

**For discussion
on 6 June 2016**

Legislative Council Panel on Housing

Marking Scheme for Estate Management Enforcement in Public Housing Estates

Purpose

This paper briefs Members on the latest implementation and effectiveness of the Marking Scheme for Estate Management Enforcement in Public Housing Estates (the Marking Scheme), including the effectiveness of measures taken to tackle the three types of misdeeds in relation to unauthorised smoking, unauthorised keeping of animals and illegal gambling.

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 which affect 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. The allotted points will be valid for two years, meaning that the allotted points will be purged upon the expiry of a two-year validity period. If a tenant has accumulated an allotment of 16 points within two years, HA will issue a Notice-to-quit (NTQ) to terminate the tenant's tenancy.

3. When misdeeds are detected with cases verified as substantiated, Housing Department (HD) staff will take actions against tenants who had conducted the misdeeds. Such actions include the issuance of Notification for Rectification (NR) and written warning; and the issuance of Notification Slip for Allotments of Points (NS) and allotment of points. If misdeeds detected involve statutory offences, HD staff are empowered to issue Fixed Penalty Notices (FPNs) to the offenders, in addition to allotting points. For PRH estates with management outsourced, staff of Property Services Agents will assist in issuing NR and NS, so as to facilitate HD staff to issue warnings or allot points according to the misdeeds conducted.

Overall Effectiveness of the Implementation

4. Since the implementation of the Marking Scheme in 2003, substantial improvement has been achieved in terms of environmental hygiene in PRH estates, and therefore the Marking Scheme is well received and supported by PRH tenants. According to the 2015 Public Housing Recurrent Survey, an overwhelming majority (93%) of tenants were aware of the Marking Scheme whilst 70% expressed that the deterrent measures of point allotment and termination of tenancy were reasonable. On the overall cleanliness and hygienic condition of common areas in estates, the satisfaction level has increased substantially to 74%, in comparison with 46% and 52% in 2002 and 2003 respectively.

5. Since the implementation of the Marking Scheme, as at end December 2015, there had been 27 495 cases of points allotment, involving 24 408 households. Among them, 4 721 cases (17.2%) remain valid. With the recognition and cooperation of PRH tenants, the Marking Scheme has been implemented for over 10 years up to now. Only 74 households were allotted with 16 points or more. Among them, three households had surrendered their PRH units voluntarily. HD has issued 58 NTQs, while the issuance of NTQs of 13 cases were withheld on special grounds. The details of the enforcement results of the Marking Scheme for the past three years are at **Annex B**.

Misdeeds for which the Warning System is Applicable

6. The warning system is applicable to 12 types of less serious misdeeds. In 2015, the figure indicated a 15.7% of relapse cases in which tenants failed to rectify the misdeeds within a reasonable time subsequent to the issuance of written warnings. The percentage is much lower than those of 2013 and 2014 (i.e. 38% and 41% respectively). The significant drop of the percentage of relapse cases demonstrated the educational effect of the Marking Scheme.

7. In 2015, the number of cases relating to “Water dripping from air-conditioner” has increased as compared with the past two years. In comparison with the figures in 2013 and 2014, the number of warning letters issued against this misdeed had increased to 341 in 2015 from 40 and 73 in 2013 and 2014 respectively. There were 18 cases of point allotment, a number similar with the past two years. Despite an increase in the number of cases of the above misdeed, the number of point allotment cases still maintained at a low level. It showed that the warning system was effective in terms of public education, and solicited the cooperation among tenants.

Misdeeds for which the Warning System is not Applicable

8. For the 16 types of more serious misdeeds for which the warning system is not applicable, the total number of point allotment cases dropped from 2 477 in 2014 to 2 374 in 2015. However, the cases of misdeeds under Category B in relation to littering (B1), keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord (B3) and illegal gambling in public places (B12) showed a slight increase. Generally speaking, HD has on one hand strengthened tenant's awareness on civic responsibility through wide publicity and education, while on the other hand, fostered tenant's cooperation in reporting misdeed cases with the view to resolving the problem.

Top Three Misdeeds

9. From January to December 2015, among the point allotment cases of the 16 types of more serious misdeeds, 1 159 cases involved "unauthorised smoking", which is the misdeed with the highest number of cases, followed by "keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord" (602 cases) and "illegal gambling in public places" (262 cases). These three types of misdeeds are more important issues of concerns for the public because since they constituted a higher portion of the point allotment cases, and have a wider impact on the detriment of environmental hygiene as well as the creation of nuisance. The following paragraphs will further elaborate HD's actions on these three aspects.

Unauthorised smoking

10. Smoking in the common areas within PRH estates has been included as a misdeed under the Marking Scheme since 2007. As stipulated 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 smoking in SNSA in the estates where they reside will be allotted points and issued a FPN. As for those PRH tenants who are found smoking in open areas within the estates which are not designated as SNSAs, they will only be allotted points. To strengthen the enforcement actions against this misdeed, apart from the enforcement actions taken by estate management staff, HD has deployed the Special Squads² to various PRH estates, including PRH estates with management outsourced, to take actions against this misdeed. Over the past 3 years, we have allotted points to 3 453 tenants who

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 Squads are formed by HD staff to tackle misdeeds under the Marking Scheme. There is one Special Squad team in each region.

smoked in the common areas within estates and issued 872 FPNs to smoking offenders in SNSAs.

Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord

11. Unauthorised keeping of animals will cause adverse impact on environmental hygiene and create nuisance to tenants in the densely populated PRH estates. Therefore, it has been stipulated in the tenancy agreement that keeping of dogs and livestock, without prior written consent from HA, is not allowed. Dog keeping is prohibited in PRH estates except for (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 points without warning.

12. In order to maintain a clean and quiet living environment in PRH estates, HD has implemented a series of strict control measures against unauthorised dog keeping. The measures include strengthening patrols and inspection by Special Squads against unauthorised dog keeping and enhanced publicity through the Housing Channel, radio broadcast and poster. In 2015, about 602 tenants were allotted points for unauthorised dog keeping. Besides, as at end December 2015, the total number of dogs allowed for keeping under TPR, as well as guide dogs and companion dogs allowed for keeping under discretionary permission was about 2 800.

Illegal gambling in public places

13. Illegal gambling in public places causes adverse impact on the living environment and public order. To deter this inappropriate activity from occurring in public areas, starting from October 2007, "illegal gambling in public places" has been included in the Marking Scheme as a misdeed. Tenants will be allotted 5 points on their conviction of unlawful gambling in the PRH estates where they reside. Over the past 3 years, there was an average of 270 offenders being allotted points for committing this misdeed each year.

14. To effectively tackle this misdeed, HD has implemented the following enhanced measures, including (a) strengthening security patrols, (b) installation of CCTV surveillance system at suitable locations and (c) enlisting police assistance to make arrests under the Gambling Ordinance (Cap. 148). HD will continue to maintain close communication with local police divisions for monitoring the situation.

³ The Subsidised Housing Committee of HA endorsed the implementation of a one-off TPR in 2003, allowing tenants to continue keeping their small dogs which were already kept in PRH units before 1 August 2003 until the dogs' natural death.

Way Forward

15. The implementation of the Marking Scheme has been well received and supported by PRH tenants. HD will continue to take proactive measures against misdeeds, especially against smoking in non-designated common areas in estates, unauthorised animal keeping and illegal gambling, etc. Publicity will also be stepped up 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 the Marking Scheme.

**Transport and Housing Bureau
June 2016**

**List of Misdeeds under the Marking Scheme for
Estate Management Enforcement**

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 liftlobbies 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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* Under the Warning System in place for these misdeeds, first offenders will receive a written warning. HD will allot points if an offender ignores the written warning and repeats the same misdeed for the second time and onwards.

**Summary of the Marking Scheme for
Estate Management Enforcement for the past 3 years
(1 January 2013 to 31 December 2015)**

Category of Misdeeds		2013		2014		2015	
		Warning issued	Points allotted Cases [#]	Warning issued	Points allotted Cases [#]	Warning issued	Points allotted Cases [#]
A1	Drying clothes in public areas (except in areas designated by HD)	21	0	54	9	48	15
A2	Hanging floor mop outside the window or balcony	1	1	2	0	1	0
A3	Putting dripping object at window, balcony or façade	11	5	9	4	51	7
A4	Dripping oil from exhaust fan	1	0	0	0	1	0
B1	Littering	-	129	-	140	-	161
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	2	-	6	-	3
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	608	-	569	-	602
B4	Allowing animal and livestock under charge to foul public places with faeces	-	0	-	0	-	1
B7	Obstructing corridors or stairs with sundry items rendering cleansing difficult	24	5	10	7	28	6
B8	Boiling wax in public areas	-	0	-	0	-	0
B9	Causing mosquito breeding by accumulating stagnant water	0	0	0	0	0	0
B10	Smoking or carrying a lighted cigarette in estate common area	-	987	-	1307	-	1159
B11	Causing noise nuisance	9	4	3	5	1	3
B12	Illegal gambling in public places	-	314	-	246	-	262
B13	Water dripping from air-conditioner	40	17	73	19	341	18
C1	Throwing objects from height that jeopardize environmental hygiene	-	164	-	155	-	126
C2	Spitting in public areas	-	9	-	10	-	7
C3	Urinating and defecating in public places	-	2	-	0	-	1
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	-	0	-	2	-	1
C5	Denying HD staff or staff representing HD entry for repairs responsible by HD	22	14	14	11	19	15
C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	1	0	0	0	0	0
C7	Damaging down/sewage pipes causing	0	0	0	0	0	0

Annex B

Category of Misdeeds		2013		2014		2015	
		Warning issued	Points allotted Cases [#]	Warning issued	Points allotted Cases [#]	Warning issued	Points allotted Cases [#]
	leakage to the flat below						
C8	Using leased premises as food factory or storage	-	3	-	0	-	0
C9	Illegal hawking of cooked food	-	1	-	3	-	0
C10	Damaging or stealing Housing Authority's property	-	10	-	3	-	1
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	11	12	6	10	14	15
C12	Using leased premises for illegal purpose	-	91	-	21	-	30
D1	Throwing objects from height that may cause danger or personal injury	-	9	-	15	-	20
Total		141	2387	171	2542	504	2453

[#] Allotted points will be purged upon the expiry of a two-year validity period.