

Legislative Council Panel on Housing

Marking Scheme for Tenancy Enforcement in Public Housing Estates

Purpose

This paper updates Members on progress in implementing the Marking Scheme for Tenancy Enforcement in Public Housing Estates and seeks Members' views on possible areas of improvement.

Background

2. In May 2003, Team Clean announced a series of measures to boost hygiene and cleanliness in Hong Kong. To strengthen enforcement measures against hygiene-related offences in public housing estates and to promote civic responsibility among tenants, the Housing Authority introduced the Marking Scheme for Tenancy Enforcement in August 2003. Under the Scheme, penalty points are allotted to households for committing misdeeds affecting public hygiene or posing health and safety hazards. A list of offences and the penalty points they carry is at **Annex A**. An accumulation of 16 points within 24 months will trigger action for tenancy termination.

Present Position

3. Upon implementation of the Marking Scheme, estate management staff have been asked to step up enforcement against hygiene offences and misdeeds affecting public health and estate cleanliness. As at 13 October 2004, 2 721 allotments of penalty points were made. Of these, 2 658 cases of allotment (98%) are attributable to the hygiene offences of littering, spitting and urinating/defecating in public places. A total of 2 668 households have been allotted points. Of them, 52 (about 2%) accumulated 10 points or more due to commitment of two or more misdeeds. One household has reached the ceiling of 16 points and a notice-to-quit has been issued. Statistics on the allotment of penalty points under the Marking Scheme are shown at **Annex B**. With more rigorous enforcement under the Marking Scheme, the number of Fixed Penalty

Notices issued against hygiene offences committed in public housing estates has increased considerably from 1 415 last year (August 2002 to July 2003) to 5 262 this year (August 2003 to 13 October 2004).

4. The implementation of the Marking Scheme, coupled with enforcement of the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570), has helped achieve sustained improvements in environmental hygiene of public housing estates, as evidenced by the few incidents of repeat offences and a decrease in the number of hygiene and cleanliness complaints from 795 cases in the second quarter of 2003 to 371 cases in the second quarter of 2004. Meanwhile, tenants' satisfaction over estate cleanliness has also increased significantly from 45.5% in 2002 to 52.1% and 61.7% in 2003 and 2004 respectively. Favourable feedback from local residents and Estate Management Advisory Committees also bore out the effectiveness of the Marking Scheme in improving the overall hygiene of public housing estates. Paragraphs 5 to 9 below describe in greater detail special aspects of the Scheme for Members' reference.

Management of dog-keeping in public housing estates

5. The tenancy agreement in public housing estates prohibits the keeping of animals without prior approval. Accordingly, keeping of animals which pose health problems or environmental nuisance is an offence attracting five penalty points under the Marking Scheme. In consideration of the views expressed by some tenants and animal concern groups and the large number of small dogs kept by public housing tenants then, the Housing Authority introduced a "temporary permission" arrangement allowing tenants to continue to keep their small dogs (not exceeding 20 kg in weight) until their natural death, subject to their de-sexing, vaccination and registration with estate management. This arrangement was aimed to phase out dog-keeping in public housing estates. Within the one-month period for registration in October 2003, a total of 13 323 small dogs were registered. No more new registration is accepted thereafter.

6. The temporary permission arrangement has put dog-keeping in public housing estates under control. Since November 2003, we have received seven substantiated complaints against nuisance caused by registered dogs. The tenants concerned were warned and the temporary permission of one

household had been revoked following two substantiated complaints. Moreover, through complaints and regular estate patrols, 17 households were found keeping unregistered dogs. They were allotted penalty points accordingly and the dogs in question were removed.

Throwing Objects from Height

7. Throwing objects from height endangers public safety but it is difficult to enforce against this misdeed. We used to encounter problems in identifying the culprit and collating evidence for prosecution. To overcome these problems, we engaged a security company in December 2003 in employing ex-police officers to undertake surveillance work. Since August 2003, we have successfully detected 34 cases of throwing objects from height, the majority of which concerned minor objects such as paper, food residue, refuse and small toys. Penalty points were allotted to the households concerned. In one of these cases, the object thrown from height was a glass bottle. In view of the threat to public safety, prosecution was brought against the tenant, who was subsequently convicted by Court. In comparison with the few cases of successful detection in the past, we have indeed made some encouraging headway in this difficult area of estate management. To keep up our efforts, we have also put in place an advanced Digital Falling Object Monitoring System in August 2004 to monitor falling objects in identified black spots, in addition to the rotating closed-circuit televisions currently installed in public housing estates.

Boiling Wax in Public Areas

8. Before implementation of the Marking Scheme, boiling wax in public areas during the Mid-Autumn Festival had been a formidable problem despite repeated publicity and education campaigns against this dangerous activity which also messes up estate common areas. Last year, boiling wax was made a misdeed attracting five penalty points under the Marking Scheme. Through intensive publicity, increased patrol, timely advice to likely offenders and the deterrent effect of the Marking Scheme, we managed to bring down the complaints and incidents concerning boiling wax in public housing estates to zero in 2003, as compared to six cases in 2002, of which one required police attention. No allotment of penalty points had been necessary. We

implemented similar rigorous enforcement arrangements this year, which had been effective in keeping such activity at bay. No allotment of penalty points was made.

Drying clothes in public areas

9. Drying clothes in public places obstructs estate common areas and hinders estate-wide cleansing work and has therefore been made a misdeed carrying three penalty points under the Marking Scheme. In view of feedback from some tenants about the lack of space for drying their laundry, we designate some estate common areas for drying bulky laundry such as blankets and duvets during change of seasons. Recently, we have introduced a subsidy scheme to assist tenants to replace pole-socket type laundry racks of their units with aluminium racks with cord pulleys, which are easier to use. These measures in combination should have struck the right balance between tenants' convenience and estate orderliness and are generally supported by Estate Management Advisory Committees.

Review of the Marking Scheme

10. The Marking Scheme has been in place for a year. Judging from tenants' feedback and regular surveys on satisfaction over estate cleanliness, the Marking Scheme has been effective in heightening tenants' sense of responsibility over the cleanliness and upkeep of public housing estates. The Scheme has also provided a framework for consistent enforcement against misdeeds causing nuisance to the neighbourhood. In the light of operational experience and feedback from the public, we have identified some areas for review to fine-tune the Scheme.

A. Additional misdeeds

(a) Dripping laundry

11. At present, putting dripping flower pots at balconies is a misdeed attracting three penalty points. Tenants committing this offence were first warned. With the Marking Scheme in support, the warnings were heeded and no allotment of penalty points had been made so far. In view of the

effectiveness on this front, there is suggestion that dripping laundry, which causes similar nuisance to households on the lower floors (particularly if the dripping is coloured), should also be made a misdeed. Allowing laundry to drip is an inconsiderate behaviour which tenants can avoid through exercising due care. As such, the merits of including this misdeed into the Marking Scheme could be explored.

(b) Accumulation of stagnant water leading to mosquito breeding

12. The recurrent outbreaks of diseases like Dengue Fever and Japanese encephalitis have intensified tenants' concerns about the breeding of mosquitoes, which are the medium of transmission of these infectious diseases. For prevention, estate management has stepped up removal of stagnant water, mosquito surveillance and disinfestation, in particular in estates in districts recording high Ovitrap Index.

13. Despite our efforts in estate common areas, there are occasional instances in which tenants fail to clear up stagnant water inside their flats, thus causing mosquito nuisance to their neighbourhood. As this may turn into a hygiene threat, we are considering whether to make verified cases of accumulation of stagnant water causing mosquito nuisance a misdeed under the Marking Scheme. As stagnant water accumulation takes place inside a tenant's flat, if it is made a misdeed attracting penalty points, enforcement can only be taken in response to substantiated complaints and subject to the expert advice of the Food and Environmental Hygiene Department on the exact cause of mosquito nuisance.

(c) Water dripping from air-conditioners

14. Water dripping from air-conditioners causes nuisance to the neighbourhood. There has been suggestion that water-dripping from air-conditioners should be made a misdeed under the Marking Scheme.

15. At present, if dripping occurs, the tenant concerned is first asked to rectify the situation. If the tenant refuses to co-operate, the case will be referred to the Food and Environmental Hygiene Department for action under the Public Health and Municipal Services Ordinance (Cap. 132). The tenant concerned will be warned and required to take remedial actions promptly through the issue of statutory Nuisance Notice. Prosecution will be initiated

against persistent non-compliance. This process gives the tenant an opportunity to rectify the nuisance, which is often unintentional. Whether penalty points should be allotted to this misdeed requires further consideration to ensure that the enforcement arrangements are fair and consistent and have regard to the tenants' circumstances. We are discussing with Food and Environmental Hygiene Department on practical ways to strengthen and streamline the enforcement regime to make it more effective.

16. Public housing blocks built after 1996 are provided with condensate drain pipes. Tenants in these blocks should take care to connect their air-conditioners to these drain pipes for discharging water during installation. As for the public housing blocks built before 1996 which are not provided with condensate drain pipes, from time to time we remind tenants to prevent dripping through proper installation and maintenance of air-conditioners, use of condensate-free ones or fixing flexible lead hoses to redirect condensate to the flats. Notwithstanding, the problem of dripping still persists. It was suggested by some quarters that the Housing Authority should consider retrofitting condensate drainage pipes in existing blocks. However, in view of the technical difficulties involved in retrofitting pipes to cater for existing air-conditioners installed at different locations and the substantial expenses involved, estimated to be around \$300 million for around 800 blocks, we have to consider the technical and financial implications of installing condensate drainage pipes in older-generation blocks, in particular the option of retrofitting main drainage pipes during redecoration of the estates.

B. Allotment of Penalty Points

17. The offences included in the Marking Scheme attract three, five or seven penalty points depending on their seriousness and the nuisance caused. Misdeeds threatening community health and public safety such as throwing objects from height and spitting therefore carry seven points. The penalty points carried by different misdeeds are generally considered to be appropriate and proportionate to the seriousness of the nuisance caused except for the misdeed of using leased premises as food factory or storage, which carries five marks at present. Since implementation of the Scheme, two households have been allotted penalty points for committing this misdeed upon substantiated complaints. We note that the cooked food produced by these households is usually supplied to illegal cooked food hawkers nearby, usually within the same public housing estate.

18. Illegal hawking causes environmental nuisance and the cooked food sold by hawkers could cause health and hygiene concerns. In the past year, we have collaborated closely with Food and Environmental Hygiene Department in launching rigorous joint enforcement operations, drastically reducing hawking blackspots from 14 in 2003 to five at present. Cutting the supply of cooked food prepared in public housing can be one of the means to combat illegal hawking in public housing estates. It is hence worth considering whether the penalty points for the misdeed of using public housing flats as food factory or storage should be increased from five to seven points in order to increase the deterrent effect.

C. Enforcement Arrangements

(a) Warning before allotment of points

19. When the Marking Scheme was launched in August 2003, we reckoned that tenants might need some time to understand its operation and get used to it. Therefore, for some offences, we have implemented a three-tier warning system before allotment of penalty points. Details of these misdeeds with related enforcement statistics are at **Annex C**.

20. Now that the Marking Scheme has been implemented for more than a year, tenants are generally familiar with it and have accepted that it is instrumental in nourishing awareness to estate cleanliness and orderly management. Some Estate Management Advisory Committees and individual tenants are however concerned that the current elaborate warning system may prolong enforcement actions and with time, may become enforcement loopholes. To strengthen the deterrent effect of the Marking Scheme, it is worth considering whether the number of warnings should be reduced to, say, one written warning only. This would usher in stricter and more immediate enforcement while still allowing tenants to make timely improvements.

(b) Publicity

21. We have launched intensive publicity on the implementation of the Marking Scheme throughout last year. To ensure that tenants understand the Scheme fully, and to maintain good habits in keeping environmental hygiene, we will continue with our vigorous publicity efforts through estate newsletters,

the new Housing Authority TV Channel, brochures and posters. To heighten tenants' awareness of the Marking Scheme, we are considering whether to regularly publicise summary statistics on point allotment and misdeeds committed by tenants of individual blocks in anonymity. In order to induce tenants in taking an active part in upkeeping environmental hygiene, Estate Management Advisory Committees will be encouraged to organise incentive schemes for tenants to participate in upkeep estate cleanliness, e.g. in participating in Tai Ping Tei Clean-up Operations on a quarterly basis.

Advice Sought

22. Members are invited to note progress of the implementation of the Marking Scheme and offer views on measures and arrangements to improve its operation and enhance its effectiveness.

Housing, Planning and Lands Bureau
October 2004

Annex A

List of Offences Attracting Penalty Points under the Marking Scheme for Tenancy Enforcement in Public Housing Estates

| Offences | | Points |
|-------------------|--|---------------|
| Category A | | |
| A1 | Drying clothes in public areas (except in areas designated by Housing Department) | 3 |
| A2 | Utilizing laundry pole-holders for drying floor mops | 3 |
| A3 | Putting dripping flower pots at balconies | 3 |
| A4 | Dripping oil from exhaust fans | 3 |
| Category B | | |
| B1 | Littering | 5 |
| B2 | Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover | 5 |
| B3 | Keeping animal, bird or livestock inside leased premises without prior consent of the Landlord | 5 |
| B4 | Allowing animals and livestock under charge to foul public places with faeces | 5 |
| B5 | Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance | 5 |
| B6 | Using leased premises as food factory or storage | 5 |
| B7 | Obstructing corridors or stairs with sundry items rendering, cleansing difficult | 5 |
| B8 | Boiling wax in public areas | 5 |
| Category C | | |
| C1 | Throwing object from heights | 7 |
| C2 | Spitting in public areas | 7 |
| C3 | Urinating and defecating in public places | 7 |
| C4 | Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas | 7 |
| C5 | Denying staff of Housing Department or staff representing Housing Department entry for repairs responsible by Housing Department | 7 |
| C6 | Refusing repair of leaking pipes or sanitary fittings responsible by the tenant | 7 |
| C7 | Damaging down/sewage pipes causing leakage to the flat below | 7 |

**Allotment of Penalty Points under the
Marking Scheme for Tenancy Enforcement in Public Housing Estates
(From 1 August 2003 and 13 October 2004)**

(A) Breakdown by district

| District | No. of Households |
|------------------------------------|-------------------|
| Hong Kong Island | 366 |
| Kowloon East | 576 |
| Kowloon West | 327 |
| Kwai Tsing, Tsuen Wan and Islands | 418 |
| Tuen Mun and Yuen Long | 549 |
| Tai Po, North, Shatin and Sai Kung | 432 |
| Total : | 2 668 |

(B) Breakdown by offence

| Offence | No. of Cases* |
|---|---------------|
| Littering | 2 135 |
| Spitting in public areas | 520 |
| Throwing objects from height | 34 |
| Keeping animal, bird or livestock inside leased premises without prior consent of the Landlord | 17 |
| Denying Housing Department staff or staff representing Housing Department entry for repairs responsible by Housing Department | 4 |
| Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance | 4 |
| Urinating and defecating in public places | 3 |
| Using leased premises as food factory or storage | 2 |
| Obstructing corridors or stairs with sundry items, rendering cleansing difficult | 1 |
| Disposing refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover | 1 |
| Total : | 2 721 |

* Of the 2 668 households being allotted penalty points, only 52 have committed two misdeeds or more and have thus accumulated 10 points or more. Hence, the total number of cases exceeds the total number of households with penalty points allotted.

**Misdeeds against which warnings would be given before
allotment of penalty points together with enforcement statistics
from 1 August 2003 to 13 October 2004**

| Offence | | | Verbal Warning | First Written Warning | Final Written Warning | Points- Allotted Cases |
|---|----|---|-------------------|-----------------------------|-----------------------------|------------------------------|
| Prior warning before point allotment | | | | | | |
| 3 points | A1 | Drying clothes in public areas (except in areas designated by Housing Department) | 417 | 5 | 1 | 0 |
| | A2 | Utilizing laundry pole-holders for drying floor mops | 1 704 | 15 | 0 | 0 |
| | A3 | Putting dripping flower pots at balconies | 377 | 1 | 0 | 0 |
| | A4 | Dripping oil from exhaust fan | 18 | 0 | 0 | 0 |
| 5 points | B5 | Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance | 23 | 12 | 5 | 4 |
| | B7 | Obstructing corridors or stairs with sundry items, rendering cleansing difficult | 1 559 | 21 | 3 | 1 |
| 7 points | C5 | Denying Housing Department staff or staff representing Housing Department entry for repairs responsible by Housing Department | 11 | 5 | 4 | 4 |
| | C6 | Refusing repair of leaking pipes or sanitary fittings responsible by the tenant | 2 | 0 | 0 | 0 |
| | C7 | Damaging down/sewage pipes causing leakage to the flat below | 0 | 0 | 0 | 0 |
| Without Warning | | | | | | |
| 5 points | B1 | Littering | - | - | - | 2 135 |
| | B2 | Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover | - | - | - | 1 |
| | B3 | Keeping animal, bird or livestock inside leased premises without prior consent of the Landlord | - | - | - | 17 |
| | B4 | Allowing animal and livestock under charge to foul public places with faeces | - | - | - | 0 |
| | B6 | Using leased premises as food factory or storage | - | - | - | 2 |
| | B8 | Boiling wax in public areas | - | - | - | 0 |
| 7 points | C1 | Throwing objects from height | - | - | - | 34 |
| | C2 | Spitting in public areas | - | - | - | 520 |
| | C3 | Urinating and defecating in public places | - | - | - | 3 |
| | C4 | Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas | - | - | - | 0 |
| Total | | | 4 111 | 59 | 13 | 2 721 |