

File: 02 Cambodia Water Supply Law-Draft 10 August 01





The relationship between the Authority and the Ministry of Industry, Mines and Energy shall be limited only to coordination and/or consultation by the Authority with the

- (vi) administrative simplicity.
- c. to approve and regulate the Tariffs to be charged by Licensees of Piped-Water Supply and/or Sewerage Services;

- n. to provide a system for the settlement of disputes between or among Licensees;
- o. to issue and promulgate rules and regulations necessary to implement, perform, and effect its aforementioned powers and functions. To the extent practicable (as

Nor shall any member or employee of the Authority accept, any gift or gratuity from any licensee or any person acting on behalf of any licensee, that generally applicable to the public.

During the Chairman's or Member's term, neither the Chairman nor any Member, nor his spouse nor children, shall enter into the employ of, seek to enter into the employ of, hold any official, advisory or consulting role with, own stock or bonds of, or have any pecuniary interest in any licensee under the Law or with any person engaged in supplying Piped-Water Supply and/or Sewerage Services in Cambodia or to any related undertaking.

**ARTICLE 13:**

The Chairman and the Members of the Authority shall not be a public servant, a person serving as adviser of any Government Institution, a member of any political party, a member of the Royal Government, or a member of the Senate, or member of the Constitutional Council, or a member of the National Assembly during their term of office. The Chairman and the Members of the Authority shall resign from the above positions or memberships when they are appointed.

**ARTICLE 14:**

Vacancies shall occur whenever a member of the Authority shall (i) die, (ii) resign, (iii) retire (iv) is convicted of a crime punishable by prison sentence, (v) lose citizenship or the right to vote, (vi) is found to be mental or physical incapacity, (vii) is found to have committed a serious that is stipulated in Article 11, 12 and 13, (viii) gross negligence in the performance of duties; or (ix) is found to have committed and grave misbehavior in relation to the members' responsibilities under the Law; (x) for dereliction of duties;

The removal process of a member for the case of, (v), (vi), (vii), (viii), (ix), or (x), the Prime Minister shall decide to suspend the said member from duties and shall send the case to the tribunal. Prime Minister shall appoint other member during the suspension period.

**ARTICLE 15:**

Whenever a vacancy in the Authority occurs prior to the expiration of a term, the Prime Ministers shall designate a replacement member to fulfill the former member's term.

The new member shall be appointed by Royal Decree. The new member's completion of the former member's term shall not reduce the number of full terms as stipulated in Article 9 of this Law.

**ARTICLE 16:**

The Chairman and Members are to be paid such salary and allowances and benefits as are determined by the Government and be at least equivalent to the rank of a Secretary of State in the case of the Chairman and Under Secretary of State in case of the Members.



The Authority shall establish a budget for its operations for each financial year setting forth all the Authority's expected revenues and expenditures. The budget shall clearly state the proposed license fees for the financial year, together with the method of calculating the license fees, and the salaries and other remuneration entitlements to be paid to each of the members and senior staff of the Authority. The Authority shall submit this budget to the Government for approval.

**ARTICLE 22:**

The Authority shall have an autonomous budget for their operation. This budget shall be made up of funds and monies collected or which otherwise come into the possession of the Authority through fees paid to the Authority by applicants and licensees and other surcharges, fines, and penalties, which the Authority may impose and collect under this Law.

Such funds shall be deposited in a commercial bank in the Kingdom of Cambodia for the use of the Authority, which shall have sole access to the funds, and shall be disbursed for expenses necessary for the effective attainment of the objectives, and discharge of the powers and functions, of the Authority under this Law.

**ARTICLE 23:**

One month after the financial year the Authority shall prepare a financial report in accordance with generally accepted accounting standards.

Each financial report, together with the Authority's books of account and related records, shall be subject to review by the National Audit Authority who shall give its conclusions regarding the Authority's financial report.

One month after the end of each financial year the Authority shall submit an audited report of its financial accounts to the Prime Minister, and publish it publicly.



- (d) the requisition of any public record from any court or office;
- (e) the issuance of a Authority for examination of witnesses;

and/or Sewerage Services, then upon notification of the dispute to the Authority by one or more of the Licensees, the Authority may make a binding arbitration of the terms and conditions of interconnection that are in dispute.

**ARTICLE 29: *Power to Obtain Information and Documents***

- (1) The Authority may require that a Licensee or any other person shall provide the Authority with any information that may be reasonably necessary for it to attain its objectives and/or to carry out its powers and functions under this Law. For purposes of this Article, the information required by the Authority may include any document, plan, electronic file, record or other material.
- (2) Any requirement for information must be made in a written notice that identifies the information or document and that specifies:
  - (a) when the requirement must be complied with; and
  - (b) in what form the information or copy of the document is to be given to the Authority.
- (3) Any person who, without lawful excuse, fails to comply with any requirement for information contained in a notice issued to him under this Article shall be subject to administrative sanction by the Authority. It is a lawful excuse for purposes of this Article that compliance may tend to incriminate the person or make the person liable to a penalty for any other offense.
- (4) A person must not, in purported compliance with any requirement or order of the Authority, knowingly give to the Authority information that is false or misleading.
- (5) A person shall not be liable in any way for any loss, damage or injury suffered by another person because of the giving, in good faith, of a document or information to the Authority under this Article.

**CHAPTER IV: LICENSES**

**ARTICLE 30: *Applications for Licenses for Piped-Water Supply and/or Sewerage Services***

- (1) All persons and public or private entities intending to engage in the provision of Piped-Water Supply and/or Sewerage Services shall be required to supply for and obtain a License from the Authority prior to their operation of the relevant Piped-Water Supply and/or Sewerage Services.
- (2) An application for a License for Piped-Water Supply and/or Sewerage Services shall, in addition to such information as may be prescribed by the Authority, contain details of:



including a reasonable return on their investments considering the prevailing costs of capital in the domestic and international markets.

- (3) The Authority shall promulgate the rules, guidelines, and standards to be applied in determining who should be awarded a License for a specific Service Area, based on technical, financial, economic, and organizational considerations, managerial capacity, and past record and experience in the provisions of Piped-Water Supply and/or Sewerage Services, including the following guidelines and procedures:
- (4) All holders of a License shall be subject to an annual performance audit by the Authority or its designated agent(s).

**ARTICLE 33: *Procedure for Granting Licenses***

- (1) The Authority shall ensure that the granting of a License under this Law is carried out fairly, transparently, and without undue discrimination.
- (2) The Authority shall prescribe in appropriate regulations the procedure and

- (c) Comply with drinking water quality requirements; and

**ARTICLE 36: Consolidation of Service Operations and Area of Piped-Water Supply and/or Sewerage Services**

The Authority shall promote the consolidation of Piped-Water Supply and Sewerage Services in the same Service Area where this improves the efficiency and lowers the cost of the provision of such services in the area.

**ARTICLE 37: Interface with other sector regulators**

- (1) The Authority shall coordinate with the Ministry of Environment on matters related to the protection of the environment and water sources from waste and pollution.
- (2) The Authority shall coordinate with the Ministry of Health on matters related to drinking water quality standards.
- (3) [others.... to be expanded]

**ARTICLE 38: Advisory Council. [do MIME wants that?]**

- (1) Within six (6) months from its organization, the Authority shall cause the formation of an Advisory Council which shall include, but shall not be limited to, representatives from the following sectors: women, academe, business and industry, local government units, non-government organizations, professional

- appliance, machinery buildings, or property of any water utility entity, whether public or private;
- (b) Do any malicious act which shall injuriously affect the quantity or quality of the water or sewage flow of any waterworks and/or sewage system, or the supply, conveyance, measurement, or regulation thereof, including the prevention of, or interference with any authorized person engaged in the discharge of duties connected therewith;
  - (c) Prevent, obstruct, and interfere with the survey, works, and construction of access road and water mains and distribution network and any related works of the utility entity;
  - (d) Tap, make, or cause to be made any connection with water lines without prior authority or consent from the water utility concerned;
  - (e) Tamper, install or use tampered water meters, sticks, magnets, reversing water meters, shortening of vane wheels and other devices to steal water or interfere with accurate registry or metering of water usage, or otherwise result in its diversion in a manner whereby water is stolen or wasted;
  - (f) Use or receive the direct benefit of water service with knowledge that diversion, tampering, or illegal connection existed at the time of that use, or that the use or receipt was otherwise without the authorization of the water utility;
  - (g) Steal or pilfer water meters, main lines, pipes and related or ancillary facilities;
  - (h) Steal water for profit or resale;
  - (i) Knowingly possess stolen or tampered water meters; and
  - (j) Knowingly or willfully allow the occurrence of any of the above.

**ARTICLE 40: *Prima Facie Evidence***

The presence of any of the following circumstances shall constitute prima facie evidence of a violation of Article 40: (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) 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- (d) The presence of tampered, or fake seals on the meters. Inspection of tampered water meters shall be done in the presence of the registered water consumer;
- (e) The presence of a reversed meter in the premises, insertion of rod, wire, or stick in the meter, filed or shortened vane wheel, removal or altering of any part of the meter mechanism, use of magnet and any similar illegal devices which interfere with the meter registration;
- (f) Destruction of the meter protection and other metering accessories; or
- (g) Abnormal imprints, traces or marks found in the meter assembly.

The prima facie shall not apply to tenants who have occupied the house or dwelling for ninety (90) days or less.

**ARTICLE 41: *Special Aggravating Circumstances***

The following shall be considered as aggravating:

- (a) When the violation is committed in conspiracy with at least another person, both of whom shall be considered as principals;
- (b) When the offense is committed by, or in connivance with, private plumber, officer or employee of the water utility concerned, who shall all be concerned as principals; or
- (c) When the violation is coupled with the sale from a source which is illegal, or unregistered, or unauthorized, or a source with a tampered meter.

**CHAPTER V: PENALTIES, SANCTIONS AND FINES**

[TO BE EXPANDED LATER]



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