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Legislative Council

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Panel on Housing

Meeting on 14 April 2015

**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 of the Panel on Housing ("the Panel") on the subject.

Background

2. The Hong Kong Housing Authority ("HA") implemented the Marking Scheme in 2003 to strengthen enforcement measures against hygiene-related offences in public rental housing ("PRH") estates. The Marking Scheme has been extended to cover common acts of misconduct affecting environmental hygiene and estate management. 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**.

3. Tenants and authorized 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. 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 HA.

Overall enforcement results

4. Up to December 2013, some 22 500 point-allotment cases involving about 20 200 households had been recorded, with about 4 370 cases (19%) remaining valid. 1 350 households (7%) had accrued 10 points or above for committing two or more misdeeds. Out of the 67 households with 16 points or above, three had surrendered their PRH flats voluntarily. HA had issued 51 NTQs¹ and had withheld the issuance of NTQ of 13 cases on special grounds. A table showing details of the enforcement results is in **Appendix II**.

5. As advised by the Administration in March 2014, misdeed cases in relation to public hygiene such as smoking, littering and spitting were decreasing. The point allotment cases for these three misdeeds had dropped considerably, from some 1 300, 400 and 80 cases in 2009 to 990, 130 and nine cases in 2013 respectively. 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" increased from about 80 and 20 cases in 2009 to 160 and 90 cases in 2013 respectively.

6. According to the "Public Housing Recurrent Survey 2013", 96% of the tenants were 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 rose to 73%, compared to 46% and 52% in 2002 and 2003 respectively.

Deliberations of the Panel

7. The Panel has been receiving an annual update on the progress of the Marking Scheme since its implementation in 2003. The Panel was last updated on the progress of the Marking Scheme at its meeting on 3 March 2014. The major views and concerns expressed by members at the meetings on 4 March 2013 and 3 March 2014 are summarized in the ensuing paragraphs.

Termination of tenancy under the Marking Scheme

Misdeeds committed by individual family members

8. Members generally considered it unfair to hold the entire household liable for the misdeed committed by an individual family member, except in

¹ At the Panel's request at the meeting on 3 March 2014, the Administration provided an update on the implementation of the 51 NTQs on 12 August 2014 (see LC Paper No. [CB\(1\)1915/13-14\(02\)](#)). Among the 51 NTQs, 28 flats were recovered. Three tenants were approved for regrant of tenancy on social grounds. 16 tenants were approved by the Appeal Panel for cancellation of NTQs, while four cases were pending for appeal hearings.

cases where the misdeed was related to using the premises for illegal purpose. They were of the view that the individual who 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.

9. On the suggestion of removing just the individual who committed a misdeed from the tenancy, the Administration responded that the purpose of the Marking Scheme was not to terminate tenancies but to change the behavior of the tenants who committed the misdeeds, and family pressure would be a more effective way to deal with the issue.

Misdeeds committed by mentally incapacitated family members

10. On the handling of cases involving nuisances caused by households with autistic or mentally incapacitated family members, the Panel considered it inappropriate to allot points to such households as this would not address the root cause of the misconducts. Members opined that the Housing Department ("HD") should engage social workers to handle the relevant cases or refer such cases to the Integrated Family Service Centres ("IFSCs") of the Social Welfare Department ("SWD") for follow up. Members requested HD to put in place clear criteria and guidelines for making referrals to IFSCs and set up a social worker team to more effectively handle cases that warranted intervention and professional assistance.

11. The Administration explained that it was inappropriate for HD to set up a dedicated social worker team of its own in view that the social welfare needs, if any, of those who committed misdeeds might vary a lot. HD would draw on the expertise and resources readily available from SWD to render assistance to those in need.

Appeal mechanism

12. Some members enquired about the operation of the appeal mechanism under the Marking Scheme. The Administration 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.

Misdeeds under the Marking Scheme

Throwing objects from height

13. Regarding members' concern on the enforcement efforts to deter the throwing objects from height, the Administration advised that 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.

Dog-keeping

14. Some members asked how HD would assess the needs of a tenant needing a dog for mental support and whether HD would consider relaxing its restriction on pet-keeping. The Administration responded that HD had in fact approved quite a number of applications for dog-keeping supported by the relevant medical certificate. Keeping of small household pets such as goldfishes, de-sexed cats and hamsters were allowed and did not require application to HD.

Smoking in common areas

15. Some members pointed out that they had received an increased number of complaints from residents of PRH regarding the nuisance of cigarette smoke in the corridor caused by neighbours smoking in their unit with door open wide, and they were concerned about the difficulty in taking enforcement action on account of the need to gather evidence as the smoke might have dissipated when the housing staff arrived at the scene. The Administration responded that it would continue to inculcate behavioral change through publicity and educational programmes, and would strictly enforce the Marking Scheme to tackle smoking nuisance.

Council questions

16. At the Council meetings on 24 April and 3 July 2013, Hon KWOK Wai-keung and Hon CHAN Kin-po raised questions relating to the Marking Scheme. Issues covered in the questions included the number of appeals lodged with HD by those PRH tenants who had been allotted penalty points for throwing objects from heights and the number of successful appeals, and whether the Administration would enhance the enforcement of the Marking Scheme, including deploying additional manpower to conduct proactive inspections, enhancing its Falling Objects Monitoring System, taking stringent actions against and imposing penalties on non-compliant cases, as well as stepping up publicity on the Marking Scheme. The Council questions and the

Administration's replies are hyperlinked in **Appendix III**.

Latest development

17. The Administration will brief members on the latest progress and effectiveness of the Marking Scheme, as well as the impact of outsourcing of management of public housing estates on the enforcement of the Marking Scheme at the Panel meeting on 14 April 2015.

Relevant papers

18. A list of relevant papers is set out in **Appendix III**.

Council Business Division 1
Legislative Council Secretariat
10 April 2015

**List of Misdeeds under the Marking Scheme for Management Enforcement
in Public Housing Estates ("the Marking Scheme")**

Category A (3 penalty points)

A1*	Drying clothes in public areas (except in areas designated by the Housing Department ("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 ("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 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 ²		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 ³	Points-allotted Cases ⁴
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)

² Since the implementation of Marking Scheme in 2003, HA has issued 51 Notices-to-quit ("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.

³ 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

⁴ Penalty points will be purged upon expiry of a two-year validity period.

Misdeeds Category		Warning ³	Points-allotted Cases ⁴
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 HA'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
Total		5 727	22 500

Source: See LC Paper No. [CB\(1\)984/13-14\(06\)](#)

³ 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

⁴ Penalty points will be purged upon expiry of a two-year validity period.

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

List of relevant papers

Council/ Committee	Date of meeting	Paper
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))</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))</p> <p>Minutes of meeting (LC Paper No. CB(1)1390/12-13)</p>
Panel on Housing	3 March 2014	<p>Administration's paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" (LC Paper No. CB(1)984/13-14(06))</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)984/13-14(07))</p> <p>Minutes of meeting (LC Paper No. CB(1)1505/13-14)</p>

Hyperlinks to relevant Council Questions:

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