

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)311**

**(Question Serial No. 5786)**

Head: (82) Buildings Department  
Subhead (No. & title): (-) Not Specified  
Programme: (1) Buildings and Building Works  
Controlling Officer: Director of Buildings (HUI Siu-wai)  
Director of Bureau: Secretary for Development

Question (Member Question No. 343):

1. In respect of the pilot Joint Office of the Buildings Department set up with the Food and Environmental Hygiene Department, please provide the particulars of its work in each of the past three years (i.e. 2011, 2012 and 2013), including:

- i. the number of seepage complaints received;
- ii. the number of cases handled;
- iii. the number of cases involving repeated complaints;
- iv. the number of cases with sources of water seepage identified;
- v. the number of cases with applications made to the Court for entry warrants to conduct investigation;
- vi. the number of cases with applications for entry warrants to conduct investigation granted by the Court;
- vii. the number of cases with nuisance notices issued;
- viii. the number of cases prosecuted;
- ix. the number of cases with nuisance orders issued by the Court; and
- x. the number of cases convicted and the amount fined.

2. Over the past three years, how many cases have not yet been processed or have the sources of water seepage yet to be identified for four to six months, seven to nine months, ten to 12 months, or over 12 months after the complaints were filed? What were the reasons for that?

Asked by: Hon CHAN Ka-lok, Kenneth

Reply:

- (1) 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, a risk to the structural safety of a building or wastage of water, the Government will consider intervening by exercising the relevant statutory powers. To facilitate action, the Food and Environmental Hygiene Department and the Buildings Department have established the Joint office (JO) since 2006 to co-ordinate investigation of reports on water seepage and taking of enforcement actions. Having regard to the continuous demand for JO's service, the operation of JO will be made permanent in 2014-15. The relevant statistics on the numbers of reports on water seepage received, reports handled, cases with sources of water seepage identified, nuisance notices issued, numbers of entry warrants and nuisance orders issued by the Court, prosecutions instigated, convictions and the associated penalties in the past three years are tabulated below:

| <b>Number of Cases</b>                                 | <b>2011</b>       | <b>2012</b>       | <b>2013</b>       |
|--|-------------------|-------------------|-------------------|
| Reports received <sup>Note 1</sup>                     | 23 660            | 27 353            | 28 504            |
| Reports handled  | 23 210            | 24 553            | 24 856            |
| Reports screened out <sup>Note 2</sup>                 | 12 219            | 13 727            | 13 062            |
| Cases with source identified                           | 4 199             | 4 053             | 4 692             |
| Entry warrants granted by the Court <sup>Note 3</sup>  | 90                | 101               | 64                |
| Nuisance Notices issued <sup>Note 1</sup>              | 3 064             | 3 639             | 4 338             |
| Prosecutions instigated <sup>Note 1</sup>              | 90                | 70                | 96                |
| Nuisance Orders granted by the Court <sup>Note 1</sup> | 30                | 17                | 41                |
| Convictions  | 84                | 52                | 50                |
| Range of fines   | \$500-<br>\$3,500 | \$500-<br>\$4,500 | \$100-<br>\$3,000 |

Note 1 As there is a lapse of time between receipt of a report and completion of handling a report, the reports handled in a year do not necessarily correspond to the reports received in that year. Similarly the nuisance notices/orders issued and prosecutions instigated do not necessarily correspond to the reports received in that year. JO does not keep statistics on the number of repeated reports.

Note 2 These are cases which do not fall within the scope of follow-up action under the statutory authority of JO, including unjustified cases and cases withdrawn by informants, and hence investigation will not be conducted for such cases.

Note 3 JO does not keep statistics on the number of applications made to the Court for entry warrants.

- (2) JO does not keep statistics on the handling time for individual water seepage cases. JO endeavours to handle each water seepage case promptly. Under current procedure, JO staff will contact the informant within six working days upon receipt of a report to arrange for inspection at the affected premises. However, the time required for processing a water seepage case largely depends on the complexity of the case and the extent of co-operation from the parties concerned, in particular the owners and occupants involved. Since the circumstances of individual cases vary, the procedures and time taken for investigation may also differ widely. In relatively straight-forward cases, where the source of water seepage could be identified by JO staff during initial site inspection, the cases can normally be concluded within a short period of inspection. For more complicated cases which may, for instance, involve multiple sources or intermittent water seepage, JO staff will have to conduct different or repeated tests or on-going investigations and monitoring in order to ascertain the cause. Where vacant units or un-cooperative owners/occupants are involved, JO would have to apply to the Court for entry warrants in order to carry out investigations. These cases would take more time.