

**立法會**  
***Legislative Council***

LC Paper No. CB(1)988/15-16(06)

Ref. : CB1/PL/HG

**Panel on Housing**

**Meeting on 6 June 2016**

**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") when the subject was discussed by the Panel in recent years.

**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 covers 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. 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. HA had issued 54 NTQs and had withheld the issuance of NTQ of 13 cases on special grounds. The details of the enforcement results are at **Appendix II**.

5. As advised by the Administration in April 2015, 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 had been decreasing, with the former dropped from some 680 in 2009 to some 570 in 2014, and the latter dropped from 460 in 2009 to 250 in 2014. On the other hand, there was an increase of point allotment cases for littering in public areas, 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 9 in 2013 to 15 in 2014.

6. According to the "2014 Public Housing Recurrent Survey", 94% of the 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 rose to 75%, in comparison with 46% and 52% in 2002 and 2003 respectively.

### **Deliberations of the Panel on Housing**

7. The Panel was last updated on the progress of the Marking Scheme at its meeting on 14 April 2015. The major views and concerns expressed by members at the meetings on 4 March 2013, 3 March 2014 and 14 April 2015 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. Members requested the Administration to critically review the Marking Scheme as 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. The Administration responded that the allocation of PRH units was on a household basis and not an individual basis. According to HA's terms of tenancy, tenants were required to take responsibility for their own actions and those of their household members. The Administration assured members that it would continue to strike a balance between the interests of PRH tenants and ensuring the deterrence effect of the Marking Scheme, and would keep the Marking Scheme under periodic review with due regard to the views of the public.

*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 appeal mechanism under the Marking Scheme. The Administration advised that offenders could lodge an appeal to the Appeal Panel (Housing) where their cases would be heard accordingly. Upon considering the appeal cases on an individual basis, the Appeal Panel might cancel NTQs issued on special grounds, such as old age, mental status, or in some cases the appellants were required to undertake they would not commit any misdeeds again etc.

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.

### Tackling smoking offences under the Marking Scheme

15. Some members enquired about enforcement actions against smoking offences in common areas of PRH estates. They expressed concern about the difficulty in gathering evidence for taking enforcement action against smoking offences as the smoke might have dissipated when the housing staff arrived at the scene.

16. 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. Tenants who were found to be smoking in statutory no-smoking areas ("SNSAs") in the estate in which they reside would be allotted penalty points, together with a Fixed Penalty Notice as stated under the Fixed Penalty (Smoking Offences) Ordinance. For those who were found smoking in estate open areas which are not designated as SNSAs, they would be allotted penalty points only.

### **Council questions**

17. 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 include 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**

18. The Administration will brief members on the latest progress and effectiveness of the Marking Scheme at the Panel meeting on 6 June 2016.

### **Relevant papers**

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

Council Business Division 1  
Legislative Council Secretariat  
31 May 2016

## 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
----	---

- \* 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.

Source: See LC Paper No. [CB\(1\)702/14-15\(06\)](#)

## Number of Households with Points Allotted (as at 31 December 2014)

3-9 Points		10-15 Points		≥ 16 Points <sup>1</sup>		Total	
Cumulative	Active <sup>3</sup>	Cumulative	Active <sup>3</sup>	Cumulative	Active <sup>3</sup>	Cumulative	Active <sup>3</sup>
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 <sup>2</sup>	Points-allotted Cases <sup>3</sup>
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

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

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



<b>Misdeeds Category</b>		<b>Warning</b>	<b>Points-allotted Cases</b>
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
<b>Total</b>		<b>5 898</b>	<b>25 042</b>

Source: See LC Paper No. [CB\(1\)702/14-15\(06\)](#)

**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	4 March 2013	<p>Administration's paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" (LC Paper No. <a href="#">CB(1)619/12-13(06)</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. <a href="#">CB(1)619/12-13(07)</a>)</p> <p>Minutes of meeting (LC Paper No. <a href="#">CB(1)1390/12-13</a>)</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. <a href="#">CB(1)984/13-14(06)</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. <a href="#">CB(1)984/13-14(07)</a>)</p> <p>Minutes of meeting (LC Paper No. <a href="#">CB(1)1505/13-14</a>)</p> <p>Administration's consolidated response to the follow-up actions arising from the meeting (Paragraph 13 of LC Paper No. <a href="#">CB(1)1915/13-14(02)</a>)</p>

<b>Council/ Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Housing	14 April 2015	<p>Administration's paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" (LC Paper No. <a href="#">CB(1)702/14-15(06)</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. <a href="#">CB(1)702/14-15(07)</a>)</p> <p>Minutes of meeting (LC Paper No. <a href="#">CB(1)883/14-15</a>)</p> <p>Administration's supplementary paper on the Marking Scheme for Estate Management Enforcement in Public Housing Estate (Follow-up paper) (LC Paper No. <a href="#">CB(1)1109/14-15(01)</a>)</p>

**Hyperlinks to relevant Council Questions:**

<b>Date</b>	<b>Council Question</b>
24 April 2013	<p>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> </p>
3 July 2013	<p>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> </p>