

**Memorandum for the Subsidised Housing Committee of
the Hong Kong Housing Authority**

**Review of the Marking Scheme for Estate Management Enforcement
in Public Housing Estates**

PURPOSE

This paper informs Members of the latest progress and effectiveness in implementing the Marking Scheme for Estate Management Enforcement in Public Housing Estates (MS).

BACKGROUND

2. In May 2003, the Team Clean announced a series of measures to enhance the hygiene and cleanliness in Hong Kong. To strengthen enforcement measures against hygiene-related offences in public rental housing (PRH) estates and to promote civic responsibility among tenants, the Subsidised Housing Committee (SHC) endorsed vide Paper No. SHC 17/2003 the implementation of the MS in August 2003.

3. Subsequent policy revisions and reviews were endorsed vide Paper Nos. SHC 35/2003, SHC 68/2004, SHC 62/2005, SHC 55/2006, SHC 6/2007, SHC 47/2007, SHC 45/2008, SHC 70/2009 and SHC 12/2011 respectively. The scope of the MS has been extended to cover reckless conducts and breaches of the tenancy agreement. At present, the MS covers 28 misdeeds, categorised by their degrees of adversity on environmental hygiene or estate management. Categories A, B, C and D misdeeds carry three, five, seven and 15 points respectively. A list of the 28 misdeeds under the MS is at **Annex A**.

4. Tenants and authorised occupants committing the misdeeds in their residing estates will be liable to allotment of points under the MS. Any points allotted will be valid for two years. Households carrying valid points will be barred from applying for all types of voluntary transfers. Upon accumulation of 16 points within two years, the tenancy of the subject household will be terminated by a Notice-to-quit (NTQ) under the Housing Ordinance (Cap. 283). Similar to other termination of tenancies, the tenant may make an appeal to the Appeal Panel (Housing).

REVIEW

Survey on the MS

5. The implementation of the MS has achieved substantial improvement in the environmental hygiene of PRH estates and it is well supported by tenants at large. As indicated in the Public Housing Recurrent Survey 2011 (PHRS) vide Paper No. SHC 40/2011, 97% of the respondents had knowledge of the MS whilst some 70% expressed that the penalty was reasonable. The percentage of satisfaction level towards the overall cleanliness and hygiene condition of estate common areas has reached as high as 74%, compared with 46% and 52% in 2002 and 2003 respectively.

Overall Enforcement Results

6. From August 2003 to end 2011, 17 990 allotments of penalty points involving 16 410 households committing various misdeeds under the MS have been recorded. Amongst them, 1 030 (6%) accrued ten points or more due to commitment of two or more misdeeds. The misdeeds of 'Smoking or carrying a lighted cigarette in estate common area' and 'Littering' continue to be the most frequently committed offences involving 6 160 and 5 720 cases respectively.

----- 7. Out of the 17 990 points-allotted cases (**Annex B**), 12 590 (70%) have expired, with 5 400 cases (30%) remaining valid. Among the 46 households with 16 or more points, two have surrendered their PRH flats voluntarily. The Department has issued 34 NTQs and approved the withholding of NTQ action for ten cases on special grounds.

Areas of Concern

Smoking Offence

8. Smoking in PRH estates was included as a misdeed under the MS in 2006 vide Paper No. SHC 62/2005. This misdeed has undergone three revisions to expand its scope of application from public lifts to common areas within domestic buildings and subsequently to all estate common areas in 2007.

9. Upon the enactment of the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) in September 2009, any persons who smoke or carry a lighted cigarette, cigar or pipe in statutory no-smoking areas^{Note 1} (SNSAs) will be issued with a Fixed Penalty Notice (FPN). Tenants who are found smoking in SNSAs in their residing estates will be allotted penalty points and issued with FPNs while those found smoking in other estate open areas which are not designated as SNSAs will be allotted penalty points only. From September 2009 to end 2011, we have issued some 900 FPNs to smoking offenders in SNSAs, on top of allotting points to 2 980 tenants in the estate common area.

10. According to the PHRS, the percentage of respondents supporting the fixed penalty system for smoking offence within the estate areas maintained at a high level of about 90% in the past two years.

Throwing Objects from Height

11. To deter the unscrupulous act of throwing objects from height, the misdeed 'Throwing objects from height' carrying seven points has been included in the MS since 2003. Having regard to the different levels of seriousness of the offences, starting from 2006, seven points will be allotted to cases with throwing objects jeopardising environmental hygiene and 15 to throwing objects that may cause minor danger or personal injury. For offences that may cause serious danger or personal injury, the Housing Department (HD) will terminate the tenancy of the subject household by invoking the Housing Ordinance (Cap. 283).

12. After the adoption of the proactive measures^{Note 2} since 2009, we have allotted seven and 15 points to 190 and 20 households respectively for committing the misdeed in 2011, comparing to some 80 and ten correspondingly in 2009. Amongst them, three households were issued with an NTQ. The significant increase in point-allotted cases for the years

Note 1 The statutory no-smoking areas cover a vast expanse of venues, including designated Public Transport Interchanges, 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 enclosed at least up to 50% of the total area on all sides.

Note 2 The measures include (i) publicity through Housing Channel, poster, partnering functions by Estate Management Advisory Committees and Non-government organisations to promote the message of anti-throwing objects from height; (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 under the monitoring of a Task Force set up at Headquarters level.

demonstrated the effectiveness of the proactive measures in detecting and tackling such misdeeds. The management will continue efforts in this aspect.

Control of Dog-keeping

13. In view of the densely populated PRH estates, keeping of dogs will cause adverse effect to environmental hygiene. We have prohibited dog keeping therein except (i) permitted dogs under the 'Temporary Permission Rule' (TPR)^{Note 3}; (ii) service dogs for the visually impaired tenants; and (iii) tenants with strong special needs for the companion of a dog for mental support. Those tenants found keeping dogs without permission will be allotted five penalty points without warning.

Proactive Measures and its Effectiveness

14. In order to maintain a clean living environment in PRH estates, we have implemented a series of enhanced measures to tackle unauthorised dog keeping, including more stringent control on dog licence renewal required under the TPR, intensified patrol and enforcement actions by staff at estate level, deployment of the Special Operation Teams (SOT) to detect unauthorised dog keeping at Regional Headquarters level, and enhanced publicity. As a result, we managed to allot penalty points to 370 tenants for unauthorised dog keeping in 2011 and further reduced the number of TPR dogs from 13 300 in 2003 to the present 7 300. As indicated in the PHRS, 58% of the respondents supported the effectiveness of prohibition on unauthorised dog keeping in PRH estates.

15. In response to the Report on "Control of Pet Animals" issued by the Audit Commission in March 2010, the Agriculture, Fisheries and Conservation Department (AFCD) has finalised the dog application form which will be used in early 2012. By then, it is anticipated that the control mechanism against unauthorised dog keeping in PRH estates will be further improved upon the transfer of licensing information to the HD for investigation and enforcement action coming into effect.

Note 3 The SHC endorsed the implementation of a one-off 'Temporary Permission Rule' in 2003 allowing the tenants to continue keeping their small dogs already existed in PRH flats before 1 August 2003 until the dogs' natural death.

STAFFING IMPLICATIONS

16. The workload arising from the enforcement of the MS will continue to be absorbed by estate staff with the reinforcement of some SOTs.

FINANCIAL AND INFORMATION TECHNOLOGY (IT) IMPLICATIONS

17. There is no financial or IT implication arising from this review. The total cost on intensified publicity and educational programmes of \$0.5M will be absorbed in the 2012/13 proposed budget.

PUBLIC REACTION / PUBLICITY

18. The implementation of the MS is well received and supported by the PRH tenants at large. We shall continue to implement the proactive measures in tackling throwing objects from height and unauthorised dog keeping as well as stepping up publicity through Estate Management Advisory Committees, Housing Channel, estate newsletters, posters and notices to promote tenants' civic responsibility and maintain a decent living environment in the PRH estates.

INFORMATION

19. This paper is issued for members' information.

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(Estate Management Division)
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List of Misdeeds under the Marking Scheme (since 1.1.2009)

Category A (3 penalty points)

A1*	Drying clothes in public areas (except in areas designated by HD)
A2*	Utilizing laundry pole-holders for drying floor mop
A3*	Putting dripping flower pots or dripping laundry at balconies
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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* Warning System is in place for these misdeeds. Penalty points will only be allotted if the offender ignores one written warning and repeats the same misdeed for the second time and onwards.

Number of Households with Points Allotted (as at 31.12.2011)

3-9 Points		10-15 Points		≥ 16 Points		Total	
Cumulative	Active	Cumulative	Active	Cumulative	Active	Cumulative	Active
15 375	4 862	984	263	46	7	16 405	5 132

Marking Scheme Summary (1.8.2003 – 31.12.2011)

Misdeeds Category		Warning ^{Note 1}	Points-Allotted Cases ^{Note 2}
A1	Drying clothes in public areas (except in areas designated by HD)	620	4
A2	Utilizing laundry pole-holders for drying floor mop	1 758	1
A3	Putting dripping flower pots or dripping laundry at balconies	528	16
A4	Dripping oil from exhaust fan	23	0
B1	Littering	-	5 720
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	20
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	2 270
B4	Allowing animal and livestock under charge to foul public places with faeces	-	2
B7	Obstructing corridors or stairs with sundry items rendering cleansing difficult	1 835	17
B8	Boiling wax in public areas	-	0
B9	Causing mosquito breeding by accumulating stagnant water	1	1
B10	Smoking or carrying a lighted cigarette in estate common area	-	6 160
B11	Causing noise nuisance	120	70
B12	Illegal gambling in public places	-	1 180
B13	Water dripping from air-conditioner	280	26

(to be continued)

		Warning ^{Note 1}	Points-Allotted Cases ^{Note 2}
C1	Throwing objects from height that jeopardise environmental hygiene	-	684
C2	Spitting in public areas	-	1 412
C3	Urinating and defecating in public places	-	11
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	-	1
C5	Denying HD staff or staff representing HD entry for repairs responsible by HD	64	34
C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	21	2
C7	Damaging down/sewage pipes causing leakage to the flat below	11	1
C8	Using leased premises as food factory or storage	-	4
C9	Illegal hawking of cooked food	-	43
C10	Damaging or stealing Housing Authority's property	-	24
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	202	146
C12	Using leased premises for illegal purpose	-	76
D1	Throwing objects from height that may cause danger or personal injury	-	65
	Total	5 463	17 990

Note 1: For 12 less serious misdeeds, the Warning System is applicable.

Note 2: Penalty points will be purged upon expiry of a 2-year validity period.