

Legislative Council Panel on Housing

Marking Scheme for Estate Management Enforcement in Public Housing Estates

Purpose

This paper aims to brief Members on the latest progress and effectiveness of the Marking Scheme for Estate Management Enforcement in Public Housing Estates (the Marking Scheme).

Background

2. Introduced on 1 August 2003, the Marking Scheme aims to strengthen enforcement measures against hygiene-related offences in public rental housing (PRH) estates. To achieve more effective estate management, the misdeeds covered by the Marking Scheme have later been extended from acts jeopardising environmental hygiene to reckless conducts and breaches of the tenancy agreement. At present, the Marking Scheme covers 28 misdeeds (see **Annex** for details). Tenants who are found to have committed the misdeeds will be issued with a warning letter and/or allotted penalty points. Upon accumulation of 16 points within two years, the tenancy of the subject household will be terminated by a Notice-to-Quit (NTQ) issued by the Housing Department (HD).

3. After the HD briefed the Legislative Council Panel on Housing on the implementation and effectiveness of the Marking Scheme on 16 December 2008, it has included “Water dripping from air-conditioner” into the Marking Scheme since 1 January 2009. In addition, the HD has already taken or planned to take measures in response to tenants’ concern on throwing/falling objects from height and dog keeping, which will be reported to Members in this paper.

Overall effectiveness

4. The Marking Scheme provides an effective mechanism to curb misdeeds related to hygiene and estate management. According to the Public Housing Recurrent Survey 2009, 97% of the tenants were aware of the Marking Scheme and 65% of them considered the level of penalty reasonable. Tenants’ satisfaction level towards the overall cleanliness and hygienic conditions of estate common areas remained at 70% over the last three years, which was much higher than 46% in 2002 and 52% in 2003.

5. From 1 August 2003 to 30 November 2009, about 12 000 cases of point allotment were recorded by the HD. Points allotted for about 7 000 cases (58%) have expired and those of about 5 000 cases (42%) remain valid. Amongst the 12 000 cases involving about 11 200 households, only about 550 households (4.9%) have accrued ten points or more for committing two or more misdeeds. There are 24 households accruing 16 or more points. Apart from two households which have voluntarily moved out of their PRH flats, the HD has issued a total of 19 NTQs and approved withholding the issuance of NTQ on three cases on special grounds.

6. Amongst the 28 misdeeds, B1 “littering” and B10 “smoking or carrying a lighted cigarette in estate common area” are the most common offences, with the number of cases standing at 5 000 and 3 500 respectively.

Throwing objects from height

7. Depending on the seriousness of the misdeed, households will be allotted seven or 15 penalty points for throwing objects from height under the Marking Scheme. As at 30 November 2009, three households committing this misdeed were issued with NTQs, whereas 275 and 21 households were allotted seven and 15 points for the misdeed respectively. Prosecution actions have been taken against 112 households in total. For misdeeds which may cause serious danger or personal injuries, the HD could terminate the tenancy of the subject household immediately pursuant to the Housing Ordinance.

8. For more effective enforcement, we have installed 96 sets of Falling Objects Monitoring System and ten sets of Mobile Digital Closed-Circuit Television System (MDCCTV) at various strategic locations of PRH estates in order to enhance the deterrent effect. Moreover, five Special Operation Teams against Throwing Objects from Height (the Special Operation Team) comprising ex-policemen have been deployed for assistance in the detection and gathering of evidence for prosecution.

9. To further deter throwing or falling objects from height, the HD has taken the following proactive initiatives in the past two months –

- (i) deploying additional resources, including the procurement of ten additional sets of MDCCTV and the recruitment of five additional Special Operation Teams to enhance enforcement actions;

- (ii) strengthening patrol and enforcement actions by frontline staff, and establishing a Task Force at the HD headquarters for monitoring the effectiveness of the above proactive initiatives and coordinating the deployment of existing resources;
- (iii) rolling out a one-month educational campaign to publicise the serious consequences of throwing/falling objects from height. A pledging ceremony was jointly held with some 400 Estate Management Advisory Committee (EMAC) members from all PRH estates on 20 December 2009. A series of enhanced publicity and educational activities has also been implemented through EMACs, the Housing Channel, radio, posters, promotional leaflets and estate newsletters to relay the relevant messages to PRH tenants; and
- (iv) promoting the relevant messages (such as appealing to tenants to report incidents of objects being thrown from height via the complaint hotline 2712 2712, and reminding them not to place floor mops, flower pots and other objects by the window or at the balcony) through the activities jointly organised by EMACs and non-government organisations in PRH estates under the Hong Kong Housing Authority (HA).

Water dripping from air-conditioner

10. “Water dripping from air-conditioner (A/C)” has been included in the Marking Scheme with effect from 1 January 2009. Since its implementation, the HD has taken proactive measures to advise tenants to connect the rubber tubes of their A/Cs to the drain pipes on the external wall, and offered assistance to the elderly households where necessary. In the past 11 months, 95 written warnings were issued and 13 households were allotted penalty points for failing to abate the nuisance caused by water dripping within a reasonable period of time. In fact, no cases of dripping from A/Cs were reported on the households which had been allotted penalty points or issued with written warnings.

Dog-keeping

11. Unauthorised dog-keeping causes nuisance to other tenants. Tenants who are found keeping dogs without authorisation will be allotted five penalty points immediately without warning. They are required to remove the

dogs within 14 days. At the end of September 2003, the HA endorsed the Temporary Permission Rule by which tenants were permitted to continue keeping small dogs that had been kept before 1 August 2003 until their natural death. The number of registered dogs has dropped from 13 300 in 2003 to 9 500 as at end November 2009.

12. The HD will step up enforcement actions against unauthorised dog-keeping under the Marking Scheme in the second quarter of 2010. Planned measures include a series of publicity programmes through the Housing Channel, radio and posters to educate PRH tenants not to commit unauthorised keeping of dogs and other pets that may cause nuisance to their neighbours. In addition, we will also deploy additional staff to detect unauthorised dogs in PRH estates by microchip scanners and to take action according to the Marking Scheme.

Public reaction and publicity

13. The Marking Scheme provides an effective platform to facilitate focused control on irregularities so as to improve hygiene and reduce nuisance to PRH tenants. It is expected that the above proactive initiatives would continue to be welcomed by the general public and tenants. Publicity and community education in this aspect will be enhanced through press releases, radio broadcast, EMACs, the Housing Channel, leaflets and posters.

14. Members are invited to note the latest progress of the Marking Scheme.

**Transport and Housing Bureau
December 2009**

List of Misdeeds under the Marking Scheme (since 1.1.2009)

Category A (3 penalty points)

A1*	Drying clothes in public areas (except in areas designated by the HD)
A2*	Utilising 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 estate common area
B11*	Causing noise nuisance
B12	Illegal gambling in public places
B13*	Water dripping from air-conditioner

Category C (7 penalty points)

C1	Throwing objects from height that jeopardise 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 the 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
C12	Using leased premises for illegal purpose

Category D (15 penalty points)

D1	Throwing objects from height that may cause danger or personal injury
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* Warning System is in place for these misdeeds. Penalty points will only be allotted if the offender ignores one written warning and repeats the same misdeed for the second time and onwards.