

立法會

Legislative Council

LC Paper No. CB(1)289/14-15(04)

Ref. : CB1/PL/HG

Panel on Housing

Meeting on 1 December 2014

Background brief on "Measures to tackle ceiling seepages in public rental housing estate units" prepared by the Legislative Council Secretariat

Purpose

This paper provides background information on the measures implemented by the Hong Kong Housing Authority ("HA") to tackle ceiling seepages in public rental housing ("PRH") estate units and Tenants Purchase Scheme ("TPS") estates, and gives a brief account of the views and concerns expressed by members on the subject.

Background

2. There are many different causes of water seepage in buildings. Water seepage at the ceiling or on the walls in a premise may be due to leakage of drainage pipes, defective seals of the bathtub resulting in water accumulating on floor slabs, or rain water seeping in from the roof and/or external walls.

Existing legislation

3. Under the current government policy, water seepage in private premises is primarily a matter of building management and maintenance which are the responsibilities of property owners. The owners are also responsible for resolving any inter-floor water seepage problems. Hence, if water seepage is found inside a private property, the owner should first investigate the cases and, as appropriate, co-ordinate with the occupants and other owners concerned for repairs. However, where the water seepage poses a health nuisance, a risk to the structural safety of a building or wastage of water, the Government would consider intervening and handling the case in accordance with the powers

conferred by the Public Health and Municipal Services Ordinance ("PHMSO") (Cap. 132), Buildings Ordinance ("BO") (Cap. 123) or Waterworks Ordinance ("WO") (Cap. 102) respectively.

4. The Joint Office set up by the Buildings Department ("BD") and the Food and Environmental Hygiene Department ("FEHD") is tasked to tackle reports on water seepage through a "one-stop shop" approach. Where it is established that the water seepage constitutes a health nuisance, the Joint Office will issue a Nuisance Notice under the relevant provisions of PHMSO, directing the party concerned to abate the seepage nuisance. If necessary, the case will be referred to BD or the Water Supplies Department ("WSD") for appropriate follow-up action, including the handling of dangerous buildings by BD in accordance with BO, and the handling of wastage of water by WSD in accordance with the relevant provisions of WO requiring the occupant concerned to carry out repairs.

Total Maintenance Scheme ("TMS")

5. In early 2006, HA launched a five-year TMS to proactively inspect the in-flat conditions and to provide comprehensive repair services to the tenants of PRH estates and TPS estates aged 10 years or above. Given the positive response to TMS, HA has decided to implement TMS as a regular programme. According to the Administration, water seepage was a common problem handled in the first cycle of TMS and about 15% of the repair works were related to seepage problems. The percentage of repair works related to water seepage had dropped to 7% in the second cycle of TMS.

Structural safety guarantee ("SSG") for TPS estates

6. HA provides a seven-year SSG for all buildings sold under TPS. During the guarantee period, HA is responsible for all necessary structural repairs relating to the structural members, including repairs to concrete spalling and cracking, in order to ensure the structural integrity of the buildings. SSG does not cover damage which is not related to the overall structural stability and integrity of a building, such as water seepage through ceilings and windows, etc.

Ceiling seepage investigation (excluding top-storey flats)

7. According to the Administration, it is often difficult to identify the causes of ceiling seepage. The co-operation of the flat occupant on the upper floor, which is normally the source of the seepage, is required to provide access for the investigation. The affected occupant may take one of the following approaches for the investigation according to the situation –

- (a) if the occupant is living in an HA rental flat, he can request HA, as the landlord, to investigate and repair;

- (b) if it is suspected that water has seeped from an HA rental flat, the occupant can request HA, via the Property Management Agencies, to assist in the investigation. HA will seek the co-operation of the flat tenant by exercising its power under the Tenancy Agreement, including applying the Marking Scheme for Estate Management Enforcement in public housing estates ("the Marking Scheme"), to enable an investigation to be carried out by representatives of HA and the Owners' Corporations respectively;
- (c) if it is suspected that water has seeped from a private flat, the occupant can directly negotiate or seek assistance from the Property Management Agencies or Owners' Corporations to negotiate with the occupant of the private flat concerned to establish the cause of the seepage;
- (d) the occupant may seek assistance from the Joint Office established by FEHD and BD; and
- (e) the occupant may consider seeking legal advice to see if a civil action should be initiated against the owner or occupant concerned to stop the water seepage and to claim for damages.

Deliberations by the Panel on Housing

8. The Panel on Housing ("the Panel") touched on the water seepage problems when discussing the review on the effectiveness of TPS Advisory Team and TMS at its meetings on 9 June 2011 and 15 April 2013 respectively. The major views and concerns expressed by members are summarized below.

9. Some Panel members held the view that TPS which was set off to be problematic with a mixed tenure of both tenants and owners. By way illustration, cases involving water seepage from sold units could not be resolved if owners refused to accept the responsibility for repair. The Administration responded that owners should be held responsible for managing their estates. If the water leakage was from a rental unit, the Housing Department ("HD") would take up the responsibility of repair. If the leakage was from a sold unit, the owner would be required to take necessary remedial actions. A number of measures had been put in place to assist owners in resolving water seepage problems, including assistance from Owners' Corporations, Property Management Agencies, and FEHD. Where necessary, the matter could also be brought before the courts.

10. Noting the difficulties in resolving water seepage problems as some of the tenants were unwilling to allow access to their units to facilitate identification of the source of seepage, some members enquired about the means to tackle the problem. The Administration advised that as denying HD staff or staff representing HD entry for repairs was a misdeed that carried seven penalty points under the Marking Scheme, the tenants concerned would not deny entry to their units to facilitate repairs.

11. The Administration also advised that the number of water seepage cases had dropped significantly during the second cycle of TMS. Some members queried the reduction as there should have been more seepage cases with the ageing of estates. They pointed out that although denying entry for repairs was a misdeed under the Marking Scheme, there was indeed much difficulty in gaining entry to units to identify the source of seepage. There was hence a need for enhanced efforts by the relevant departments in resolving water seepage problems. The Administration agreed that water seepage problems were not easy to resolve. Although access could be gained to the units concerned, it was very often difficult to identify the source of seepage. Housing staff were required to report on the number and progress of water seepage cases in the districts under their charge on a monthly basis. With the development of more advanced technologies for water seepage repairs, it was hoped that the disturbance to tenants could be minimized.

Council questions

12. Hon Michael TIEN, Hon Starry LEE and Ir Dr Hon LO Wai-kwok raised questions relating to the water seepage problems at the Council meetings on 20 March, 30 October and 18 December 2013 respectively. Details of the Council questions are hyperlinked in the **Appendix** for ease of reference.

Latest development

13. The Administration will brief members on the enhanced measures implemented by HA to tackle ceiling seepages in PRH estate units and the effectiveness of such measures at the Panel meeting on 1 December 2014.

Relevant papers

14. A list of relevant papers is set out in the **Appendix**.

List of relevant papers

Council/ Committee	Date of meeting	Paper
Panel on Housing	9 June 2011	<p>Administration's paper on "Review on the Effectiveness of the Tenants Purchase Scheme Advisory Team" (LC Paper No. CB(1)2398/10-11(06)) http://www.legco.gov.hk/yr10-11/english/panels/hg/papers/hg0609cb1-2398-6-e.pdf</p> <p>Background brief on "Setting up of the Tenants Purchase Scheme Advisory Team" prepared by the Legislative Council Secretariat (LC Paper No. CB(1)2398/10-11(07)) http://www.legco.gov.hk/yr10-11/english/panels/hg/papers/hg0609cb1-2398-7-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1)2892/10-11) http://www.legco.gov.hk/yr10-11/english/panels/hg/minutes/hg20110609.pdf</p>
Panel on Housing	15 April 2013	<p>Administration's paper on "Progress of Total Maintenance Scheme" (LC Paper No. CB(1)826/12-13(03)) http://www.legco.gov.hk/yr12-13/english/panels/hg/papers/hg0415cb1-826-3-e.pdf</p> <p>Updated background brief on "Total Maintenance Scheme" prepared by the Legislative Council Secretariat (LC Paper No. CB(1)826/12-13(04)) http://www.legco.gov.hk/yr12-13/english/panels/hg/papers/hg0415cb1-826-4-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1)1638/12-13) http://www.legco.gov.hk/yr12-13/english/panels/hg/minutes/hg20130415.pdf</p>

Hyperlinks to relevant Council Questions:

Date	Council Question
20 March 2013	Council question raised by Hon Michael TIEN http://www.info.gov.hk/gia/general/201303/20/P201303200281.htm
30 October 2013	Council question raised by Hon Starry LEE http://www.info.gov.hk/gia/general/201310/30/P201310300314.htm
18 December 2013	Council question raised by Ir Dr Hon LO Wai-kwok http://www.info.gov.hk/gia/general/201312/18/P201312180337.htm

Hyperlink to relevant document:

Government bureau/department	Document
Hong Kong Housing Authority	Tenants Purchase Scheme Estates – Guidelines for Property management and maintenance https://www.housingauthority.gov.hk/en/common/pdf/public-housing/estate-maintenance-and-improvement/tps_guide_pmm.pdf