

LCQ1: Improving effectiveness of work of Joint Office on handling water seepage complaints

Following is a question by the Hon Yung Hoi-yan and a reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (May 16):

Question:

The Buildings Department (BD) and the Food and Environmental Hygiene Department (FEHD) set up a Joint Office (JO) in 2006 to handle reports on water seepage in buildings. However, the Audit Commission and the Office of The Ombudsman released reports in 2016 and 2018 respectively, pointing out certain inadequacies in the work of JO. In addition, in recent years, I have received from time to time complaints from residents and District Council members in New Territories East that JO has been very slow in following up reports on water seepage, leaving residents troubled by water seepage nuisance in misery. In this connection, will the Government inform this Council:

(1) of a breakdown by District Council district of the following: the number of reports received by JO, the numbers of reports handled by JO as classified by handling results, the number of entry warrants granted by the Court, and the respective numbers of cases in which the persons concerned were prosecuted and convicted (to be set out one by one by the legislation involved), in each of the past three years; the average and longest handling time for those cases the handling of which was completed, and the respective numbers of personnel deployed by BD and FEHD to station in JO, in each of the past three years;

(2) whether the Development Bureau and the Food and Health Bureau have conducted a value-for-money assessment on the performance of JO since its establishment; if so, of the criteria adopted for and the outcome of the assessment; if not, whether they will conduct such an assessment; how the authorities will improve the performance of JO by addressing areas such as manpower, resources, case handling procedure, internal division of work, and law enforcement powers of JO; and

(3) of the locations selected, the commissioning dates, the number of personnel to be deployed and the estimated annual expenditure, in respect of the four regional joint offices planned to be set up by JO; given that FEHD has planned to form a special team to conduct a comprehensive review on JO's procedural guidelines and explore the feasibility of setting up a tribunal to deal with water seepage cases, of the details, including the composition and operation of the special team, and the expected time for the completion of the relevant feasibility study; how BD and FEHD will complement each other in order to enhance the performance of JO?

Reply:

President,

Water seepage in buildings is generally caused by the defective fabric or installations of buildings and the lack of proper maintenance. Proper management, maintenance and repair of buildings, including resolving water seepage problems, are the responsibilities of building owners and occupiers and require the co-operation of the owners and occupiers concerned. In general, if water seepage occurs in private buildings, the owners should first arrange their own investigation of the cause of seepage and, as appropriate, co-ordinate with the occupiers and other owners concerned for repair works.

Nevertheless, the Government recognised that owners will encounter difficulties in dealing with water seepage problems. Before the setting up of the Joint Office (JO), the investigation and enforcement actions taken by different departments according to their respective policy focus and professional expertise sometimes rendered us unable to provide better services to the public. In view of this, "Team Clean" initiated in December 2004 the setting up of JO by the Food and Environmental Hygiene Department (FEHD) and the Buildings Department (BD) to improve inter-departmental co-ordination and deal with building water seepage in a swift and effective manner. JO started to provide service to the public in 2006 through 19 districts in Hong Kong.

Once the source of seepage and nuisance have been identified during investigation, JO will issue "nuisance notice" to the person concerned under the Public Health and Municipal Services Ordinance (Cap 132), requiring the abatement of nuisance within a specified period of time and instigate prosecution against non-compliance with the "nuisance notice". If a building safety problem or waste of water caused by defective water supply pipes is found during investigation, JO will also refer the case to BD and the Water Supplies Department for follow-up and enforcement action in accordance with relevant legislation.

JO is now facing many challenges including the high number of water seepage reports, difficulties in gaining entry into premises for investigation as well as the limitations imposed by the tests. Nonetheless, such difficulties have not held us back; we strive to seek solutions for which I will introduce in my reply later.

The Development Bureau (DEVB) and the Food and Health Bureau (FHB) provide a joint reply to the three parts of the question as follows:

(1) The geographical statistics on water seepage reports received by JO, reports handled, investigation results and enforcement actions taken from 2015 to 2017 are set out at Annex I. Overall speaking, in the past three years, the JO received an average of some 34 000 water seepage reports per year, in which 28 000 cases have been handled and investigation completed including cases that needed not be dealt with due to, for instance, cease of water seepage during investigation. The JO had issued some 5 200 "nuisance

notice" annually over the same period, with majority of the "nuisance notice" complied with. Over the same period, the JO instigated about 90 prosecutions under the Public Health and Municipal Services Ordinance annually.

The staff establishment of JO in the past three financial years is set out at Annex II.

In general, JO staff will contact the informant within six working days upon receipt of a water seepage report to arrange for inspection in the building concerned. With the co-operation of the owners or occupants concerned, the investigation can normally be completed within 90 working days and the informant will be advised of the outcome. If the investigation cannot be completed within 90 working days, JO will notify in writing the informant of the investigation progress.

Outlined above is only the normal processing time. The time required for processing a water seepage case largely depends on the complexity of the case and the extent of co-operation of the parties concerned. For complicated cases which for instance involve multiple seepage sources, recurring or intermittent water seepage, JO staff will have to conduct different, ongoing or repeated tests and monitoring. As these tests take time and require full co-operation of the owners or occupants concerned, the processing of such cases generally takes more time. The processing time for cases involving vacant units or uncooperative owners or occupants would be even longer. JO does not compile statistics on the time for investigating water seepage cases.

(2) and (3) The main objective of JO is to provide a one-stop service to the public by setting up a working team with both the legal authority of FEHD and the building survey expertise of BD. FEHD and BD have drawn up clear operational guidelines on the investigation, enforcement and prosecution procedures and plan on division of labour for handling water seepage cases since the establishment of JO.

To strengthen internal co-ordination and case monitoring, FEHD and BD have been maintaining close liaison through regular meetings at all levels. The meetings discuss how best to tackle complicated seepage cases and review guidelines and procedures governing the handling of water seepage reports, so as to enhance the efficiency and effectiveness in handling seepage cases. JO has increased the manpower to tackle the increasing number of reports. The number of FEHD's staff has increased from 81 in 2006 to 224 at present. The number of BD's staff has increased over the same period, and the spending on appointment of consultants for carrying out of stage III professional investigation has substantially increased from \$1.4 million to \$34 million over the same period. In addition, most of the posts of the two departments at JO has turned from non-civil service contract posts at the beginning into permanent civil service ones gradually.

The Audit Commission conducted a value-for-money audit on the joint operations on water seepage in buildings in 2016 and made a series of recommendations for JO on handling water seepage. The FHB and DEVB have been closely supervising the two departments to actively follow up the various

improvement measures so as to enhance the effectiveness of JO.

On the tests adopted by the JO in investigating water seepage, the consultant engaged by BD has, upon examining and researching into the latest technological methods, identified various methods for identifying sources of water seepage, conducted field tests and is now formulating detailed technical guidelines. JO is in parallel arranging full application of these new technological methods in pilot districts. JO will evaluate their effectiveness and consider whether to extend such methods to all districts of Hong Kong. We anticipate that the new technologies can increase the chance of identifying the sources of water seepage and suitably relieve the stress of frontline staff.

To further improve the handling of water seepage cases, a task force led by Coordinator of FEHD and a senior professional officer of BD is formed to comprehensively review the current operation of JO. FHB and DEVB will closely steer the review.

To enhance the communication between JO staff of the two departments and to improve the overall efficiency of JO, JO is seeking assistance of the Government Property Agency to identify suitable office space for setting up of four regional joint offices for co-location of JO staff of the two departments. According to the current progress, the four regional joint offices are expected to be set up in the second half of 2019. The staff establishment and estimated expenditure of JO in 2018-19 are set out at Annex III.

President, the above measures aim to enhance the overall efficiency of JO and our service to the public.