



Dear Licensees,

Re: Waterworks (Amendment) Ordinance 2024

The Waterworks (Amendment) Ordinance 2024 (“Amendment Ordinance”) was passed by the Legislative Council on 10 April 2024 and came into operation on 19 April 2024.

The Amendment Ordinance amends the Waterworks Ordinance (Cap. 102) and the Waterworks Regulations (Cap. 102A). Key features of the Amendment Ordinance include:

- (a) increase the penalty for overcharging for water;
- (b) provide for the Water Authority (“WA”) powers to obtain information and documents;
- (c) create a new offence for providing false or misleading information or documents to the WA;
- (d) make clear that reimbursement of water charges may take place only after a water bill is issued by the WA; and
- (e) impose an obligation on a person other than the WA who receives charges for water to give a receipt¹ to the specified user² within 7 days after the date of payment and keep a copy of the receipt for 2 years from the date of payment.

Since the duty of giving receipts for water charges and keeping copies of them is new to the public, such obligation will come into effect on 19 July 2024.

For more details on the Amendment Ordinance and the related

¹ According to section 47C(3) of Cap. 102A, the payee must specify the following in the receipt: (a) the names of the specified user and the payee; (b) the address of the specified user; (c) the amount of charges paid; (d) the period to which the charges relate; (e) the date of payment.

² In relation to an inside service, means a person who (a) occupies the premises in which the inside service exists; and (b) uses in the premises water supplied through the inside service (section 47(8), Cap. 102A refers).



guidelines, licensees are advised to visit the relevant link on the website of the Water Supplies Department (“WSD”) at https://www.wsd.gov.hk/filemanager/common/pdf/Statistics/PR_Publications/Guideline_for_The_Waterworks_Amendment_Ordinance_2024_eng.pdf

In view of the operation of the Amendment Ordinance, the Estate Agents Authority would like to remind licensees of the following:

- (a) if the landlord clients require their tenants to pay for, or the landlord clients receive from their tenants, reimbursement of water charges, licensees should invite their landlord clients to note the new requirements under the Amendment Ordinance;
- (b) licensees should invite their clients to contact the WSD or seek professional advice if their clients have questions concerning the new requirements under the Amendment Ordinance;
- (c) licensees should note that the WA has power to request agents or former agents (including licensees) of the registered consumers, owners, tenants, sub-tenants or occupiers of the relevant premises to provide information or documents relating to a tenancy of, or consumption of water in, the premises in which water is supplied by the WA. Any person who, without reasonable excuse, fails to comply with such request commits an offence³; and
- (d) although collection of water charge for the landlord clients by licensees does not fall within “estate agency work” under the Estate Agents Ordinance, if licensees provide such extra service to the landlord clients, they should pay attention to the applicable requirements under the Amendment Ordinance which will apply to them and avoid contravening the law.

Estate Agents Authority

19 April 2024

³ Maximum penalty for such offence is fine at level 3 (\$10,000), with a further fine of \$1,000 for each day during which the offence continues (section 47A, Cap. 102A refers).