

**For discussion
on 4 May 2020**

Legislative Council Panel on Housing

Marking Scheme for Estate Management Enforcement in Public Housing Estates

Purpose

This paper updates Members on the latest position of the implementation of the Marking Scheme for Estate Management Enforcement in Public Housing Estates (the Marking Scheme) by the Hong Kong Housing Authority (HA) and the trial scheme for allowing public rental housing (PRH) tenants to keep guide dog puppies as foster families.

The Marking Scheme

Background

2. HA implemented the Marking Scheme in 2003 to strengthen control against hygiene-related misconduct in PRH estates, and promote civic responsibility among tenants and authorised occupants. Currently, the Marking Scheme covers 28 common misdeeds affecting environmental hygiene and estate management (see **Annex 1** for details). Tenants and authorised occupants who are found to have committed misdeeds in their residing estates will be allotted points, which will be valid for two years. If a tenant accumulates 16 valid points within two years, HA will issue a Notice-to-quit (NTQ) terminating the tenant's tenancy.

Effectiveness of implementation

3. The Marking Scheme is an effective management measures in PRH curbing misdeeds relevant to environmental hygiene and estate management, and has been widely recognised and supported by PRH tenants. According to the Public Housing Recurrent Survey 2019, a vast majority of tenants (94%) were aware of the Marking Scheme. The level of satisfaction of the overall cleanliness and hygienic condition of estate common areas has substantially increased to 70% in 2019, in comparison with 46% in 2002 before the implementation of the Marking Scheme.

4. After the implementation of the Marking Scheme, as at end-December 2019, HA has recorded 37 257 point-allotment cases involving 32 138 households cumulatively (see **Annex 2**). Among these households, 4 804 (15%) still carry valid points. There were 106 households accrued 16 or more valid points, among which three had surrendered their PRH units voluntarily, 83 received NTQs and 20 had their NTQs withheld on special grounds.

5. Among the 28 misdeeds under the Marking Scheme, a warning system¹ is in place for 12 less serious misdeeds. HA has issued a total of 246 written warnings in 2019, an increase from 192 in 2018. The total number of point-allotment cases has decreased from 2 711 in 2018 to 2 471 in 2019. Among which, four misdeed items, namely, “smoking in estate common area”, “littering”, “illegal gambling in public places” and “unauthorised animal keeping”, constituted a larger portion of the point-allotment cases. They concern the public more and have severe adverse impact on environmental hygiene. Details are elaborated below.

Smoking in estate common area

6. Under the Marking Scheme, tenants found smoking² or carrying a lighted cigarette outside the designated smoking areas in the estate common area of their residing estates will be allotted five points. Tenants found smoking in a statutory no-smoking area (SNSAs) in the estates they reside will, in addition to being allotted points, be issued with a Fixed Penalty Notices (FPNs) by HA pursuant to the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) which was enacted in September 2009. In order to continue combating such misdeed, apart from estate management staff, HA has deployed Special Operation Teams³ to PRH estates to take enforcement and control actions. In 2019, there were about 1 200 point-allotment cases for committing this misdeed.

Littering

7. HA has all along been deeply concerned with the hygiene condition in PRH estates. Special Cleaning Campaign has been carried out in PRH estates from June to mid-November 2019 in line with the Government’s territory-wide cleaning operation carried out at the same time. Specific measures include deploying special operation teams and estate staff for taking enforcement action

¹ Under the warning system, first offenders will receive a written warning; points will be allotted if an offender commits the same misdeed for a second time or again thereafter. Please refer to the items marked with * in **Annex 1** regarding the 12 misdeed items where the warning system is in place.

² Including the use of e-cigarette.

³ Special Operation Teams are formed by the HD’s staff to step up the enforcement actions against misdeeds under the Marking Scheme. There is one Special Operation Team in each Estate Management Region.

jointly under the Marking Scheme. There was a substantial increase of point-allotment cases on littering, from 242 in 2018 to 313 in 2019. The issue of FPNs pursuant to the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) has also increased substantially from 506 in 2018 to 722 in 2019.

Illegal gambling in public places

8. Illegal gambling in public places, which is an unlawful act, causes adverse impact on the living environment and public order. To deter this inappropriate activity from occurring in public areas, starting from January 2008, the misdeed “illegal gambling in public places” has been included in the Marking Scheme. PRH residents will be allotted five points on their conviction of unlawful gambling in the PRH estates where they reside. In 2019, there were about 240 point-allotment cases for committing this misdeed.

9. To curb the above misdeed, HA has implemented the following enhanced measures, including (a) strengthening security patrols at estate blackspots, (b) installation of CCTV surveillance system at suitable locations and (c) maintaining close liaison with the Police and providing support in their law enforcement actions.

Keeping dogs inside leased premises

10. PRH estates are densely populated. Unauthorised dog keeping may cause adverse impact to the environmental hygiene and create nuisance to tenants. Therefore, the tenancy agreement has stipulated that keeping dogs or livestock is not allowed without HA’s prior written consent. In general, dog keeping is prohibited in PRH estates except for (a) permitted dogs under the Temporary Permission Rule (TPR)⁴ and (b) service dogs⁵. Offending tenants will be allotted five points. There were 400 point-allotment cases for this misdeed in 2019. The number of TPR dogs has reduced from about 13 300 in 2003 to less than 300 by end-December 2019.

⁴ HA’s Subsidised Housing Committee endorsed the arrangement of a one-off TPR in 2003, allowing tenants to continue keeping small dogs which were already kept in PRH units before 1 August 2003 until the dogs’ natural death.

⁵ Service dogs include guide dogs for visually impaired tenants, and companion dogs for tenants who have strong special needs for mental support.

Progress of the trial scheme for keeping guide dog puppies

11. HA launched a trial scheme for keeping of guide dog puppies in PRH estates in early-2018 in response to the growing public concern about the development of guide dog services. After conducting briefings by two participating guide dog organisations⁶ to the Estate Management Advisory Committees of the relevant PRH estates and arranging publicity activities, a guide dog puppy has been arranged in a foster-family since August 2019, for a period of one year. HA has all along been keeping track of the situation. Up to now, no complaints on the trial scheme have been received from other tenants. Upon completion of the one-year's trial scheme, a comprehensive review will be conducted on its feasibility.

Way Forward

12. HA will continue to take proactive measures to curb misdeeds under the Marking Scheme, and step up publicity through different channels, in order to promote tenants' sense of civic responsibility and maintain a quiet and decent living environment in PRH estates.

13. Members are invited to note the latest position of the implementation of the Marking Scheme and the trial scheme for keeping guide dog puppies.

Transport and Housing Bureau
April 2020

⁶ The Hong Kong Guide Dogs Association Limited and the Hong Kong Seeing Eye Dog Services; both are major guide dog organisations providing guide dog services to the visually impaired.

List of Misdemeanors under the Marking Scheme**Category A (three 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 (five 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 (seven penalty points)

C1^	Throwing objects from height that jeopardise 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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* A Warning System is in place for these misdemeanors. First offenders will receive a written warning; HD will allot points if an offender commits the same misdemeanor for a second time or again thereafter.

^ 14 items of misdemeanor applicable to the PRH flats in Tenants Purchase Scheme and Buy-or-Rent Option Estates.

Summary of the Marking Scheme for Estate Management Enforcement

Category of Misdemeanors		2017		2018		2019		Cumulative figure since the implementation of the Marking Scheme*	
		Warning issued	Point-allotment case	Warning issued	Point-allotment case	Warning issued	Point-allotment case	Warning issued	Point-allotment case
A1	Drying clothes in public areas (except in areas designated by Housing Department (HD))	15	9	46	7	93	10	960	62
A2	Hanging floor mop outside the window or balcony	2	0	2	0	2	0	1 776	2
A3	Putting dripping object at window, balcony or façade	16	5	15	5	6	3	682	54
A4	Dripping oil from exhaust fan	0	0	1	0	0	0	26	0
B1	Littering	-	141	-	242	-	313	-	7 147
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	3	-	4	-	9	-	58
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	595	-	553	-	400	-	6 612
B4	Allowing animal and livestock under charge to foul public places with faeces	-	0	-	0	-	1	-	4
B7	Obstructing corridors or stairs with sundry items rendering cleansing difficult	15	5	17	7	52	10	2 005	66
B8	Boiling wax in public areas	-	0	-	0	-	0	-	0
B9	Causing mosquito breeding by accumulating stagnant water	0	0	0	0	0	0	2	1
B10	Smoking or carrying a lighted cigarette in estate common area	-	1 104	-	1 404	-	1 211	-	15 336
B11	Causing noise nuisance	10	11	6	6	9	12	180	130
B12	Illegal gambling in public places	-	214	-	213	-	243	-	3 124
B13	Water dripping from air-conditioner	113	35	70	27	42	16	1 143	188
C1	Throwing objects from height that jeopardise environmental hygiene	-	154	-	146	-	133	-	1 874
C2	Spitting in public areas	-	17	-	13	-	25	-	1 518

Category of Misdeeds		2017		2018		2019		Cumulative figure since the implementation of the Marking Scheme*	
		Warning issued	Point-allotment case	Warning issued	Point-allotment case	Warning issued	Point-allotment case	Warning issued	Point-allotment case
C3	Urinating and defecating in public places	-	2	-	1	-	4	-	27
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	-	1	-	2	-	0	-	9
C5	Denying HD staff or staff representing HD entry for repairs responsible by HD	18	9	33	33	41	47	271	200
C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	0	0	0	0	0	0	29	3
C7	Damaging down/sewage pipes causing leakage to the flat below	1	0	0	0	1	0	17	1
C8	Using leased premises as food factory or storage	-	1	-	0	-	1	-	10
C9	Illegal hawking of cooked food	-	1	-	0	-	1	-	50
C10	Damaging or stealing Housing Authority's property	-	8	-	3	-	4	-	56
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	15	13	2	15	0	0	271	234
C12	Using leased premises for illegal purpose	-	16	-	9	-	10	-	315
D1	Throwing objects from height that may cause danger or personal injury	-	9	-	21	-	18	-	176
Total		205	2 353	192	2 711	246	2 471	7 362	37 257

* The cumulative figures are for the period from 1 August 2003, when the Marking Scheme was implemented, to 31 December 2019.

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