

CASE SUMMARY

Complaint against the Works Bureau(WB), Territory Development Department(TDD), Drainage Services Department(DSD) and Highways Department(HyD) in connection with the handling of the flooding in Mongkok

The complaint

The complainants pointed out that since June 1997, flooding had occurred in Mongkok whenever there was heavy rainfall. The flooding not only brought the traffic to a standstill, but also incurred losses to shop operators and endangered the safety of pedestrians. The complainants alleged that the Administration and the departments concerned had made incorrect assessments in the planning and subsequent implementation of the West Kowloon Reclamation Project, resulting in serious flooding in Mongkok during heavy rainfalls. The complainants also alleged that the WB had tried to shift its responsibility in the incident.

Findings and Conclusion

2. Our investigation reveals that most of the drains in West Kowloon were constructed more than 40 years ago. At that time, the standard of design for flood prevention was lower than that of the present day. In view of this and having regard to the continuous development of the area over the years, the DSD had, as early as in 1990, conducted a study on the adequacy of the drainage system in West Kowloon and the impact of the West Kowloon Reclamation Project on the system. In the report of the study, the DSD pointed out that the capacity of most of the stormwater drains in West Kowloon was not large enough and some of the main drains were not able to cope with rainstorms that come once every 10 years. To avoid serious flooding, the DSD recommended that the drainage system in West Kowloon be upgraded before the completion of the West Kowloon Reclamation Project.

3. After the completion of the study, the DSD and the TDD held a number of meetings with engineering companies between 1991 and 1992 to examine the details of drainage improvement works. They also commissioned a consultant firm to conduct a study and make recommendations on interim and long-term measures to improve the drainage system. The two studies were completed in 1992 and 1995 respectively. These indicate that the Administration had long been aware that the problem of flooding in the old areas of West Kowloon might get worse as a result of the West Kowloon Reclamation Project and had planned to increase the capacity of the drainage system in those areas in order to solve the potential problem of flooding.

4. This Office notes that in order to reduce traffic disruption in the area while improvement works are being carried out, the Administration has taken the advice of the consultant engineer, the Transport Department and the Traffic Branch of the Police to revise the schedule of work by extending the completion date of Phase I Works from 2000 to 2002. In addition, the interim hinterland drainage improvement works along Mongkok Road covers a project under which an additional twin cell culvert along Palm Street will be constructed to augment the twin cell culvert along Cheung Wong Road. The contract of this project was awarded in September 1993 and was scheduled to be completed by March 1996. However, due to the fact that the locations of some of the utilities underground do not tally with those in the record while others are not even shown on the record and that the weather was bad during the construction period, the culvert was not ready for use until 24 June 1997, i.e. 15 months behind schedule. During the period between March 1996 and June 1997, five serious flooding incidents were recorded in Mongkok. Two of the flooding incidents that occurred on 4 June 1997 and 24 June 1997 were partially caused by a lapse in the construction project of the culvert along Palm Street for the purpose of draining off flood water. The Secretary for Works points out that should the new culvert be completed earlier, the extent of the flooding could have been reduced and the duration shortened.

5. According to the Secretary for Works, localized flooding in Mongkok was often caused by the discharge of muddy or cementitious slurry into public drains from the construction sites in the district. Examples are the flooding in June 1997 at the junction of Nathan Road and Playing Field Road in Mongkok and at the junction of Nathan Road and Wing Sing Lane in Yau Ma Tei. These flooding incidents were a result of drain blockage by hardened cement in the gully connection pipes. As for the flooding in Mongkok during the rainy season last year, subsequent investigations revealed that there were sandbags, large pieces of timber formwork and construction wastes inside the trunk box culvert and the decked nullah under Nullah Road in Mongkok, some of

which might have been left over by building contractors who had carried out works in these drains.

6. This Office is of the view that the Administration has underestimated the adverse effects of illegal discharge and disposal of construction wastes on the environment and the drainage system. In fact, in such a densely-populated district like Mongkok where the drainage system is obviously inadequate, even though no major drainage works are being carried out, the Administration should still face the problem of illegal discharge and disposal of construction wastes to ensure the smooth flow of sewage in drainage channels. The intended purpose of drainage works is to improve the drainage system to ensure that rainwater will be drained off. However, it turns out that waste materials left over by government contractors after the completion of the works is the contributory cause of the blockage of drainpipes. This not only reveals that the Administration has not acted adequately in monitoring and checking on the performance of contractors but also indicates that the Administration has not duly enforced the relevant ordinances in prosecuting offenders.

7. Furthermore, subsequent investigations revealed that the new culvert and pipes under Mongkok Road which were connected to the main culvert had been seriously obstructed by silt which was washed down from upstream some time after they were commissioned. The overflowing of the open nullah during rainstorms also revealed that an extremely large amount of silt was carried down from the large catchment area into the drainpipes. The Secretary for Works has neither given a detailed explanation of this phenomenon nor proposed ways to prevent similar problem from recurring.

8. Subsequent to the occurrence of several serious flooding in Mongkok during the summer of 1997, representatives from the TDD and DSD had visited the affected area with the complainant and attended the residents' forum together with representatives from the HyD and the Urban Services Department(USD) to explain the situation. The Secretary for Works had also offered a written explanation to the complainant stating the reasons for the slippage of Stage I Works of the West Kowloon Stormwater Drainage Improvement Project. Owing to the complexity of the cause of flooding in Mongkok, it is understandable that the complainants and the residents, who have been truly perturbed by flooding, find it hard to readily accept the explanation and clarification which the Secretary for Works had tried to provide.

9. This Office notes that in response to the flooding in Mongkok, both the WB and the departments concerned had taken very positive measures and actions to prevent the recurrence of flooding. However, bearing in mind that flooding will cause inconvenience to the affected residents and serious flooding will even result in injuries and deaths as well as losses in property, the Administration is duty-bound to ensure that the drainage system will give full play to its capacity and to reduce the frequency and extent of flooding even when the downpour outgrows the capacity of the drainage system. Thus, The Ombudsman concludes that this complaint is partially substantiated.

Recommendations

10. The Ombudsman recommends that:

- (a) the WB should enhance the coordination and supervision of the work of the departments concerned and the progress of various drainage improvement and extension works to ensure that the works will be completed as scheduled without further delay;
- (b) the DSD, TDD, HyD and the departments concerned (e.g. the Environmental Protection Department(EPD)) should make greater publicity efforts to explain to individual construction site management and building contractors the consequences of illegal discharge and dumping of construction wastes into public drains and ask them to dispose the waste materials in a proper way. They should also consider implementing punitive measures against contractors who have repeatedly committed the offence. An example of such measures is to refuse to accept tenders for government building works submitted by these contractors;
- (c) the DSD, EPD and the departments concerned should step up their inspections at construction sites and set out, in concrete terms, their power and responsibility in respect of prosecution with a view to taking more vigorous actions to prosecute the construction site management and contractors for drainage works, particularly repeated offenders, for illegal discharge and dumping of construction wastes into public drains;

- (d) apart from downpours which outgrow the capacity of the drainage system and cause flooding, the departments concerned should find out the reason for the silting of some culverts and work out ways to prevent and solve the problem;
- (e) all departments concerned, including the DSD, HyD, and USD, should enhance the cleansing and maintenance of drainage systems in normal weather and rainy season to ensure that these systems will give full play to its capacity during rainstorms;
- (f) if possible, the departments concerned should update the record of underground utilities to avoid drainage works being delayed; and
- (g) the Administration should make more efforts in educating the public and shop operators and instilling into them the concept of public hygiene and environmental protection.

Final Remarks

11. This Office is pleased to note that the Secretary for Works has accepted all of our recommendations.

The Office of The Ombudsman

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