

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

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) is dedicated to handling complaints on water seepage problems 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. According to the working procedure of the JO, if the investigation is completed within three weeks after receipt of the complaint, a detailed reply will be given to the complainant. Otherwise, a reply will be issued within one month after acknowledgement of the complaint and also at appropriate intervals afterwards to inform the complainant of the progress of the investigation. In this connection, how many water seepage complaints did the JO receive in the past three years? Among them, how many complaints had the source of seepage been 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? What was the percentage of cases with investigations completed within three weeks after receipt of the complaints for each year?

Asked by: Hon. LEE Wai-king, Starry

Reply:

The statistics on the numbers of water seepage complaints received, cases handled, cases with source of seepage identified and Nuisance Notices issued by the Joint Office (JO), Nuisance Orders granted by the Court, prosecutions instigated, convictions and the associated penalties in the past three years are tabulated as follows :

	<b>2009</b>	<b>2010</b>	<b>2011</b>
Number of water seepage complaints received	21 769	25 717	23 660
Number of cases handled	18 237	22 971	23 210
Number of cases with source identified	4 813	4 737	4 199
Number of Nuisance Notices issued	3 581	3 379	3 064
Number of Nuisance Orders granted by the Court	29	40	30
Number of prosecutions instigated	132	145	90
Number of convictions	76	121	84
Range of fine	\$300-\$5,000	\$500-\$6,000	\$500-\$3,500

Identification of the possible sources of water seepage is not a straightforward matter and is often complicated by the fact that there may be multiple sources of water seepage in a single case. As a result, a series of non-destructive tests may have to be performed with a view to identifying the source of seepage and this will require the time and understanding of all parties, especially those of the owners/occupiers concerned. Co-operation 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 co-operation 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 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 JO does not keep statistics on the time taken for investigation of individual cases and the number of cases dealt with within three weeks.

Signature \_\_\_\_\_

Name in block letters AU Choi-kai

Post Title Director of Buildings

Date 28.2.2012