

Examination of Estimates of Expenditure 2010-11

Reply Serial No.

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

DEVB(PL)098

Question Serial No.

Head : 82 Buildings Department Subhead (No. & title) :

0446

Programme : Buildings and Building Works

Controlling Officer : Director of Buildings

Director of Bureau : Secretary for Development

Question :

The Joint Office (JO) established by the Buildings Department and the Food and Environmental Hygiene Department as a pilot programme is dedicated to handle complaints on water seepage in buildings. For proven cases, the JO may issue Nuisance Notices to parties concerned or apply to the Court for Nuisance Orders. Those who fail to comply with the Notices or Orders may be prosecuted. In this connection, will the Government inform this Committee: In the past three years (i.e. 2007-2009), how many water seepage complaints did the JO receive? Among them, how many were the source of seepage identified? On average, how long did it take from receipt of a complaint to identification of the source of seepage? During the above period, how many Nuisance Notices did the JO issue, how many applications for Nuisance Orders did the JO make to the Court, and how many prosecution cases did the JO instigate? Among the prosecution cases, how many of those concerned were convicted and what were the penalties?

Asked by : Hon. LEE Wai-king, Starry

Reply :

The Joint Office (JO) received 17 405, 21 717 and 21 769 water seepage complaints in 2007, 2008 and 2009 respectively. Identification of the possible source(s) of water seepage is not a straightforward matter and is often complicated by the fact that there may be more than one possible source of water seepage in any single case. A series of non-destructive tests have to be performed to establish the source of seepage and this will take much time and patience of all parties, not only the JO but also the owners/occupiers concerned. Cooperation of the concerned owners/occupiers is critical for JO staff's entry into the premises to conduct multiple tests to identify the source of water seepage. With the full cooperation of concerned parties, an investigation can normally be concluded within around 130 days (90 working days). However, in many cases, repeated arrangements have to be made with complainants on timing for site inspections and consents of respondents have to be sought in allowing multiple inspections inside the premises. It will take an even longer time if the JO has to apply to

the Court for a warrant to gain entry into the concerned premises for investigation. On average, it takes about 170 days from the receipt of a complaint to the completion of an investigation.

The relevant statistics of the cases that the JO handled (either screened out or with investigation concluded) in 2007, 2008 and 2009 are tabulated below. The JO will only conclude a case if the seepage has ceased during the investigation, the source has been identified, or the source cannot be identified after due investigation. As there is a lapse of time between receipt of a complaint and completion of handling of a case, the complaints handled in a year does not necessarily correspond to the complaints received in that year. The remaining cases are being followed up by the JO and are under various stages of investigations.

| Number of Cases | 2007 | 2008 | 2009 |
|--|---------------|---------------|---------------|
| Total number of cases handled | 13 375 | 16 708 | 18 237 |
| Number of cases screened out ^{Note} | 6 350 | 7 144 | 8 115 |
| Total number of cases with investigations concluded : | 7 025 | 9 564 | 10 122 |
| – Number of cases with seepage ceased during investigation | 3 452 | 4 102 | 3 876 |
| – Number of cases with source identified | 3 246 | 4 476 | 4 813 |
| – Number of cases with source cannot be identified and seepage persisted | 327 | 986 | 1 433 |
| Number of Nuisance Notices issued | 518 | 2101 | 3 581 |
| Number of Nuisance Orders granted by Court | 2 | 8 | 29 |
| Number of prosecution | 16 | 42 | 132 |
| Number of conviction | 11 | 37 | 72 |
| Range of fine | \$500-\$2,600 | \$500-\$4,000 | \$300-\$5,000 |

Note The JO has prescribed standards and requirements for the investigation of sources of water seepage. Some water seepage complaints received do not involve public health nuisance, building structural safety risks or wastage of water, and hence do not fall within the scope of follow-up action under the statutory authority of the JO. There are also cases where the complaints are falsified or complainants have withdrawn their complaints such that the JO would not continue with the investigations.

Signature _____

Name in block letters AU Choi-kai

Post Title Director of Buildings

Date 19 March 2010