

Water contamination: 115 affected

ENV and PUB say most of Bukit Timah Plaza victims have recovered or are recovering, the water supply has been restored and food outlets can re-open

By PAULINE LEONG and JULYN KANG

THE number of people affected by the contamination of Bukit Timah Plaza's water supply has risen to 115, said the Environment Ministry (ENV) and Public Utilities Board (PUB) in a joint press statement.

The statement said the complex's water supply has been restored and its food outlets can re-open.

Most of the victims have been treated as outpatients and have recovered, or are recovering. Of the four that were hospitalised, three have been discharged, it stated.

Only Adam Yong, two, remains in hospital. His mother says he is still on a drip, but his condition is stable.

PUB and ENV added that all the building's defective sanitary pipes are being replaced by a licensed plumber engaged by the management corporation.

They said the water problem is limited to Bukit Timah Plaza and that surrounding buildings are not affected.

The statement said that they have started inspecting buildings that are more than 25 years old all over the island, and expect to finish doing so in two weeks' time.

ENV and PUB are looking into the design of their water and sewage systems to see if there are any sanitary pipes running over the water tank, as is the case in Bukit Timah Plaza.

While action is being taken to see that what happened there will not surface anywhere else, it is unclear who will be held liable for the contamination of the complex's water supply.

On Wednesday, PUB and ENV said their investigations showed the Bukit Timah Plaza management corporation (MC) had "grossly neglected its duty" to maintain the complex's water supply and internal sewage-piping system.

Under the Land Titles (Strata) Act, the MC has the duty to control, manage and administer the common property, said a lawyer who has practised building and construction litigation for 20 years. It also has to properly maintain and keep the property in good condition.

But the Act also says the MC can appoint a managing agent and delegate all its powers, duties and functions.

MC chairman Lim Teck Cheong, 50, said Jones Lang LaSalle had been appointed to manage the property.

"It is understood that under the Act, as MC members, we are liable. But you must also understand that the one who runs the estate is the managing agent."

While the duties of managing the property can be vested in a managing agent, it cannot seek to avoid legal responsibility, said Miss Monica Neo, a partner in Chan Tan & Partners who has practised construction litigation for eight years.

"What the MC can do is to seek recovery or indemnity from the managing agent if it faces any legal action," she said.

Mr. Thio Shen Yi, who heads the litigation department at Thio Su Mien & Partners, agreed. He said another factor to be considered is the terms in the agreement between the MC and the managing agent.

"There could be exclusion or limitation clauses in the agreement as to liability," he said.

Mr. Jeffrey Ho, manager of the Bukit Timah Plaza management office, said: "We're only empowered to a certain extent, for example, to handle minor repairs costing less than \$200."

He added that what happened was very unfortunate, and that his office will be clarifying the matter soon.

Whoever is held liable faces a maximum penalty of a \$40,000 fine and/or a three-month jail term.

Commenting on the jail term, Miss Neo said that there has been no legal precedent here of an MC member being sent to prison for such an offence.

Mr. Lim said that the MC has not heard from the authorities. "The other MC members and I will discuss what to do if and when we get the summons."

MANAGEMENT'S DUTIES

SOME of the duties of a management corporation under the Land Titles (Strata) Act are to:

- ◆ Control, manage and administer the common property
- ◆ Properly maintain and keep the property in a good condition
- ◆ Where necessary, renew or replace fixtures or fittings
- ◆ Install or provide additional facilities or make improvements to the property, when so directed by a special resolution
- ◆ Comply with government requirements to remove public nuisances, or order repairs or other work on the common property
- ◆ Keep proper records of notices given to it
- ◆ Keep proper accounts An act or thing done or suffered by a managing agent in exercising his delegated power is deemed to have been done or suffered by the management corporation.