

LCQ11: Law enforcement by the Joint Office for Investigation of Water Seepage Complaints

Following is a question by the Hon Yung Hoi-yan and a written reply by the Secretary for Development, Ms Bernadette Linn, in the Legislative Council today (January 10):

Question:

I have received complaints from many members of the public against the Joint Office for Investigation of Water Seepage Complaints (JO), set up by the Buildings Department and the Food and Environmental Hygiene Department, about its slow progress in following up cases, which has failed to effectively assist them in resolving water seepage problems. In this connection, will the Government inform this Council:

(1) of the following statistics on water seepage cases in buildings handled by the JO in each of the past five years (set out by District Council district):

- (i) reports received,
- (ii) cases handled,
- (iii) cases with the source of water seepage successfully identified and investigation completed,
- (iv) cases with the source of water seepage not identified but investigation terminated,
- (v) cases under investigation,
- (vi) cases with investigation not completed within 90 working days,
- (vii) Nuisance Notices issued,
- (viii) applications for Nuisance Orders made to and approved by the Court,
- (ix) applications for warrants to effect entry into premises made to and approved by the Court, and
- (x) cases of prosecution and conviction;

(2) of the specific reasons for not completing the investigation of cases within 90 working days as mentioned in (1)(vi), and the number of working days taken to complete the investigation of the case with the longest handling time;

(3) of the average time and manpower required by the JO to handle each case; whether it has reviewed if the existing resources and manpower of the JO are adequate; if it has, of the details; if not, the reasons for that; and

(4) whether the JO has taken the initiative to investigate water seepage caused by unauthorized alteration to the design of flats by owners or households; if so, of the number of relevant cases discovered in the past five years, and the follow-up work; if not, how the JO will follow up the

situation concerned?

Reply:

President,

Water seepage in buildings is generally caused by defective building fabric and installations, and the lack of maintenance. It is the responsibility of owners and occupants to properly manage and maintain their buildings, including resolving water seepage problems. In general, if water seepage occurs in private buildings, owners should first arrange their own inspection of the cause of seepage and co-ordinate with owners or occupants concerned for repair works as necessary. When the water seepage condition concerned has caused health nuisance, risk to structural safety of the building or water waste, the Government will intervene to handle the case in accordance with the Public Health and Municipal Services Ordinance (Chapter 132), the Buildings Ordinance (Chapter 123) or the Waterworks Ordinance (Chapter 102) respectively.

The Government recognised that owners would often encounter difficulties in tackling water seepage problems, and therefore set up the Joint Office (JO) of the Food and Environmental Hygiene Department (FEHD) and the Buildings Department (BD). Through inter-departmental co-ordination, the JO seeks to identify the source of water seepage using one-stop and systematic testing methods and require the owners concerned to carry out repair works by exercising the powers conferred by the law, leveraging the expertise of relevant departments and with co-operation of the owners or occupants concerned.

Having consulted the Environment and Ecology Bureau (EEB) and the FEHD, the replies to the various parts of the question are as follows:

(1) and (2) The relevant figures of water seepage cases in buildings handled by the JO in each of the past five years are set out in Annex. As at September 2023, there were some 10 000 cases still under investigation.

To enhance transparency, the JO has, since January 2022, published on its thematic webpage on water seepage its actual performance in carrying out investigations to reports on water seepage in buildings each year. The percentages of cases of which investigations were completed and informants were notified of the investigation results within 90 working days were 67, 70 and 68.5 in 2020, 2021 and 2022 respectively. The JO does not keep record of the processing time for cases that could not be completed within 90 working days. Nevertheless, most of these cases were more complicated, such as involving more than one source of water seepage, repeated or intermittent water seepage, requiring multiple tests to identify the source, failure of owners or occupiers to co-operate with the investigation, etc.

In addition, the EEB is conducting a review of legislative amendments to environmental hygiene-related legislation, including proposed measures to extend the hours to enter the premises concerned to investigate nuisance and

stipulate that non-compliance with the "Notice of Intended Entry" issued by government officers is an offence, so as to enable government officers to enter premises suspected of causing public health nuisance (including water seepage in buildings) as soon as possible to conduct investigation. The proposed legislative amendments, if enacted, will help enhance the efficiency of the JO in handling water seepage cases.

(3) The staff establishment of the JO in the financial year of 2023-24 comprises 252 investigation and co-ordinating staff in FEHD and 82 professional and technical staff in BD respectively. The JO does not keep statistics on the processing time and manpower required for each case. Nevertheless, the JO will flexibly redeploy internal manpower to cope with the workload, and will review the resources and manpower from time to time and seek additional resources as necessary.

To enhance efficiency and effectiveness in handling reports on water seepage in buildings, the JO has implemented improvement measures including: setting up four regional JOs to enhance collaboration between the two departments in a regional setting to improve operational efficiency; enhancing the Water Seepage Complaint Management System to facilitate effective monitoring of follow-up actions of water seepage cases; streamlining the work procedures, such as reducing the number of prior visits and standardising the documents for application for entry warrants; stepping up monitoring of the consultants' work performance; and setting up customer service team to enhance public awareness on water seepage matters and to advise practical ways to resolve water seepage disputes. Since the third quarter last year, the JO has implemented a new set of investigation procedures in some districts (namely Wong Tai Sin, Yuen Long, North and Islands) on trial basis. After completion of Stage I investigation, Stage II initial investigation and Stage III professional investigation (Note) originally to be conducted sequentially will now be carried out in parallel to shorten the time for investigation. The JO will continue to optimise and streamline its work procedures to expedite the handling of water seepage cases.

(4) Water seepage in buildings is not necessarily related to unauthorised building works. Where suspected unauthorised building works are identified during the investigation, or the water seepage poses a risk to building safety or is related to defective drainage of the building, the JO will refer the case to the BD which will take follow-up actions under the Buildings Ordinance, including issuing advisory letters or statutory orders to the owners concerned to require removal of the unauthorised building works or carry out repair works. The JO and the BD do not compile statistics on the number of referred cases. The BD does not keep statistics on water seepage in buildings in relation to confirmed unauthorised building works.

Note: Stage I investigation will confirm whether the moisture content (MC) of the seepage areas is at 35 per cent or above. The JO will not investigate water seepage reports with MC below 35 per cent. If the MC is found equal to or exceeding 35 per cent, Stage II investigation will be arranged. Stage II investigation is an initial investigation which includes conducting colour

water tests for drainage pipes, reversible pressure tests for water supply pipes, and MC monitoring of seepage areas, etc. If the source of water seepage cannot be identified, Stage III investigation will be arranged. Stage III investigation is a professional investigation which includes conducting ponding tests for floors, spray tests for walls, reversible pressure tests for water supply pipes, MC monitoring of seepage areas, and the application of new testing technologies such as infrared thermography and microwave tomography in 14 pilot districts for applicable cases, etc.