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Panel on Housing

Meeting on 16 December 2008

**Background brief on Marking Scheme for
Estate Management Enforcement in Public Housing Estates**

Purpose

This paper sets out the development of the Marking Scheme for Estate Management Enforcement in Public Housing Estates (the Marking Scheme), and gives an account of the views and concerns expressed by the Panel on Housing (the Panel).

Background

2. Following the outbreak of Severe Acute Respiratory Syndrome in Hong Kong, and in support of the Team Clean's mission, the Housing Authority (HA) launched the Marking Scheme in August 2003 to enhance environmental hygiene and cleanliness in public housing estates (PHEs), and to promote a sense of civic responsibility among tenants. Under the Marking Scheme, points will be allotted to a household if the tenant commits a misdeed in the estate in which he/she lives. Upon the allotment of 16 points or above within two years, HA may issue a Notice-to-Quit and terminate the tenancy. The tenant concerned is allowed to appeal to the Appeal Panel (Housing). Upon termination of tenancy, the household concerned will be required to vacate the public housing flat. For those who become genuinely homeless, interim housing would be offered. Applications for public housing by ex-tenants with tenancies terminated under the Marking Scheme will be barred for two years. They will not be offered a flat of better quality upon rehousing.

3. The Marking Scheme is reviewed annually. As a result, the Marking Scheme has been extended to cover misdeeds of "causing noise nuisance" and "damaging or stealing of HA's property" in January 2007, as well as "smoking in common areas of all estates" in April 2007. A list of misdeeds under the Marking Scheme is given in the **Appendix**.

4. Between 1 August 2003 and 2 October 2007, a total of 6 564 point allotment cases involving 6 270 households have been recorded. Of these 6 564 cases, the allotted points in 3 968 cases have expired. Findings of the "Public Housing

Recurrent Surveys" have shown that tenants' satisfaction over estate cleanliness has increased from 52.1% in 2003 to 71.0 % in 2007.

Deliberations by the Panel

5. The Panel has been monitoring the progress of implementation of the Marking Scheme. At the meeting on 5 November 2007, the Panel was informed of the decision of the Subsidized Housing Committee of HA to include two new misdeeds of "illegal gambling in public places" and "using leased premises for illegal purpose" under the Marking Scheme. Members were concerned that tenants might be subject to double penalty under the criminal law and the Marking Scheme. They pointed out that gambling activities in PHEs might be due to the cramped living conditions, and the lack of recreational and community facilities in PHEs. Some elderly tenants might also regard social gambling activities in PHEs as a pastime. Instead of targeting at these social gambling activities, HA should step up improvement measures in PHEs.

6. On the extension of smoking restriction under the Marking Scheme to cover all common areas within PHE boundaries, some members queried the justifications for the extension. They pointed out that smoking exemptions were granted to indoor bars, and that similar restriction was not imposed in private residential blocks. They considered it discriminatory to allot points to PHE tenants for smoking without prior warning, particularly when non-tenants who committed the same misdeed would only be requested to relinquish their cigarettes or leave PHEs. There was also concern about double penalty for PHE tenants since smoking in statutory no-smoking areas was already an offence under relevant legislation. As regards the inclusion of misdeed of "causing noise nuisance" in the Marking Scheme, some members considered that the same should apply to nuisance caused by the hooligans.

7. Question was raised on the effectiveness of the Marking Scheme given that misdeeds, such as keeping animals, littering, spitting and throwing objects from a height, were still rampant despite that these were already included in the Marking Scheme. Members called upon HA to step up publicity on the Marking Scheme with particular emphasis on the most common misdeeds, such as "Utilizing laundry pole-holders for drying floor mop" and "Putting dripping flower pots or dripping laundry at balconies", "Littering" etc.

8. Some members considered it unfair to hold the entire family liable for a misdeed committed by an individual family member, since other family members might not have knowledge of the misdeed and could not prevent the family member concerned from committing the misdeed. It was also unfair to deprive households with allotted points of the right to seek transfer to another housing block or estate. There was also a need to ensure impartiality of the appeal mechanism.

Relevant papers

Administration's paper on the extension of smoking restriction under the Marking Scheme for Estate Management Enforcement in public housing estate for the Panel meeting on 7 May 2007

<http://www.legco.gov.hk/yr06-07/english/panels/hg/papers/hg0507cb1-1478-3-e.pdf>

Minutes of the Housing Panel meeting on 7 May 2007

<http://www.legco.gov.hk/yr06-07/english/panels/hg/minutes/hg070507.pdf>

Administration's paper on Marking Scheme for Estate Management Enforcement in Public Housing Estates for the Panel meeting on 5 November 2007

<http://www.legco.gov.hk/yr07-08/english/panels/hg/papers/hg1105cb1-184-1-e.pdf>

Minutes of the Housing Panel meeting on 5 November 2007

<http://www.legco.gov.hk/yr07-08/english/panels/hg/minutes/hg071105.pdf>

General Housing Policies on Application for Public Housing and Subsidized Home Ownership Schemes, Estate Management, Squatter Control and Clearance dated 1 April 2008

<http://www.housingauthority.gov.hk/en/aboutus/policy/publichousing/0,,00.html>

Council Business Division 1
Legislative Council Secretariat
10 December 2008

List of Misdeeds under the Marking Scheme

Category A (3 penalty points)

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|-----|----------------------------------------------------------------------------------------|
| A1* | Drying clothes in public areas (except in areas designated by Housing Department(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)

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|------|-----------------------------------------------------------------------------------------------------------------------|
| 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 estate common area |
| B11* | Causing noise nuisance |

Category C (7 penalty points)

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|------|---------------------------------------------------------------------------------------------------------------------------------|
| 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)

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|----|-----------------------------------------------------------------------|
| D1 | Throwing objects from height that may cause danger or personal injury |
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* A Warning System is in place for these misdeeds. Penalty points will only be allotted if the offender ignores the written warning served upon the first commission of the misdeed and repeats the same misdeed for a second time or more.