

## Legislative Council Panel on Housing

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

#### Purpose

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

#### Background

2. In 2003, the Hong Kong Housing Authority (HA) implemented the Marking Scheme to strengthen enforcement measures against hygiene-related offences in public rental housing (PRH) estates. The Marking Scheme has now been extended to cover common acts of misconduct affecting environmental hygiene and estate management. Currently, the Marking Scheme covers 28 misdeeds categorised by the severity of their impacts on environmental hygiene or estate management (see **Annex I** for details). Tenants and authorised persons who are found to have committed misdeeds in the estates in which they reside will be allotted points which will be valid for two years. The 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 HA.

3. At the Legislative Council Panel on Housing meeting in March 2013, we briefed Members on the proactive measures taken by the Housing Department (HD) to address the problem of unauthorised dog keeping and throwing objects from a height. This Paper updates Members on the progress of the Marking Scheme as well as the impact of measures taken to tackle the misdeeds over which the public has grave concern, such as smoking, unauthorised dog keeping and throwing objects from a height.

#### Overall Enforcement Results

4. The Marking Scheme is an effective mechanism to tackle misdeeds relating to hygiene and estate management. It has been well-received and is widely supported by tenants since it was introduced. The results of the Public Housing Recurrent Survey 2013 showed that 96% of the tenants are

aware of the Marking Scheme and 67% of them considered the penalties to be reasonable. Tenants' satisfaction level towards the overall cleanliness and hygiene conditions of the common areas within PRH estates has risen to a high level of 73%, compared to 46% and 52% in 2002 and 2003 respectively.

5. Up to December 2013, some 22 500 point-allotment cases, involving 20 200 households have been recorded, with about 4 370 cases (19%) remaining valid. A table showing the details of enforcement results is at **Annex II**. 1 350 households (7%) have accrued ten points or above for committing two or more misdeeds. Out of the 67 households with 16 points or above, three have surrendered their PRH flats voluntarily. The HA has issued 51 Notices-to-quit (NTQs) and has withheld the issuance of NTQ of 13 cases on special grounds.

6. The misdeed cases in relation to public hygiene such as smoking, littering and spitting are decreasing. The point allotment cases for these three misdeeds have dropped considerably, from some 1 300, 400 and 80 cases in 2009 to 990, 130 and nine cases in 2013 respectively. The significant decrease in cases involving these misdeeds is a result of the increasing awareness of civic responsibility by the tenants and the intensified publicity and educational programmes conducted by the HD over the years.

7. On the other hand, point allotment cases for committing misdeeds in relation to estate management, such as "throwing objects from height" and "using leased premises for illegal purpose" have increased from about 80 and 20 cases in 2009 to 160 and 90 cases in 2013 respectively. The above figures reflect to a certain extent the impact of the enhanced enforcement actions taken by the HD. It is also attributed to the tenants' readiness to lodge reports of misdeeds following our extensive publicity and educational programmes.

#### Smoking offences

8. Smoking in the common areas within PRH estates has been added as a misdeed under the Marking Scheme since 2007. Under the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) enacted in September 2009, any persons who smoke or carry a lighted cigarette, cigar or pipe in

statutory no-smoking areas<sup>1</sup> (SNSAs) will be issued a Fixed Penalty Notice (FPN). Tenants who are found to be smoking in SNSA in the estates in which they reside will be allotted penalty points and issued a FPN. As for those who are found smoking in estate open areas which are not designated as SNSAs, they will be allotted penalty points only. From September 2009 to end 2013, apart from allotting points to about 5 100 tenants in estate common areas, we have issued some 1 450 FPNs to offenders who smoked in SNSAs.

## Control of Dog-keeping

9. Given that PRH estates are densely populated, keeping of dogs may impact on the environmental hygiene in estates and create nuisance. It is stipulated in all tenancy agreements that keeping of dogs and livestock, without prior written consent from the HA, is not allowed. Dog-keeping is prohibited therein except under the following circumstances: (i) permitted dogs under the 'Temporary Permission Rule' (TPR)<sup>2</sup>; (ii) service dogs for the visually/hearing impaired tenants; and (iii) dogs kept by tenants with strong special needs for the companionship of a dog for mental support. Tenants who are found to be keeping dogs without permission will be allotted five penalty points without warning.

10. A series of enhanced measures<sup>3</sup> have been implemented since the end of 2009 to tackle unauthorised dog keeping with a view to maintaining a decent and quiet living environment in PRH estates. Pursuant to the Report on "Control of Pet Animals" issued by the Audit Commission in March 2010, the Agriculture, Fisheries and Conservation Department has agreed to transfer the licensing information of the dog owners living in PRH estates to the HD for data matching. With the enhanced measures, we managed to identify some 610 unauthorised dog keeping cases in 2013 and have further reduced the number of TPR dogs from 13 300 in 2003 to 4 740 at end of December 2013.

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<sup>1</sup> The statutory no-smoking areas cover a wide range 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.

<sup>2</sup> The HA endorsed the implementation of a one-off TPR in 2003, which allows tenants to continue keeping those small dogs (i.e. less than 20 kg in weight) that had been kept in the leased premises before 1 August 2003 until the dogs' natural death.

<sup>3</sup> The enhanced measures include: (i) more stringent control on dog license renewal required under the TPR, (ii) intensified patrol and enforcement actions by staff at estate level, (iii) strengthened patrols and inspection against unauthorised dog keeping at Regional level and (iv) enhance publicity.

## Throwing objects from a height

11. Starting from 2006, to further deter people from throwing objects from a height, tenants would be allotted seven or 15 penalty points 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 objects that may cause minor danger or personal injury. In addition, for offences that may cause serious danger or personal injury, the HA would immediately terminate the tenancy of the subject household pursuant to the Housing Ordinance.

12. To effectively tackle such misdeeds, we have adopted proactive measures<sup>4</sup> since 2009. From 2009 to 2013, apart from allotment of points to some 900 offenders for committing the misdeeds, we have also taken prosecution actions against offenders, with about 400 cases being convicted. The two-fold enforcement action demonstrates HA's determination to tackle such misdeeds in order to provide a safe environment for our tenants. We would continue to carry out the intensified enforcement actions and publicity in this regard.

## Way Forward

13. The implementation of the Marking Scheme has been well received and is supported by PRH tenants. We will continue to implement proactive measures to tackle these misdeeds, especially on smoking in non-designated estate common areas, throwing objects from a height and unauthorised dog keeping, as well as to step up publicity through the Estate Management Advisory Committees, Housing Channel, estate newsletters, posters and notices, so as to promote tenants' civic responsibility and maintain a decent living environment in PRH estates.

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

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<sup>4</sup> The measures include (i) publicity through Housing Channel, posters, partnering functions by Estate Management Advisory Committees and Non-Governmental Organisations 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 at Regional level.

**List of Misdeeds under the Marking Scheme**

Category A (3 penalty points)

A1*	Drying clothes in public areas (except in areas designated by HD)
A2*	Hanging floor mop outside the window or balcony
A3*	Putting dripping object at window, balcony or façade
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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\*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.

**Number of Households with Points Allotted (as at 31.12.2013)**

3-9 Points		10-15 Points		≥ 16 Points <sup>Note 1</sup>		Total	
Cumulative	Active	Cumulative	Active	Cumulative	Active	Cumulative	Active
18 850	3 960	1 282	217	67	7	20 199 (Say 20 200)	4 184

**Marking Scheme Summary (1.8.2003 – 31.12.2013)**

Misdeeds Category		Warning <sup>Note 2</sup>	Points-allotted Cases <sup>Note 3</sup>
A1	Drying clothes in public areas (except in areas designated by HD)	644	5
A2	Hanging floor mop outside the window or balcony	1 765	2
A3	Putting dripping object at window, balcony or façade	555	26
A4	Dripping oil from exhaust fan	24	0
B1	Littering	-	6 013
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	24
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	3 341
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	1 861	23
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	-	8 110
B11	Causing noise nuisance	139	82
B12	Illegal gambling in public places	-	1 713
B13	Water dripping from air-conditioner	367	48

(to be continued)

<sup>Note 1</sup> Since the implementation of Marking Scheme in 2003, the HA has issued 51 NTQs in total. Among them, 36 NTQs were issued in the past 5 years (2009-2013) with the average of 7 NTQs per year, and 9 were issued in 2013.

<sup>Note 2</sup> For 12 less serious misdeeds, the Warning System is applicable. Meanwhile, the system has been twice simplified in the past. Details are as follows –

Period	Warning System
1.8.2003 – 31.12.2004	Comprising three warnings (one verbal and two written)
1.1.2005 – 31.12.2006	Comprising two warnings (one verbal and one written)
1.1.2007 till now	Comprising one written warning only

<sup>Note 3</sup> Penalty points will be purged upon expiry of a two-year validity period.

<b>Misdeeds Category</b>		<b>Warning</b> <sup>Note 2</sup>	<b>Points-allotted Cases</b> <sup>Note3</sup>
C1	Throwing objects from height that jeopardize environmental hygiene	-	1 043
C2	Spitting in public areas	-	1 434
C3	Urinating and defecating in public places	-	13
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	-	2
C5	Denying HD staff or staff representing HD entry for repairs responsible by HD	104	54
C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	26	3
C7	Damaging down/sewage pipes causing leakage to the flat below	15	1
C8	Using leased premises as food factory or storage	-	8
C9	Illegal hawking of cooked food	-	45
C10	Damaging or stealing Housing Authority's property	-	35
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	226	171
C12	Using leased premises for illegal purpose	-	218
D1	Throwing objects from height that may cause danger or personal injury	-	83
<b>Total</b>		<b>5 727</b>	<b>22 500</b>

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