

CASE SUMMARY

Complaint against the Water Supplies Department for inappropriately handling a complaint about water pressure at the complainant's house and asking her to install a water pipe at her own cost instead of honouring its promise to replace the pipe at her house

The Complaint

The complainant's brother found that water pressure at their house was weak and lodged a complaint with the Water Supplies Department (WSD). The water pipe at her house was installed some 30 years ago and was already badly rusted. The complainant, therefore, hoped that the WSD would replace that section of the water pipe as soon as possible. Upon receipt of the complaint, the WSD conducted inspections at her house and then gave her brother a reply on 11 July 1997, asking them to employ a plumber to replace the pipe themselves. The complainant is of the view that it is the responsibility of the Government to maintain that section of the water pipe and that the WSD's request was unreasonable.

Observations and Findings

2. Subsequent to investigations, this Office notes that under Section 17 of the Waterworks Ordinance (Cap. 102), the WSD only maintains water pipes installed on government land. Otherwise, the responsible person shall manage and maintain the pipes. When the WSD deals with applications for replacement of water pipes, it has to verify the ownership of the lot where the pipes are installed. Nevertheless, the Department receives a great number of applications for replacement of pipes and the supply of water each day and it usually takes 2 to 4 months to verify ownership information with the Lands Department. In order to process these applications promptly, officers of the WSD will, as a general rule, make their own judgment on the

basis of information obtained from site visits, internal records, knowledge of the local environment and personal experience. The WSD will not approach the Lands Department for detailed information unless it has doubts about the ownership of the lot concerned, or the applicant has doubts about its judgment.

3. In the present case, the WSD examined its distribution system records upon receipt of the complaint from the complainant's brother and discovered that the existing 20mm connection pipe at the above house was not installed by the Department. Moreover, the pipe was covered by concrete. Therefore, it came to the conclusion that the particular section of the pipe was installed on a private lot and informed the complainant's brother to arrange for replacement of the pipe himself. Subsequently, the WSD reviewed the case at the request of the complainant. Upon inquiry with the Lands Department about the ownership of the lot in question, it found that the particular section of the pipe was in fact installed on government land. In line with its Supply and Distribution System Improvement Programme to improve and expand the supply and distribution systems for the villages in the vicinity of the complainant's house, the WSD agreed to replace the defective pipe for her. As to why the pipe in the present case, which was on government land, was installed by the consumer, the WSD was unable to confirm. The Department suggested that this might be due to some ambiguities in the demarcation of the boundary lines.

4. Regarding the above-mentioned Programme, the WSD started to carry out the related works on 13 October 1997 to improve the water supply in the area and prevent recurrence of the weak water pressure problem. The works were completed on 31 October and the supply of water to the complainant's house as well as houses in the vicinity has been improved.

5. Overall, The Ombudsman concludes that the complaint is substantiated.

Final Remarks

6. The Ombudsman appreciates that the WSD receives thousands of similar applications every year and in order to process these applications promptly, it is not possible for the Department to make inquiries on land ownership with the Lands Department in each case. In the present case, the Department wrongly concluded that the water pipe in question was on private land on the basis of its water pipe installation records, leading to this complaint. The Ombudsman is pleased to note that the WSD has learned from the incident and instructed its staff members that in handling similar cases, they should pay attention to the fact that the ownership of land in the New Territories may have changed over time and there may be problems arising from ambiguities in the demarcation of boundary lines. Inquiries should be made with the Lands Department as and when necessary. The WSD accepts, in general, the findings and conclusion in this report.

Office of The Ombudsman
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