

立法會
Legislative Council

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Panel on Housing

Meeting on 9 May 2017

**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 summary 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 control against hygiene-related misconduct in public rental housing ("PRH") estates. The Marking Scheme covers common misdeeds 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 occupants 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 2015, 27 495 allotments of penalty points involving 24 408 households have been recorded, with about 4 721 cases (17.2%) remaining valid. Out of the 74 households with 16 or more points accrued, three had surrendered their PRH flats voluntarily. HA had issued 58 NTQs and had withheld the issuance of NTQ of 13 cases on special grounds. The details of the enforcement results for the period from 1 January 2013 to 31 December 2015 are at **Appendix II**.

5. As advised by the Administration in June 2016, for the 16 types of more serious misdeeds for which the warning system was not applicable, the total number of point allotment cases dropped from 2 477 in 2014 to 2 374 in 2015. However, the numbers of point allotment cases in relation to littering, keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord, and illegal gambling in public places showed a slight increase¹.

6. According to the "2015 Public Housing Recurrent Survey", 93% of PRH tenants were aware of the Marking Scheme whilst 70% considered that the deterrent measures of point allotment and termination of tenancy were reasonable. The percentage showing satisfaction towards the overall cleanliness and hygienic condition of estate common areas rose to 74%, in comparison with 46% and 52% in 2002 and 2003 respectively.

Deliberations of the Panel on Housing

7. The Panel monitors the implementation of the Marking Scheme each year, and was last updated on the subject at its meeting on 6 June 2016. The major views and concerns expressed by members are summarized in the ensuing paragraphs.

¹ The numbers of point allotment cases in relation to (a) littering, (b) keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord, and (c) illegal gambling in public places increased from 140, 569 and 246 in 2014 to 161, 602 and 262 in 2015 respectively (LC Paper No. [CB\(1\)988/15-16\(05\)](#)).

Effectiveness of the Marking Scheme

8. Panel members expressed reservations about the effectiveness of the Marking Scheme, and pointed out that offenders who committed the misdeeds at PRH estates, in which they were not residing, could not be held liable for their actions by the Housing Department ("HD"). Some members sought elaboration about the criteria applied by HD in enforcing its power of giving warning against obstructing corridors or stairs with sundry items rendering cleansing difficult, and accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance.

9. The Administration advised that as PRH estates were densely populated, the Marking Scheme served as an objective and effective tool in regulating the undesirable behaviours of some PRH tenants in order to provide a harmonious living environment to everyone. As far as the misdeed of obstructing the corridors and stairs with sundry items was concerned, the number of cases with marks allotted (6 cases in 2015) was less than the number of warnings issued (28 warnings in 2015). In these cases, the warning system was efficient in rectifying the unwelcomed behaviour among tenants. In relation to the misdeed of accumulating lots of refuse or waste inside the PRH units, the Administration explained that the households involved were usually some elderly lone tenants who habitually kept refuse inside their PRH units. Being aware that it would take some effort in rectifying such behaviours, HD considered it appropriate to allot marks for a deterrent effect.

Liability of entire household

10. Members generally considered that an individual who committed the misdeeds under the Marking Scheme 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. The Administration explained that as the tenancy agreement had binding effect on the entire household, the Administration considered it reasonable to apply the Marking Scheme on household basis.

11. Some members highlighted the fact that the registered tenant could do nothing to remove the misbehaving family member from the list of tenants of that household even if that was what he wished. In response to a question on whether consideration would be given to removing just the individual who committed a misdeed from the tenancy, the Administration advised 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.

Notice-to-quit cases and appeal system

12. Some members were concerned about the appeal mechanism in NTQ cases, and urged the Administration to exercise discretion in handling NTQ cases and to engage the assistance of Social Welfare Department ("SWD") as far as possible to avoid tragedies from happening in some extreme situations. The Administration explained that offenders could lodge an appeal against the NTQ to the Appeal Panel (Housing), which would consider each case on an individual basis. Where necessary, HD would liaise with SWD in offering assistance to households concerned.

Keeping dogs at public rental housing units

13. Some members opined that HD should consider allowing guide dog puppies undergoing training to be kept at PRH units by visually impaired tenants, or tenants who were guide dog trainers, because training in the environment of PRH estates was essential to the guide dogs' service in the future. Some members were concerned about hygiene issues stemming from the excrement of dogs at PRH estates.

14. The Administration advised that as PRH estates were densely populated, it was necessary for HD to strike a balance between tenants with diverse needs. HD exercised discretion in allowing guide dog puppies under training to be kept at PRH units occupied by visually impaired tenants. However, HD considered it inappropriate to grant such exemption to guide dog trainers residing at PRH estates based on their occupation.

Latest development

15. The Administration will brief members on the latest position of the implementation of the Marking Scheme at the Panel meeting on 9 May 2017.

16. The Administration's paper on the subject has been submitted to the Panel in April 2017 (LC Paper No. CB(1)768/16-17(01)), providing among others information on the overall effectiveness of the implementation of the Marking Scheme as at end 2016.

Relevant papers

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

Council Business Division 1
Legislative Council Secretariat
4 May 2017

**List of Misdemeanors under the Marking Scheme for
Estate Management Enforcement in Public Housing Estates**

Category A (3 penalty points)

A1*	Drying clothes in public areas (except in areas designated by 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'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 one written warning and repeats the same misdeed for the second time and onwards.

Source: LC Paper No. [CB\(1\)768/16-17\(01\)](#)

**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 the Housing Department ("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

Category of Misdeeds		2013		2014		2015	
		Warning issued	Points allotted Cases [#]	Warning issued	Points allotted Cases [#]	Warning issued	Points allotted Cases [#]
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 leakage to the flat below	0	0	0	0	0	0
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.

Source: LC Paper No. [CB\(1\)988/15-16\(05\)](#)

**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>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>Minutes of meeting (LC Paper No. CB(1)1505/13-14)</p> <p>Administration's consolidated response to the follow-up actions arising from the meeting (Paragraph 13 of LC Paper No. CB(1)1915/13-14(02))</p>
Panel on Housing	14 April 2015	<p>Administration's paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" (LC Paper No. CB(1)702/14-15(06))</p> <p>Minutes of meeting (LC Paper No. CB(1)883/14-15)</p> <p>Administration's supplementary paper on the Marking Scheme for Estate Management Enforcement in Public Housing Estates (Follow-up paper) (LC Paper No. CB(1)1109/14-15(01))</p>

Council/ Committee	Date of meeting	Paper
Panel on Housing	6 June 2016	Administration's paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estates"(LC Paper No. CB(1)988/15-16(05)) Minutes of meeting (LC Paper No. CB(1)1146/15-16) Administration's supplementary paper on the Marking Scheme for Estate Management Enforcement in Public Housing Estates (Follow-up paper) (LC Paper No. CB(1)1137/15-16(01))

Hyperlinks to relevant Council Questions:

Date	Council Question
24 April 2013	Council question raised by Hon KWOK Wai-keung
3 July 2013	Council question raised by Hon CHAN Kin-po