

## **THE HONG KONG HOUSING AUTHORITY**

### **Memorandum for the Subsidised Housing Committee**

#### **Marking Scheme for Tenancy Enforcement in Public Rental and Interim Housing Estates**

#### **PURPOSE**

To seek Members' endorsement on the introduction of a marking scheme on hygiene related offences leading to termination of public housing tenancy for repeated offences.

#### **BACKGROUND**

2. Following the outbreak of Severe Acute Respiratory Syndrome (SARS) in the territory, the Government has set up the Team Clean headed by the Chief Secretary for Administration to establish and promote a sustainable, cross-sectoral approach to improve Hong Kong's environmental hygiene. A number of initiatives have been taken by the Housing Department to improve cleanliness in public housing estates and in support of the Team Clean's recommendations. All these measures, however, would not be successful without support from the community.

3. In the past years, the Department has enhanced cleansing measures and strengthened control over performance of cleansing contractors, organized estate cleansing competitions and other estate activities to promote civil education and the importance of keeping estate environment clean and healthy. Nonetheless, hygiene related complaints are still common. A more stringent and determined measure is therefore required.

#### **THE PROPOSED MARKING SYSTEM**

4. The system will define a number of offences to which points will be allotted. Tenants with 16 points accumulated in a two-year period will have their tenancy or license agreement terminated. The marking system will not

affect any statutory penalties or tenancy enforcement actions currently applicable.

5. The offences to be covered are divided into the following three categories according to the degree of adversities caused to the environment -

<u>Offence</u>	<u>Points</u>
(a) minor offences (e.g. drying floor mops in laundry poles causing drippings to lower floors)	3 points
(b) littering offences (e.g. those issued with fixed penalty tickets)	5 points
(c) serious littering offences (e.g. spitting, throwing objects from height and those with the issue of summonses)	7 points

6. Points accumulated will be valid for a period of two years and will be purged only upon expiry of the validity period. Action for tenancy termination by the Housing Authority (HA) will be triggered once 16 points have been accumulated. Details of the proposed system are summarized at [Annex A](#).

## **ENFORCEMENT ACTION**

7. The marking scheme will cover offences committed by the tenant and other household member(s). The tenants will be alerted once the accrued points reach 10 or above. When the specified number of 16 points has been accrued, the subject tenancy will be terminated by service of notice-to-quit (NTQ) in pursuant to Section 19(1)(b) of the Housing Ordinance. Relevant clauses in tenancy agreements requiring tenants in upkeeping cleanliness and not causing nuisances in estates are shown in [Annex B](#). The Department will consider all relevant circumstances in deciding whether to issue NTQ and act in a reasonable manner. Similar to all terminations of tenancy, the tenant will have the chance to appeal to the Appeal Panel (Housing). Upon termination of tenancy, the tenant will be required to surrender his/her flat. According to prevailing practice, ex-tenants holding over will be rehoused to Transit Centre if they become homeless. If genuine homelessness is established, offer of Interim Housing in the New Territories may be arranged provided that the household can meet all prevailing eligibility criteria.

8. Any household carrying points accumulated under the scheme will be barred from applying for alternative accommodation, better/larger or otherwise, through external or internal transfer.

## **IMPLEMENTATION**

9. Subject to Members' endorsement, the proposal will be implemented from 1 July 2003 onwards. Concerted efforts from management staff, members of the Estate Management Advisory Committees, community leaders, estate tenants and officers from other government departments will be motivated to make the scheme a success. We shall focus on litter offences in public housing estates and offences committed outside public housing estates will not be dealt with under the marking system.

## **PUBLICITY AND PUBLIC REACTION**

10. While the community at large is expected to welcome the proposal, public housing tenants and individual politicians will criticize the measures as too strict and penalizing the lower income groups. In response, we will emphasize that it is in the public's interests to strengthen enforcement measures against any offence causing hygiene problems. In the long run, we hope that all public housing tenants would develop a habit of good personal hygiene, keeping their households and estates clean.

11. Upon Members' endorsement, the Department will immediately embark on an intensified publicity programme through various media with a view to making the information as widely publicized as possible. To ensure that estate residents receive the message, notification letters will be sent to each individual household. For all-elderly households, outreaching services will be provided as far as practicable to explain the new measures and offer assistance.

12. We will emphasize the tenant's right to lodge appeal against our NTQ. As the number of appeal cases may increase, the Appeal Panel (Housing) will be briefed of the policy and be alerted.

## **FINANCIAL, STAFFING AND IT IMPLICATIONS**

13. Existing staff within the estate management regions will absorb the additional workload generated. Additional funding of \$1M will be provided by the Team Clean to cover publicity expenditures.

14. Enhancement to the existing IT system will be made to provide support for the implementation of the marking system.

## **DECLASSIFICATION OF PAPER**

15. We propose that this paper be declassified upon approval of the proposals contained in paragraphs 4 to 9 above. The paper will be made available to the public at the HA homepage, the Department's Library and through the Departmental Access to Information Officer if it is declassified.

## **DISCUSSION**

16. At the meeting of the Subsidised Housing Committee to be held on 29 May 2003, Members will be requested to endorse the proposals set out in paragraphs 4 to 9 and 15 in this paper.

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## **THE MARKING SYSTEM**

The objective of the system is to promote civic duties amongst public housing tenants and to improve the living environment in HA properties.

The system will start operation on 1 July 2003. Any scheduled offence committed by a public estate tenant/licencee or his/her household member(s) in any HA properties on or after this date will be marked.

The system will target at offences that have adverse effects on public hygiene or pose a hazard to public health. The offences to be covered are divided into the following 3 categories according to the degree of seriousness -

<b>Category A</b>	minor offences	3 points
<b>Category B</b>	littering offences	5 points
<b>Category C</b>	serious littering offences (e.g. by the issue of summonses)	7 points

Marks allotted will be held valid for a period of 2 years and will be purged only upon expiry of the validity period. The tenants/licencee will be alerted once the accrued marks reach 10 or above. Action for tenancy termination by the HA will be triggered off when the marks accumulate to **16**.

The scheduled offences and the marks to be allotted are tabulated below -

<b>Category A</b>	<b>Points</b>
a) Drying clothes in public areas (except in designated areas <sup>Note 1</sup> )	3
b) Drying floor mop in laundry pole-holders causing dripping	3
c) Putting flower pots at balconies causing dripping	3
d) Dripping oil from exhaust fan	3

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Note 1 In future, more areas will be designated for airing of winter clothes.

**Category B**

a) Littering	5
b) Disposing domestic refuse, food remains improperly e.g. beyond refuse collection time, or not in a covered bin, etc	5
c) Keeping animal, bird or livestock inside leased premises	5
d) Fouling public places with animal faeces	5
e) Creating nuisances to others e.g. noise, offensive smell, etc	5
f) Using leased premises for unauthorized purposes, e.g. as food factory	5
g) Obstructing corridors or stairs	5
h) Boiling wax in public areas	5

**Category C**

**Points**

a) Throwing object from heights	7
b) Spitting in public areas	7
c) Urinating in public places	7
d) Dumping of decoration debris indiscriminately at refuse collection point, within building or in other public areas	7
e) Denying the landlord entry for drainage repairs	7
f) Refusing repair of leaking pipes or sanitary fittings	7
g) Damaging down pipes causing leakage to the flat below	7

**Typical Provisions in Domestic Tenancy Agreement**

- Pt. II (4) To use the Landlord's fixtures and fittings and the sewers and drains serving the said premises in a proper and careful manner and to pay the Landlord on demand the cost incurred in repair or replacement of any of the said items arising otherwise than through fair wear and tear and the cost of clearing any drain or sewer choked up by reason of careless use by the Tenant or members of his family, his servants or licensees. Provided that if the Tenant shall effect any of the aforesaid repairs or replacements or clearance of sewers or drains without the prior consent of the Landlord he shall be responsible for any costs incurred by the Landlord in remedying any such or replacements or clearances effected by the Tenant which the Landlord considers unsatisfactory.
- (10) To use the said premises for the purpose of a residence for the Tenant and members of his family listed in this Tenancy Agreement, and not to use the same or any part thereof for any trade, business or professional purpose or as a laboratory or workshop or to store therein any goods or merchandise.
- (11) Not to use or cause or permit the said premises to be used for any illegal or immoral purpose.
- (12) Not to do or permit to be done in or upon the said premises or stairs or passages or lifts leading thereto anything that may be or become a nuisance or annoyance to the Landlord or to any of the other occupants of the building of which the premises forms part.
- (13) Not to cause or permit to be caused any nuisance or any noise which is a source of annoyance by the playing of mahjong or any music by means of any instrument or by radio, television, sound equipment, or by any other means whatsoever, or by the issue of any other noise or disturbance in the said premises between the hours 11 in the evening and 7 in the morning.
- (16) To provide and keep in the said premises a suitable container with lid for the placement of household refuse.
- (17) Not to place or cause or permit to be placed any furniture, box, goods, article or rubbish in the entrance hall or on the stairways or landings or any of the passage ways or lifts of the said building or cause any obstruction whatsoever thereto.

**Annex B**  
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- (19) No to keep any animal, bird or livestock of any description in the said premises or any part thereof without the prior written consent of the Landlord.
  
- (23) To permit the Landlord and his agents and all persons authorized by him at all reasonable times to enter and view the said premises and to take an inventory of the fixtures and fittings therein and to do any repairs or work for which the Landlord is liable hereunder.