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Panel on Housing

Meeting on 4 March 2013

**Updated background brief on "Marking Scheme for
Estate Management Enforcement in Public Housing Estates"
prepared by the Legislative Council Secretariat**

Purpose

This paper provides background information on the Marking Scheme for Estate Management Enforcement in Public Housing Estates ("the Marking Scheme"), and gives a brief account of the views and concerns expressed by Members on the subject.

Background

2. Following the outbreak of the Severe Acute Respiratory Syndrome in Hong Kong, and in support of the then Team Clean's mission, the Hong Kong Housing Authority ("HA") launched the Marking Scheme in August 2003 to enhance environmental hygiene and cleanliness in public rental housing ("PRH") estates, and to promote a sense of civic responsibility among tenants. Under the Marking Scheme, points will be allotted to a household if the tenant commits a misdeed in the estate in which he/she lives. Upon the allotment of 16 points or above within two years, HA may issue a Notice-to-Quit ("NTQ") and terminate the tenancy. The tenant concerned is allowed to appeal to the Appeal Panel (Housing). Upon termination of tenancy, the household concerned will be required to vacate the PRH unit. This notwithstanding, HA will exercise discretion to withhold the issuance of NTQs on special grounds. For those who become genuinely homeless, interim housing will be offered. Applications for PRH units by ex-tenants with tenancies terminated under the Marking Scheme will be barred for two years. They will not be offered a flat of better quality upon rehousing.

3. The Marking Scheme is reviewed annually. Following the reviews in 2007 and 2008, the Marking Scheme has been extended to cover misdeeds of "causing noise nuisance", "damaging or stealing of HA's property", "smoking in common areas of all estates", "illegal gambling in public places", "using leased premises for illegal purpose", and "water dripping from air-conditioner". The list of 28 misdeeds under the Marking Scheme, categorized by severity of their impacts on environmental hygiene or estate management, is in **Appendix I**.

4. Up to December 2011, some 17 990 point-allotment cases involving 16 400 households have been recorded, with about 5 400 cases (30%) remaining valid. About 1 030 households out of the 17 990 point-allotment cases have accrued 10 points or more for committing two or more misdeeds, and 46 households have accrued 16 or more points. Among these 46 households, the Housing Department ("HD") has issued a total of 34 NTQs, approved withholding the issuance of NTQs on 10 cases on special grounds, and recovered two voluntarily surrendered PRH units. The misdeeds of "littering" and "smoking or carrying a lighted cigarette in estate common area" continue to be the most frequently committed offences involving 5 700 and 6 200 cases respectively. In December 2012, written warnings were issued to six households under the Marking Scheme while penalty points were allotted to 147 households.

5. According to the "Public Housing Recurrent Survey 2011", tenants' satisfaction level towards the overall cleanliness and hygienic conditions of estate common areas rose to about some 74%, compared to only 46% and 52% in 2002 and 2003 respectively.

Deliberations by the Panel on Housing

6. The Panel on Housing ("the Panel") has been receiving an annual update on the progress of the Marking Scheme since its implementation in 2003. The latest position of the Marking Scheme was discussed at the Panel meeting on 6 February 2012. At the meeting, a member queried the need for the Marking Scheme as most of the misdeeds were punishable under the existing legal regime. The termination of tenancy under the Marking Scheme was a double penalty given that the same would not apply to similar offences committed by households living in private tenements. Besides, it was unfair to hold the entire household liable for the misdeed committed by an individual family member. Other members however opined that HA as the landlord had the right to include specific conditions in tenancy agreements for its tenants to follow. According to the Administration, the Marking Scheme was not meant to replace the existing legislation but to help resolve internal issues without escalating them to the courts.

7. On the misdeed of "throwing objects from height that jeopardize environmental hygiene", the Panel noted that HD had deployed additional Mobile Digital Closed Circuit Television sets, and stepped up patrols and inspections by estate staff to prevent the misdeed. With the adoption of proactive measures by HD, the number of cases involving throwing objects from height had dropped since the latter part of 2011. It was also noted that some of these cases were unintentional and due to negligence.

8. As regards animal keeping in PRH estates, the Panel noted that unauthorized dog keeping was included as one of the misdeeds under the Marking Scheme, and the Temporary Permission Rule ("TPR") had been implemented to allow PRH tenants to continue to keep small dogs that had been kept in their flats before August 2003. Given the average life span of dogs, TPR dogs would be phased out eventually. Panel members were also informed that stringent control on dog licence renewal and a series of enhanced measures, including intensified patrol and enforcement actions, as well as enhanced publicity had been implemented to tackle unauthorized dog keeping.

9. Regarding noise nuisance, the Panel noted that upon receipt of complaints, two management staff would visit the complainants to assess the nature of the problem. Since noise nuisance was a subjective matter, estate staff would try to resolve relevant complaints through mediation. To avoid the misdeed of drying of clothes in public areas within a PRH estate, arrangements were made twice a year to set aside certain public areas within each estate during the change of seasons for hang-drying of clothes and quilts.

Relevant papers and Council questions

10. A list of relevant papers is in **Appendix II**. Dr Hon Joseph LEE and Hon Starry LEE raised questions in relation to the Marking Scheme at the Council meetings on 11 February and 25 November 2009 respectively. Details of the Council questions are also hyperlinked in **Appendix II** for ease of reference.

List of Misdeeds under the Marking Scheme (since 1 January 2009)

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
B12	Illegal gambling in public places
B13*	Water dripping from air-conditioner

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
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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* A 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.

**Marking Scheme for
Estate Management Enforcement in Public Housing Estates**

List of relevant papers

Council/ Committee	Date of meeting	Paper
Panel on Housing	7 May 2007	<p>Information paper on "Extension of Smoking Restriction Under the Marking Scheme for Estate Management Enforcement in Public Housing Estate" provided by the Administration (LC Paper No. CB(1) 1478/06-07(03)) http://www.legco.gov.hk/yr06-07/english/panels/hg/papers/hg0507cb1-1478-3-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 2225/06-07) http://www.legco.gov.hk/yr06-07/english/panels/hg/minutes/hg070507.pdf</p>
Panel on Housing	5 November 2007	<p>Information paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" provided by the Administration (LC Paper No. CB(1) 184/07-08(01)) http://www.legco.gov.hk/yr07-08/english/panels/hg/papers/hg1105cb1-184-1-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 709/07-08) http://www.legco.gov.hk/yr07-08/english/panels/hg/minutes/hg071105.pdf</p>
Panel on Housing	16 December 2008	<p>Information paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" provided by the Administration (LC Paper No. CB(1) 378/08-09(03)) http://www.legco.gov.hk/yr08-09/english/panels/hg/papers/hg1216cb1-378-3-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 668/08-09) http://www.legco.gov.hk/yr08-09/english/panels/hg/minutes/hg20081216.pdf</p>

Council/ Committee	Date of meeting	Paper
Panel on Housing	7 January 2010	<p>Information paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" provided by the Administration (LC Paper No. CB(1) 796/09-10(06)) http://www.legco.gov.hk/yr09-10/english/panels/hg/papers/hg0107cb1-796-6-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 1208/09-10) http://www.legco.gov.hk/yr09-10/english/panels/hg/minutes/hg20100107.pdf</p>
Panel on Housing	19 May 2011	<p>Information paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" provided by the Administration (LC Paper No. CB(1) 2034/10-11(06)) http://www.legco.gov.hk/yr10-11/english/panels/hg/papers/hg0519cb1-2034-6-e.pdf</p> <p>Paper on Marking Scheme for Estate Management Enforcement in Public Housing Estates prepared by the Legislative Council Secretariat (updated background brief) LC Paper No. CB(1) 2034/10-11(07)) http://www.legco.gov.hk/yr10-11/english/panels/hg/papers/hg0519cb1-2034-7-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 2880/10-11) http://www.legco.gov.hk/yr10-11/english/panels/hg/minutes/hg20110519.pdf</p>

Council/ Committee	Date of meeting	Paper
Panel on Housing	6 February 2012	<p>Information paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" provided by the Administration (LC Paper No. CB(1) 948/11-12(04)) http://www.legco.gov.hk/yr11-12/english/panels/hg/papers/hg0206cb1-948-4-e.pdf</p> <p>Paper on Marking Scheme for Estate Management Enforcement in Public Housing Estates prepared by the Legislative Council Secretariat (updated background brief) LC Paper No. CB(1) 948/11-12(05)) http://www.legco.gov.hk/yr11-12/english/panels/hg/papers/hg0206cb1-948-5-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 1752/11-12) http://www.legco.gov.hk/yr11-12/english/panels/hg/minutes/hg20120206.pdf</p>
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Hyperlinks to relevant Council Questions:

Date	Council Question
11 February 2009	<p>Council question raised by Dr Hon Joseph LEE http://www.info.gov.hk/gia/general/200902/11/P200902110111.htm</p>
25 November 2009	<p>Council question raised by Hon Starry LEE http://www.info.gov.hk/gia/general/200911/25/P200911250130.htm</p>