

**Legislative Council
Panel on Planning, Lands and Works**

Problem of water seepage in private buildings

INTRODUCTION

On 12 December 2002, some Legislative Council (LegCo) members had a meeting with Kowloon City District Council (KCDC) members. After the meeting, LegCo members referred some issues raised by the KCDC members on the problem of water seepage in private buildings to the Panel on Planning, Lands and Works (the Panel) for follow up action.

2. As requested by the Panel, this paper provides the Administration's comments on the issues raised.

WATER SEEPAGE PROBLEM IN PRIVATE BUILDINGS

KCDC members' concern : owners partition their flats into several self-contained suites with toilets for rent. In so doing, they carry out some works, e.g. raise the floor slabs, alter the drains, etc, which may cause the problem of water seepage. The Buildings Department (BD) should regulate additional works and penalize owners who had initiated such works.

3. If the erection of walls, construction of floor slabs or installation of pipes affects the structure of the building, BD can serve an order on the building owner concerned to remove the relevant building works. Moreover, if any drains are found to be leaking, thus causing water seepage, BD will serve an order on the owner to repair the defective drainage pipes.

4. To prevent water seepage caused by alteration works as mentioned above, BD has issued a Practice Note for Authorized Persons and Registered Structural Engineers, advising them not to install water-borne piping inside structural walls or floor slabs. From time to time,

BD will mount publicity programmes on building management and building maintenance and owners are advised to carry out regular maintenance for water-carrying pipes and water proofing membranes to avoid water seepage problems.

KCDC members' concern : the traditional dye testing method may not be effective in identifying the source of water seepage. The Government may consider adopting more advanced technologies, e.g. infrared thermo-scan test, to identify the source of water seepage.

5. To improve our mechanism for identifying the source of water seepage, BD has commissioned a consultancy study on the technology including infrared thermo-scan for rapid detection of water seepage sources. The consultancy will also formulate technical guidelines on the scope and types of investigation works on water seepage for the use of Government departments and building professionals. The consultancy study, which commenced in late 2001, is now being finalized.

KCDC members' concern : BD, the Water Supplies Department (WSD) and the Food and Environmental Hygiene Department (FEHD) should take effective enforcement actions against water seepage in private buildings.

6. In view of water seepage complaints, we will investigate to find out if the water seepage causes health nuisance, wastage of water or structural problems of building. We will then consider the appropriate enforcement actions to be taken.

KCDC members' concern : staff from the department concerned were often refused entry to the premises concerned to conduct site inspection, creating difficulties in identifying the source of seepage.

7. Under current legislative provisions, FEHD, BD and WSD are empowered to gain entry into any related premises for site

investigation if there is reasonable ground to do so. These provisions include s126 of the Public Health and Municipal Services Ordinance (CAP. 132), s22 of the Buildings Ordinance (CAP. 123) and s12 of the Waterworks Ordinance (CAP. 102). BD's staff can enter and, where necessary, break into any premises in the presence of the police to ascertain whether the provisions of the Buildings Ordinance are complied with.

KCDC members' concern : Government should enhance the role of the small claims tribunal such that complainant could file claim for compensation from the person who cause the water seepage problems. Upon receipt of a complaint against water seepage, FEHD, BD and WSD should conduct an infrared thermo-scan test. The report of test might serve as evidence at the courts.

8. The jurisdiction of the Small Claims Tribunal is to hear and determine monetary claims in a contract, quasi-contract or tort where the amount claimed is not more than \$50,000. Thus, a person can file a claim for compensation to the Small claims Tribunal if water seepage has caused damage to his/her property. In this regard, the claimant should employ his own expert, e.g. building surveyor, registered structural engineer, to produce a report on water seepage as evidence for the claim. However, it is not appropriate for Government departments to step in the civil litigations of private parties.

Housing, Planning and Lands Bureau
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