

立法會 *Legislative Council*

LC Paper No. CB(1) 948/11-12(05)

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Panel on Housing

Meeting on 6 February 2012

**Updated background brief on Marking Scheme for
Estate Management Enforcement in Public Housing Estates
prepared by the Legislative Council Secretariat
(Position as at 31 January 2012)**

Purpose

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

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 rental housing (PRH) estates, 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 (NTQ) 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", "using leased

premises for illegal purpose", and "water dripping from air-conditioner". The list of 28 misdeeds under the Marking Scheme, categorized by severity of their impacts on environmental hygiene or estate management, is given in **Appendix I**.

4. Up to March 2011, some 16 000 point-allotment cases involving 14 800 households have been recorded, with about 6 000 cases (38%) remaining valid. Of the 14 800 households, about 840 (6%) have accrued 10 points or more for committing two or more misdeeds, and 38 have accrued 16 or more points. Of the 38 households, the Housing Department (HD) has issued a total of 27 NTQs, approved withholding the issuance of NTQs on nine cases on special grounds, and recovered two voluntarily surrendered PRH flats. The misdeeds of "littering" and "smoking or carrying a lighted cigarette in estate common area" continue to be the most frequently committed offences involving 5 500 and 5 400 cases respectively. According to the "Public Housing Recurrent Surveys", tenants' satisfaction level towards the overall cleanliness and hygienic conditions of estate common areas has remained at 70% since 2004, which was higher than 46% in 2002 and 52% in 2003.

Deliberations at meetings of the Panel on Housing

5. The Panel on Housing (the Panel) has been receiving an annual update on the progress of the Marking Scheme since its implementation in 2003. The latest position of the Marking Scheme was discussed at the Panel meeting on 19 May 2011.

6. The Panel noted that to deter the throwing of objects from height, tenants would be allotted seven or 15 penalty points (depending on the seriousness of the misdeed) starting from 2006. However, the number of point-allotment cases of throwing objects from height had significantly increased from 90 in 2009 to 200 in 2010 despite the various publicity and enforcement efforts. Panel members were informed that there had been a significant increase in point-allotment cases because HD had been proactively in tackling the misdeed of throwing objects from heights, and promoting tenants' awareness of their civic responsibility.

7. On the misdeed of "accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygiene nuisance", members were concerned that some elderly tenants, particularly those who were unable to take care of themselves, might easily commit the misdeed. Instead of allotting penalty points under the Marking Scheme, HD should adopt a more humane approach to provide the needed assistance to these tenants. Noting that some elderly tenants might find it very difficult to quit smoking, some members suggested that consideration should be given to identifying suitable secluded and sheltered area within an estate as smoking area so that tenants

would not advertently commit the misdeed of "smoking or carrying a lighted cigarette in estate common area". Suitable location should also be identified for tenants to hang dry their clothing and quilts during the change of seasons to prevent commitment of the misdeed of "drying clothes in public areas".

8. Some other members held the view that there was practical difficulties to enforce against misdeeds such as "water dripping from air-conditioner" and "causing noise nuisance" since these nuisances often ceased upon complaint but would likely to recur afterwards. These members also pointed out that some households might have difficulty in complying with the requirement to remove their dogs under the Marking Scheme, particularly those who had a psychological reliance on their dogs. Assistance from social workers should be sought in assessing the need for households to continue keeping their small dogs as pets. 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.

9. 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.

10. 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/her counterparts in PRH estates.

Council questions

11. Hon Joseph LEE and Hon Starry LEE raised questions in relation to the Marking Scheme at the Council meeting on 11 February and 25 November 2009 respectively. Details of the Council questions are hyperlinked below for ease of reference.

Latest development

12. The Administration proposes to brief the Panel on the latest progress and effectiveness of the Marking Scheme at its meeting on 6 February 2012.

Relevant papers

13. A list of relevant papers is in the **Appendix II**.

Council Business Division 1
Legislative Council Secretariat
31 January 2012

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)

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

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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 |
|----|---|

* 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.

**Marking Scheme for
Estate Management Enforcement in Public Housing Estates**

List of relevant papers

Council/ Committee	Date of meeting	Paper
Housing Panel	7 May 2007	<p>Information paper on "Extension of Smoking Restriction Under the Marking Scheme for Estate Management Enforcement in Public Housing Estate" provided by the Administration (LC Paper No. CB(1) 1478/06-07(03)) http://www.legco.gov.hk/yr06-07/english/panels/hg/papers/hg0507cb1-1478-3-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 2225/06-07) http://www.legco.gov.hk/yr06-07/english/panels/hg/minutes/hg070507.pdf</p>
Housing Panel	5 November 2007	<p>Information paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" provided by the Administration (LC Paper No. CB(1) 184/07-08(01)) http://www.legco.gov.hk/yr07-08/english/panels/hg/papers/hg1105cb1-184-1-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 709/07-08) http://www.legco.gov.hk/yr07-08/english/panels/hg/minutes/hg071105.pdf</p>
Housing Panel	16 December 2008	<p>Information paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" provided by the Administration (LC Paper No. CB(1) 378/08-09(03)) http://www.legco.gov.hk/yr08-09/english/panels/hg/papers/hg1216cb1-378-3-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 668/08-09) http://www.legco.gov.hk/yr08-09/english/panels/hg/minutes/hg20081216.pdf</p>
Housing Panel	7 January 2010	<p>Information paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" provided by the Administration (LC Paper</p>

Council/ Committee	Date of meeting	Paper
		<p>No. CB(1) 796/09-10(06)) http://www.legco.gov.hk/yr09-10/english/panels/hg/papers/hg0107cb1-796-6-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 1208/09-10) http://www.legco.gov.hk/yr09-10/english/panels/hg/minutes/hg20100107.pdf</p>
Housing Panel	19 May 2011	<p>Information paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" provided by the Administration (LC Paper No. CB(1) 2034/10-11(06)) http://www.legco.gov.hk/yr10-11/english/panels/hg/papers/hg0519cb1-2034-6-e.pdf</p> <p>Paper on Marking Scheme for Estate Management Enforcement in Public Housing Estates prepared by the Legislative Council Secretariat (updated background brief) LC Paper No. CB(1) 2034/10-11(07) http://www.legco.gov.hk/yr10-11/english/panels/hg/papers/hg0519cb1-2034-7-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 2880/10-11) http://www.legco.gov.hk/yr10-11/english/panels/hg/minutes/hg20110519.pdf</p>
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Hyperlinks to relevant Council Questions:

Date	Council Questions
11 February 2009	<p>Council question raised by Hon Joseph LEE http://www.info.gov.hk/gia/general/200902/11/P200902110111.htm</p>
25 November 2009	<p>Council question raised by Hon Starry LEE http://www.info.gov.hk/gia/general/200911/25/P200911250130.htm</p>