

# **Housing Department’s enforcement actions against unauthorised laundry racks installed by public housing tenants**

## **Investigation Report**

On 11 July 2022, this Office received a complaint against the Housing Department (“HD”).

### **The Complaint**

2. In August 2021, the complainant, a tenant of a public housing estate under the Hong Kong Housing Authority (“HKHA”), complained about the unauthorised laundry racks installed on the external walls of many flats in the estate (“the Problem”). HD issued written replies to the complainant in September and November 2021 respectively, stating that the management office of the estate (“MO”) had issued enforcement notices to the tenants concerned requiring rectification and would follow up on the Problem.

3. In July 2022, the complainant found that the Problem persisted with unauthorised laundry racks newly installed. She considered HD to have failed to properly monitor the MO in handling the Problem, and thus filed a complaint with this Office against HD.

### **Our Findings**

4. After a preliminary inquiry with HD, this Office launched full investigation in October 2022. The findings of our investigation completed on 6 January 2023 are as follows.

### ***Relevant Requirements and Follow-up Actions***

5. According to HD’s General Guidelines on the Alterations of Landlord’s Fixtures (“the Guidelines”), there are restrictions on alteration (including installation) of the fixtures provided by the landlord (i.e. HKHA). These fixtures are classified into three categories, namely Category A (no alteration by tenants allowed), Category B (alteration by tenants with prior approval only) and Category C (alteration by tenants allowed).

6. Laundry rack is a Category B fixture requiring HD’s prior approval for

installation. Alteration to Category B fixtures without HD's prior approval but posing no adverse impact (e.g. there is no imminent/obvious hazard, water seepage or serious nuisance to health/environment, impairment of the uniformity of estate, or contravention of statutory requirements) is not considered an urgent enforcement item. Generally, HD would not require immediate rectification, but the tenant must reinstate the fixtures before vacating the flat in the future.

7. Upon receiving a complaint and confirming that the landlord's fixtures have been altered by a tenant without approval, HD will issue an enforcement notice requiring rectification within 60 days. If the tenant fails to carry out the rectification works by the deadline, HD may arrange contractors to do so and charge the tenant the costs incurred. HD will consider taking tenancy enforcement action, including issuing a notice to quit to terminate the tenancy and recover the flat, if the tenant refuses to cooperate.

### ***Sequence of Events***

8. According to HD's information, the major sequence of events is as follows.

9. In late August 2021, the MO inspected the external walls of the estate's buildings in response to the complaint and found 37 flats with unauthorised installation of laundry racks under the window hoods.

10. The MO issued enforcement notices to the 37 tenants concerned, requiring rectification of the Problem within 60 days (i.e. by the end of October 2021). By the deadline, 22 tenants had completed the rectification works, while the remaining 15 tenants were to be followed up.

11. Between late October 2021 and mid-July 2022, the MO's staff telephoned or visited the 15 tenants who still had not complied with the enforcement notice. During that period, 6 tenants removed the unauthorised racks, while the remaining 9 tenants were to be followed up.

### ***Subsequent Development***

12. In mid-July 2022, the MO carried out inspection after following our inquiry. It found 17 flats more with unauthorised installation of laundry racks. An enforcement notice was then issued to each of them accordingly requiring rectification of the Problem

within 60 days.

13. In late September and early October 2022, HD informed this Office that:

- (a) Among the 37 tenants with unauthorised installation of laundry racks found in late August 2021, one tenant still had not removed the rack. In mid-August 2022, HD gave the tenant a final demand for rectification of the Problem as soon as possible.
- (b) All the 17 tenants with unauthorised installation of laundry racks found in mid-July 2022 had already removed the racks within the specified period.

### *HD's Explanation*

14. HD has all along attached importance to unauthorised alterations to the landlord's fixtures. Upon moving in, public housing tenants are given a series of documents, including the Guidelines in **paragraph 5** and the pamphlet titled "Points to Note for Alteration Works in Public Rental Housing Flats", and are also required to sign an undertaking to indicate compliance with HKHA's requirements related to home renovation. Moreover, the Guidelines are always displayed on the notice boards located in the office of MO and the ground floor lobby of each building. In the Estate Newsletter issued in May and November 2017 and November 2021, tenants were also reminded that they could not alter the landlord's fixtures at will.

15. HD confirmed that the Problem was not among its urgent enforcement items. Nevertheless, after receiving the complainant's complaint in late August 2021, HD instructed the MO to inspect the external walls of the estate's buildings and issue enforcement notices to the non-compliant tenants requiring rectification within the specified period. HD also monitored the MO in handling the Problem. Apart from the complainant's, neither HD nor the MO recorded other complaints related to laundry racks.

16. As HD was handling the Problem during the fifth wave of the COVID-19 pandemic, it had to accommodate the tenants' reasonable requests (such as rescheduling the works inside their flats to a later date), thereby affecting the progress. Subsequently, as in late November 2022, there were still many confirmed cases of COVID-19, causing tenants to remain highly vigilant. Other factors including the

continuing downturn of the local economy and labour market also made it more difficult for HD to follow up on the enforcement notices. In spite of the above, all except one of the tenants had rectified the irregularities.

17. The said remaining tenant had agreed to remove voluntarily the unauthorised laundry rack by the end of July 2022, but then refused to carry out the rectification works. Considering there was no imminent/obvious hazard, water seepage or serious nuisance to health/environment caused by the tenant's laundry rack, the tenant's capricious attitude, and the pandemic situation, HD adopted a pragmatic and sympathetic approach to persuade the tenant into cooperation. In case the tenant's laundry rack poses an imminent/obvious hazard, HD will consider further action, including arranging rectification works to be carried out by contractors and charging the tenant the costs incurred, or taking tenancy enforcement action.

18. Furthermore, the MO continued to take proactive action and conduct regular inspection in the estate after being notified of the complainant's complaint. Despite the systematic large-scale inspection in late August 2021, during which the MO carefully inspected the external walls of the buildings and the enlarged photographs taken for thorough checking, it was difficult to locate some of the unauthorised laundry racks from ground level due to the non-standard designs of the estate and possible visual obstructions by irregular building frontages (including voids and noise reduction wing walls). During the systematic large-scale inspection in mid-July 2022, the MO found 17 tenants with the Problem, and learned from the tenants that their unauthorised laundry racks were not installed within the past year.

19. After receiving the complainant's complaint in late August 2021 and up to November 2022, HD did not find any new installation of unauthorised laundry racks other than the existing ones discovered during the systematic large-scale inspections in late August 2021 and mid-July 2022. Between August 2021 and November 2022, HD found only 54 flats (i.e. 2.28% of all flats) with unauthorised laundry racks. This showed that a small fraction of tenants had installed unauthorised laundry racks to suit personal living habits, although they should have known the restrictions on installation of laundry racks via the channels mentioned above.

20. Overall, HD considered itself and the MO to have handled the Problem promptly and properly.

## *Our Comments*

21. After receiving the complaint, HD and the MO had followed up on the Problem, including inspections of the external walls throughout the estate in August 2021 and July 2022 respectively, and reminded tenants via the Estate Newsletter not to alter the landlord's fixtures at will.

22. However, after the period for rectifying the Problem had expired in late October 2021, the MO only verbally advised the 15 tenants who still had not removed the unauthorised laundry racks. Its failure to take further action, such as issuing a written warning about the consequences of non-compliance with the enforcement notice, might have caused the tenants to misunderstand that HD would not stringently enforce the enforcement notice, resulting in the Problem not being rectified earlier.

23. During the more than eight months between November 2021 and mid-July 2022, around four months were covered by the fifth wave of the COVID-19 pandemic, leaving around four months for the tenants to arrange rectification works. By mid-July 2022, nine tenants still had not removed the unauthorised laundry racks. We consider that the Problem not being rectified earlier was only partly due to the pandemic. The lack of timely action by the MO, such as issuing written warnings, was probably one of the reasons.

24. HD explained the grounds for continuously persuading the remaining tenant, who still had not rectified the Problem, into cooperation. However, we notice that HD found a total of 54 flats with the Problem during the systematic large-scale inspections in August 2021 and July 2022 respectively. The enforcement notice was issued to all those tenants to require rectification within the specified period, and 53 of them subsequently removed their laundry racks. Regarding the remaining case, HD only planned to consider further action if there was imminent/obvious hazard posed by the tenant's laundry rack, which might cause the tenants who had duly complied with the enforcement notice to think that HD was acting unfairly. While issuing enforcement notices to the non-compliant tenants to require rectification, HD, on the other hand, failed to stringently demand that the remaining tenant rectify the Problem as soon as possible. It would give an impression of disparity in enforcement action. The tenant concerned and even other tenants might mistake that causing the Problem or not complying with the enforcement notice would have no consequences. As such, HD might find it difficult in future to effectively address irregularities by issuing enforcement notices to tenants.

## Conclusion

25. Based on the above analysis, The Ombudsman considers the complaint against HD **partially substantiated**.

## Recommendation

26. The Ombudsman recommends that HD take further action promptly and where necessary against non-compliant tenants in outstanding cases, including issuing a written warning about the consequences of non-compliance with an enforcement notice.

**Office of The Ombudsman**  
**January 2023**

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