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Panel on Housing

Meeting on 6 May 2019

**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 during the Panel's discussions in recent years.

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 2017, 32 075 point allotment cases involving 28 062 households have been recorded, with about 4 246 cases (15%) remaining valid. Out of the 84 households with 16 or more valid points accrued, three had surrendered their PRH flats voluntarily. HA had issued 66 NTQs and had withheld the issuance of NTQ of 15 cases on special grounds. The details of the enforcement results for the period from 1 January 2015 to 31 December 2017 are at **Appendix II**.

5. As advised by the Administration in May 2018, for the 16 types of more serious misdeeds for which the warning system was not applicable, a majority of the point allotment cases in 2017 involved three misdeeds, i.e., smoking in estate common area (1 104 cases), unauthorized animal keeping (595 cases) and throwing objects from height (154 cases), which had a stronger impact on public safety or environmental hygiene.

6. According to the "2017 Public Housing Recurrent Survey", 95% 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 72%, in comparison with 46% in 2002 before the implementation of the Marking Scheme.

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 7 May 2018. The major views and concerns expressed by members are summarized in the ensuing paragraphs.

Keeping dogs

8. In view that unauthorized dog keeping was included as one of the misdeeds under the Marking Scheme, members asked how the Housing Department ("HD") would assess the needs of a PRH tenant requesting to keep a companion dog for mental support. Some members opined that HD should adopt a more relaxed approach in handling such requests.

9. The Administration advised that keeping dogs in densely populated public housing estates might induce noise nuisances and hygiene issues. In this regard, keeping dogs by PRH tenants was generally not allowed. HD would exercise discretion in giving permission for keeping service dogs for those with special needs such as need of the companion of a dog for mental support.

Trial scheme for keeping guide dog puppies

10. Members noted that to assist guide dog puppies under training to adapt to the living environment of PRH estates so as to facilitate their future matching with users in estates, HD had launched a trial scheme in early 2018 under which two foster families would be selected from eight PRH estates for keeping guide dog puppies under training in their PRH units for around one year.¹ Members enquired whether HD had plans to increase the number of foster families and extend the trial scheme to all PRH estates.

11. The Administration advised that HD had worked closely with two main guide dog organizations on the trial scheme and had deliberated the details of the scheme with these organizations, such as the estates to take part in the trial scheme, the number of foster families, etc. The two organizations would each provide a guide dog puppy to a foster family living in different PRH estates. HD would collect feedback six months after the commencement of the trial scheme and conduct a mid-term review, to evaluate whether improvement measures were necessary to facilitate the implementation of the scheme. Upon the completion of the training of the guide dog puppies, HD would evaluate the effectiveness of the trial scheme to determine the way forward.

Throwing objects from height

12. Members enquired whether HA had put in place measures other than the Marking Scheme to deter throwing of objects from height by PRH residents. Some members opined that HA should set up more surveillance systems for detecting offenders.

¹ According to the Administration, two main guide dog organizations providing guide dog services for visually impaired persons (i.e. the Hong Kong Guide Dogs Association and the Hong Kong Seeing Eye Dog Services) had recommended eight PRH estates suitable for the implementation of the trial scheme. The organizations would meet with the Estate Management Advisory Committees ("EMACs") of these estates, brief them on the scheme, and appeal for their support. After collecting EMACs' views, the two organizations would select two tenants from the eight estates as voluntary guide dog puppy foster families.

13. The Administration advised that HA set up 169, 191 and 191 surveillance systems to monitor the throwing of objects from height at the end of 2015, 2016 and 2017 respectively, and would continue to increase the number of such systems based on the situation in each PRH estate. Systems were added or rotated to different estates according to actual needs. Apart from deploying surveillance systems, HA had also adopted other measures in combating the misdeed including promoting the message against throwing objects from height through the Housing Channel, posters and partnering functions by Estate Management Advisory Committees and non-governmental organizations, intensified patrols and inspections by estate staff at regional level, and deployment of Special Operation Teams to detect suspected offenders. In 2017, Special Operation Teams had conducted some 3 970 operations to monitor the throwing of objects from height, detected 117 cases, and took prosecution actions in 84 cases.

Smoking in estate common areas

14. Members were concerned about the large number of point-allotment cases for the misdeed of smoking in PRH estate common areas since the implementation of the Marking Scheme, and enquired about the enforcement actions against the misdeed. The Administration advised that tenants who committed the misdeed of smoking or carrying a lighted cigarette in estate common areas would be allotted five points under the Marking Scheme. For those tenants who were found smoking in a statutory no-smoking area in the estates they resided, HD would issue Fixed Penalty Notices to them pursuant to the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600), in addition to allotting points. To step up the efforts in combating these misdeeds, apart from estate management staff, HA had deployed Special Operation Teams to PRH estates to take enforcement and control actions.

Water dripping from air-conditioners

15. Members enquired about the measures taken by HD in tackling cases relating to water dripping from air-conditioners in PRH units, and how HD would assist tenants to deal with such water dripping problems. The Administration advised that as a general practice, as summer approached, HD would remind PRH tenants to fix the problems of water dripping from the air-conditioners inside their flats, if any, and estate management staff would provide appropriate assistance to needy tenants, such as elderly households and tenants with disabilities, in this regard.

Misdeeds committed by individual household members

16. 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. The Administration advised that allocation of PRH units was on the basis of households and not individuals. According to HA's terms of tenancy, tenants were required to take responsibility for their own actions and those of their household members.

17. 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 a criminal offence was punished by the Court and the household was allotted marks for the same misdeed under the Marking Scheme as well. 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

18. The Administration will brief members on the latest progress and effectiveness of the Marking Scheme at the Panel meeting on 6 May 2019.

Relevant papers

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

**List of Misdeeds 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-time offenders will receive a written warning. HD will allot points if an offender commits the same misdeed for a second time or again thereafter.

Source: LC Paper No. [CB\(1\)894/17-18\(01\)](#)

**Summary of the Marking Scheme for
Estate Management Enforcement for the past 3 years
(1 January 2015 to 31 December 2017)**

Category of Misdeeds		2015		2016		2017	
		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"))	48	15	60	7	15	9
A2	Hanging floor mop outside the window or balcony	1	0	2	0	2	0
A3	Putting dripping object at window, balcony or façade	51	7	30	4	16	5
A4	Dripping oil from exhaust fan	1	0	0	0	0	0
B1	Littering	-	161	-	137	-	141
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	3	-	9	-	3
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	602	-	552	-	595
B4	Allowing animal and livestock under charge to foul public places with faeces	-	1	-	0	-	0
B7	Obstructing corridors or stairs with sundry items rendering cleansing difficult	28	6	22	8	15	5
B8	Boiling wax in public areas	-	0	-	0	-	0
B9	Causing mosquito breeding by accumulating stagnant water	0	0	1	0	0	0
B10	Smoking or carrying a lighted cigarette in estate common area	-	1159	-	1 041	-	1 104
B11	Causing noise nuisance	1	3	12	11	10	11
B12	Illegal gambling in public places	-	262	-	233	-	214
B13	Water dripping from air-conditioner	341	18	137	25	113	35
C1	Throwing objects from height that jeopardize environmental hygiene	-	126	-	117	-	154
C2	Spitting in public areas	-	7	-	12	-	17
C3	Urinating and defecating in public places	-	1	-	6	-	2
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	-	1	-	1	-	1

Category of Misdeeds		2015		2016		2017	
		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	19	15	42	31	18	9
C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	0	0	3	0	0	0
C7	Damaging down/sewage pipes causing leakage to the flat below	0	0	0	0	1	0
C8	Using leased premises as food factory or storage	-	0	-	0	-	1
C9	Illegal hawking of cooked food	-	0	-	0	-	1
C10	Damaging or stealing Housing Authority's property	-	1	-	2	-	8
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	14	15	8	10	15	13
C12	Using leased premises for illegal purpose	-	30	-	11	-	16
D1	Throwing objects from height that may cause danger or personal injury	-	20	-	10	-	9
Total		504	2 453	317	2 227	205	2 353

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

Source: LC Paper No. [CB\(1\)894/17-18\(01\)](#)

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

List of relevant papers

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))
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))

Committee	Date of meeting	Paper
Panel on Housing	7 May 2018	Administration's paper (LC Paper No. CB(1)894/17-18(01)) Minutes of meeting (LC Paper No. CB(1)654/18-19) Administration's supplementary paper (LC Paper No. CB(1)1176/17-18(01))