

Legislative Council Panel on Housing

Marking Scheme for Estate Management Enforcement in Public Housing Estates

Purpose

This paper updates Members on the latest progress and effectiveness in implementing the Marking Scheme for Estate Management Enforcement in Public Housing Estates (the Marking Scheme).

Background

2. To strengthen control against hygiene-related misconduct in public rental housing (PRH) estates and to promote civic responsibility among tenants and authorised occupants, the Hong Kong Housing Authority (HA) implemented the Marking Scheme in August 2003. The Marking Scheme has then 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 A** for details). Tenants and authorised persons who are found to have committed misdeeds in the estates where they reside will be allotted points which will be valid for two years. An 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. Concerning the implementation of the Marking Scheme in PRH estates, when misdeeds are detected with cases verified as substantiated, Housing Department (HD) staff will take actions including issuance of Notification for Rectification (NR) and written warning, issuance of Notification Slip for Allotments of Points (NS) and allotment of points to PRH residents. For detection of misdeeds concerning statutory offences, HD staff are empowered to issue Fixed Penalty Notices (FPNs) to the offenders on top of points allotments. For the PRH estates with management outsourced, staff of Property Services Agents will assist in issuing NR and NS to PRH residents so as to facilitate HD staff to issue warnings or allot points according to the misdeeds.

4. At the Legislative Council Panel on Housing meeting in February 2014, we briefed Members on the proactive measures taken by the HD to address the problems of smoking, unauthorised dog keeping and throwing objects from height. This paper updates Members on the progress of the Marking Scheme as well as the effectiveness of measures taken to tackle the misdeeds which the public has grave concern, including smoking, unauthorised dog keeping and throwing objects from height.

Overall Enforcement Results

5. Since the implementation of the Marking Scheme in 2003, substantial improvement has been achieved in terms of environmental hygiene of PRH estates, and therefore the Marking Scheme is well received and supported by PRH tenants. According to the 2014 Public Housing Recurrent Survey, an overwhelming majority (94%) of our tenants were aware of the Marking Scheme whilst 65% expressed that the penalty was reasonable. The percentage showing satisfaction towards the overall cleanliness and hygienic condition of estate common areas has been substantially increased to a high satisfaction level of 75%, in comparison with 46% and 52% in 2002 and 2003 respectively.

6. Since the implementation of the Marking Scheme to end December 2014, 25 042 allotments of penalty points involving 22 423 households have been recorded, with about 4 610 cases (18.4%) remaining valid. Among them, 1 505 (6.7%) have accrued ten points or more. Out of the 70 households with 16 or more points accrued, three had surrendered their PRH flats voluntarily, 54 NTQs had been issued and 13 cases were withheld of NTQ actions on special grounds. The details of the enforcement results are at **Annex B**.

7. The numbers of misdeed cases on keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord and illegal gambling in public places have been decreasing since 2009. The figure of the former dropped from some 680 in 2009 to some 570 in 2014, and the figure of the latter dropped from 460 in 2009 to 250 in 2014. The decrease of the above misdeeds is attributed to the HD's intensified enforcement actions taken which deterred such misdeeds as well as the HD's wide publicity and educational programmes throughout the years.

8. For misdeed concerning littering in public areas, there was an increase of point allotment cases from 130 in 2013 to 140 in 2014. The point allotment cases for throwing objects from height that may cause danger or personal injury also increased from nine in 2013 to 15 in 2014. The figures demonstrated tenants' readiness to lodge reports of misdeeds as a result of our wide publicity and educational programmes, and also showed the HD's determination to step up enforcement actions in tackling these misdeeds.

The Three Most Common Misdeeds

9. Among the point allotment cases for various misdeeds from January to December 2014, about 1 300 cases involved smoking offence, which was the most commonly committed misdeed. Other major misdeeds included keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord (570 cases) and throwing objects from height (170 cases). Since the above three types of misdeed constituted a higher portion of the point allotted cases and have larger impact in terms of environmental hygiene and public safety which in turn aroused public concern, the HD's actions on these three aspects are further elaborated below.

Smoking Offence

10. 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 areas¹ (SNSAs) will be issued a 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. To strengthen the enforcement actions towards this misdeed, apart from the enforcement actions taken by estate management staff, we have deployed the Special Squads² to various PRH estates, including PRH estates with management outsourced, to take actions against this misdeed. From September 2009 to December 2014, we have allotted points to 6 410 tenants smoking in the

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.

² Special Squad is formed by HD staff to tackle for the Marking Scheme's misdeeds. One Special Squad team has been set up in each region.

estate common areas and issued 1 672 FPNs to smoking offenders in SNSAs.

Control of Dog-keeping

11. Unauthorised dog keeping will cause adverse effect to environmental hygiene and create nuisance to tenants in densely populated PRH estates. Therefore, it has been stipulated in the tenancy agreement that keeping of dogs and livestock, without prior written consent from the HA, is not allowed. Dog keeping is prohibited in PRH estates except (a) permitted dogs under the 'Temporary Permission Rule' (TPR)³; (b) service dogs for the visually or hearing impaired tenants; and (c) tenants with strong special needs for the companion of a dog for mental support. Those tenants found keeping dogs without permission will be allotted five penalty points without warning.

12. In order to maintain a clean and quiet living environment in PRH estates, a series of enhanced measures⁴ to tackle unauthorised dog keeping have been implemented since end of 2009. Afterwards, in response to the Report on "Control of Pet Animals" issued by the Audit Commission in 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 for those applications with prior written consent from the dog owners. With the enhanced measures, we allotted penalty points to some 570 tenants for unauthorised dog keeping in 2014 and the number of TPR dogs was reduced from some 13 300 in 2003 to some 4 200 at end of December 2014.

Throwing Objects from Height

13. To further deter people from throwing objects from height, starting from 2006, tenants will be allotted seven or 15 penalty points depending on the seriousness of the misdeed. Seven points will be allotted to cases with throwing objects jeopardising 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 will immediately terminate the tenancy of the subject household pursuant to the Housing Ordinance.

³ The Subsidised Housing Committee of the HA endorsed the implementation of a one-off TPR in 2003, allowing tenants to continue keeping their small dogs already existed in PRH flats before 1 August 2003 until the dogs' natural death (see Paper No SHC. 35/2003).

⁴ The enhanced measures include more stringent control on dog licence renewal required under the TPR, intensified patrol and enforcement actions by staff at estate level, strengthened patrols and inspection against unauthorised dog keeping at regional level and enhanced publicity.

14. To effectively tackle this misdeed, the HD has adopted proactive management and surveillance measures since 2009, including (a) 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; (b) deployment of Mobile Digital Closed Circuit Television sets, Mobile Surveillance System sets and Special Operation Teams to detect suspected offenders; and (c) intensified patrols and inspections by estate staff at regional level. From 2009 to 2014, HD has allotted points to 1 069 offenders for committing the misdeed and we have also taken prosecution action against them with about 500 offenders were convicted.

Way Forward

15. The implementation of the Marking Scheme has been well received and supported by PRH tenants. The HD will continue to implement proactive measures to tackle various misdeeds, especially 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.

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

**Transport and Housing Bureau
April 2015**

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 December 2014)

3-9 Points		10-15 Points		≥ 16 Points ¹		Total	
Cumulative	Active ³	Cumulative	Active ³	Cumulative	Active ³	Cumulative	Active ³
20 918	4 392	1 435	215	70	3	22 423	4 610

Marking Scheme Summary (1 August 2003 – 31 December 2014)

Misdeeds Category		Warning ²	Points-allotted Cases ³
A1	Drying clothes in public areas (except in areas designated by HD)	698	14
A2	Hanging floor mop outside the window or balcony	1 767	2
A3	Putting dripping object at window, balcony or façade	564	30
A4	Dripping oil from exhaust fan	24	0
B1	Littering	-	6 153
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	30
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	3 910
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	1 871	30
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	-	9 417
B11	Causing noise nuisance	142	87
B12	Illegal gambling in public places	-	1 959
B13	Water dripping from air-conditioner	440	67

¹ Since the implementation of Marking Scheme in 2003, the HA has issued 54 NTQs in total. Among them, 3 NTQs were issued in 2014.

² 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

³ Penalty points will be purged upon expiry of a two-year validity period.

Misdeeds Category		Warning	Points-allotted Cases
C1	Throwing objects from height that jeopardise environmental hygiene	-	1 198
C2	Spitting in public areas	-	1 444
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	-	4
C5	Denying HD staff or staff representing HD entry for repairs responsible by HD	118	65
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	-	48
C10	Damaging or stealing Housing Authority's property	-	38
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	232	181
C12	Using leased premises for illegal purpose	-	239
D1	Throwing objects from height that may cause danger or personal injury	-	98
	Total	5 898	25 042