

CONTROLLING OFFICER'S REPLY

EEB(F)151

(Question Serial No. 0105)

Head: (49) Food and Environmental Hygiene Department

Subhead (No. & title): (-) Not specified

Programme: (2) Environmental Hygiene and Related Services

Controlling Officer: Director of Food and Environmental Hygiene (Ms Irene YOUNG)

Director of Bureau: Secretary for Environment and Ecology

Question:

With regard to cases of dripping air-conditioners, please advise this Committee of:

1. the staff establishment, the actual number of staff employed and the expenditure involved for the Food and Environmental Hygiene Department to handle dripping air-conditioners in each of the past 3 years;
2. the number of complaints received relating to dripping air-conditioners, the number of nuisance notices issued and the number of prosecutions and convictions instituted by the Department in each of the past 3 years; and
3. whether a progressive penalty system against cases of dripping air-conditioners will be introduced to enhance the deterrent effect. If yes, what are the details? If no, what is/are the reason(s)?

Asked by: Hon YANG Wing-kit (LegCo internal reference no.: 24)

Reply:

1. Under the staff establishment of the Food and Environmental Hygiene Department in the past 3 years (2020-21, 2021-22 and 2022-23), 328, 337 and 337 Health Inspectors are deployed to 19 district environmental hygiene offices across the territory respectively. These Health Inspectors undertake various environmental hygiene duties, including handling complaints against dripping from air-conditioners. The nuisances caused by dripping air-conditioners happen mainly in the summer months. To cope with the substantial increase in the workload during that period, the Department has recruited a special team of contract staff since 2017 to step up inspection, advising and education, as well as to take law enforcement actions, focusing on buildings where the problem of dripping air-conditioners is serious. The number of contract staff and the salary costs for the team are as follows:

	2020-21	2021-22	2022-23 (Revised estimate)
Number of contract staff	34	43	29
Salary costs (\$ million)	15.01	14.69	12.36

The Department does not keep a separate breakdown of the expenditure involved in handling the relevant complaints.

2. The information sought is provided as follows:

	2020	2021	2022
Number of complaints received	28 198	30 806	25 889
Number of nuisance notices issued ^{Note 1}	3 397	3 724	2 702
Number of prosecutions instituted ^{Note 2}	36	61	67
Number of convictions ^{Note 3}	34	66	48

Note 1: When the source of air-conditioner dripping is identified, a nuisance notice will be issued by the Department to require the responsible person to abate the nuisance within a specified period.

Note 2: Prosecution action will be taken when a nuisance notice goes unheeded.

Note 3: Including certain cases against which prosecution was instituted before that year.

3. If nuisance is caused by water dripping from air-conditioners, the Department will issue a nuisance notice in accordance with the Public Health and Municipal Services Ordinance (Cap. 132), requiring the person concerned to abate the nuisance within the period specified in the notice, otherwise face prosecution. If the person prosecuted has yet to abate the nuisance when convicted by the court, the Department will apply to the court for a nuisance order requiring the person concerned to abate the nuisance within the period specified in the order. It is an offence for any person not to comply with the requirement of a nuisance order. The maximum fines for contravening a nuisance notice and a nuisance order are \$10,000 (plus a daily fine of \$200) and \$25,000 (plus a daily fine of \$450) respectively. Most of the property owners or households will take immediate remedial action when receiving the warnings or nuisance notices from our staff to avoid prosecution. If anyone is proved to be a repeat offender, the Department will provide the court with his/her previous conviction record for consideration in handing down a sentence. Hence, the court may hand down sentences having regard to the actual circumstances of individual cases (including the previous conviction records of the offenders). According to the actual law enforcement experience of the Department, repeat offenders are not common.

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