

Legislative Council Panel on Housing
Marking Scheme for Estate Management Enforcement
in Public Housing Estates

Purpose

This paper briefs Members of the progress in implementing the Marking Scheme for Estate Management Enforcement in Public Housing Estates (“Marking Scheme”) and the improvement proposal which will take effect from 1 January 2009.

Background

2. We advised Members of the Legislative Council Panel on Housing on 5 November 2007 the review of the progress and effectiveness of the Marking Scheme conducted by the Subsidised Housing Committee of the Housing Authority (HA) in October 2007.

3. To strengthen enforcement measures against hygiene-related offences in public rental housing (PRH) estates and Interim Housing estates, and to promote civic responsibility among tenants, the HA endorsed the implementation of the Marking Scheme with effect from 1 August 2003. At present, the Marking Scheme covers 27 misdeed items. Depending on their degrees of adversity on environmental hygiene or estate management, the misdeeds are divided into four categories, namely Category A, B, C and D misdeeds, carrying 3, 5, 7 and 15 points respectively. A Warning System is in place for 11 less serious misdeeds. A list of all misdeeds under the Marking Scheme is at **Annex A**.

4. Tenants or authorised occupants committing the misdeeds in their residing estates will be liable to allotment of points under the Marking Scheme. Any points allotted will be valid for two years. Except for cases with strong compassionate elements, households carrying any valid points will be barred from applying for all types of voluntary transfer. Upon accumulation of 16 points within two years, the tenancy of the subject household will be terminated by a Notice-to-Quit (NTQ) pursuant to section 19(1)(b) of the Housing Ordinance. Similar to all termination of tenancies, the tenant may make an appeal to the Appeal Panel (Housing).

Present Position

5. The implementation of the Marking Scheme has achieved substantial improvement in the environmental hygiene of PRH estates. According to the Public Housing Recurrent Survey 2008 (see **Annex B**), an overwhelming majority of our tenants (97.4%) had knowledge of the Marking Scheme, 75.3% considered that it could help improve the cleanliness and hygienic conditions of their estates, and 88.5% welcomed the extension of non-smoking area to all estate common areas. Their satisfaction level towards the overall cleanliness and hygienic conditions of estate common areas was 70.1%, representing an increase of 18 percentage points as compared with that in 2003.

6. From 1 August 2003 to 6 November 2008, 8 866 allotments of penalty points involving 8 379 households have been recorded. Among them, 341 (4.1%) have accrued 10 points or more due to commitment of two or more misdeeds. Of the 8 866 points-allotted cases, 5 462 (61.6%) cases have expired, with 3 404 cases (38.4%) remaining valid. Misdeed B1 'Littering' and B10 'Smoking or carrying a lighted cigarette in estate common area' are the most frequently committed offences involving 4 589 and 2 097 cases respectively.

7. Since the implementation of the Marking Scheme some five years ago, 20 households have accrued 16 points or more under the Marking Scheme. Amongst them, two tenants have tendered self-NTQ. The Department has issued 16 NTQs and approved the withholding of NTQ action on two cases on special grounds. Altogether, ten flats have been recovered.

Revision to be implemented in 2009

8. On 23 October 2008, the Subsidised Housing Committee of the HA approved the inclusion of the misdeed of water dripping from air-conditioners (A/C) into the Marking Scheme for implementation with effect from 1 January 2009.

9. The Public Health and Municipal Services Ordinance (Cap. 132) provides legislative control over dripping of condensation water from A/C. If a person allows his A/C to emit hot air or to discharge water in such a manner as to be a nuisance, the Food and Environmental Hygiene Department (FEHD) will serve on him a nuisance notice requiring him to abate the nuisance within the period specified in the notice. He shall be guilty of an offence if he fails to comply with the nuisance notice.

10. Water dripping from A/C attracts frequent complaints in PRH estates, especially during summer. Upon receipt of complaints of such nuisance, estate management staff will first issue a verbal warning to the offender, followed by a

written one if the nuisance is not immediately abated. Non-compliance and non-response cases will then be referred to the FEHD for follow-up action in accordance with the established referral mechanism.

11. To facilitate the discharge of A/C condensation water, PRH blocks built after 1996 are provided with A/C drain-pipe. However, some 670 PRH blocks built before 1996 do not have such fittings. Among them, 336 PRH blocks consist of flats with living areas adjacent to balconies which enable the discharge of A/C condensation water conveniently through the drainage systems installed in the balconies. For the remaining 334 PRH blocks where flats do not have balconies or where the balconies are separated from the living area by kitchen, lavatories or solid walls, tenants have to install their A/Cs at the windows of the external walls, making the discharge of condensation water inconvenient. To address this, the HA endorsed in January 2006 the launching of the A/C drain-pipe installation programme for the above-said 334 PRH blocks in 77 PRH estates as an enhancement measure to curb the problem. The first phase of the programme has commenced in 2006 while the entire project will be completed by 2010. Details of these three categories of buildings are listed at **Annex C**.

12. Whilst the improvement programme is halfway through with installation work for 141 PRH blocks completed, there is a 24%-increase in the number of complaints from 18 900 in 2005/06 to 23 400 in 2007/08. Of the latest complaint figures, 13 350 cases (57%) were from PRH estates with the A/C drain-pipe already provided or with installation work completed in the past two years. The high percentage of complaints from these estates is attributable to either A/C water conducting hose not being properly connected with the wall-mounted drain-pipes or A/C water conducting hose being disconnected from the drain-pipes during typhoon.

13. In view of the upward trend of the number of complaints over A/C dripping leading to the growing public concern, the HA has decided that 'Water dripping from air-conditioner' be included into the Marking Scheme as Category B misdeed. The misdeed will carry 5 points and the Warning System applies. We anticipate that the application of the Warning System will allow co-operative tenants sufficient time to rectify the misdeed. Starting from 1 January 2009, the new misdeed item will be applied on 953 PRH blocks for which A/C drain-pipes have been provided or otherwise not required. As for the 193 PRH blocks pending the installation work in 39 PRH estates, we shall only enforce the said misdeed two months after the completion of works.

Public Reaction and Publicity

14. The public generally welcomes the implementation of the measure in curbing nuisance caused by A/C water dripping. We will publicise the Marking Scheme and the newly added misdeed through radio, Housing Channel, departmental hotline, leaflets, posters and notices in order to promote civic responsibility among tenants and improve the living environment of public housing residents.

**Transport and Housing Bureau
December 2008**

List of Misdeeds under the Marking Scheme

Category A (3 penalty points)

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|-----|---|
| A1* | Drying clothes in public areas (except in areas designated by HD) |
| A2* | Utilising 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 |
| B12 | Illegal gambling in public places |
| [B13* | Water dripping from air-conditioner (To be implemented with effect from 1 January 2009)] |

Category C (7 penalty points)

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|------|---|
| C1 | Throwing objects from height that jeopardise 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 |
| C12 | Using leased premises for illegal purpose |

Category D (15 penalty points)

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|----|---|
| D1 | Throwing objects from height that may cause danger or personal injury |
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* Warning System is in place for these misdeeds. Penalty points will only be allotted if the offender ignores one written warning and repeats the same misdeed for the second time and onwards.

Public Housing Recurrent Survey 2008

Tenants' Satisfaction Levels on Estate Cleanliness

	2002	2003	2004	2005	2006	2007	2008
Very satisfied / satisfied	45.5%	52.1%	61.7%	64.3%	68.6%	71.0%	70.1%
Fair	31.8%	29.0%	22.4%	29.6%	27.0%	24.6%	26.3%
Dissatisfied / very dissatisfied	22.7%	18.9%	15.9%	6.1%	4.4%	4.4%	3.6%

Views on Marking Scheme for Estate Management Enforcement

	2006	2007	2008
Awareness of the scheme			
Yes	96.6%	96.4%	97.4%
No	3.4%	3.6%	2.6%
Whether the penalty is reasonable			
Stringent	10.6%	10.3%	11.1%
Reasonable	67.6%	70.0%	66.2%
Lenient	18.3%	16.7%	19.2%
Don't know / No comment	3.5%	3.0%	3.6%
Whether it is good to extend the non-smoking area to all public areas within the estate[#]			
Yes	N.A.	N.A.	88.5%
No	N.A.	N.A.	8.4%
Don't know / No comment	N.A.	N.A.	3.1%

As the policy of extending the non-smoking area to all public areas within the estate was implemented in 1 April 2007, question was asked in 2008 survey only. "N.A." denotes figures being not available.

Public Rental Housing Blocks without Air-conditioner Condensation Drain-pipes

Category	Block Type and Design	No. of Blocks	Whether Installation of A/C Drain-pipe are Required
A	Rental blocks where flats have balconies adjacent to the living areas	336	Not required
	<ul style="list-style-type: none"> a) Mark V Block b) Converted Block c) Slab Block (Old, Standard Type) d) Cruciform Block e) Tower Block (Single, Twin) f) Ziggurat Block g) Trident 1 Block h) Non-standard Block 		
B1	Rental blocks where flats do not have balconies	143	Required
	<ul style="list-style-type: none"> a) Harmony Blocks (completed before March 1996) b) Housing for Senior Citizens (Ancillary Facilities Block & Type '2') c) Rural Housing 		
B2	Rental blocks where the balconies of all or some of the flats are separated from the living area by kitchens, lavatories or solid walls	191	Required
	<ul style="list-style-type: none"> a) New Slab Block b) Linear Block c) Trident (Type 2, 3 & 4) Blocks d) Harmony – Rural Housing e) Cruciform Block f) Non-standard Block g) H Blocks (Single, Twin, Triple) h) I Blocks (Single, Double, Triple) 		