

## **Don't overcharge subdivided tenants for water**

The Waterworks (Amendment) Ordinance 2024 has been effective

Overcharging for water is liable to a **maximum fine of HK\$25,000**.

Providing false information to WSD is liable to a **maximum imprisonment for 6 months**.

The Waterworks (Amendment) Ordinance 2024 "Ordinance" has been effective on **19 April 2024**, covering amendments to strengthen the power of the Water Supplies Department in evidence collection and information disclosure, as well as to increase the penalty for overcharging for water so as to enhance enforcement efficiency and deterrent effect against offenders.

### **Reimbursement of water charges should comply with the following requirements**

Can only reimburse water charges from tenants after making payment per the bill issued by the Water Supplies Department.

To reimburse a proportionate portion of water charges

To give a receipt within 7 days after the date of reimbursing water charges from tenants

To keep copies of receipts for two years

### **Specified details should be contained in receipts**

Names of the water user and the payee

Address of the water user

Amount of charges paid

The period to which the charges relate

The date of payment

### **Reporting suspected cases**

If the tenant suspects that there is an overcharge for water, please report to :

Hotline: 2828 5000

Choose language, then Press 7

WhatsApp: 5665 5517

Email: [wsdinfo@wsd.gov.hk](mailto:wsdinfo@wsd.gov.hk)

### Installation of Separate Water Meter

Alternatively, landlord or those responsible for management of all subdivided units in a flat may consider applying to the WSD for the installation of separate water meters for subdivided units to enable tenants to pay water charges based on their water consumption.

### The amendments to the ordinance include:

#### Increase in penalty for overcharging for water

The penalty for water overcharging will be increased from the existing single level of fine at level 3 (maximum HK\$10,000) to a two-tier penalty of a fine at level 3 on first conviction and at **level 4 (maximum HK\$25,000)** on subsequent convictions.

The court must order any person convicted of overcharging for water to repay to the payer the overcharged amount.

#### New offence of providing false or misleading information or documents

Any person who knowingly or recklessly provides any false or misleading information or document to respond to the requirement of the Water Supplies Department shall be guilty of an offence and liable to a fine at **level 4 (HK\$25,000)** and **imprisonment for 6 months**.

#### Empowering the Water Supplies Department to obtain information and documents

Any person who, without reasonable excuse, fails to provide information or documents relating to a tenancy or consumption of water as per the requirement of the Water Supplies Department, shall be guilty of an offence and liable to a fine at level 3 (HK\$10,000), with a further fine of maximum \$1,000 for each day during which the offence continues.

#### Explicitly state that reimbursement of water charges can only take place after payment is made per the bill issued by the Water Supplies Department

Provision added stating that a person (usually a subdivided unit landlord) can only reimburse water charges from tenants after the person makes payment per the bill issued by the Water Supplies Department.

### Mandatory requirement for a person who receives water charges to give a receipt and keep a copy of the receipt

Any person who, without reasonable excuse, fails to give a receipt to the payer within 7 days after the date of payment from tenant and keep a copy of the receipt for 2 years from the date of payment, shall be guilty of an offence and liable to a fine at level 3 (HK\$10,000). The effective date of this requirement (new regulation 47C of the Waterworks Regulations) is 19 July 2024.

### Empowering the Water Supplies Department and the Rating and Valuation Department to share information

The Water Supplies Department may disclose information or documents obtained from the investigation of water overcharging cases to the Rating and Valuation Department for follow-up action. The Rating and Valuation Department may also disclose information or documents related to suspected overcharging for water obtained as per the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) to the Water Supplies Department for follow-up action.

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