

Legislative Council Panel on Housing

Marking Scheme for Estate Management Enforcement in Public Housing Estates

Purpose

This paper is to brief Members on the implementation of the Marking Scheme for Estate Management Enforcement in Public Housing Estates (Marking Scheme).

Background

2. To strengthen enforcement measures against hygiene-related offences in public rental housing (PRH) estates, the Hong Kong Housing Authority implemented the Marking Scheme in 2003. The Marking Scheme, has been extended to cover reckless conducts and breaches of the tenancy agreement, and currently covers 28 misdeeds, categorised by severity of their impact on environmental hygiene or estate management (see **Annex 1** for details). Tenants who are found to have committed misdeeds in their estates will be allotted points which will be valid for two years. Accumulation of 16 points within two years will trigger action for termination of tenancy by means of a Notice-to-quit (NTQ) issued by the Housing Department (HD).

3. We briefed the Legislative Council Panel on Housing on the proactive measures taken by the HD to tackle water dripping from air-conditioners, unauthorised dog keeping and throwing objects from height in May 2011. This Paper aims to update Members on the progress of the Marking Scheme as well as the initiatives to address the problem of unauthorised dog keeping, throwing objects from height and nuisance caused by smoking in estate open areas, which are of concern to PRH tenants.

Overall Enforcement Results

4. The Marking Scheme is an effective mechanism to tackle misdeeds related to hygiene and estate management and has been well received by tenants generally. The results of the Public Housing Recurrent Survey (PHRS) 2011 show that 97% of the tenants had knowledge of the Marking Scheme and some 70% of them considered the penalty reasonable. Tenants' satisfaction level towards the overall cleanliness and hygienic conditions of estate common areas

rose to a high level of some 74%, compared to only 46% and 52% in 2002 and 2003 respectively.

5. Up to December 2011, we have recorded some 17 990 point-allotment cases involving 16 400 households, with about 5 400 cases (30%) remaining valid. The misdeeds of ‘Smoking or carrying a lighted cigarette in estate common area’ and ‘Littering’ continue to be the most frequently committed offences involving 6 200 and 5 700 cases respectively. A table showing the details of enforcement results is at **Annex 2**.

6. About 1 030 households out of 18 000 point-allotment cases have accrued ten points or more for committing two or more misdeeds and 46 households have accrued 16 or more points. Among these 46 households, the HD has issued a total of 34 NTQs, approved the withholding of the issuance of NTQs on ten cases on special grounds and recovered two voluntarily surrendered PRH flats.

Smoking offence

7. Smoking in PRH estate common areas has been added as a misdeed under the Marking Scheme since 2007. Upon the enactment of the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) in September 2009, any persons who smoke or carry a lighted cigarette, cigar or pipe in statutory no-smoking areas¹ (SNSAs) will be issued with a Fixed Penalty Notice (FPN). Tenants who are found smoking in SNSAs in their residing estates will be allotted penalty points and issued with FPNs while those found smoking in other estate open areas which are not designated as SNSAs will be allotted penalty points only. From September 2009 to end 2011, we have issued some 900 FPNs to smoking offenders in SNSAs, on top of allotting points to about 3 000 tenants in estate common areas.

Throwing objects from height

8. Starting from 2006, to further deter throwing objects from height, tenants would be allotted seven or 15 penalty scores depending on the seriousness of the misdeed. Seven points will be allotted to cases with throwing objects jeopardizing environmental hygiene and 15 points to throwing

¹ The statutory no-smoking areas cover a vast expanse of venues, including designated Public Transport Interchanges, all indoor workplaces and indoor public places, such as public lifts, lift lobbies, escalators, etc. Indoor means having a ceiling or roof, or a cover that functions as a ceiling or roof, and enclosed at least up to 50% of the total area on all sides.

objects that may cause minor danger or personal injury. In addition, for offences that may cause serious danger or personal injury, the HD would immediately terminate the tenancy of the subject household pursuant of the Housing Ordinance.

9. After the adoption of the proactive measures² since 2009, the HD has allotted seven and 15 points to 190 and 20 households respectively for committing the misdeed in 2011, comparing to some 80 and ten correspondingly in 2009. Among them, three households were issued with an NTQ. The HD will continue efforts in this aspect.

Control of dog keeping

10. As PRH estates are densely populated, keeping of dogs will cause adverse effect to the environmental hygiene. Under the existing policy, tenants are not allowed to keep dogs, except (i) permitted dogs under the ‘Temporary Permission Rule’ (TPR); (ii) service dogs for the visually impaired tenants; and (iii) tenants with strong special needs for the companionship of a dog for mental support. Those tenants found keeping dogs without permission will be allotted five penalty points without warning.

11. In order to maintain a clean living environment in PRH estates, we have implemented a series of enhanced measures to tackle unauthorised dog keeping, including more stringent control on dog licence renewal required under the TPR, intensified patrol and enforcement actions by staff at the estate level and the Special Operation Teams at Regional Headquarters level, and enhanced publicity. Through these concerted efforts, we have allotted penalty points to 370 tenants for unauthorised dog keeping in 2011 and further reduced the number of TPR dogs to 7 300.

Way Forward

12. The implementation of the Marking Scheme to enhance the environmental hygiene and estate management is well received and supported by PRH tenants. We shall continue to implement the proactive measures to tackle

² The measures include (i) publicity through Housing Channel, poster, partnering functions by Estate Management Advisory Committees and Non-government organizations to promote the message of anti-throwing objects from height; (ii) deployment of Mobile Digital Closed Circuit Television sets, Mobile Surveillance System sets and Special Operation Teams to detect suspected offenders; and (iii) intensified patrols and inspections by estate staff under the monitoring of a Task Force set up at Headquarters level.

the problems of throwing objects from height and unauthorised dog keeping as well as to step up publicity through Estate Management Advisory Committees, Housing Channel, estate newsletters, posters and notices to promote tenants' civic responsibility and maintain a decent living environment in PRH estates.

13. Members are invited to note the latest position of the Marking Scheme.

**Transport and Housing Bureau
January 2012**

List of Misdemeanors under the Marking Scheme (since 1.1.2009)

Category A (3 penalty points)

A1*	Drying clothes in public areas (except in areas designated by the 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

Category C (7 penalty points)

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 the 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)

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

Enforcement Result of Marking Scheme

Number of Households with Points Allotted (as at 31.12.2011)

3-9 Points		10-15 Points		≥ 16 Points		Total	
Cumulative	Active	Cumulative	Active	Cumulative	Active	Cumulative	Active
15 375	4 862	984	263	46	7	16 405	5 132

Marking Scheme Summary (1.8.2003 – 31.12.2011)

Misdeeds Category		Warning ^{Note 1}	Points-Allotted Cases ^{Note 2}
A1	Drying clothes in public areas (except in areas designated by HD)	620	4
A2	Utilizing laundry pole-holders for drying floor mop	1 758	1
A3	Putting dripping flower pots or dripping laundry at balconies	528	16
A4	Dripping oil from exhaust fan	23	0
B1	Littering	-	5 720
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	20
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	2 270
B4	Allowing animal and livestock under charge to foul public places with faeces	-	2
B7	Obstructing corridors or stairs with sundry items rendering cleansing difficult	1 835	17
B8	Boiling wax in public areas	-	0
B9	Causing mosquito breeding by accumulating stagnant water	1	1
B10	Smoking or carrying a lighted cigarette in estate common area	-	6 160
B11	Causing noise nuisance	120	70
B12	Illegal gambling in public places	-	1 180
B13	Water dripping from air-conditioner	280	26

(to be continued)

		Warning ^{Note 1}	Points-Allotted Cases ^{Note 2}
C1	Throwing objects from height that jeopardise environmental hygiene	-	684
C2	Spitting in public areas	-	1 412
C3	Urinating and defecating in public places	-	11
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	-	1
C5	Denying HD staff or staff representing HD entry for repairs responsible by HD	64	34
C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	21	2
C7	Damaging down/sewage pipes causing leakage to the flat below	11	1
C8	Using leased premises as food factory or storage	-	4
C9	Illegal hawking of cooked food	-	43
C10	Damaging or stealing Housing Authority's property	-	24
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	202	146
C12	Using leased premises for illegal purpose	-	76
D1	Throwing objects from height that may cause danger or personal injury	-	65
	Total	5 463	17 990

Note 1: For 12 less serious misdeeds, the Warning System is applicable.

Note 2: Penalty points will be purged upon expiry of a 2-year validity period.