

立法會 *Legislative Council*

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Panel on Housing

Marking Scheme for Tenancy Enforcement in Public Housing Estates

Updated background brief

Introduction

Following the outbreak of Severe Acute Respiratory Syndrome in spring 2003, the former Chief Executive announced the setting up of Team Clean on 5 May 2003 to establish and promote a sustainable, cross-sectoral approach to improve environmental hygiene in Hong Kong. Team Clean was chaired by the former Chief Secretary for Administration and comprised representatives from different bureaux and departments. Team Clean announced a comprehensive strategy with short and longer term measures to boost hygiene and cleanliness. The Housing Department (HD) is responsible for implementing the cleanliness initiatives concerning public housing estates.

Marking Scheme for Tenancy Enforcement in Public Housing Estates

2. The Marking Scheme was one of the public housing estate cleanliness initiatives recommended by Team Clean. It aims to strengthen enforcement measures against hygiene-related offences in public rental housing estates and interim housing estates to promote civic responsibility among tenants and to improve the living environment of the estates. The Scheme targets offences that damage public hygiene or pose public health hazards. Any scheduled offences committed by a tenant or household member will be marked. Points given for offences will be valid for a period of 24 months. An accumulation of 16 points within a 24-month period will trigger action for tenancy termination. Similar to other cases of tenancy termination, the tenant can lodge an appeal under section 20 of the Housing Ordinance (Cap. 283). The Housing Authority has implemented the Marking Scheme in all public rental housing estates and interim housing estates since 1 August 2003. A list of points for different offences is in **Appendix I**.

Previous discussion on the Marking Scheme

3. The Panel on Housing (the Panel) was briefed on the implementation and progress of Team Clean initiatives in public housing on 2 June 2003 and

1 March 2004 respectively. There were divergent views on the Marking Scheme. While supporting the need to step up enforcement against throwing objects from height and indiscriminate dumping of domestic waste, some members considered that -

- (a) It might not be fair to hold the principal tenant liable for hygienic offences committed by his/her family members;
- (b) The Housing Authority should not shift its responsibility for improving environmental hygiene in public housing estates to public housing tenants;
- (c) The lack of proper facilities in public housing could be the cause for committing hygienic offences by tenants. For example, the lack of a proper place for installation of air-conditioners could be the cause for dripping of air-conditioners;
- (d) The Administration should step up efforts to enhance public awareness on the need for improving environmental hygiene instead of resorting to stringent measures; and
- (e) There must be consistency in enforcement actions.

Other members however pointed out that as nearly half of the population in Hong Kong was living in public housing, it was important to ensure cleanliness in public housing estates, and stringent measures should be taken against hygiene related offences. Details of the enforcement situation are in **Appendix II**.

4. In light of operational experience and feedback from the public, the Administration had reviewed the Marking Scheme to include additional misdeeds, including dripping laundry, accumulation of stagnant water leading to mosquito breeding and water dripping from air-conditioners. The Panel discussed the revised Marking Scheme at its meeting on 1 November 2004, during which deputations were invited to express views on the Scheme. Given that the Marking Scheme would lead to tenancy termination, members held the view that this should only target at life-threatening offences, such as throwing objects from height. Minor offences should be dealt with through improvement of facilities in public housing estates. They also pointed out that the allotment of penalty points for acts which were already subject to fines and even prosecution under different legislation would result in double penalty, which was not fair to tenants, many of whom were helpless elderly people.

5. A list of relevant papers with their hyperlinks is in **Appendix III**.

Appendix I

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

Category A (3 points):

1. Drying clothes in public areas (except in areas designated by Housing Department)
2. Utilizing laundry pole-holders for drying floor mops
3. Putting dripping flower pots at balconies
4. Dripping oil from exhaust fans

Category B (5 points):

1. Littering
2. Disposing of domestic refuse indiscriminately, such as disposal in lift lobbies or inside bins without cover
3. Keeping animal, bird or livestock inside leased premises without Landlord's permission
4. Allowing animals and livestock under charge to foul public places with faeces
5. Accumulating a large quantity of refuse or waste inside premises, creating offensive smell and hygienic nuisance
6. Using leased premises as food factory or storage
7. Obstructing corridors or stairs with sundry items rendering cleansing difficult
8. Boiling wax in public areas

Category C (7 points):

1. Throwing object from heights
2. Spitting in public areas
3. Urinating and defecating in public places
4. Dumping or disposing of decoration debris indiscriminately at refuse collection points, within building or in other public areas
5. Denying staff or Housing Department or staff representing Housing Department entry for repairs responsible by Housing Department
6. Refusing repair of leaking pipes or sanitary fittings responsible by the tenant
7. Damaging down/sewage pipes causing leakage to the flat below

Appendix II

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

Offence	Number of Cases
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
Total :	1 470

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

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

Marking Scheme for Tenancy Enforcement in Public Housing

List of References

Council/Committee	Date of meeting	Paper
Council Meeting	28 May 2003	Interim Report on Measures to Improve Environmental Hygiene in Hong Kong http://www.legco.gov.hk/yr02-03/english/hc/papers/shc0606_rpt_e-scan.pdf
Panel on Housing	2 June 2003	LC Paper No. CB(1)1814/02-03(03) http://www.legco.gov.hk/yr02-03/english/panels/hg/papers/hg0602cb1-1814-3-e.pdf LC Paper No. CB(1)2259/02-03 http://www.legco.gov.hk/yr02-03/english/panels/hg/minutes/hg030602.pdf
Panel on Food Safety and Environmental Hygiene	15 August 2003	Team Clean's further report on measures to improve environmental hygiene in Hong Kong http://www.legco.gov.hk/yr02-03/english/panels/fseh/papers/tc_rpt/c1.pdf
Panel on Housing	1 March 2004	LC Paper No. CB(1)1112/03-04(04) http://www.legco.gov.hk/yr03-04/english/panels/hg/papers/hg0301cb1-1112-4e.pdf LC Paper No. CB(1)1112/03-04(05) http://www.legco.gov.hk/yr03-04/english/panels/hg/papers/hg0301cb1-1112-5e.pdf LC Paper No. CB(1)1446/03-04 http://www.legco.gov.hk/yr03-04/english/panels/hg/minutes/hg040301.pdf

Council/Committee	Date of meeting	Paper
Panel on Housing	1 November 2004	LC Paper No. CB(1) 118/04-05(04) http://www.legco.gov.hk/yr04-05/english/panels/hg/papers/hg1101cb1-118-4e.pdf LC Paper No. CB(1) 118/04-05(05) http://www.legco.gov.hk/yr04-05/english/panels/hg/papers/hg1101cb1-118-5e.pdf LC Paper No. CB(1) 353/04-05 http://www.legco.gov.hk/yr04-05/english/panels/hg/minutes/hg041101.pdf