THE HONG KONG HOUSING AUTHORITY

Memorandum for the Management and Operations Committee

Enforcement Action Against Unauthorised Installation of Air Conditioners in Public Rental Housing Estates

PURPOSE

This paper informs Members of the proposed enforcement action against the unauthorised installation of air conditioners in public rental housing estates (PRH).

BACKGROUND

2. Despite the fact that tenants are required under the tenancy conditions to seek prior consent from the estate office before installing any fixtures in their flats, unauthorised installations of air-conditioners (A/C), both split-type (STAC) and window-type (WTAC), have remained a long-standing management problem in PRH. The scale of the problem has become greater and more serious than before due to the increased number of installation of different types of air-conditioners by PRH tenants in recent years. We estimated that more than 30% of the installations are improper and without consent from the estate office. Such unauthorised installations not only affect the outlook of the buildings but also pose potential hazard to the passers-by.

3. A Departmental Working Group was formed last year to formulate guidelines and strategies to tackle all these unauthorised A/Cs.
SIZE OF PROBLEM

4. According to an unobtrusive sample survey, it is projected that the unauthorised A/Cs in all 161 PRH amount to 15,000 STAC and 101,000 WTAC. The unauthorised installations of WTAC are commonly seen in Trident, Harmony series and Marks III-VI, Former Government Low Cost Housing and Former Housing Authority blocks. The projected figures of these WTAC in various block types are at Annex I. In most of the cases, tenants enclose the balconies with unauthorised aluminum windows and the WTACs are installed in such a position that the latter protrude outside the balconies.

LEGAL IMPLICATION

5. According to legal advice, a tenant is held liable for negligence in case his A/C falls down and injures a third party. At the same time, there is also a risk that Housing Authority (HA) as the landlord will be liable for the occupier’s liability depending on the extent of control which HA is legally found to have maintained in the area of accident. One of our insurance companies ensures that the Public Liability Insurance Policy will indemnify for third party loss/injury in such nature of accident as long as we are proved to be legally liable.

ENFORCEMENT ACTION

6. For the sake of public safety, we are determined to take stringent enforcement action against unauthorized A/Cs which are not properly installed.

7. A warning system will be adopted. Defaulting tenants will be asked to rectify the situation within a specified grace period. If the situation persists despite all warnings, Notice-to-quit (NTQ) will be issued to terminate the tenancy. The longest period for rectification would be five months after which NTQ will be issued terminating the tenancy by the end of the sixth month. Details of the warning system are at Annex II.
CONSIDERATION FACTORS

8. Given the complexity and magnitude of the problem, we plan to tackle the problem by phases over a period of three years. During these three years, some cases may be self-solved when tenants replace their existing old unauthorised A/Cs with properly installed new ones. Some cases may also be rectified through the process of redevelopment. This will help reduce the magnitude of the problem to such an extent that the workload on enforcement action can be absorbed by existing staff without affecting the standard of other daily management. Also there may not be adequate licensed contractors in the market to cope with such large volume of rectification work if all cases are to be dealt with at the same time.

IMPLEMENTATION

9. There will be territory-wide publicity on this exercise prior to the implementation in April 1997. Given the smaller number of STAC cases and the greater danger posed by the condenser units which protrude outside the building, all STACs will be tackled in the first year. For those 101,000 WTAC cases, enforcement action will be phased over three years. Priority of action is broadly determined according to the block types, starting from the latest Harmony blocks and ending with the oldest Slab blocks. The three stages of implementation are broadly outlined as follows -

<table>
<thead>
<tr>
<th>Timing</th>
<th>Scope</th>
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<tbody>
<tr>
<td>First Stage</td>
<td>(April 97 - March 98)</td>
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<tr>
<td></td>
<td>(a) All STAC cases irrespective of block types (14,693 cases)</td>
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<td></td>
<td>(b) All WTAC cases in Harmony and Trident blocks, which involves less rectification works as many of these blocks are built with AC hoods (36,153 cases).</td>
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<tr>
<td>Second Stage</td>
<td>(April 98 - April 99)</td>
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<tr>
<td></td>
<td>All block types built between 1974 - 1994 (35,347 cases)</td>
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<tr>
<td>Final Stage</td>
<td>(May 99 - February 2000)</td>
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<td></td>
<td>All block types built between 1957 - 1988 (28,986 cases)</td>
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10. Based on the above broad principles, a detailed implementation programme on estate basis will be worked out. A lower priority will be accorded to those cases in blocks to be redeveloped within three years, unless the installations pose immediate danger.

11. Notwithstanding the above, **IMMEDIATE** action will be taken against any unauthorised installation which poses imminent danger to passers-by.

**PUBLIC REACTION**

12. As the enforcement is for public safety, it is expected that the general public and the majority tenants will support this action. However, strong resentment from the defaulting tenants is anticipated as the rectification works will incur them money and a certain degree of inconvenience.

**PUBLICITY AND PUBLIC EDUCATION**

13. It is desirable to inculcate a safety and law-abiding culture among the tenants with a view to getting them rectify the situation out of own accord. The exercise will be given a territory-wide publicity to ensure that the message reach each and every tenant. Seriousness of the breach will be brought home to tenants through press release, television, radio broadcast, roving exhibitions, posters and pamphlets. The message will also be reinforced through the EMAC meetings and activities. Emphasis will be put on the aspect of safety and tenants’ responsibility.

**INFORMATION**

14. This paper is issued for Members’ information.

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