

Case 14

Type of Insurance: Household

The insured effected a household insurance policy for the insured premises. She discovered that water was seeping from the tiles near the washing basin of the kitchen. She immediately called the building management and arranged for a plumber to look into the situation the next day. The plumber broke up the tiles but was unable to locate the source of water leakage. However, two holes were found on the lower part of the kitchen wall separating the insured's premises and the adjacent unit. It was eventually found that the water leakage came from the water pipe of the adjacent unit.

As the damage to the kitchen wall and floor of the insured premises was not caused by accidental means, but on purpose to ascertain the source of water leakage, the insurer declined to pay for the related repair cost.

The insured insisted that the whole incident was entirely an accidental event which should be covered under the subject policy. She also believed that her action to arrange for a plumber to break up the tile was a correct and appropriate way to locate the source of water leakage.

The Complaints Panel noted that the subject policy is intended to cover physical loss of or damage to household contents or building improvements caused by external accidental factors. As the kitchen floor and wall were broken up deliberately for the purpose of locating the source of water leakage, the Complaints Panel was of the opinion that the reason for damage was outside the policy coverage. It therefore concluded that the insurer was not liable for the related repair cost of nearly HK\$6,000.

Furthermore, the Complaints Panel was of the view that breaking up of the kitchen floor by the plumber appeared to be unnecessary. By common sense, whether or not the water leakage was due to the pipes inside the insured premises could be easily established by switching off the water supply to the insured premises, or else, the plumber could perform some simple tests to confirm the source of water leakage.