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Panel on Housing
Meeting on 6 November 2006

Background brief
on Marking Scheme for Estate Management Enforcement
in Public Housing Estates
(Updated version as at 1 November 2006)

Purpose

This paper sets out the background of the Marking Scheme for Estate Management Enforcement in Public Housing Estates ¹(the Marking Scheme) implemented in public rental housing (PRH) estates and summarizes major discussions on related issues by the Panel on Housing (the Panel).

Background

2. 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, chaired by the former Chief Secretary for Administration and comprised representatives from different bureaux and departments, to establish and promote a sustainable, cross-sectoral approach to improve environmental hygiene in Hong Kong. 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 Estate Management Enforcement in Public Housing Estates

3. 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 misdeeds in PRH estates and interim housing

¹ Marking Scheme for Estate Management Enforcement in Public Housing Estates was known as "Marking Scheme for Tenancy Enforcement in Public Housing Estates" when first introduced in 2003.

estates to promote civic responsibility among tenants and to improve the living environment of the estates. The Marking Scheme targets misdeeds that damage public hygiene or pose public health hazards. Any listed misdeeds committed by a tenant or household member will be marked. Points given for misdeeds 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 (HA) has introduced the Marking Scheme in PRH since August 2003. The latest list of points for different misdeeds in public housing estates is in **Appendix I**.

Discussion on the Marking Scheme for public housing estates

4. 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. Members had 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 it might not be fair to hold the principal tenant liable for hygienic misdeeds committed by his/her family members. Members were of the view that as it was the responsibility of the HA for improving environmental hygiene in public housing estates, the HA should not shift the responsibility to public housing tenants. There was also concern that the lack of proper facilities in public housing could be the cause for committing hygienic misdeeds by tenants. For example, the lack of a proper place for installation of air-conditioners could be the cause for dripping of air-conditioners. Members opined that the Administration should step up efforts to enhance public awareness of the need for improving environmental hygiene instead of resorting to stringent measures. 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 that stringent measures should be taken against hygiene related misdeeds. They also stressed the need to enforce the Marking Scheme consistently.

5. After implementing the Marking Scheme for a year, the HD conducted a review on the Scheme and proposed 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, and met with deputations for views on the subject. Given that the Marking Scheme would lead to tenancy termination, members held the view that it should only target at life-threatening misdeeds, such as throwing objects from height. Minor misdeeds 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.

6. On 5 December 2005, the Panel was briefed on further improvement measures on the Marking Scheme. Major improvement measures included incorporating smoking or carrying a lighted cigarette in public lift and illegal hawking of cooked food within estate of abode as additional misdeeds, splitting the misdeed of throwing objects from height into two different misdeeds in accordance with the seriousness of possible consequence and raising the penalty points of throwing objects from height that may cause danger or personal injuries to 15, barring tenants whose tenancies have been terminated under the Marking Scheme from applying for PRH through the Waiting List for two years, and introducing an incentive award scheme. In addition, HA would also consider invoking section 19(1)(b) of the Housing Ordinance (Cap. 283) to terminate the tenancy immediately if a tenant has committed an unscrupulous act of throwing object(s) from height that has resulted in casualties,

7. At the meeting on 5 December 2005, members urged the HD to strengthen monitoring of its contractors to ensure enforcement of the Marking Scheme. They also stressed the need for taking more vigorous actions against repeated misdeeds such that penalty points would be allotted without warning. Concern was raised about the deterrent effect of the Marking Scheme given that two out of four Notices-to-Quit issued to households which had been allotted 16 points under the Scheme were cancelled by the Appeal Panel (Housing). Some members were of the views that the inclusion of smoking or carrying a lighted cigarette in public lift as an additional misdeed would result in double penalty and there might be difficulty in enforcement. To encourage tenants to maintain a high level of cleanliness in their own units as well as the surrounding environment, members opined that consideration should be given to extending the incentive award scheme on a household basis.

Latest development

8. The Administration would brief members on the inclusion of new misdeed items and other changes to the Marking Scheme at the Panel meeting on 6 November 2006.

References

9. A list of relevant papers with their hyperlinks is in **Appendix II**.

Council Business Division 1
Legislative Council Secretariat
1 November 2006

Appendix I

List of Misdeeds under the Marking Scheme for Public Housing Estates (w.e.f. 1.1.2006)

Misdeeds	Penalty Points
Category A	
A1* Drying clothes in public areas (except in areas designated by Housing Department)	3
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	
B1 Littering	5
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	
B5* Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	
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 [#] Smoke or carry a lighted cigarette in public lift	
Category C	
C1 [@] Throwing objects from height that jeopardize environmental hygiene	7
C2 Spitting in public areas	
C3 Urinating and defecating in public places	
C4 Dumping or disposing of decoration debris indiscriminately at refuse collection points, within building or in other public areas	
C5* Denying Housing Department staff or staff representing Housing Department entry for repairs responsible by Housing Department	
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	

Category D		
D1 [#]	Throwing objects from height that may cause danger or personal injury	15

- * Warning System is in place for these misdeeds. Penalty points will only be allotted if the offender ignores 1 verbal warning and 1 written warning and repeats the same misdeed for the third time and onwards.
- # New misdeeds to come into effect as from 1.1.2006.
- @ Before 1.1.2006, this misdeed refers to 'Throwing objects from height'.

(Source: Extracts from LC Paper No. CB(1)402/05-06(04))

Marking Scheme for Estate Management Enforcement in Public Rental Housing Estates

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
Panel on Housing	5 December 2005	LC Paper No. CB(1)402/05-06(03) http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg1205cb1-402-3-e.pdf LC Paper No. CB(1)402/05-06(04) http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg1205cb1-402-4-e.pdf LC Paper No. CB(1)469/05-06(01) http://www.legco.gov.hk/yr05-06/chinese/panels/hg/papers/hg1205cb1-469-1-c.pdf LC Paper No. CB(1)669/05-06(01) http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg1205cb1-669-1-e.pdf LC Paper No. CB(1)616/05-06 http://www.legco.gov.hk/yr05-06/english/panels/hg/minutes/hg051205.pdf