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Panel on Housing

Meeting on 6 September 2021

**Updated background brief 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 relevant 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**. Among these misdeeds, a warning system is in place for 12 less serious misdeeds. For the other 16 more serious misdeeds, the warning system is not applicable.

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 2019, 37 257 point allotment cases involving 32 138 households had been recorded, with about 4 804 cases (15%) remaining valid. Out of the 106 households with 16 or more valid points accrued, three had surrendered their PRH flats voluntarily. HA had issued 83 NTQs and had withheld the issuance of NTQ of 20 cases on special grounds. Details of the enforcement results for the period from 1 January 2017 to 31 December 2019 are set out in Annex 2 of LC Paper No. [CB\(1\)561/19-20\(03\)](#).

5. As advised by the Administration in May 2020, among the 28 misdeeds under the Marking Scheme, four misdeeds, namely, smoking in estate common area, littering, illegal gambling in public places, and unauthorized animal keeping constituted a larger portion of the point-allotment cases, and had a more severe adverse impact on environmental hygiene.

6. According to the "Public Housing Recurrent Survey 2019", 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% in 2019, in comparison with 46% in 2002 before the implementation of the Marking Scheme.

Members' views and concerns

7. The major views and concerns expressed by members during relevant Panel discussions in recent years are summarized in the ensuing paragraphs.

Issuance of warnings/notices-to-quit to tenants

8. Members were concerned whether it took HA a long time to investigate a complaint against misdeeds and take follow-up actions such as issue of warnings and allotment of points, etc. under the Marking Scheme.

9. The Administration advised that in general, a tenant who had received a warning from HA for committing a misdeed and had not corrected the bad habits concerned within/after 14 days from the issue of the warning might be allotted points under the Marking Scheme. Nevertheless, it might take longer time for HA to handle some individual

cases with special circumstances. For the 12 misdeeds falling under the warning system, first offenders would receive a written warning. If a tenant committed the same misdeed for a second time or again thereafter, points would be allotted. HA issued written warnings to 246 households in 2019. Among these households, points were allotted in 79 cases for committing the same misdeed again, including six households being served with an NTQ by HA upon accumulation of 16 valid points. The households in the remaining cases had corrected the bad habits without allotment of points.

10. On members' question about the average time between HA's issue of an NTQ to a household and the household's surrender of the PRH unit concerned, the Administration advised that after receiving an NTQ, the household concerned was required to surrender the PRH unit within one month. A tenant receiving an NTQ might lodge an appeal to the Appeal Panel (Housing)¹ in writing within 15 days from the date of issue of the notice. The Appeal Panel (Housing) would arrange an appeal hearing about six months after an appeal had been received, and its decision made on the appeal would be final.

Effectiveness of the Marking Scheme

11. In view that the penalty points that a PRH tenant accrued under the Marking Scheme would be valid for two years only, members were concerned whether the scheme could achieve its intended purpose and how HA would assist offenders of the misdeeds under the scheme to avoid committing the same misdeed. Given the results of the relevant survey of HA in 2019 that the level of satisfaction of the overall cleanliness and hygienic condition of estate common areas was 70%, members questioned whether the Marking Scheme could help improve the hygienic condition of PRH estates.

12. The Administration advised that the Marking Scheme served to help tenants relinquish bad habits detrimental to personal and public hygiene, thereby creating a healthy living environment. HA hoped that tenants who had committed misdeeds under the Marking Scheme would change their behaviours so that HA would not need to allot penalty points to them again. It was the practice of the Housing Department ("HD") staff to communicate with tenants who had accrued 10 or more points, and remind them of the consequences if more points were allotted. The

¹ 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.

level of satisfaction of the overall cleanliness and hygienic condition of PRH estate common areas had risen from 46% in 2002 to 70% in 2019, and HA would continue to improve the management of its estates.

Illegal gambling

13. Members were concerned about the increase in the number of point-allotment cases for the misdeed of illegal gambling in public places and asked whether HA had identified illegal gambling blackspots in its estates and stepped up enforcement at such places. The Administration advised that illegal gambling in public places was an unlawful act, and HA had included the misdeed in the Marking Scheme since January 2008. To curb the misdeed, HA had implemented various enhanced measures, including strengthening security patrols at estate blackspots; installation of surveillance systems at suitable locations; and maintaining close liaison with the Police and providing support in their law enforcement actions.

Throwing objects from height

14. Members opined that throwing objects from height which might cause casualties was a serious offence, and asked about the HA's preventive and monitoring measures to combat the misdeed.

15. The Administration advised that to effectively tackle the misdeed of throwing objects from height and safeguard public safety, HA had been adopting proactive measures. These measures included (i) 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; (ii) deployment of mobile digital closed circuit television sets, mobile surveillance system sets and special operation teams to detect suspected offenders; and (iii) intensified patrols and inspections by estate staff at regional level. Under the Marking Scheme, HA would allot seven or 15 points to tenants who committed the misdeed, depending on the seriousness of the incident. For offences that caused serious danger or personal injury, HA would terminate the tenancy of the household concerned immediately pursuant to section 19(1)(b) of the Housing Ordinance (Cap. 283). HA might also initiate prosecution actions against cases of throwing objects from height in PRH estates under the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132BK). The number of prosecutions for committing such offence in 2017, 2018 and 2019 was 84, 93 and 72 respectively.

Deployment of surveillance system

16. Members enquired whether HA would deploy mobile surveillance systems flexibly for use in different blackspots at different periods of time to detect throwing objects from height and other misdeeds in PRH estates. The Administration advised that HA had increased the number of surveillance systems over past years, and the total number of surveillance systems, including fixed and mobile ones, was 391 in 2019. HA staff might install mobile surveillance systems on lamp posts for a certain period of time to help detect misdeeds at blackspots. In considering the suggestion of installing more surveillance systems, HA would strike a balance between protecting personal data privacy and safeguarding public safety with reference to the Personal Data (Privacy) Ordinance (Cap. 486).

Smoking in estate common areas

17. Members enquired about the enforcement actions against the misdeed of smoking in PRH estate common areas. 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. In order to continue combating such misdeed, apart from estate management staff, HA also deployed special operation teams to PRH estates to take enforcement and control actions.

Causing noise nuisance

18. On the question about the criteria adopted by HA in ascertaining whether there was noise nuisance in PRH estates, the Administration advised that HA adopted a "reasonable man approach" in determining whether there was noise nuisance, and the enforcement efforts would focus on noise nuisance occurred between 11 pm to 7 am. Upon receiving noise nuisance complaints, estate staff would visit the alleged PRH unit to ascertain that it was the source of noise nuisance. Households nearby would be consulted on whether the noise level was unacceptable before a written warning was given to the offending tenant.

19. Members were concerned whether the HA's present practice of deploying estate staff to the PRH blocks concerned to follow up complaints on noise nuisance would not be effective in ascertaining some sources of noise, and enquired whether HA would use equipment/devices for measuring noise and ascertaining the source of noise nuisance. Some members asked whether HA would consider taking enforcement action against the misdeed of causing noise nuisance on the basis of evidences provided by the complainants.

20. The Administration advised that HA introduced the Marking Scheme as a measure to educate tenants about providing a decent and safe living environment in PRH estates. It was not the objective of HA to encourage tenants to monitor the behaviour of one another. Regarding the suggestion of using equipment/devices for measuring noise, the Administration advised that such approach could be used in some non-domestic premises such as pumping stations, but might not be suitable for measuring noise generated by people, such as residents in PRH blocks.

Water dripping from air-conditioners

21. Members opined that some PRH households, including elderly tenants, might not know how to fix problems of water dripping from the air-conditioners in their units, and enquired how HA would assist needy tenants to deal with the problems. The Administration advised that when carrying out inspections for PRH estates, estate staff who had found such water dripping problems would remind the tenants to deal with them, and would not allot penalty points to them if the problems were rectified. Where appropriate, estate staff would assist elderly tenants as far as practicable to fix the water dripping problems, such as by re-connecting the water conducting hose of their air-conditioners to the drain-pipes of their units.

Keeping animals

22. In view that unauthorized animal keeping was one of the misdeeds under the Marking Scheme, members asked how HD would assess the needs of a PRH tenant requesting to keep a companion dog for mental support.

23. The Administration advised that in formulating the policy of animal keeping in PRH estates, HA's consideration was to build a harmonious community whereby the different interests of all PRH residents were being respected at large. As keeping dogs in densely populated public housing estates might induce noise nuisance and hygiene issues, it was necessary for HA to include unauthorized dog keeping as one of the misdeeds under the Marking Scheme. While keeping dogs by PRH tenants was generally not allowed, HA had endorsed the implementation of a one-off Temporary Permission Rule in 2003. The rule allowed PRH tenants to continue keeping small dogs which were already kept in PRH units before 1 August 2003 until the dogs' natural death. In addition, HA would exercise discretion in giving permission for keeping service dogs for those with special needs, such as guide dogs for visually impaired tenants and companion dogs for tenants who had strong special needs for mental support.

Problem of refuse flats

24. Members were concerned that "refuse flats" resulted from some PRH residents who had the habit of hoarding refuse or waste inside their units caused hygiene nuisance to their neighbours, and issuing warnings or allotting points under the Marking Scheme might not deter them effectively. The Administration advised that apart from issuing warnings or allotting points under the Marking Scheme, HD would collaborate with the Social Welfare Department and non-government organizations to provide assistance to the offenders.

Latest development

25. The Administration will brief members on the latest progress and effectiveness of the Marking Scheme at the Panel meeting on 6 September 2021.

Relevant papers

26. A list of relevant papers is set out in **Appendix II**.

Appendix I

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.

#14 misdeeds applicable to PRH units in Tenants Purchase Scheme and Buy-or-Rent Option Estates.

Source: LC Paper No. [CB\(1\)561/19-20\(03\)](#)

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

List of relevant papers

Committee	Date of meeting	Paper
Panel on Housing	9 May 2017	Administration's paper Minutes of meeting Administration's supplementary paper
Panel on Housing	7 May 2018	Administration's paper Minutes of meeting Administration's supplementary paper
Panel on Housing	6 May 2019	Administration's paper Minutes of meeting Administration's supplementary paper
Panel on Housing	4 May 2020	Administration's paper Minutes of meeting Administration's supplementary paper