

## CASE SUMMARY

Complaint against Hong Kong Housing Authority and Water Supplies Department delay in carrying out rectification works to installation of protection cage to water meters

### The Complaint

The Owners Corporation of a Home Ownership Scheme (HOS) Court (The complainant) lodged a complaint against (a) the Hong Kong Housing Authority (HKHA) for delay in carrying out rectification works to installation of protection cage to the water meters at rear staircases which pose difficulties for meter reading, routine checking/maintenance and closing the valve in case of emergency; and (b) the Water Supplies Department (WSD) for delay in taking action against the Housing Department (HD) for non-compliance of its request to carry out rectification works to the protection cage first identified in 1993.

### Findings and Conclusion

2. The HD informed this Office that water meters, located in the staircase landing of the HOS blocks, were enclosed by mesh panels to prevent interference and vandalism. The provision of mesh panels without lockable doors was not a design fault. As a general rule, the HD would not fund any improvement and maintenance works in HOS estates unless it was 'accepted design fault' and latent defect. If the flat owners considered it necessary to provide additional doors to the mesh panels, they had to pay from the domestic management account of the HOS Court. The HD advised that if essential maintenance works to water meters and piping were required by the WSD, the management staff could unscrew the panels to make way for carrying out repair works.

3. The WSD pointed out that the protection cage to water meters was in general conformity with the requirement to protect the water meters from damage by external force although it might cause inconvenience in taking meter reading. It could be modified by provision of an openable access panel door. However, the protection cage

had not violated the Waterworks Regulations as it was still possible to take meter readings and the WSD could not force the modification works to be done. As regards whether it would seriously affect the closing of valve in case of emergency, the WSD opined that apart from using the stopcock at the meter position to isolate supply for maintenance and repair, the consumer might also make use of the isolation stopcock provided within his premises for the same purpose.

4. This Office notes that the HD had all along agreed to the need to add access doors to the mesh panels following the advice from WSD in 1993. The provision of access doors to water meter chambers to similar HOS blocks was one of the HD' s mandatory improvement items in 1994. Despite the hand-over of the management responsibility from the developer (HKHA) to the complainant in 1994, any outstanding works of the developer including the provision of access door to water meters, should be carried out by the HD. Therefore, this Office deems it reasonable for the complainant to expect the HKHA to install lockable doors to the water meter chambers.

5. As a matter of fact, the HKHA had informed the complainant in writing in September 1995 that the rectification works would be carried out once funding was approved, and subsequently a sum of \$60,000 had been allocated for that purpose. This complaint had been brought about by a change in the HD' s approach in handling the request after announcing in December 1995 its intention to put a stop to all improvement works to HOS Courts. But the decision to deny such improvement works was made after the HKHA and HD had formally committed themselves to providing access doors to the water meter chambers as requested by the complainant in this case. Furthermore, the complaint could have been avoided if the improvement works had been promptly carried out after the fund was approved in December 1995. The Ombudsman therefore considers that the HKHA has an obligation to honour its promise and the complaint is substantiated.

6. Regarding the complaint against the WSD, this Office notes that the WSD had communicated with the HD over the matter but it was not in any position to compel the HD to revise the design of the water meter chambers as the protection cage was a standard design adopted in all Harmony type housing blocks and it did not violate the

Waterworks Regulations. The Ombudsman therefore considers that the complaint against the WSD is unsubstantiated.

#### Recommendation

7. The Ombudsman recommends that the HKHA should consider to provide the improvement works as requested by the complainant at its own cost in order that its earlier commitment is honoured.

#### Response from the HKHA and WSD

8. Both the HD and WSD have accepted the findings and conclusion of the report. The HD has agreed to carry out the rectification works at its cost on the provision of access doors to the mesh panels enclosing water meters located in the staircase landing of all the blocks in the concerned HOS court and would inform the complainant about the details.

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Office of The Ombudsman

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