

Legislative Council Panel on Housing

Marking Scheme for Estate Management Enforcement in Public Housing Estates

Purpose

This paper updates Members on progress in implementing the Marking Scheme for Environmental Hygiene in Public Housing Estates (Marking Scheme) and improvement measures that will take effect on 1 January 2007.

Background

2. In August 2003, the Housing Authority launched the Marking Scheme to strengthen enforcement against hygiene-related offences in public housing estates. The Scheme was revised in 2005 and 2006 respectively to widen its scope and enhance operational efficiency. The misdeeds covered by the Scheme are categorized into four groups by the seriousness of their consequences and potential nuisance to the living environment, with Category A, B, C and D misdeeds carrying three, five, seven and fifteen points respectively. Accumulation of 16 points or more within two years will lead to termination of tenancy.

Present Situation

3. Implementation of the Marking Scheme, coupled with intensive publicity, has brought continuous improvements to environmental hygiene in public housing estates. The findings of Public Housing Recurrent Survey show that tenants' satisfaction over estate cleanliness has increased from 52.1% in 2003 to 68.6% in 2006. The majority of tenants (83.4%) consider the Scheme effective in improving the cleanliness of public housing estates. The number of complaints on cleansing, hygiene and nuisance-related matters has dropped by 60% from 287 in the first quarter of 2005 to 114 in the second quarter of 2006. Most tenants who breached minor offences such as drying clothes in public areas or placing dripping flower pots or laundry on balconies usually refrain from further offence after receiving verbal warning, suggesting that the Marking Scheme has also been instrumental in fostering good living habits and neighbourliness among tenants.

4. As at 31 August 2006, 5 048 allotments of penalty points involving 4 889 households have been made. Of these, 148 households (3.0%) have accumulated 10 points or more due to commitment of two or more misdeeds. Eight households have accrued 16 or more points, mostly from littering, throwing objects from height or accumulating smelly refuse. Four of them had already moved out, two are awaiting appeal hearing and the remaining two had their Notices-to-Quit amended by the Appeal Panel and subsequently cancelled after showing improvements. Ex-tenants with tenancies terminated under the Marking Scheme are subject to certain restrictions on rehousing: they cannot apply for public rental housing for two years, and upon rehousing will not be allocated flats of better quality in terms of location, age of building and floor level. Penalty points are valid for two years and as at 31 August 2006, 2 653 (52%) allotments have expired. Statistics on enforcement of the Marking Scheme are shown at **Annex A**.

Review of the Marking Scheme

5. To further enhance the Marking Scheme, the Housing Authority decided to include three new misdeeds, adjust the penalty points and revise the warning arrangements on 17 October 2006. The revised scheme will take effect on 1 January 2007.

New Misdeeds

(a) ***Smoking or carrying a lighted cigarette in enclosed common areas including public lifts, lift lobbies, corridors and staircases, etc. in a domestic building***

6. Last year, the Housing Authority made “smoking or carrying a lighted cigarette in public lift” a misdeed carrying five penalty points. Since implementation of this new arrangement on 1 January 2006, there have been 14 cases of points allotment (as at 31 August 2006).

7. Quite a number of tenants and Estate Management Advisory Committees have pointed out that smoking in enclosed public areas also affects public health and have suggested that the restriction on smoking should be extended to cover public lifts, lift lobbies, corridors and staircases in a domestic building. The misdeed will likewise carry five penalty points. This revision is in line with the Government’s recent initiative to extend the statutory smoking ban through enactment of the Smoking (Public Health) (Amendment) Bill 2005, which will be implemented on 1 January 2007.

(b) *Causing Noise Nuisance*

8. Excessive noise causes nuisance to other tenants. Prolonged exposure to noise pollution may affect people's psychological health. Currently, public housing tenants affected by neighbourhood noise may lodge a complaint with the Housing Department or the police. Estate management staff will give verbal and written warnings. If situation warrants, the case will be referred to the police for enforcement under the Noise Control Ordinance (Cap. 400). This arrangement has room for improvement.

9. In response to tenants' growing concern, the Housing Authority has decided to make "causing noise nuisance" a misdeed carrying five penalty points. In developing the operational procedures, we have made reference to neighbourhood noise control measures and standards adopted in other countries and by the Environmental Protection Department and the police. Estate management will focus enforcement efforts on noise nuisance occurring from 11 pm to 7 am. To ensure credibility and fairness of procedures, two members of estate management staff will go in pairs to the scene upon receiving complaint about noise nuisance. If the noise is beyond a reasonable man's forbearance, they will give verbal warning on the spot and will call upon at least one other household in the neighbourhood to substantiate the complaint before a written warning is given to the offending tenant. Penalty points will be allotted upon repeat offence without further warning.

(c) *Damaging or stealing the Housing Authority's property*

10. The Housing Authority has the responsibility to maintain the public facilities in public housing estates in satisfactory conditions. Vandalism or thefts spoil the estate environment. Stealing earthing devices and fire prevention installations will compromise residents' safety.

11. Recently, there are increasing incidents of vandalism or thefts of estate facilities, such as building works, electrical and fire services installations, security systems, play equipment and plantation areas etc. We have therefore proposed to make "Damaging or stealing the Housing Authority's property" a new misdeed item carrying seven penalty points, to be enforced without warning. In addition, thefts will be reported to the police. Minor mischief, such as picking of herbs from flower beds, will be handled separately outside the Marking Scheme.

Adjustment of Penalty

12. According to the Public Housing Recurrent Survey 2006, tenants generally consider the allotment of points to different misdeeds and associated punitive measures under the Marking Scheme reasonable. Nevertheless, tenants are increasingly concerned about “bad odour emanating from flats” and the unscrupulous acts of throwing heavy and sharp objects from height.

(a) Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance

13. Accumulation of refuse within a flat causes hygiene concerns to neighbours, endangers home safety and increases fire risks. The consequences can be serious, affecting many people. At present, the misdeed carries five penalty points. Since implementation of the Marking Scheme in August 2003, there have been 32 cases of points allotment. To reflect the seriousness of this misdeed, the penalty will be increased from five to seven points.

(b) Throwing objects from height that are prone to cause injury or death

14. Throwing objects from height undermines environmental hygiene and threatens personal safety. In the past few months, there were notorious incidents of dangerous objects being thrown from height in both public rental housing and private housing. For instance, a large mattress was thrown from a flat window in Lok Wah (South) Estate and a pair of scissors was thrown from a building in Mongkok. At present, tenants who throw objects that may cause danger or personal injury from height are allotted 15 penalty points. If the offence leads to casualties, the tenancy will be terminated.

15. Throwing sharp or heavy objects such as furniture, choppers, knives and scissors etc. from height is extremely dangerous, even if no passers-by are around. Such behaviour is intolerable. Hence, the Housing Authority has decided to tighten tenancy management control over this misdeed and will terminate the tenancies of households who throw from height object that may cause injury or death by invoking Section 19(1)(b) of the Housing Ordinance.

Revision of Warning Mechanism

16. When the Scheme was launched in August 2003, a warning mechanism was set up for minor or less serious misdeeds to allow time for tenants to familiarise with the Scheme and correct any bad habits. Since 1 January 2005, the warning system has been simplified to comprise one verbal and one written warning only.

17. Now that the Scheme has been implemented for three years, tenants are generally familiar with its operation. Most tenants do not favour a protracted warning period. Therefore, we will further streamline the warning mechanism to enhance its effectiveness. In future, only one written warning will be issued before allotment of penalty points. Estate management staff will give verbal warning to the tenant committing the misdeed on the spot, to be followed by written warning. Penalty points will be allotted upon repeat and all subsequent recurrence of the same misdeed.

Renaming of the Marking Scheme

18. The Scheme was first introduced in 2003 with the aim of improving environmental hygiene in public housing estates. At present, apart from hygiene-related misdeeds, the Scheme also covers a number of tenancy enforcement matters. To better reflect its wider coverage, the Housing Authority decided to rename it from “Marking Scheme for Environmental Hygiene in Public Housing Estates” to “Marking Scheme for Estate Management Enforcement in Public Housing Estates”. The misdeeds covered by the revised Scheme are set out at **Annex B**.

Publicity

19. As borne out by the Public Housing Recurrent Survey 2006, 96.6% of our tenants are aware of the Marking Scheme. To ensure that tenants fully understand its operation, we will continue with our promotion efforts through estate newsletter, the Housing TV Channel, departmental hotline, leaflets and posters.

Housing, Planning and Lands Bureau
October 2006

Number of Households with Points Allotted (as at 31.8.2006)

3-9 Points		10-15 Points		≥ 16 Points		Total	
Cumulative	Valid*	Cumulative	Valid*	Cumulative	Valid*	Cumulative	Valid*
4741	2333	142	43	6	0	4889	2376

Marking Scheme Summary (1.8.2003 – 31.8.2006)

Misdeeds Category	Verbal Warning	Written Warning	Points-Allotted Cases	
			Cumulative	Valid*
A1 Drying clothes in public areas (except in areas designated by HD)	464	1	0	0
A2 Utilizing laundry pole-holders for drying floor mop	1727	0	0	0
A3 Putting dripping flower pots or dripping laundry at balconies	396	2	1	1
A4 Dripping oil from exhaust fan	22	0	0	0
B1 Littering	-	-	3878	1801
B2 Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	-	2	1
B3 Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	-	113	98
B4 Allowing animal and livestock under charge to foul public places with faeces	-	-	0	0
B5 Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	50	20	30	18
B7 Obstructing corridors or stairs with sundry items rendering cleansing difficult	1744	16	3	2
B8 Boiling wax in public areas	-	-	0	0
B9 Causing mosquito breeding by accumulating stagnant water	0	0	0	0
B10 Smoking or carrying a lighted cigarette in public lift	-	-	14	14
C1 Throwing objects from height that jeopardize environmental hygiene	-	-	63	32
C2 Spitting in public areas	-	-	906	401
C3 Urinating and defecating in public places	-	-	4	1
C4 Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	-	-	1	1
C5 Denying HD staff or staff representing HD entry for repairs responsible by HD	15	4	4	0
C6 Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	6	2	0	0
C7 Damaging down/sewage pipes causing leakage to the flat below	3	1	0	0
C8 Using leased premises as food factory or storage	-	-	3	1
C9 Illegal hawking of cooked food	-	-	25	23
D1 Throwing objects from height that may cause danger or personal injury	-	-	1	1
Total	4427	46	5048	2395

* Penalty points will be purged upon expiry of a 2-year validity period.

List of Misdemeanors under the Marking Scheme (w.e.f. 1 January 2007)

Category A (3 penalty points)

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|-----|---|
| A1* | Drying clothes in public areas (except in areas designated by HD) |
| A2* | Utilizing laundry pole-holders for drying floor mop |
| A3* | Putting dripping flower pots or dripping laundry at balconies |
| A4* | Dripping oil from exhaust fan |

Category B (5 penalty points)

- | | |
|------|---|
| B1 | Littering |
| B2 | Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover |
| B3 | Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord |
| B4 | Allowing animal and livestock under charge to foul public places with faeces |
| B7* | Obstructing corridors or stairs with sundry items rendering cleansing difficult |
| B8 | Boiling wax in public areas |
| B9* | Causing mosquito breeding by accumulating stagnant water |
| B10 | Smoking or carrying a lighted cigarette in enclosed common areas including public lifts, lift lobbies, corridors and staircases, etc., in a domestic building |
| B11* | Causing noise nuisance |

Category C (7 penalty points)

- | | |
|------|---|
| C1 | Throwing objects from height that jeopardize environmental hygiene |
| C2 | Spitting in public areas |
| C3 | Urinating and defecating in public places |
| C4 | Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas |
| C5* | Denying HD staff or staff representing HD entry for repairs responsible by HD |
| C6* | Refusing repair of leaking pipes or sanitary fittings responsible by the tenant |
| C7* | Damaging down/sewage pipes causing leakage to the flat below |
| C8 | Using leased premises as food factory or storage |
| C9 | Illegal hawking of cooked food |
| C10 | Damaging or stealing Housing Authority's property |
| C11* | Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance |

Category D (15 penalty points)

- | | |
|----|---|
| D1 | Throwing objects from height that may cause danger or personal injury |
|----|---|

* Warning System is in place for these misdemeanors. Penalty points will only be allotted if the offender ignores one written warning and repeats the same misdemeanor for the second time and onwards.