

Legislative Council Panel on Housing

Marking Scheme for Estate Management Enforcement in Public Housing Estates

Purpose

This paper informs Members of the progress of the implementation of the Marking Scheme for Estate Management Enforcement in Public Housing Estates (Marking Scheme) and the improvement measures which will take effect on 1 January 2008.

Background

2. To enhance the environmental hygiene and cleanliness of public housing estates (PHEs) and to promote a sense of civic responsibility among tenants, the Housing Authority (HA) has implemented the Marking Scheme since August 2003. At present, the Marking Scheme covers 25 hygiene or estate management-related misdeeds. They are categorized into Category A (three points), B (five points), C (seven points) and D (15 points). The details are set out at Annex A. Points will be allotted to a household if the tenant or authorized occupant of the flat commits a misdeed in the estate in which he/she lives. Upon the allotment of 16 points or above within two years, the HA may issue a Notice-to-Quit (NTQ) and terminate the subject tenancy under Section 19(1)(b) of the Housing Ordinance. The tenant may appeal to the Appeal Panel (Housing).

Recent revisions

3. The HA introduced two new misdeeds in January 2007, which are Misdeed B11 'Causing noise nuisance' and C10 'Damaging or stealing HA's property'. As at 2 October 2007, the Housing Department has recorded 19 written warnings and two cases of point allotment under 'Causing noise nuisance', and four cases under 'Damaging or stealing HA's property'.

4. To further protect residents from second-hand smoking, the HA extended the scope of smoking restriction under the Marking Scheme (Misdeed B10) from public lifts to all common areas within domestic buildings in January 2007. In April, the HA further extended the scope of smoking restriction to all estate common areas. After consulting the Estate Management Advisory Committees, the Housing Department had designated specific smoking areas in some estates. Enforcement has been smooth since the new arrangements came into operation. The relevant statistics are set out at Annex B.

5. The penalty for the misdeed ‘Accumulating a large quantity of refuse or waste inside leased premises’ has been increased from 5 to 7 points since January 2007. Between 1 January and 2 October 2007, 11 new cases of point allotment had been recorded. Among them, one tenant had committed the misdeed twice prior to January 2007 and once again after the penalty has been raised, and has been allotted 17 points in total. The Housing Department has issued NTQ to the tenant and recovered the flat.

Statistics

6. The implementation of the Marking Scheme has helped improve the environmental hygiene of PHEs. According to the findings of the “Public Housing Recurrent Surveys”, tenants’ satisfaction over estate cleanliness has significantly increased from 52.1% in 2003 to 71.0% in 2007. According to the latest figures, some 96.4% of our tenants were aware of the Marking Scheme. 81.8% indicated that the Scheme could improve estate cleanliness whilst 70.0% considered the penalty reasonable. The details of the findings are set out at **Annex C**.

7. From 1 August 2003 to 2 October 2007, 6 564 point allotment cases have been recorded, involving 6 270 households. Among the 6 564 cases, the points in 3 968 cases (60.5%) have expired. The relevant statistics are set out at **Annex D**.

8. Misdeed B1 ‘Littering’ and C2 ‘Spitting in public areas’ are the most commonly committed misdeeds involving 4 338 and 1 073 cases respectively. As these two misdeeds also constitute statutory offences, the Housing Department has also taken prosecution actions.

9. As at 2 October 2007, 12 households have been allotted 16 or more points. Among them, two tenants had returned their flats. The Housing Department has issued NTQs to the remaining 10 and has recovered six flats as a result.

Revisions to be implemented in the near future

10. The Subsidised Housing Committee of the HA approved the inclusion of the following two new misdeeds on 16 October 2007 for implementation on 1 January 2008.

(a) Illegal gambling in public places

11. Gambling in public places in PHEs has aroused concerns among residents due to its adverse impact on the living environment and public order. All

along, the Housing Department has put in great effort to deter these unlawful acts by strengthening security services and installing CCTV surveillance system. The Department has also been maintaining close liaison with the Police to facilitate the latter's enforcement under the Gambling Ordinance.

12. To step up measures to combat illegal gambling in public places in PHEs, the HA has decided to include a new misdeed item, 'Illegal gambling in public places', under the Marking Scheme. Upon conviction under the Gambling Ordinance, the tenant concerned will be allotted five points.

(b) Using leased premises for illegal purpose

13. The use of PHE flats for illegal purpose is a serious breach of the Tenancy Agreement signed between the HA and the tenant. According to the existing policy, the Housing Department would terminate the tenancy without prior warning if -

- (a) the tenant or any authorized occupant is convicted of using the leased premises for illegal purpose; and
- (b) the HA has established that the tenant has knowledge of such illegal use.

14. If the offender is an authorized occupant only and the HA cannot prove that the tenant has knowledge of such illegal use, it may be difficult to terminate the tenancy under the tenancy agreement. The statistics on the convicted cases of using leased premises for illegal purposes and the relevant NTQs issued are set out at Annex E.

15. As such, the HA has revised the Marking Scheme to include 'Using leased premises for illegal purpose' as a new misdeed item. Seven points will be allotted without warning if an authorized occupant has been convicted of using the leased premises for illegal purposes but the HA cannot issue an NTQ to terminate the tenancy due to legal considerations.

Publicity

16. We will continue to publicize the Marking Scheme and the newly added misdeeds through radio publicity, the Housing TV Channel, departmental hotline, estate newsletters, leaflets and posters.

List of Misdeeds under the Marking Scheme

Category A (3 penalty points)

- | | |
|-----|--|
| 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 |

Category C (7 penalty points)

- | | |
|------|---|
| 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 |

Category D (15 penalty points)

- | | |
|----|---|
| 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 the written warning served upon the first commission of the misdeed and repeats the same misdeed for a second time or more.

Annex B

Statistics on the Smoking Ban under Misdeed B10 of Marking Scheme

Period	No smoking areas	Point allotment cases
1.1.2006* – 31.12.2006	Public lifts	18
1.1.2007 – 31.3.2007	Common areas of domestic buildings	4
1.4.2007 – 2.10.2007	All estate common areas	658
	Total	680

* B10 has been implemented since 1 January 2006.

Level of Tenants' Satisfaction over Estate Cleanliness

	2002	2003	2004	2005	2006	2007
Very satisfied / satisfied	45.5%	52.1%	61.7%	64.3%	68.6%	71.0%
Fair	31.8%	29.0%	22.4%	29.6%	27.0%	24.6%
Dissatisfied / very dissatisfied	22.7%	18.9%	15.9%	6.1%	4.4%	4.4%

Source: Public Housing Recurrent Surveys (2002 – 2007)

Tenants' Views on the Marking Scheme

		2005	2006	2007
Awareness of the scheme	Yes	95.0%	96.6%	96.4%
	No	5.0%	3.4%	3.6%
Whether the scheme can improve cleanliness	Yes	76.0%	83.4%	81.8%
	No	20.9%	14.2%	15.7%
	No comment	3.1%	2.4%	2.5%
Whether the penalty is reasonable	Stringent	13.1%	10.6%	10.3%
	Reasonable	63.0%	67.6%	70.0%
	Lenient	20.6%	18.3%	16.7%
	No comment	3.3%	3.5%	3.0%
Whether the restriction to bar tenants with tenancies terminated under the Marking Scheme from applying for PRH within two years after the termination is reasonable	Stringent	-	16%	16%
	Reasonable	-	72%	75%
	Lenient	-	8%	6%
	No comment	-	4%	3%
Awareness of smoking ban	Yes	-	-	90.7%
	No	-	-	9.3%
Whether support the designation of smoking areas	Yes	-	-	76.0%
	No	-	-	20.6%
	No Comment	-	-	3.4%

Source: Public Housing Recurrent Survey (2005 - 2007)

Annex D

Number of Households with Points Allotted (as at 2 October 2007)

3-9 Points		10-15 Points		≥ 16 Points		Total	
Cumulative	Valid*	Cumulative	Valid*	Cumulative	Valid*	Cumulative	Valid*
6 032	2 458	226	69	12	2	6 270	2 529

A summary of the Marking Scheme (1 August 2003 – 2 October 2007)

Misdeeds Category	Warning		Points-Allotted Cases	
	Cumulative	Valid	Cumulative	Valid*
A1 Drying clothes in public areas (except in areas designated by HD)	544	27	0	0
A2 Utilizing laundry pole-holders for drying floor mop	1 786	4	0	0
A3 Putting dripping flower pots or dripping laundry at balconies	426	16	2	0
A4 Dripping oil from exhaust fan	22	0	0	0
B1 Littering			4 338	1 257
B2 Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover			3	1
B3 Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord			225	163
B4 Allowing animal and livestock under charge to foul public places with faeces			0	0
B7 Obstructing corridors or stairs with sundry items rendering cleansing difficult	1 906	25	5	3
B8 Boiling wax in public areas			0	0
B9 Causing mosquito breeding by accumulating stagnant water	1	1	1	1
B10 Smoking or carrying a lighted cigarette in estate common area			680	680
B11 Causing noise nuisance	19	15	2	2

(to be continued)

Annex D

A summary of the Marking Scheme (1 August 2003 – 2 October 2007)

Misdeeds Category	Warning		Points-Allotted Cases	
	Cumulative	Valid	Cumulative	Valid*
C1 Throwing objects from height that jeopardize environmental hygiene			127	81
C2 Spitting in public areas			1 073	343
C3 Urinating and defecating in public places			6	2
C4 Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas			1	0
C5 Denying HD staff or staff representing HD entry for repairs responsible by HD	30	5	7	3
C6 Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	12	1	0	0
C7 Damaging down/sewage pipes causing leakage to the flat below	5	1	0	0
C8 Using leased premises as food factory or storage			3	0
C9 Illegal hawking of cooked food			30	28
C10 Damaging or stealing Housing Authority's property			4	4
C11 Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	116	27	46	19
D1 Throwing objects from height that may cause danger or personal injury			11	9
Total	4 867	122	6 564	2 596

* Points are valid for two years after allotment.

Annex E

Statistics on convicted cases of illegal use of leased premises and NTQs issued

2004/05

Case nature	No. of convicted cases	No. of NTQs issued
Illicit cigarettes	9	6
Illegal gambling	2	1
Dangerous drugs	1	0
Ammunitions	1	0
Immoral use	1	1
Total	14	8

2005/06

Case nature	No. of convicted cases	No. of NTQs issued
Illicit cigarettes	26	16
Dangerous drugs	4	2
Illegal gambling	3	1
Total	33	19

2006/07

Case nature	No. of convicted cases	No. of NTQs issued
Illicit cigarettes	14	9
Illegal gambling	6	4
Dangerous drugs	3	3
Immoral use	1	1
Total	24	17