

LCQ15: Issue of dripping air conditioners

Following is a question by Professor the Hon Priscilla Leung and a written reply by the Secretary for Environment and Ecology, Mr Tse Chin-wan, in the Legislative Council today (November 27):

Question:

There are views pointing out that the issue of dripping air conditioners in Hong Kong has become increasingly severe, not only affecting the cityscape but also posing potential safety hazards to pedestrians. Moreover, according to government data, the issue of dripping air conditioners occurs in various districts and the number of complaints is on the rise. In this connection, will the Government inform this Council:

(1) of the statistics on cases of dripping air conditioners in various districts in the past three years, including but not limited to the number of complaints received by the Government, the handling of such complaints, the number of inspections conducted and the findings by the Government, as well as the prosecutions instituted against the persons concerned;

(2) of the details of the measures against the issue of dripping air conditioners currently taken by the Government, including but not limited to the relevant inspection, enforcement and prosecution mechanisms;

(3) of the measures currently put in place by the Government in terms of public education to enhance knowledge of the proper use and maintenance of air conditioners among members of the public; and

(4) whether it has plans to introduce new policies, education and publicity activities to address the issue of dripping air conditioners; if so, of the relevant specific contents and expected effectiveness?

Reply:

President,

According to section 12(1)(g) of the Public Health and Municipal Services Ordinance (Cap. 132) (the Ordinance), the Food and Environmental Hygiene Department (FEHD) staff may deal with the discharge of water, whether waste or otherwise, from the ventilating system in any premises in such a manner as to constitute a nuisance, summarily under section 127 of the Ordinance.

The reply to the questions raised by Professor the Hon Priscilla Leung is as follows:

(1) The relevant statistics on water dripping from air conditioners cases handled by the FEHD from 2021 to 2023, broken down by the 19 District Environmental Hygiene Offices, are set out in Annex 1.

Apart from inspecting water dripping from air conditioners, the FEHD staff also address various other environmental hygiene matters during routine inspections in the districts. The FEHD does not maintain separate statistics on the inspections of water dripping from air conditioners during routine inspections.

In addition to routine inspections, the FEHD has set up nine dedicated teams to assist in addressing water dripping issues from air conditioners. The duty time of the dedicated teams includes public holidays and non-office hours, facilitating more flexible manpower deployment to tackle the problem by conducting proactive inspections at relatively serious black spots in the districts during different times of the day. The number of operations conducted by the dedicated teams from 2021 to 2023 is set out in Annex 2.

(2) Upon receipt of a complaint from the public about dripping air conditioner or notice of such a nuisance during routine inspection, a site inspection will be conducted. Besides, the FEHD will also deploy staff to conduct ad hoc inspections in various locations and black spots of dripping air conditioners with heavy pedestrian flow (such as roadside bus stops, public light bus stands and pedestrian crossings), during different times of the day, including the early morning and evening hours. Devices such as digital cameras, high definition telescopes, retractable and adjustable video borescope inspection cameras with LED lamps are currently used to facilitate long-range observation during night time or under poor lighting environment, with a view to identifying the sources of water dripping from air conditioners more effectively.

For most complaint cases about dripping air conditioners, upon issuance of verbal warning or advisory letter by the FEHD staff, the flat owners or occupants concerned will take action to rectify the problem of water dripping from air conditioners. If the problem persists, the FEHD will issue, in accordance with the Ordinance, a Nuisance Notice to require the relevant person to abate the nuisance within the specified period. A person who fails to comply shall be guilty of an offence and is liable to prosecution. Currently, the maximum penalty for such an offence is a fine at level 3 (\$10,000), as well as a daily fine of \$200 as long as the nuisance continues. If the nuisance has not yet been rectified upon the conviction of the accused, the FEHD will apply to the court for a Nuisance Order to require the relevant person for compliance within the specified period. Any person who fails without reasonable excuse to comply with the requirements stated in a Nuisance Order shall be guilty of an offence, and is liable to a maximum penalty of a fine at level 4 (\$25,000), as well as a daily fine of \$450 as long as the nuisance continues.

In addition to following up on complaints and conducting inspections, the FEHD launched a pilot enforcement operation codenamed "CLEARSKY" from May to October 2024 in Eastern, Central and Western, Yau Tsim, Sham Shui Po,

Tsuen Wan and Yuen Long Districts. The operation has achieved significant results by systematically analysing complaint statistics to identify targets with dripping air conditioners and deploying manpower to proactively enhance inspections, complemented with publicity and education efforts. During the operation, the FEHD staff issued a total of 1 505 Nuisance Notices to owners or occupiers of premises, requiring them to resolve the problem of dripping air conditioners within a specified period. The number represents an increase of more than 1.2 times compared to the same period last year. The FEHD will assess the effectiveness of the operation and consider extending it to all districts in the coming year.

On the other hand, the FEHD has been collaborating with property management agents (PMAs) to assist residents in addressing water dripping from air conditioners. The Scheme of Participation by Property Management Agents in Tackling Dripping Air-conditioners (the Scheme) was initiated by the FEHD to solicit the assistance of PMAs in handling complaints about dripping air conditioners in private housing estates during the summer season (from May to November). The PMAs, familiar with the situation of their housing estates and residents, can help identify the source of water dripping in the affected premises and advise the occupants concerned to rectify the problem, thus reducing the potential disputes among residents and maintaining a harmonious living environment. Currently, over 280 PMAs of private housing estates are participating in the Scheme. On average, over 4 000 complaints against dripping air conditioners were followed up and handled through the Scheme annually.

(3) The FEHD has been carrying out territory-wide publicity and education work on the prevention and handling of water dripping from air conditioners, including co-operating with PMAs and local community members to remind the public to properly address the issue of dripping air conditioners through promotional leaflets, posters and banners. Furthermore, various channels such as Announcements in the Public Interest on TV and radio, advertisements on public transport, dissemination of information on online platforms and launch of a thematic webpage have been used to raise public awareness and foster a sense of responsibility regarding dripping air conditioner issues.

(4) The Government is committed to enhancing the environmental hygiene of Hong Kong and resolving environmental hygiene problems that cause irritation to members of the public. The Environment and Ecology Bureau will introduce the Public Health and Municipal Services (Amendment) Bill 2024 into the Legislative Council in December this year to enhance enforcement efficiency and deterrent effect to effectively achieve sustainable improvements in environmental hygiene. For effectively handling of water dripping from air conditioners, the source of the nuisance must first be ascertained, and the relevant owner or occupier should be urged to abate the nuisance within a reasonable time. To enable investigation officers to enter premises suspected of being the source of the nuisance as soon as possible, the Amendment Bill recommends making it an offence for failing to comply with a notice of intended entry without reasonable excuse, with a maximum penalty of a level 2 fine (\$5,000), and extending the period allowed for entering premises for investigations from the current period between 7am and 7pm to between 7am and

10pm, accommodating contemporary lifestyle and work schedules of citizens. The Amendment Bill will also increase penalty levels for non-compliance with the Nuisance Notice and Nuisance Order. For the former, we suggest raising the penalty from a fine at level 3 (\$10,000) and a daily fine of \$200 to a fine at level 4 (\$25,000) and a daily fine of \$450. For the latter, we recommend increasing from a fine at level 4 (\$25,000) with a daily fine of \$450 to a fine at level 5 (50,000) with a daily fine of \$600 to ensure that public health nuisances are abated expeditiously. Subject to the passage of the Amendment Bill by the Legislative Council, the above amendments will take effect three months after gazettal. During the three-month period, the FEHD will conduct extensive publicity for the general public and relevant sectors, so that all parties will understand the relevant amendments.

At the same time, the FEHD will continue to step up the publicity and education work at the district level to remind the public to properly address the issue of dripping air conditioners. To further promote the Scheme of Participation by Property Management Agents in Tackling Dripping Air-conditioners, the FEHD will invite more PMAs of private housing estates to participate in the Scheme. Priority will be given to organising seminars at participating housing estates to provide property management personnel and residents with knowledge on water dripping from air conditioners, and offer assistance in identifying the available methods and techniques for locating the source of the dripping.