

## Legislative Council Panel on Housing

### Marking Scheme for Tenancy Enforcement in Public Housing Estates

#### Purpose

This paper advises Members of the implementation of the Marking Scheme for Tenancy Enforcement in Public Housing Estates.

#### Background

2. Littering, dripping of water from balconies and dumping of abandoned objects in public areas cause hygiene problems and environmental nuisance. In May 2003, Team Clean announced a series of initiatives to boost hygiene and cleanliness in Hong Kong. These included the rigorous measures introduced by the Housing Department to clean up hygiene black spots, strengthen hawker control and improve refuse collection arrangements. To sustain the effectiveness of these measures and to foster a new cleansing culture among public housing tenants, the Housing Authority introduced the Marking Scheme for Tenancy Enforcement in August 2003.

#### The Marking Scheme

3. The Marking Scheme aims to strengthen enforcement against hygiene-related offences in public housing estates and to promote civic responsibility among tenants so as to achieve sustained improvements in environmental hygiene. Under the Scheme, penalty points are allotted to households for committing offences affecting public hygiene or posing health and safety hazards. The offences and the penalty points they carry are set out at Annex A. An accumulation of 16 points within 24 months will trigger action for tenancy termination. In deciding whether to issue notice-to-quit upon accumulation of 16 points, the Housing Department will take into account any special circumstances of

the household concerned, such as possible adverse impact of rehousing on the tenant in exceptional cases and the mental state of the offender. Similar to other cases of tenancy termination, the tenant can lodge an appeal under section 20 of the Housing Ordinance (Cap. 283).

### **Pet-keeping in public housing estates**

4. Under the tenancy agreement, keeping of animals in public housing estates without prior approval is not allowed. Accordingly pet-keeping is an offence attracting five penalty points under the Marking Scheme. Some tenants and animal concern groups have expressed concern that strict enforcement against pet-keeping would lead to abandonment and resultant killing of a large number of pets hitherto kept by tenants.

5. Whilst the majority of public housing tenants and Estate Management Advisory Committee members support a general ban on pet-keeping, we are mindful that strict enforcement under the Scheme may cause distress to tenants who need service animals for aid or tenants who have been keeping pets covertly before the Scheme was put in place. After careful consideration, the Housing Authority decided to allow the keeping of service dogs for tenants with visual and hearing disabilities, and small household pets such as fish, birds, de-sexed cats etc. insofar as they do not pose any health problems or environmental nuisance.

6. For small dogs, while maintaining the policy of disallowing dog-keeping, having regard to the rather large number of dogs hitherto kept by public housing tenants, we have introduced a "temporary permission" arrangement allowing tenants to continue to keep the small dogs (not exceeding 20 kg in weight) which have already been there before 1 August 2003 until natural death. Permission will be withdrawn if there are two substantiated complaints. As a one-off measure, tenants were required to de-sex, vaccinate and register their dogs with the estate management office within October 2003. A total of 13 323 dogs were registered. All of them carry micro-chip identification. Dogs not registered before 31 October will be prohibited and strictly enforced against under the Marking Scheme.

## **Latest Position**

7. As at 19 February 2004, 1 470 allotments of penalty points involving 1 450 households under the Marking Scheme had been made, mainly attributable to littering and spitting offences. A breakdown by offence and the accumulation of penalty points among the 1 450 households are shown at **Annex B**. 18 households have been allotted 10 points or more. Housing Department staff have visited them to understand their situation. Where the need for professional counselling is indicated, referral to the Social Welfare Department will be made.

8. As a result of rigorous estate cleansing initiatives from May to July 2003, and since the implementation of the Marking Scheme on 1 August 2003, the number of complaints relating to environmental hygiene and cleanliness has dropped from 2 137 in June 2003 to 1 618 in January 2004. The number of hygiene black spots referred from the Integrated Call Centre of the Government has also reduced significantly from 195 in June 2003 to three in January 2004.

## **Public Reaction**

9. Whilst the Marking Scheme is generally well received by the public and Estate Management Advisory Committees (EMACs), some (including two EMACs) are concerned that under the Marking Scheme the entire household are held liable for offences committed by individual household members. It should be noted that under the tenancy agreement, tenants are responsible for any breaches of tenancy committed by their household members living with them. Residents' co-operation and mutual support among household members to drive hygienic habits are of paramount importance in making public housing estates clean and safe.

10. There are also criticisms against the enforcement actions of frontline staff. In this regard, we will review our operations continuously to improve our enforcement efforts. Our frontline staff have been instructed to take a reasonable, fair and just approach in discharging their duties.

## **Way Forward**

11. The Marking Scheme has been in place for seven months. We have reviewed its operations and have identified areas which require more rigorous enforcement. These include the offences of throwing objects from height and indiscriminate dumping of domestic waste. To step up enforcement in these areas, we have introduced the following further measures :

### ***(a) Throwing objects from height***

Since August 2003, 14 households have been caught for throwing objects from height and allotted seven penalty points each. As this offence threatens public safety, strict enforcement is warranted. To overcome detection difficulties, we have relocated closed-circuit televisions to monitor falling objects in identified black spots. In December 2003, we engaged a security company for providing security personnel with police experience to assist in enforcement work. With experience in surveillance, the team had successfully detected a case of throwing objects from height, leading to prosecution against the offender in addition to allotment of penalty points under the Marking Scheme. To address possible privacy concerns over the team's surveillance activities, tenants have been advised of these detection and enforcement arrangements through notices in public areas of domestic blocks. The information obtained from closed-circuit televisions and surveillance will also be disposed of immediately unless it is needed for evidence.

***(b) Indiscriminate dumping of domestic waste***

Some tenants dispose of domestic waste improperly in common areas of domestic blocks, causing serious environmental and hygiene nuisance. To step up enforcement and strengthen the deterrent effect against indiscriminate dumping of domestic waste, we will issue fixed penalty notice upon detection in addition to allotting penalty points under the Marking Scheme, since sufficient warnings have been given in the past few months.

**Conclusion**

12. We will continue to review the Marking Scheme in the light of tenants' feedback and our enforcement experience with a view to seeking further improvements and sustaining our efforts in building a better environment.

Housing, Planning and Lands Bureau  
February 2004

## Annex A

### List of Offences Attracting Penalty Points under the Marking Scheme for Tenancy Enforcement in Public Housing Estates

Offences		Points
<b>Category A</b>		
A1	Drying clothes in public areas (except in areas designated by Housing Department)	3
A2	Utilizing laundry pole-holders for drying floor mops	3
A3	Putting dripping flower pots at balconies	3
A4	Dripping oil from exhaust fans	3
<b>Category B</b>		
B1	Littering	5
B2	Disposing of domestic refuse indiscriminately, such as disposal in lift lobbies or inside bins without cover	5
B3	Keeping animal, bird or livestock inside leased premises without Landlord's permission	5
B4	Allowing animals and livestock under charge to foul public places with faeces	5
B5	Accumulating a large quantity of refuse or waste inside premises, creating offensive smell and hygienic nuisance	5
B6	Using leased premises as food factory or storage	5
B7	Obstructing corridors or stairs with sundry items rendering cleansing difficult	5
B8	Boiling wax in public areas	5
<b>Category C</b>		
C1	Throwing object from heights	7
C2	Spitting in public areas	7
C3	Urinating and defecating in public places	7
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	7
C5	Denying staff of Housing Department or staff representing Housing Department entry for repairs responsible by Housing Department	7
C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	7
C7	Damaging down/sewage pipes causing leakage to the flat below	7

## Annex B

### **Allotment of Points under the Marking Scheme for Tenancy Enforcement in Public Housing Estates (1 August 2003 to 19 February 2004)**

<b>Offence</b>	<b>Number of Cases</b>
Littering	1 133
Keeping animal, bird or livestock inside leased premises	1
Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	1
Throwing objects from heights	14
Spitting in public areas	316
Urinating and defecating in public areas	2
Denying staff of Housing Department entry for repairs responsible by Housing Department	3
<b>Total :</b>	<b>1 470</b>

### **Number of Households Allotted Penalty Points under the Marking Scheme for Tenancy Enforcement in Public Housing Estates (1 August 2003 to 19 February 2004)**

<b>Cumulative Points allotted</b>	<b>Number of Households</b>
3 points to 9 points	1 432
10 points to 15 points	18
16 points or above	0
<b>Total :</b>	<b>1 450</b>