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Panel on Housing

Meeting on 7 January 2010

**Updated background brief on Marking Scheme for
Estate Management Enforcement in Public Housing Estates
(as at 31 December 2009)**

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. Following the reviews in 2007 and 2008, the Marking Scheme has been extended to cover misdeeds of "causing noise nuisance", "damaging or stealing of HA's property", "smoking in common areas of all estates", "illegal gambling in public places" and "using leased premises for illegal purpose". A list of misdeeds under the Marking Scheme is given in the **Appendix**.

4. From 1 August 2003 to 6 November 2008, 8 866 allotments of penalty points involving 8 379 households have been recorded. Among them, 341 (4.1%) have accrued 10 points or more due to commitment of two or more misdeeds. Of the 8 866 points-allotted cases, 5 462 (61.6%) cases have expired, with 3 404 cases (38.4%) remaining valid. Misdeeds of "littering" and "smoking or carrying a lighted cigarette in estate common area" are the most frequently committed offences involving 4 589 and 2 097 cases respectively. Findings of the "Public Housing Recurrent Surveys" have shown that tenants' satisfaction has increased from 52.1% in 2003 to 70.1% in 2008.

Deliberations by the Panel

5. The Panel has been monitoring the progress of implementation of the Marking Scheme. At the meeting on 16 December 2008, the Panel was informed of the decision of the Subsidized Housing Committee of HA to include a new misdeed of "water dripping from air-conditioner" into the Marking Scheme with effect from 1 January 2009. While welcoming the inclusion since water dripping from air-conditioners was a source of nuisance to residents especially during the summer, some members emphasized that publicity should be stepped up to enhance residents' awareness on the need to make necessary installations to prevent water dripping from their air-conditioners. Other members however opined that if staff of the Housing Department were empowered to serve notices under the Public Health and Municipal Services Ordinance (Cap. 132), as in their counterparts in the Food and Environmental Hygiene Department, to households concerned requiring them to abate the problem of water dripping from air-conditioners, this might obviate the need for inclusion of such nuisance into the Marking Scheme, which carried the dire consequences of termination of tenancy. Consideration should also be given to providing more specific descriptions for misdeeds to ensure that tenants would not be unnecessarily caught under the Marking Scheme.

6. Some members remained of the view that it was 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. Hence, there was a need to ensure impartiality of the appeal mechanism. They also considered it unfair to deprive households with allotted points of the right to seek transfer to another housing block or estate.

7. On the application of the Marking Scheme to Tenants Purchase Scheme (TPS) estates, some members were concerned about the discrepancy in enforcing the Marking Scheme in common areas within TPS estates. By way of illustration, a tenant who was found smoking in common areas within a TPS estate might not be allotted points under the Marking Scheme as his/he counterparts in PHEs. A similar written question was also raised at the Legislative Council meeting on 11 February 2009. The question together with the Administration's response is hyperlinked below for easy reference.

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>

Administration's paper on Marking Scheme for Estate Management Enforcement in Public Housing Estates for the Panel meeting on 16 December 2008

<http://www.legco.gov.hk/yr08-09/english/panels/hg/papers/hg1216cb1-378-3-e.pdf>

Minutes of the Housing Panel meeting on 16 December 2008

<http://www.legco.gov.hk/yr08-09/english/panels/hg/minutes/hg20081216.pdf>

Question raised by Hon Joseph LEE at the Council meeting on 11 February 2009

http://www.legco.gov.hk/yr08-09/english/counmtg/agenda/cm20090211.htm#q_15

Administration reply to question raised by Hon Joseph LEE at the Council meeting on 11 February 2009

<http://www.info.gov.hk/gia/general/200902/11/P200902110111.htm>

Council Business Division 1
Legislative Council Secretariat
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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 |
| B12 | Illegal gambling in public places |
| B13* | Water dripping from air-conditioner (with effect from 1 January 2009) |

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 |
| C12 | Using leased premises for illegal purpose |

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 one written warning and repeats the same misdeed for the second time and onwards.