

**Legislative Council Panel on Housing  
meeting on 14 April 2015**

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

**Supplementary Information**

**PURPOSE**

At the meeting of the Legislative Council Panel on Housing on 14 April 2015, Members asked about the status of notice-to-quits (NTQs) issued under the Marking Scheme for Estate Management Enforcement in Public Housing Estate (the Marking Scheme), and the reason of using household as the unit for point allotment under the Marking Scheme. This paper provides the relevant information.

**STATUS OF NOTICE-TO-QUIITS ISSUED**

2. Under the Marking Scheme, tenants and authorised persons who are found to have committed misdeeds in the estates where they reside will be allotted points which will be valid for two years. An accumulation of 16 points within two years will trigger action for termination of tenancy by means of a NTQ issued by the Hong Kong Housing Authority (HA). Upon termination of tenancy, the household will be required to vacate the public rental housing (PRH) unit. With effect from 1 January 2006, ex-tenants and the adult family members whose tenancies have been terminated by HA under the Marking Scheme will be barred from PRH applications for two years, counting from the day after the NTQ expiry date. Even if they apply for PRH after the lapse of two years, Housing Department (HD) will not offer them a PRH unit of better quality (in respect of geographical locality, age of building and floor level as compared with their previous PRH units). By virtue of Section 20(1) of the Housing Ordinance, tenants may appeal to the Appeal Panel, not later than 15 days after the date on which the NTQ has been given.

3. If a tenant can prove that there is a need for them to reside in PRH on special grounds, HA will consider to re-grant the tenancy. Relevant grounds include tenants facing family problems that require social support and care, age and health issues, etc. HD will advise the tenants whose tenancies have been re-granted not to commit the misdeeds again. Should the households accrue 16 valid points again, HD will take immediate action to terminate the tenancies, and if appeal is lodged, HD will inform the Appeal Panel of the records on re-grant of tenancy for their considerations during the hearing.

4. At the meeting, Members requested the Government to provide information on the reasons for cancelling the 16 NTQs issued to tenants and the time taken to recover the 28 flats under the Marking Scheme up to December 2013. For the 16 tenants with cancelled NTQs, the misdeeds involved include littering, spitting, smoking and illegal gambling in public area; unauthorised dog keeping; throwing objects from height that jeopardise environmental hygiene; denying entry for repairs by HD staff on staff directed by HD; accumulating a large quantity of refuse or waste inside leased premises, thus creating offensive smell and hygienic nuisance; and causing noise nuisance, etc. In considering whether to cancel the NTQs, the Appeal Panel will take into account the actual circumstances of individual cases, such as whether tenants' behaviors have improved, as well as other special grounds including health issues etc. For instance, for some cases of unauthorised dog keeping, tenants had sent away the dog within the time for rectification allowed by the Appeal Panel, and thus the NTQs were cancelled. For some cases of causing noise nuisance, the Appeal Panel had decided to cancel the NTQs based on health and compassionate grounds.

5. The average time taken for recovering the 28 flats under the Marking Scheme is about nine months for each unit. As the majority of the cases involved appeal procedures, it takes time for the processing. For cases which involve tenants' health issues, deferral of flat recovery was approved upon recommendation from the non-governmental organisations recognised by Social Welfare Department (SWD). Also, it took longer time to recover the unit when the tenants needed the assistance of SWD to arrange accommodation.

## **USING HOUSEHOLD AS THE UNIT FOR POINT ALLOTMENT**

6. Members also asked about the reasons of using household as the unit for point allotment under the Marking Scheme. As individual housing policies have their own background, nature, characteristics and specific target groups, they cannot be compared in a simple manner. The Tenancy Agreement (TA) signed between HA and PRH tenant stipulates that the tenant and all family members listed in the TA (i.e. authorised persons) are bound by the TA. As the tenant and family members as a whole have the obligation to observe the clauses of the TA, points are allotted on a household basis under the Marking Scheme. To cater for the special needs of tenants, HA has also put in place other policies such as household splitting and divorce, etc. As the objectives, nature and target groups of such policies are different from those of the Marking Scheme, those policies cannot be compared with the Marking Scheme directly. Before endorsing every housing policy, HA will carefully and thoroughly examine the basis and rationale of the policy to balance the interests of all affected persons and stakeholders.

**Transport and Housing Bureau  
July 2015**