

# 立法會 *Legislative Council*

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## **Panel on Housing**

### **Marking Scheme for Tenancy Enforcement in Public Housing Estates**

#### **Background brief**

#### **Purpose**

This paper sets out the concerns expressed by members of the Panel on Housing (the Panel) on the Marking Scheme for Tenancy Enforcement in Public Housing (the Marking Scheme) in the previous term.

#### **Background**

2. Following the outbreak of Severe Acute Respiratory Syndrome in 2003 spring, the Chief Executive announced the setting up of Team Clean on 5 May 2003 to establish and promote a sustainable, cross-sectoral approach to improve environmental hygiene in Hong Kong. Team Clean was chaired by the Chief Secretary for Administration and comprised representatives from different bureaux and departments. Team Clean announced a comprehensive strategy with short and longer term measures to boost hygiene and cleanliness. The Housing Department (HD) is responsible for implementing the cleanliness initiatives concerning public housing estates.

#### **Marking Scheme**

3. The Marking Scheme was one of the public housing estate cleanliness initiatives recommended by Team Clean. The Marking Scheme aims to strengthen enforcement measures against hygiene-related offences in public rental housing estates and interim housing estates to promote civic responsibility among tenants and to improve the living environment of the estates. The Scheme targets offences that damage public hygiene or pose public health hazards. Any scheduled offences committed by a tenant or household member will be marked. Points given for offences will be valid for a period of 24 months. An accumulation of 16 points within a 24-month

period will trigger action for tenancy termination. Similar to other cases of tenancy termination, the tenant can lodge an appeal under section 20 of the Housing Ordinance (Cap. 283). The Housing Authority has implemented the Marking Scheme in all public rental housing estates and interim housing estates since 1 August 2003. A list of points for different offences is in **Appendix I**.

### **Members' concerns**

4. The Panel discussed the implementation of Team Clean initiatives in public housing on 2 June 2003. At the meeting, some members expressed reservation over the Marking Scheme. They raised the following views and concerns:

- (a) It might not be fair to hold the principal tenant liable for hygienic offences committed by his/her family members;
- (b) The Housing Authority should not shift its responsibility for improving environmental hygiene in public housing estates to public housing tenants;
- (c) The lack of proper facilities in public housing could be the cause for committing hygienic offences by tenants. For example, the lack of a proper place for installation of air-conditioners could be the cause for dripping of air-conditioners;
- (d) The Administration should step up efforts to enhance public awareness on the need for improving environmental hygiene instead of resorting to stringent measures; and
- (e) There must be consistency in enforcement actions.

5. However, there was also view that as nearly half of Hong Kong's population were public housing tenants, it was important to ensure cleanliness in public housing, and stringent measures should be taken against hygiene-related offences.

### **Latest position**

6. The Panel was briefed on the progress of implementation of the Marking Scheme at its meeting on 1 March 2004. Members were informed of the enforcement situation, the details of which are in **Appendix II**. At the meeting members reiterated their concerns described in paragraph 4 above, in particular the need to ensure reasonableness, fairness and consistency in taking enforcement actions on the part of frontline staff.

7. Members supported the measures introduced by the Administration to step up enforcement against throwing objects from height and indiscriminate dumping of domestic waste. These measures included relocating closed-circuit televisions to monitor falling objects in identified black spots and engaging a security company for providing security personnel with police experience to assist in enforcement works. Members further noted that to strengthen the deterrent effect against indiscriminate dumping of domestic waste, fixed penalty notice will be issued to the tenants concerned, in addition to allotting penalty points under the Marking Scheme.

8. As reported by the Housing Authority on 15 October 2004, the tenancy of a public rental estate household will be terminated at the end of November 2004 after being allotted more than 16 penalty points under the Marking Scheme.

9. A list of relevant papers with their hyperlinks is in **Appendix III**.

Council Business Division 1  
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**List of Offences Attracting Penalty Points under the  
Marking Scheme for Tenancy Enforcement in Public Housing Estates**

**Category A (3 points):**

1. Drying clothes in public areas (except in areas designated by Housing Department)
2. Utilizing laundry pole-holders for drying floor mops
3. Putting dripping flower pots at balconies
4. Dripping oil from exhaust fans

**Category B (5 points):**

1. Littering
2. Disposing of domestic refuse indiscriminately, such as disposal in lift lobbies or inside bins without cover
3. Keeping animal, bird or livestock inside leased premises without Landlord's permission
4. Allowing animals and livestock under charge to foul public places with faeces
5. Accumulating a large quantity of refuse or waste inside premises, creating offensive smell and hygienic nuisance
6. Using leased premises as food factory or storage
7. Obstructing corridors or stairs with sundry items rendering cleansing difficult
8. Boiling wax in public areas

**Category C (7 points):**

1. Throwing object from heights
2. Spitting in public areas
3. Urinating and defecating in public places
4. Dumping or disposing of decoration debris indiscriminately at refuse collection points, within building or in other public areas
5. Denying staff or Housing Department or staff representing Housing Department entry for repairs responsible by Housing Department
6. Refusing repair of leaking pipes or sanitary fittings responsible by the tenant
7. Damaging down/sewage pipes causing leakage to the flat below

## Appendix II

### Allotment of Points under the Marking Scheme for Tenancy Enforcement in Public Housing Estates (From 1 August 2003 to 19 February 2004)

Offence	Number of Cases
Littering	1 133
Keeping animal, bird or livestock inside leased premises	1
Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	1
Throwing objects from heights	14
Spitting in public areas	316
Urinating and defecating in public areas	2
Denying staff of Housing Department entry for repairs responsible by Housing Department	3
<b>Total :</b>	<b>1 470</b>

### Number of Households Allotted Penalty Points under the Marking Scheme for Tenancy Enforcement in Public Housing Estates (From 1 August 2003 to 19 February 2004)

Cumulative Points allotted	Number of Households
3 points to 9 points	1 432
10 points to 15 points	18
16 points or above	0
<b>Total :</b>	<b>1 450</b>

## Marking Scheme for Tenancy Enforcement in Public Housing

## List of References

Council/Committee	Date of meeting	Paper
Council Meeting	28 May 2003	Interim Report on Measures to Improve Environmental Hygiene in Hong Kong <a href="http://www.legco.gov.hk/yr02-03/english/hc/papers/shc0606_rpt_e-scan.pdf">http://www.legco.gov.hk/yr02-03/english/hc/papers/shc0606_rpt_e-scan.pdf</a>
Panel on Housing	2 June 2003	LC Paper No. CB(1)1814/02-03(03) <a href="http://www.legco.gov.hk/yr02-03/english/panels/hg/papers/hg0602cb1-1814-3-e.pdf">http://www.legco.gov.hk/yr02-03/english/panels/hg/papers/hg0602cb1-1814-3-e.pdf</a>  LC Paper No. CB(1)2259/02-03 <a href="http://www.legco.gov.hk/yr02-03/english/panels/hg/minutes/hg030602.pdf">http://www.legco.gov.hk/yr02-03/english/panels/hg/minutes/hg030602.pdf</a>
Panel on Food Safety and Environmental Hygiene	15 August 2003	Team Clean's further report on measures to improve environmental hygiene in Hong Kong <a href="http://www.legco.gov.hk/yr02-03/english/panels/fseh/papers/tc_rpt/c1.pdf">http://www.legco.gov.hk/yr02-03/english/panels/fseh/papers/tc_rpt/c1.pdf</a>
Panel on Housing	1 March 2004	LC Paper No. CB(1)1112/03-04(04) <a href="http://www.legco.gov.hk/yr03-04/english/panels/hg/papers/hg0301cb1-1112-4e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/hg/papers/hg0301cb1-1112-4e.pdf</a>  LC Paper No. CB(1)1112/03-04(05) <a href="http://www.legco.gov.hk/yr03-04/english/panels/hg/papers/hg0301cb1-1112-5e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/hg/papers/hg0301cb1-1112-5e.pdf</a>  LC Paper No. CB(1)1446/03-04 <a href="http://www.legco.gov.hk/yr03-04/english/panels/hg/minutes/hg040301.pdf">http://www.legco.gov.hk/yr03-04/english/panels/hg/minutes/hg040301.pdf</a>