

**Legislative Council Panel on Housing**  
**Enhanced Marking Scheme for**  
**Commercial Premises of the Housing Authority**

**Purpose**

This paper informs Members of the introduction of an Enhanced Marking Scheme for commercial premises of the Housing Authority.

**Background**

2. In May 2003, Team Clean launched a series of initiatives to boost hygiene and cleanliness in Hong Kong. In support of these initiatives, the Housing Authority introduced a Marking Scheme for the better management of public housing estates and its markets in July and August 2003 respectively. The Marking Scheme has helped to strengthen enforcement against hygiene-related offences and to heighten tenants' awareness of environmental hygiene. In markets under the Housing Authority, a Yellow Line Scheme was implemented under the Marking Scheme to deal with obstructions of public areas, which has been effective in improving the overall environment.

3. The Audit Commission conducted a study on "The Government's efforts in developing sustainable systems to keep Hong Kong clean" in 2005. For more effective management of the markets under the Housing Authority, the report recommended that breaches of all environmental hygiene related provisions stipulated in the Tenancy Agreement should be incorporated into the Marking Scheme.

**Enhanced Marking Scheme**

4. We need to develop a well-defined and comprehensive framework to strengthen the management of the Housing Authority's markets and commercial premises. In the light of our experience from the Yellow Line Scheme, we propose to enhance and expand the Marking Scheme by incorporating all environmental hygiene related breaches. Offences to be incorporated in the Enhanced Marking Scheme are set out at **Annex**.

5. The proposed Enhanced Marking Scheme covers a number of offences to which points will be allotted. The number of points to be allotted for each offence depends on its seriousness, and will be valid for two years. Tenants who have accrued 10 points or more will be warned. When 16 points are accrued, the Housing Department will decide, having regard to all relevant circumstances, whether the tenancy should be terminated. The tenant whose tenancy has been so terminated has a right to appeal under the Housing Ordinance.

6. The Enhanced Marking Scheme is an administrative measure to strengthen tenancy enforcement. The Scheme will facilitate us to systematically deal with easily overlooked offences and urge the tenants concerned to make improvements. It also helps to ensure that frontline management staff takes tenancy enforcement actions objectively and consistently. The Scheme will not prejudice the contractual rights and obligations of landlord and tenant as enshrined in the Tenancy Agreement.

### **Consultation**

7. Consultation with commercial tenants and Estate Management Advisory Committees on the proposals outlined above commenced in May 2006, and will last for three months. We will take account of the outcome of consultation and, if necessary, adjust the Scheme in the light of stakeholders' views before implementation.

Housing, Planning and Lands Bureau  
May 2006

**Proposed Offences for Inclusion in the Enhanced Marking Scheme**

<u>Offences</u>	<u>Points</u>
(a) Unauthorised sale of cooked food/operation of food factory <sup>△</sup>	7
(b) Denying Housing Department staff or staff representing the Housing Department entry for inspection or repairs*	7
(c) Disposing of trade refuse/junks/rubbish indiscriminately in public areas	5
(d) Accumulating refuse/wastes inside the leased premises, creating offensive smell and hygienic nuisance	5
(e) Unauthorised tapping/improper use of water from the Housing Authority's water points	5
(f) Causing obstruction in the public areas	3
(g) Deposit of paraphernalia indiscriminately atop the shopstall	3
(h) Causing blockage of floor drain and refusing to take timely remedial action*	3
(i) Overspill of exclusively used grease trap*	3

△ Penalty points will be allotted against partial change/operation on a small scale in addition to the designated trade. Tenancy enforcement action under the Tenancy Agreement will be taken against unauthorised change of trade resulting in significant deviation from the designated trade.

\* Verbal and written notice would be given to the tenant before allotting points under this offence.