

**立法會**  
**Legislative Council**

LC Paper No. CB(1)984/13-14(07)

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**Panel on Housing**

**Meeting on 3 March 2014**

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

**Purpose**

This paper provides updated 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) ("the Appeal Panel"). 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 2012, some 20 100 point-allotment cases involving about 18 200 households have been recorded, with about 4 480 cases (22%) remaining valid. About 1 170 households out of the 20 100 point-allotment cases have accrued 10 points or more for committing two or more misdeeds, and 57 households have accrued 16 or more points. Among these 57 households, HA has issued a total of 42 NTQs, approved withholding the issuance of NTQs on 12 cases on special grounds, and recovered three voluntarily surrendered PRH units. The misdeeds of "Smoking or carrying a lighted cigarette in estate common area" and "Littering" continue to be the most frequently committed offences involving 7 120 and 5 880 cases respectively.

5. According to the "Public Housing Recurrent Survey 2012", tenants' satisfaction level towards the overall cleanliness and hygienic conditions of estate common areas rose to 73%, 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 4 March 2013.

7. Given the dire consequences of termination of tenancy, some members were of the strong view that it was unfair to hold the entire household liable for the misdeed committed by an individual family member. In their opinion, the individual concerned who had committed the misdeed should be held liable and be punished accordingly but this should not affect the rights of other family members to continue to live in the PRH unit. Some other members, however, were supportive of the Marking Scheme as it had improved the environmental hygiene of PRH estates. These members also welcomed the special home visit made by housing staff to households which had accumulated 10 points.

8. Some members had enquired about the operation of the appeal mechanism under the Marking Scheme. The Administration had advised that offenders could either request for reconsideration by staff at higher level and/or lodge an appeal to the Appeal Panel. The Appeal Panel was appointed by the Chief Executive and comprised about a hundred members from different professions, including lawyers, academics, District Council members and district representatives. Three board members would be assigned to handle each appeal case independently.

9. Some members expressed concern about households with autistic or mentally incapacitated family members who were repeated offenders under the Marking Scheme, and demanded the Housing Department ("HD") to give them special consideration. The Administration had responded that it would give special consideration to households with autistic members. It had been HD's practice to refer such cases to the Integrated Families Services Centres of the Social Welfare Department or the Hospital Authority for follow-up as appropriate, after obtaining consent from the households concerned.

10. On the misdeed of "throwing objects from height", the Panel was advised that the Mobile Digital Closed Circuit Television sets had been deployed in PRH estates with high incident rates of throwing of objects from height. Meanwhile, the Special Operation Teams were deployed to detect suspected offenders.

### **Council questions**

11. Hon KWOK Wai-keung and Hon CHAN Kin-po raised questions relating to the Marking Scheme at the Council meetings on 24 April and 3 July 2013 respectively. Details of the Council questions are hyperlinked in **Appendix II** for ease of reference.

### **Latest development**

12. The Administration will brief members on the latest progress and effectiveness of the Marking Scheme at the Panel meeting scheduled for 3 March 2014.

**Relevant papers**

13. A list of relevant papers is set out in **Appendix II**.

Council Business Division 1  
Legislative Council Secretariat  
27 February 2014

## List of Misdemeanors 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 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 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 HA'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.

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

**List of relevant papers**

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

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

Council/ Committee	Date of meeting	Paper
Panel on Housing	6 February 2012	<p>Administration's paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" (LC Paper No. CB(1)948/11-12(04))  <a href="http://www.legco.gov.hk/yr11-12/english/panels/hg/papers/hg0206cb1-948-4-e.pdf">http://www.legco.gov.hk/yr11-12/english/panels/hg/papers/hg0206cb1-948-4-e.pdf</a></p> <p>Updated background brief on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" prepared by the Legislative Council Secretariat (LC Paper No. CB(1)948/11-12(05))  <a href="http://www.legco.gov.hk/yr11-12/english/panels/hg/papers/hg0206cb1-948-5-e.pdf">http://www.legco.gov.hk/yr11-12/english/panels/hg/papers/hg0206cb1-948-5-e.pdf</a></p> <p>Minutes of meeting                      (LC Paper No. CB(1)1752/11-12)  <a href="http://www.legco.gov.hk/yr11-12/english/panels/hg/minutes/hg20120206.pdf">http://www.legco.gov.hk/yr11-12/english/panels/hg/minutes/hg20120206.pdf</a></p>
Panel on Housing	4 March 2013	<p>Administration's paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" (LC Paper No. CB(1)619/12-13(06))  <a href="http://www.legco.gov.hk/yr12-13/english/panels/hg/papers/hg0304cb1-619-6-e.pdf">http://www.legco.gov.hk/yr12-13/english/panels/hg/papers/hg0304cb1-619-6-e.pdf</a></p> <p>Updated background brief on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" prepared by the Legislative Council Secretariat (LC Paper No. CB(1)619/12-13(07))  <a href="http://www.legco.gov.hk/yr12-13/english/panels/hg/papers/hg0304cb1-619-7-e.pdf">http://www.legco.gov.hk/yr12-13/english/panels/hg/papers/hg0304cb1-619-7-e.pdf</a></p> <p>Minutes of meeting                      (LC Paper No. CB(1)1390/12-13)  <a href="http://www.legco.gov.hk/yr12-13/english/panels/hg/minutes/hg20130304.pdf">http://www.legco.gov.hk/yr12-13/english/panels/hg/minutes/hg20130304.pdf</a></p>

Hyperlinks to relevant Council Questions:

<b>Date</b>	<b>Council Question</b>
24 April 2013	Council question raised by Hon KWOK Wai-keung <a href="http://www.info.gov.hk/gia/general/201304/24/P201304240224.htm">http://www.info.gov.hk/gia/general/201304/24/P201304240224.htm</a>
3 July 2013	Council question raised by Hon CHAN Kin-po <a href="http://www.info.gov.hk/gia/general/201307/03/P201307030296.htm">http://www.info.gov.hk/gia/general/201307/03/P201307030296.htm</a>