排污費的繳費單，而有關用戶或代理人在繳付《水務設施條例》(第 102 章) 所規定的費用的同時亦須繳付排污費，而該條例第 10(a)、19(4)(c)、21 及 34(2) 及 (3) 條均適用於未繳付的排污費，猶如該筆排污費是根據該條例徵收的一樣。

(5) 凡任何用戶或代理人須繳付排污費，水務監督可提高《水務設施條例》(第 102 章) 第 19(1) 條所規定的按金額。

4. 工商業污水附加費的繳付

(1) 凡任何用戶的處所直接或間接接駁屬於政府並由政府維修的公用排水渠或公用下水道，而將所產生的工商業污水排放於該公用排水渠或該公用下水道，該用戶除

maintained by the Government, produces trade effluent that is discharged into the communal drain or communal sewer, the consumer shall, or if there is a communal service the agent shall, in addition to a sewage charge, pay to the Government a trade effluent surcharge as prescribed by the Governor in Council.

(2) The Drainage Authority shall issue a bill for the trade effluent surcharge and the consumer or agent shall pay the bill on or before the date specified in the bill.

(3) Where a consumer or agent fails to pay the trade effluent surcharge within the specified time, the Drainage Authority may notify the Water Authority that the trade effluent surcharge is outstanding and, on being so notified, the Water Authority may exercise his powers under section 10(a) of the Waterworks Ordinance (Cap. 102) as though the trade effluent surcharge were a charge imposed under that Ordinance.

(4) The Drainage Authority may require a consumer or agent to whom this section applies to pay a deposit to cover any trade effluent surcharge that may become due and a deposit under this section is in addition to any deposit required under section 3.

(5) If a consumer or agent does not pay the deposit within the time specified for payment in the notice requiring payment of the deposit, the Drainage Authority may notify the Water Authority that payment has not been received and, on being so notified, the Water Authority may exercise his powers under section 19(2) of the Waterworks Ordinance (Cap. 102) as though the deposit were a deposit for which payment was not made under that Ordinance.

(6) A deposit paid under this section—

- (a) shall not bear interest;
- (b) shall not be transferable; and
- (c) may, without prejudice to the exercise of any other power under this Ordinance, be applied by the Drainage Authority at any time to the payment of any trade effluent surcharge.

(7) Subject to subsection (6)(c), the Drainage Authority shall refund a deposit to a consumer or agent if—

- (a) another consumer or agent is approved by the Water Authority in his place;
- (b) an undertaking given by the consumer or agent under section 7 of the Waterworks Ordinance (Cap. 102) in respect of paying charges under that Ordinance is cancelled by the Water Authority; or
- (c) the Drainage Authority is of the opinion that the deposit is no longer required.

(8) Where a consumer has been paying a trade effluent surcharge based on being in a particular category as prescribed by the regulations and he subsequently changes his trade, business or manufacture to which the trade

須向政府繳付排污費外，亦須繳付由總督會同行政局訂明的工商業污水附加費；但設有公川供水系統的，則須由代理人向政府繳付。

(2) 排水事務監督須發出工商業污水附加費的繳費單，而有關用戶或代理人須在該繳費單上所指明的日期或之前繳費。

(3) 凡任何用戶或代理人未在指明時間內繳付工商業污水附加費，排水事務監督可通知水務監督該工商業污水附加費仍未繳付，而水務監督在接獲上述通知後，可行使其根據《水務設施條例》(第102章)第10(a)條所賦予的權力，猶如該筆工商業污水附加費是根據該條例徵收的費用一樣。

(4) 排水事務監督可規定本條所適用的用戶或代理人須繳付按金，用以償付任何可能到期應付的工商業污水附加費，而本條所指的按金是第3條所規定的任何按金以外的按金。

(5) 凡任何用戶或代理人未在規定繳付按金的通知書上所指明的繳付時間內繳付按金，則排水事務監督可將未收到按金一事通知水務監督，而水務監督在接獲上述通知後，可行使其根據《水務設施條例》(第102章)第19(2)條所賦予的權力，猶如該筆按金是沒有根據該條例繳付的按金一樣。

(6) 根據本條繳付的按金——

- (a) 不衍生利息；
- (b) 不得轉名；及
- (c) 可在不影響根據本條例行使任何其他權力的情況下，由排水事務監督隨時用以支付任何工商業污水附加費。

(7) 除第(6)(c)款另有規定外，如有下列情況，排水事務監督須將按金退還用戶或代理人——

- (a) 水務監督批准由另一用戶或代理人取代該用戶或代理人；
- (b) 該用戶或代理人根據《水務設施條例》(第102章)第7條就繳付該條例下的費用所作的保證遭水務監督取消；或
- (c) 排水事務監督認為不再需要按金。

(8) 凡一向依據其所屬規例所訂明的某類別繳付工商業污水附加費的任何用戶，其後改變該工商業污水附加費所涉的行業、業務或製造業類別，因而使他轉屬規例所

effluent surcharge relates such that he would be in a different category as prescribed under the regulations, he shall as soon as practicable on changing such trade, business or manufacture notify the Drainage Authority of the change giving details of the change sufficient for the Drainage Authority to identify the change in category for the purposes of calculating the trade effluent surcharge that would be payable.

(9) A person who fails to notify the Drainage Authority of a change as required under subsection (8) commits an offence and is liable on conviction to a fine at level 6.

5. Liability for sewage charges and trade effluent surcharges

A consumer or agent, as the case may be, who is liable to pay sewage charges under section 3 or trade effluent surcharges under section 4, as the case may be, shall remain liable until—

- (a) another consumer or agent is approved by the Water Authority in his place; or
- (b) an undertaking given by the consumer or agent under section 7 of the Waterworks Ordinance (Cap. 102) in respect of paying charges under that Ordinance is cancelled by the Water Authority,

notwithstanding that—

- (i) he ceases to occupy the premises;
- (ii) he ceases to be responsible for the management of the premises or any part thereof; or
- (iii) the Water Authority exercises any power under section 8, 9, 10 or 19(2) of the Waterworks Ordinance (Cap. 102).

6. Unpaid trade effluent surcharges

(1) A trade effluent surcharge which is not paid shall be a debt due to the Government.

(2) Where a trade effluent surcharge is not paid on or before the date specified in a notice of demand, a penalty on the unpaid trade effluent surcharge may be levied in accordance with regulations made under this Ordinance.

7. Recovery of charges arising from false statements or withholding information

Where a consumer—

- (a) fails to supply required information;
- (b) fails to notify the Drainage Authority as required under section 4(8);

訂明的另一類別，則該行業、業務或製造業類別一經改變，他須在切實可行範圍內盡快將該項改變通知排水事務監督，向其提供該項改變的詳細資料，而該等資料須足以使排水事務監督為計算所須繳付的費用而能辨識有關類別的改變。

(9) 任何人未有依照第(8)款的規定將改變用途事通知排水事務監督，即屬犯罪，一經定罪，可處第6級罰款。

5. 繳付排污費及工商業污水附加費的責任

凡根據第3條須繳付排污費或根據第4條須繳付工商業污水附加費的用戶或代理人(視屬何情況而定)，須持續負此責任，直至——

- (a) 水務監督批准由另一用戶或代理人取代該用戶或代理人為止；或
- (b) 該用戶或代理人根據《水務設施條例》(第102章)第7條繳付該條例下的費用所作的保證遭水務監督取消為止，

而其持續負繳費責任不受以下情況影響——

- (i) 該用戶或代理人終止佔用有關處所；
- (ii) 該用戶或代理人終止對該處所或其任何部分的管理所負的責任；或
- (iii) 水務監督行使《水務設施條例》(第102章)第8、9、10或19(2)條下的權力。

6. 未繳付的工商業污水附加費

(1) 任何工商業污水附加費如未繳付，即屬拖欠政府的債項。

(2) 凡未在繳款通知書上指明的日期當日或之前繳付工商業污水附加費，可按照根據本條例所訂立的規例徵收罰款。

7. 因提供虛假陳述或不提供資料而追討費用

凡任何用戶——

- (a) 未有提供所須提供的資料；
- (b) 未有按第4(8)條的規定通知排水事務監督；

(c) supplies information which he knew or ought reasonably to have known was false in a material particular, he shall be liable for any sewage charges or trade effluent surcharges not paid as a result of such action and the unpaid sewage charges or trade effluent surcharges may be recovered as a debt due to the Government.

8. Presumptions and evidence in writing

(1) In any civil proceedings a document, purporting to be signed by the Drainage Authority, stating in the case of proceedings for the recovery of an unpaid trade effluent surcharge—

- (a) the name of the person liable to pay the trade effluent surcharge;
- (b) the amount of the trade effluent surcharge;
- (c) the nature and other particulars of the trade effluent surcharge; and
- (d) that the trade effluent surcharge remains unpaid,

shall be admitted in evidence without further proof.

(2) On the production of a document mentioned in subsection (1)—

- (a) the court before which it is produced shall, in the absence of evidence to the contrary, presume—
 - (i) that it was signed at the time and place specified therein by the Drainage Authority;
 - (ii) that the facts stated in the document are true; and
 - (iii) that the record of the facts stated in the document was made and compiled at the time stated therein; and
- (b) the document shall be evidence of all other matters contained therein.

(3) Where any document is produced and admitted as evidence under subsection (1), the court may, if it thinks fit, on its own motion or on the application of any party to the proceedings, summon the person who signed the document and examine him as to the subject-matter thereof.

9. Reduction, etc. of charges

(1) The Drainage Authority may in any particular case reduce, waive or refund, in whole or in part, sewage charges or trade effluent surcharges, where the Drainage Authority is satisfied that—

- (a) there is a change in the category of trade, business or manufacture;
- (b) premises are not connected to a communal drain or a communal sewer which is vested in and maintained by the Government;
- (c) there is leakage in the water pipe or there are errors in water consumption records;

(c) 提供他明知或理應知道在要項上屬虛假的資料，則該用戶須繳付因該等行動而致欠繳的排污費或工商業污水附加費，而該筆欠繳的排污費或工商業污水附加費，可作為拖欠政府的債項而予以追討。

8. 推定及書面證據

(1) 在任何民事法律程序中，凡看來是由排水事務監督簽署的文件，述明在追討未繳付的工商業污水附加費的法律程序中——

- (a) 須繳付工商業污水附加費的人的姓名或名稱；
- (b) 該筆工商業污水附加費的款額；
- (c) 該筆工商業污水附加費的性質及其他詳情；及
- (d) 該筆工商業污水附加費仍未繳付。

則該文件須被接納為證據而無須再加證明。

(2) 在向法庭出示第(1)款所述的文件時——

- (a) 該法庭在無相反證據的情況下，須推定——
 - (i) 該文件是在排水事務監督在該文件內所指明的時間及地點簽署的；
 - (ii) 該文件內所述明的事實是正確的；及
 - (iii) 該文件內所述明的事實記錄是在該文件內所述的時間作出及編製；及
- (b) 該文件須為該文件內所有其他事宜的證據。

(3) 凡有任何文件根據第(1)款出示及獲接納為證據，法庭如認為適當，可自行或應有關法律程序的任何一方的申請，傳召簽署該文件的人，及就此文件的標的訊問該人。

9. 費用的減收等

(1) 凡排水事務監督信納有下列情況，他可就所涉個案減收、免收或退還全部或部分排污費或工商業污水附加費——

- (a) 行業、業務或製造業類別有所改變；
- (b) 有關處所並非接駁屬於政府並由政府維修的公用排水渠或公用下水道；
- (c) 水管漏水，或耗水量記錄有錯誤；

(d) the premises in respect of which the sewage charge or trade effluent surcharge is levied is used for industrial, commercial, recreational or agricultural purposes and the consumer has demonstrated to the Drainage Authority's satisfaction that the volume of wastewater discharged into a communal drain or communal sewer is not more than a prescribed percentage of the volume of water on which the sewage charge or trade effluent surcharge, as the case may be, is based.

(2) A reduction, waiver or refund of sewage charges only shall not be granted unless the consumer or agent, as the case may be, lodges an application with the Drainage Authority not more than one month after the date of issue of the demand note to which the application relates, and the application shall include sufficient evidence for the Drainage Authority to make a determination.

(3) Where the Water Authority exercises his authority under section 22 of the Waterworks Ordinance (Cap. 102) and reduces, waives or refunds, in whole or in part, a charge for water, other than water specifically supplied for flushing purposes, the Drainage Authority shall, without an application by the consumer or agent, reduce, waive, or refund the sewage charge and trade effluent surcharge, if any, so that such charges are based on the volume of water for which a charge was actually levied by the Water Authority.

10. Access to premises by Drainage Authority

(1) Subject to subsection (2), the Drainage Authority may, at all reasonable times, enter the premises of a consumer—

- (a) for the purpose of verifying information that is needed in determining the rate to be charged for sewage charges and trade effluent surcharges; and
- (b) to measure the volume of wastewater discharged or to collect samples of wastewater being discharged into a communal drain or a communal sewer.

(2) No domestic premises shall be entered by the Drainage Authority unless the occupier of the premises gives his consent.

(3) Where the Drainage Authority leaves equipment in a consumer's premises for measuring the volume or collecting samples of wastewater, a person shall not tamper with the equipment.

(4) A person who—

- (a) obstructs the Drainage Authority in the exercise of his powers under this section; or
 - (b) tampers with equipment contrary to subsection (3),
- commits an offence and is liable on conviction to a fine at level 3.

(d) 該款其徵收排污費或工商業污水附加費的處所是用作工業、商業、康樂或農業用途，而用戶已向排水事務監督顯示並已令其信納，排放於公用排水渠或公用下水道的的水的水量，不多於按以計算該等排污費或工商業污水附加費(視屬何情況而定)的水的水量。

(2) 除非用戶或代理人(視屬何情況而定)在有關申請所涉及的繳費通知書的發出日期之後的一個月內向排水事務監督提交申請，而該項申請有足夠證據使排水事務監督得以作出決定，否則不得批准純粹就排污費而作出的減收、免收或退還。

(3) 凡水務監督行使他在《水務設施條例》(第102章)第22條下的權力並減收、免收或退還任何水費(供應專用以沖廁的水的水費除外)的全部或部分，排水事務監督須在用戶或代理人沒有提出申請的情況下，減收、免收或退還有關的排污費或工商業污水附加費(如有的話)，以令該等排污費或附加費，是以水務監督實際就其徵收水費的水量為計算依據。

10. 排水事務監督進入處所的權力

(1) 在符合第(2)款的規定下，排水事務監督可在任何合理時間為以下目的進入用戶的處所——

- (a) 為了對釐定排污費及工商業污水附加費的收費率的所需資料進行核實；及
- (b) 量度排放於公用排水渠或公用下水道的廢水的水量或收集如此排放的廢水的樣本。

(2) 除非處所佔用人同意，否則排水事務監督不得進入住宅處所。

(3) 凡排水事務監督在用戶的處所留下用以量度廢水的水量或收集廢水的樣本的設備，任何人均不得干擾該等設備。

(4) 任何人——

- (a) 妨礙排水事務監督行使本條所賦予的權力；或
- (b) 違反第(3)款的規定而干擾有關設備，

即屬犯罪，一經定罪，可處第3級罰款。

11. Alternative sources of water

Where a person uses water that is not supplied by the Water Authority and the water is used in premises that are connected to a communal drain or a communal sewer which is vested in and maintained by the Government, for the purpose of removing wastewater therefrom, the person shall be liable to pay sewage charges and trade effluent surcharges, if applicable, as if he were a consumer, and the Drainage Authority shall, for the purpose of determining the amount of such sewage charges and trade effluent surcharges, estimate the volume of such water used in the premises and the person shall pay to the Government sewage charges and trade effluent surcharges based on such estimate.

12. Regulations

- (1) The Governor in Council may make regulations—
- prescribing the rate to be used for sewage charges;
 - prescribing the rates of trade effluent surcharges and the regulations may prescribe different rates for different categories of producers of trade effluent and may establish rates based on the relative strength of the trade effluent produced including the relative strength compared with the average strength of domestic sewage;
 - providing that, where premises are used for a prescribed trade, business or manufacture, the trade effluent surcharge shall be based on a prescribed percentage of the volume of water supplied to the premises by the Water Authority, other than water supplied specifically for flushing purposes;
 - prescribing the percentage of the volume of water on which the sewage charge or trade effluent surcharge is based for the purposes of section 9(1)(d);
 - providing for variations in the rate of trade effluent surcharges for individual consumers and establishing the criteria to be used in determining such variations;
 - establishing financial penalties for unpaid sewage charges and surcharges;
 - requiring the furnishing of information needed for billing purposes by the Drainage Authority.

(2) A regulation made under subsection (1)(g) may provide that a person who fails to furnish the information or furnishes false information commits an offence and is liable to a fine not exceeding level 6.

11. 其他水源

任何人所使用的水如非由水務監督供應，但在其內使用該水的處所已接駁屬於政府並由政府維修的公用排水渠或公用下水道，以便將廢水從該處所排出，則該人須繳付排污費及工商業污水附加費（如適用的話），猶如他是用戶一樣，而排水事務監督為了釐定有關排污費及工商業污水附加費的款額，須對在該處所內使用該水的用量作出估計，該人亦須向政府繳付按照該項估計釐定的排污費及工商業污水附加費。

12. 規例

- (1) 總督會同行政局可就下列事宜訂立規例——
- 訂明用於排污費的收費率；
 - 訂明工商業污水附加費的收費率，而有關規例可就工商業污水的不同類別產生者訂明不同收費率，並且可依據所產生的工商業污水的相對濃度（包括與住宅污水平均濃度作比較的相對濃度）訂定收費率的方法；
 - 規定凡處所是用作訂明行業、業務或製造業的，工商業污水附加費須以水務監督供應該處所的水量的訂明百分率為計算費用依據（供應專用以沖廁的水除外）；
 - 為第9(1)(d)條的施行，訂明用以計算排污費或工商業污水附加費的水的水量百分比；
 - 規定可就個別用戶訂定不同的工商業污水附加費收費率，並訂定用以釐定該等不同收費率的準則；
 - 訂定對未繳付排污費及附加費可處以的金錢上的罰則；
 - 規定提供所需資料，以便排水事務監督能發單收費。
- (2) 根據第(1)(g)條訂立的規例可規定，任何人沒有提供資料或提供虛假資料，即屬犯罪，可處不超過第6級的罰款。

13. Technical memorandum

(1) The Secretary for Works may issue a technical memorandum setting out the procedures and methods for obtaining samples and for the testing of the samples, for the approval of laboratories, for the presentation of results and for any other matters applicable to analysis of trade effluents.

(2) A technical memorandum issued under this section shall be published in the Gazette and shall be laid on the table of the Legislative Council at the next sitting after its publication.

(3) Where a technical memorandum has been laid on the table of the Legislative Council under subsection (2), the Legislative Council may, by resolution passed at a sitting of the Legislative Council held before the expiration of a period of 28 days after the sitting at which it was so laid, provide that the technical memorandum shall be amended in any manner consistent with this section.

(4) If the period referred to in subsection (3) would but for this subsection expire—

- (a) after the end of a session of the Legislative Council or a dissolution thereof; but
- (b) on or before the day of the second sitting of the Legislative Council in the next following session thereof,

that period shall be deemed to extend to and expire on the day after that second sitting.

(5) Before the expiration of the period referred to in subsection (3) or that period as extended by virtue of subsection (4), the Legislative Council may by resolution in relation to a technical memorandum specified therein extend that period or that period as so extended to the next sitting.

(6) A resolution passed by the Legislative Council in accordance with this section shall be published in the Gazette not later than 14 days after the passing thereof or within such further period as the Governor may allow in any particular case.

(7) A technical memorandum issued under this section shall come into operation—

- (a) in the case where before the expiration of the period referred to in subsection (3) or, before the expiration of that period as extended under subsection (4) or (5), the Legislative Council does not pass a resolution amending the technical memorandum, upon the expiration of that period or, upon the expiration of that period as so extended, as the case may be; and
- (b) in the case where the Legislative Council passes a resolution amending the technical memorandum, upon the expiration of the day next preceding the day of the publication in the Gazette of such resolution under subsection (6).

13. 技術備忘錄

(1) 工務司可發出一份技術備忘錄，列明獲取樣本、試驗樣本、對化驗所的認可、提交結果以及任何其他適用於工商業污水分析的事宜的程序及方法。

(2) 根據本條發出的技術備忘錄，須在憲報刊登，並須在刊登後的下次立法局會議席上提交省覽。

(3) 凡有技術備忘錄根據第(2)款提交立法局某次會議席上省覽，立法局可在該次會議後28日內舉行的立法局會議上，藉通過決議規定該份技術備忘錄須以任何與本條相符合的方式作出修訂。

(4) 如第(3)款所指期間若非因本款任會在下列時間屆滿——

- (a) 某屆立法局會期結束或立法局解散之後；但
- (b) 在下屆立法局第二次會議日期或之前，

則該段期間須當作延長至第二次會議後翌日並在該日屆滿。

(5) 在第(3)款所指期間或憑藉第(4)款而延長的該段期間屆滿前，立法局可藉決議就決議內所指明的技術備忘錄，延長該段期間或該段已延長的期間至下次會議之日。

(6) 立法局按照本條通過的決議，須在決議通過後14日內在憲報刊登，或在總督因應個別情況而批准的一段較長期間內刊登。

(7) 根據本條發出的技術備忘錄，在下列時間實施——

- (a) 若在根據第(3)款所指期間屆滿前，或在根據第(4)或(5)款而延長的該段期間屆滿前，立法局並無通過決議修訂該技術備忘錄，則在該段期間屆滿時，或在延長的期間屆滿時實施；而
- (b) 若立法局通過決議修訂該技術備忘錄，則在根據第(6)款在憲報刊登該決議之日前一日完結時生效。

(8) In this section, "sitting" (會議), when used to calculate time, means the day on which the sitting commences and only includes a sitting at which subsidiary legislation is included on the order paper.

14. Appeal to the Administrative Appeals Board

A person aggrieved by any decision of the Drainage Authority made in respect of him under this Ordinance may, within 28 days from the date when he was informed of the decision, appeal to the Administrative Appeals Board.

Consequential Amendments

Administrative Appeals Board Ordinance

15. Schedule amended

The Schedule to the Administrative Appeals Board Ordinance (Cap. 442) is amended by adding—

- | | |
|---|---|
| <p>"26. Sewage Services Ordinance (105 of 1994)</p> | <p>A decision of the Drainage Authority under the Ordinance."</p> |
|---|---|

(8) 在本條中，“會議”(sitting) 當用以計算時間時，指該會議開始之日，並只包括有附屬法例列入議事程序表內的會議。

14. 向行政上訴委員會提出上訴

任何人如因排水事務監督根據本條例對他作出的任何決定而受屈，可自獲悉該決定之日起計的28日內，向行政上訴委員會提出上訴。

相應修訂

《行政上訴委員會條例》

15. 修訂附表

《行政上訴委員會條例》(第442章)的附表現予修訂，加入——

- | | |
|---|---------------------------|
| <p>"26. 《污水處理服務條例》
(1994年第105號)</p> | <p>排水事務監督根據該條例所作的決定。"</p> |
|---|---------------------------|