

立法會
Legislative Council

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Panel on Housing

Meeting on 7 May 2018

**Updated background brief prepared by the Legislative Council Secretariat
on Marking Scheme for Estate Management Enforcement
in Public Housing Estates**

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 2016, 29 722 point allotment cases involving 26 164 households have been recorded, with about 4 352 cases (15%) remaining valid. Out of the 78 households with 16 or more points accrued, three had surrendered their PRH flats voluntarily. HA had issued 61 NTQs and had withheld the issuance of NTQ of 14 cases on special grounds. The details of the enforcement results for the period from 1 January 2014 to 31 December 2016 are at **Appendix II**.

5. As advised by the Administration in May 2017, 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 2 374 in 2015 to 2 131 in 2016. Among those 2 131 cases, 1 041 are related to "smoking in estate common area", 552 are about "keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord" and 127 are about "throwing objects from height that jeopardize environmental hygiene".

6. According to the "2016 Public Housing Recurrent Survey", 94% of PRH tenants were aware of the Marking Scheme. The level of satisfaction of the overall cleanliness and hygienic condition of estate common areas was 70%.

Deliberations of the Panel on Housing

7. The Panel discusses the implementation of the Marking Scheme regularly, and was last updated by the Administration on the subject at its meeting on 9 May 2017. The major views and concerns expressed by members are summarized in the ensuing paragraphs.

Keeping guide dogs at public rental housing units

8. Some members noted that the Housing Department ("HD") would approve visually impaired tenants to keep guide dogs undergoing road-leading training in their PRH units based on circumstances of individual cases, and suggested that HD should also allow guide dog trainers to keep guide dog puppies undergoing training in PRH units, which was essential to the guide dogs' service in the future.

9. The Administration replied that HD had to strike a balance among tending to social needs, addressing tenants' needs and quality estate management, etc. According to a survey conducted by HD in 2016, 70% of the respondents to the survey were of the view that HD should not further relax the relevant restrictions under the prevailing dog keeping policy.

Liability of entire household

10. Some members considered that an individual member of a PRH household who committed a misdeed under the Marking Scheme should be punished accordingly, but other household members should not be liable for the misdeed and their rights to continue to live in the PRH unit should not be affected.

11. The Administration advised that allocation of PRH units was on a household 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.

12. Some members queried whether a PRH household was in effect subject to double penalty in circumstances where an individual member of the household who was convicted of criminal offence was punished by the Court and the household was allotted marks under the Marking Scheme as well.

13. The Administration explained that all Hong Kong citizens had the obligation to observe the laws of Hong Kong and should be subject to penalty for any statutory offences they had committed. The Marking Scheme had been introduced by making reference to the contractual relationship between landlords and tenants which provided a clear and effective management tool to initiate tenancy enforcement actions against those tenants who broke the contract. Thus, there was no contradiction between the enforcement of the laws of Hong Kong and the implementation of the Marking Scheme.

Latest development

14. The Administration will brief members on the latest progress and effectiveness of the Marking Scheme at the Panel meeting on 7 May 2018.

Relevant papers

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

Council Business Division 1
Legislative Council Secretariat
2 May 2018

**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 2014 to 31 December 2016)**

Category of Misdeeds		2014		2015		2016	
		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"))	54	9	48	15	60	7
A2	Hanging floor mop outside the window or balcony	2	0	1	0	2	0
A3	Putting dripping object at window, balcony or façade	9	4	51	7	30	4
A4	Dripping oil from exhaust fan	0	0	1	0	0	0
B1	Littering	-	140	-	161	-	137
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	6	-	3	-	9
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	569	-	602	-	552
B4	Allowing animal and livestock under charge to foul public places with faeces	-	0	-	1	-	0
B7	Obstructing corridors or stairs with sundry items rendering cleansing difficult	10	7	28	6	22	8
B8	Boiling wax in public areas	-	0	-	0	-	0
B9	Causing mosquito breeding by accumulating stagnant water	0	0	0	0	1	0
B10	Smoking or carrying a lighted cigarette in estate common area	-	1307	-	1159	-	1 041
B11	Causing noise nuisance	3	5	1	3	12	11
B12	Illegal gambling in public places	-	246	-	262	-	233
B13	Water dripping from air-conditioner	73	19	341	18	137	25
C1	Throwing objects from height that jeopardize environmental hygiene	-	155	-	126	-	117
C2	Spitting in public areas	-	10	-	7	-	12
C3	Urinating and defecating in public places	-	0	-	1	-	6
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	-	2	-	1	-	1

Category of Misdeeds		2014		2015		2016	
		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	14	11	19	15	42	31
C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	0	0	0	0	3	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	-	0	-	0	-	0
C9	Illegal hawking of cooked food	-	3	-	0	-	0
C10	Damaging or stealing Housing Authority's property	-	3	-	1	-	2
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	6	10	14	15	8	10
C12	Using leased premises for illegal purpose	-	21	-	30	-	11
D1	Throwing objects from height that may cause danger or personal injury	-	15	-	20	-	10
Total		171	2542	504	2453	317	2227

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

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

**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	Administration's paper (LC Paper No. CB(1)619/12-13(06)) Minutes of meeting (LC Paper No. CB(1)1390/12-13)
Panel on Housing	3 March 2014	Administration's paper (LC Paper No. CB(1)984/13-14(06)) Minutes of meeting (LC Paper No. CB(1)1505/13-14) 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))
Panel on Housing	14 April 2015	Administration's paper (LC Paper No. CB(1)702/14-15(06)) Minutes of meeting (LC Paper No. CB(1)883/14-15) Administration's supplementary paper (LC Paper No. CB(1)1109/14-15(01))
Panel on Housing	6 June 2016	Administration's paper (LC Paper No. CB(1)988/15-16(05)) Minutes of meeting (LC Paper No. CB(1)1146/15-16) Administration's supplementary paper (LC Paper No. CB(1)1137/15-16(01))

Council/ Committee	Date of meeting	Paper
Panel on Housing	9 May 2017	Administration's paper (LC Paper No. CB(1)768/16-17(01)) Minutes of meeting (LC Paper No. CB(1)395/17-18) Administration's supplementary paper (LC Paper No. CB(1)1452/16-17(01))