

**For discussion
on 6 September 2021**

Legislative Council Panel on Housing

Marking Scheme for Estate Management Enforcement in Public Housing Estates

PURPOSE

This paper updates Members of the latest progress in implementing the Marking Scheme for Estate Management Enforcement (the Marking Scheme) in Public Rental Housing (PRH) estates by the Hong Kong Housing Authority (HA) and the result of the trial scheme for allowing PRH households to keep guide dog puppies as foster families.

BACKGROUND

2. In May 2003, the Team Clean set up by the Government¹ announced a series of measures to boost the environmental hygiene and cleanliness. To strengthen the enforcement measures against hygiene-related misdeeds in PRH estates² and to promote civic responsibility among tenants³, HA endorsed the implementation of the Marking Scheme on 19 common misdeeds in August 2003.

3. At present, the scope of the Marking Scheme has been extended to 28 common misdeeds which affect environmental hygiene and estate management and they are categorised by the degree of their adversity on environmental hygiene or estate management. Committing misdeeds under the four categories, i.e. A, B, C and D, of the Marking Scheme will lead to allotment of three, five, seven and 15 points respectively. A warning system is in place under the Marking Scheme for 12 less serious misdeeds. A list of the 28 misdeeds under the Marking Scheme is at **Annex I**.

4. Under the Marking Scheme, tenants committing the misdeeds in their residing estates will be liable to allotment of points. Any points allotted will be valid for two years. Upon accumulation of 16 points within two years, the tenancy of the subject household will be terminated by a Notice-to-quit (NTQ).

¹ In response to the outbreak of Severe Acute Respiratory Syndrome (commonly known as SARS).

² PRH estates include interim housing (IH).

³ Tenants include PRH tenants, IH licensees and authorised occupants.

LATEST IMPLEMENTATION PROGRESS

5. The implementation progress of the Marking Scheme for the period from January 2020 to June 2021 is summarised below.

Overall Enforcement Results

6. As at end of June 2021, HA has recorded 39 594 point-allotment cases (**Annex II**) cumulatively, involving 33 922 households. Amongst them, 2 534 (7%) have accrued ten points or more.

7. Out of the 33 922 households with point allotted, 3 189 (9%) carry valid points. There are 113 households which have accrued 16 or more points. Among them, 55 have their flats recovered while one is awaiting arrangement of flat recovery, 33 have their NTQs cancelled by the Appeal Panel (Housing)⁴ and the remaining 24 have been handled with discretion on compassionate or other special grounds.

Warning System

8. Among the 28 misdeeds in the Marking Scheme, HA has put in place a warning system for the 12 less serious misdeeds. Written warnings will be issued to households committing the misdeeds for the first time. Points will be allotted if the same misdeed is committed thereafter. The total number of written warnings issued has increased from 246 in 2019 to 380 in 2020, while 105 has been recorded in the first half of 2021. Out of these 12 less serious misdeeds, “Drying clothes in public areas (except in areas designated by Housing Department (HD))”, “Obstructing corridors or stairs with sundry items rendering cleansing difficult” and “Water dripping from air-conditioner” have accounted for 87% of the total number of written warnings.

Point-allotment Cases

9. The total number of point-allotment cases has decreased from 2 471 in 2019 to 1 522 in 2020, and 815 cases were recorded in the first half of 2021. For the period from 2020 to the first half of 2021, the most common misdeeds were “Smoking or carrying a lighted cigarette in estate common area”, “Littering”, “Throwing objects from height that jeopardize environmental hygiene” cum “Throwing objects from height that may cause danger or personal injury” and “Illegal gambling in public places”. They have attracted more concerns from the

⁴ The Appeal Panel (Housing) is an independent statutory body established under section 7A of the Housing Ordinance (Cap. 283) to determine appeals lodged against the termination of lease agreements between HA and its tenants.

public and have severe adverse impact on environmental hygiene and public safety. Details are elaborated in paragraphs 10 to 16 below.

Smoking Offence

10. Smoking in PRH estates has been classified as a misdeed under the Marking Scheme since 2006. The scope of application of this misdeed has undergone revisions to expand from public lifts at first to common areas within domestic buildings in January 2007 and subsequently to all estate common areas in April 2007.

11. Upon the enactment of the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) on 1 September 2009, any person who smokes or carries a lighted cigarette, cigar or pipe in statutory no-smoking areas (SNSA)⁵ will be issued with a Fixed Penalty Notice (FPN). Tenants who are found smoking or carrying a lighted cigarette in SNSAs in their residing PRH estates will be allotted five points and simultaneously issued with FPNs while those found smoking in non-SNSAs within estate common areas will be allotted points. From September 2009 to June 2021, 13 522 PRH tenants who smoked in the estate common areas were allotted points. Moreover, HA issued 3 790 FPNs to smoking offenders in SNSAs. There was a decrease in point-allotment cases from 1 211 in 2019 to 785 in 2020, and 408 cases were recorded in the first half of this year.

Littering

12. HA has all along accorded priority to the hygiene condition in PRH estates and has intensified cleansing work amid the COVID-19 pandemic. Special Operation Teams (SOTs) are deployed jointly with estate staff for taking stepped up enforcement actions under the Marking Scheme. Under the continued enhancement actions, there was a decrease of point-allotment cases on littering, from 313 in 2019 to 162 in 2020, and 97 cases were recorded from January to June 2021. The issue of FPNs pursuant to the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) also decreased from 722 in 2019 to 318 in 2020, and 172 were recorded in the first half of this year.

⁵ Statutory no-smoking areas cover a vast expanse of venues, including designated Public Transport Facilities, all indoor workplaces and indoor public places, such as public lifts, lift lobbies, escalators etc. Indoor means having a ceiling or roof, or a cover that functions as a ceiling or roof, and is enclosed at least up to 50% of the total area on all sides.

Throwing Objects from Height

13. Throwing objects from height may cause serious danger to the passers-by. The misdeed “Throwing objects from height” was included in the Marking Scheme since 2003, and seven points would be allotted if committing the misdeed. Taking into account different degrees of nuisance/danger caused by throwing objects from height, seven or 15 points would be allotted by HA against this misdeed according to its seriousness since January 2006. Under this enhancement measure, seven points would be allotted to cases with throwing objects jeopardising environmental hygiene only and 15 points to cases that may cause danger or personal injury. For cases which may cause serious danger or personal injury, the HA will terminate the tenancy of the subject household immediately by invoking Section 19(1)(b) of the Housing Ordinance. In October 2019, there were two cases of throwing objects from height which may cause serious danger or personal injury. HA not only issued NTQs to tenants concerned to terminate their tenancies, but also referred the cases to the Police for follow up. The two flats concerned were subsequently recovered, and the defendant in one of the cases was sentenced to two months’ imprisonment in 2020.

14. There was a decrease in point-allotment cases concerning throwing objects from height from 151 in 2019 to 132 in 2020, and 81 cases were recorded from January to June 2021. HA will continue to adopt proactive management, surveillance and publicity measures⁶ to tackle this misdeed.

Illegal Gambling in Public Places

15. Illegal gambling in public places arouses grave concerns among local residents and the estate management staff due to its adverse impacts on the estate environment and public order. To tighten our control over illegal gambling in public places within PRH estates, the misdeed of “Illegal gambling in public places” has been included in the Marking Scheme since January 2008. PRH tenants will be allotted five points on conviction of unlawful gambling under the Gambling Ordinance in the PRH estates where they reside.

16. To effectively tackle this misdeed, HA has implemented enhanced measures, including strengthening of security patrols, installing surveillance system at blackspots and enlisting the assistance of the Police to take enforcement actions under the Gambling Ordinance. There was a decrease in point-allotment cases from 243 in 2019 to 134 in 2020; and 72 cases were recorded from January to June 2021. HA will continue to maintain close communications with the Police divisions for monitoring the situation.

⁶ The measures include (i) intensified patrols and inspections by estate staff at regional level; (ii) deployment of Mobile Digital Closed Circuit Television sets, Mobile Surveillance System sets and SOTs to detect suspects; and (iii) publicity through Housing Channel, posters, leaflets and functions partnering with Non-Governmental Organisations, etc. to promote the message of anti-throwing objects from height.

TRIAL SCHEME FOR KEEPING GUIDE DOG PUPPIES

17. In view of the increasing social need for guide dog services, a trial scheme for keeping guide dog puppies in PRH estates for raising and training purpose was launched in 2018. Upon completion of the trial scheme in 2020, HA had conducted a review on its feasibility. In view of the positive feedback received from relevant stakeholders and for better provision of guide dog services to visually impaired persons, HA will accept applications from PRH tenants with recommendation from the relevant guide dog organisation to keep guide dog puppies in their PRH flats for about one year.

WAY FORWARD

18. 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 environment in PRH estates.

19. Members are invited to note the content of this paper.

**Transport and Housing Bureau
September 2021**

List of Misdeeds 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 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.

@ The misdeed also covers those cases where the tenant has denied the entry of HD staff or its representative to conduct inspection for repairs.

^ 14 items of misdeed 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		2019		2020		2021 (January to June)		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))	93	10	261	100	67	41	1 288	203
A2	Hanging floor mop outside the window or balcony	2	0	2	0	1	0	1 779	2
A3	Putting dripping object at window, balcony or façade	6	3	10	3	4	0	696	57
A4	Dripping oil from exhaust fan	0	0	0	0	0	0	26	0
B1	Littering	-	313	-	162	-	97	-	7 406
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	9	-	4	-	2	-	64
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	400	-	128	-	74	-	6 814
B4	Allowing animal and livestock under charge to foul public places with faeces	-	1	-	0	-	0	-	4
B7	Obstructing corridors or stairs with sundry items rendering cleansing difficult	52	10	40	7	13	5	2 058	78
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	-	1 211	-	785	-	408	-	16 529
B11	Causing noise nuisance	9	12	6	3	6	8	192	141
B12	Illegal gambling in public places	-	243	-	134	-	72	-	3 330
B13	Water dripping from air-conditioner	42	16	29	8	11	2	1 183	198
C1	Throwing objects from height that jeopardise environmental hygiene	-	133	-	116	-	75	-	2 065
C2	Spitting in public areas	-	25	-	18	-	13	-	1 549
C3	Urinating and defecating in public places	-	4	-	4	-	2	-	33
C4	Dumping or disposing of decoration debris indiscriminately at refuse	-	0	-	0	-	0	-	9

Category of Misdemeanors		2019		2020		2021 (January to June)		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
	collection point, within building or in other public areas								
C5	Denying HD staff or staff representing HD entry for repairs responsible by HD	41	47	21	21	1	2	293	223
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	0	0	17	1
C8	Using leased premises as food factory or storage	-	1	-	0	-	1	-	11
C9	Illegal hawking of cooked food	-	1	-	1	-	0	-	51
C10	Damaging or stealing Housing Authority's property	-	4	-	1	-	2	-	59
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	0	0	11	6	2	2	284	242
C12	Using leased premises for illegal purpose	-	10	-	5	-	3	-	323
D1	Throwing objects from height that may cause danger or personal injury	-	18	-	16	-	6	-	198
Total		246	2 471	380	1 522	105	815	7 847	39 594

* The cumulative figures are for the period from 1 August 2003, when the Marking Scheme was first implemented, to 30 June 2021.

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