

Examination of Estimates of Expenditure 2011-12

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

Reply Serial No.

DEVB(PL)110

Question Serial No.

0468

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

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 is dedicated to handling complaints on water seepage in buildings. For the 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 that in the past three years, how many water seepage complaints did the JO receive? Among them, how many complaints have the source of seepage identified? On average, what was the time required from the receipt of a complaint to the identification of the source of seepage? In these three years, 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 :

Water seepage in private premises is primarily a matter of building management and maintenance for property owners. However, if the problem of water seepage causes public health nuisance, building structural safety risks or wastage of water, the Government will consider intervention by exercising the relevant statutory powers. Based on this principle, the Food and Environmental Hygiene Department and the Buildings Department have established the Joint Office (JO) as a pilot programme since 2006 to assist members of the public to tackle the water seepage problems for which the relevant authorities have a role.

Identification of the possible source 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 a single case. As a result, a series of non-destructive tests may have to be performed to try to identify the source of seepage and this will require the time and patience of all parties, especially those of the owners/occupiers concerned. Cooperation of all owners/occupiers involved is critical for JO staff to enter their premises and 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 the complainants on the timing for site inspections and consents of respondents have to be sought to allow multiple inspections inside their 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 premises concerned for investigation. Based on our experience, such cases generally each 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 2008, 2009 and 2010 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 investigation.

Number of Cases	2008	2009	2010
Number of cases received ^{Note 1}	21 717	21 769	25 717
Total number of cases handled	16 708	18 237	22 971
Number of cases screened out ^{Note 2}	7 144	8 115	11 051
Total number of cases with investigations concluded :	9 564	10 122	11 920
- Number of cases with seepage ceased during investigation	4 102	3 876	4 861
- Number of cases with source identified	4 476	4 813	4 737
- Number of cases with source cannot be identified	986	1 433	2 322
Number of Nuisance Notices issued	2 101	3 581	3 379
Number of Nuisance Orders granted by Court	8	29	40
Number of prosecution	42	132	145
Number of conviction	37	76	121
Range of fine	\$500-\$4,00	\$300-\$5,00	\$500-\$6,00
	0	0	0

Note 1 As there is a lapse of time between receipt of a complaint and completion of processing of a case, the number of complaints processed in a year does not necessarily correspond to the number of complaints received in that year.

Note 2 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, the seepage has stopped or the complainants have withdrawn their complaints, etc. Such cases will be screened out by the JO, and investigation into the sources of water seepage will not be conducted for such cases.

Signature _____

Name in block letters AU Choi-kai

Post Title Director of Buildings

Date 17.3.2011