

**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 review findings of the Marking Scheme for Estate Management Enforcement in Public Housing Estates (Marking Scheme) and seeks Members' approval of the proposed enhancement to the Marking Scheme for implementation in public rental housing (PRH) estates.

RECOMMENDATION

2. Members are invited to approve –
 - (a) the proposed addition of the following new misdeed items:
 - (i) Misdeed Item C18 “Feeding feral pigeons or other wild animals” with seven penalty points (**paragraph 17**);
 - (ii) Misdeed Item C19 “Hanging or placing objects with potential risk of falling from height outside the window, balcony or façade (including canopy, air-conditioner hood and other projections)” with seven penalty points and the application of warning system (**paragraph 18**); and
 - (iii) Misdeed Item D6 “Resisting or obstructing the Housing Authority (HA) or person(s) authorised by HA in execution of duties in accordance with the Housing Ordinance or other statutory requirements, or policies imposed by HA” with 15 penalty points (**paragraph 19**);

- (b) deletion of misdeed Item A2 “Hanging floor mop outside the window or balcony” as this will be incorporated into the new misdeed Item C19 (**paragraph 18**);
- (c) widening the scope of misdeed Item A4 from “Dripping oil from exhaust fan” to “Dripping oil from exhaust fan, range hood duct, etc.” (**paragraph 20**);
- (d) widening the scope of misdeed Item C16 from “Obstructing corridors or stairs with sundry items rendering cleansing difficult” to “Placing any sundry items, property, or objects in estate common areas (including but not limited to common areas inside or outside any buildings of the estate) that cause obstruction or render cleansing difficult” (**paragraph 21**);
- (e) application of all misdeed items under Marking Scheme in Tenants Purchase Scheme (TPS) estates (**paragraphs 23 to 26**);
- (f) the implementation of (a) to (e) above in the fourth quarter of 2024 (**paragraph 27**); and
- (g) the declassification of this paper (**paragraph 32**).

BACKGROUND

3. In May 2003, the Team Clean set up by the Government^{Note 1} announced a series of measures to boost the environmental hygiene and cleanliness. To strengthen enforcement measures against hygiene-related offences in PRH estates^{Note 2} and to promote civic responsibility among tenants^{Note 3} for developing a habit of good personal hygiene and keeping estates clean, the Subsidised Housing Committee (SHC) endorsed in August 2003 vide Paper No. SHC 17/2003 the implementation of the Marking Scheme on 19 common misdeeds.

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

Note 2 PRH estates include interim housing (IH).

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

4. Over the years, the scope of the Marking Scheme has been expanded to cover common misconducts affecting environmental hygiene and estate management. At present, the Marking Scheme covers 28 misdeeds, categorised by their degrees of adversity on environmental hygiene or estate management. In brief, Categories A, B, C and D misdeeds carry three, five, seven and 15 points respectively; and a warning system is in place for 11 misdeeds. A list of the current 28 misdeeds under the Marking Scheme is at **Annex A**, with the 11 misdeeds with warning system marked with an asterisk.

5. There are relevant clauses specified in the tenancy agreement signed between the Hong Kong Housing Authority (HA) and the tenants, which require tenants to maintain cleanliness and avoid causing nuisance to other residents in the estates. Under the Marking Scheme, tenants and household members who commit misdeeds within their residing estates are liable to allotment of points. Any point allotted will be valid for two years. Except for cases with strong compassionate grounds, households carrying valid points will be barred from applying for all types of voluntary transfers. Upon accumulation of 16 valid points within two years, the tenancy/licence of the subject household will be terminated and a Notice-to-quit (NTQ) will be issued. Similar to other NTQ cases, the affected tenant may lodge an appeal to the Appeal Panel (Housing) (AP(H)) against the NTQ and the AP(H) will consider each case on its individual merit. Tenants with tenancies terminated under Marking Scheme as well as PRH abuse are barred from re-applying for PRH within five years.

LATEST IMPLEMENTATION RESULTS AND HIGHLIGHTS

6. The latest implementation results of the Marking Scheme for the period from January to December 2023 are summarised in the ensuing paragraphs.

Overall Enforcement Results

7. Since the implementation of the Marking Scheme in August 2003 to end of December 2023, 44 118 point-allotment cases involving 37 438 households (**Annex B**) have been recorded. There are 127 households which have accrued 16 or more points and among them, 60 have their flats recovered. At present, 3 471 households carry valid points.

Warning System

8. In order to effectively educate PRH tenants and allow them a chance to rectify their undesirable habits, HA has put in place a Warning System for 11 less serious misdeeds (i.e. those marked with an asterisk at **Annex A**) whereby written warning will be issued to the offenders first. The households committing the same misdeed after receiving the warning will be allotted penalty points immediately without further warning. When the number of valid points for any household accrues to 10, or less than 10 but with three allotments of points, Housing Manager or Assistant Housing Manager will meet the tenant concerned and serve an advice notice to him/her, with a copy to all adult household member(s), to reiterate the possible consequences of tenancy termination if there is further accumulation of points under the Marking Scheme. The total number of written warnings issued was 101 in 2023. Amongst them, the following four misdeed items got the highest numbers of written warnings that accounted for 76% of the total sum. They are:

- (a) Item B13 “Water dripping from air-conditioner”;
- (b) Item C16 “Obstructing corridors or stairs with sundry items rendering cleansing difficult”;
- (c) Item C11 “Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance”; and
- (d) Item C5 “Not allowing Housing Authority (HA) or persons authorised by HA to inspect or carry out inside the leased premises or at any area pertaining to the leased premises (including but not limited to the exterior wall, corridor wall, ventilation window, metal gate) works for which HA is responsible or for compliance with statutory requirements or for implementation of HA’s repair, maintenance or enhancement programme covering the building of which the leased premises form part”.

To maintain a consistency on warning mechanism and points allotment, the Warning System is reviewed. Warning issued to tenants will be valid for two years from the date of committing the misdeed and will be purged upon expiry. Such arrangement, on one hand, will ensure that the consequences of the warning persist for a reasonable duration in line with that of points allotment arrangement

and, on the other hand, it is more fair to the households since the past warnings might have been served long time ago, or the household head and some family members had even been changed. We will continue our efforts to monitor and make use of the warning system to enhance civic responsibility among tenants for maintaining a hygienic living environment.

Point-allotment Cases

9. The total number of point-allotment cases in 2023 was 2 377. Among them, the number of point-allotment cases for the 17 misdeeds (i.e. those without asterisk at **Annex A**) where the warning system is not applicable was 2 307. From January to December 2023, the most common misdeeds are Item B10 “Smoking or carrying a lighted cigarette in estate common area”, Item B12 “Illegal gambling in public places” and Item B3 “Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord”. They have attracted more concerns from the public and have severe adverse impact on environmental hygiene and public safety. Details are elaborated in **paragraphs 10 to 14** below.

Smoking Offence

10. Smoking in PRH estates has been included as a misdeed under the Marking Scheme since 2006 vide Paper No. SHC 62/2005. The scope of application of this misdeed has undergone several revisions to expand from public lifts to common areas within domestic buildings in January 2007 and subsequently to all estate common areas in April 2007. Following the enactment of the Smoking (Public Health) (Amendment) Ordinance 2021 and its operation with effect from 30 April 2022, no person may import, promote, manufacture, sell or possess for commercial purposes alternative smoking products (ASPs), including electronic cigarette products, heated tobacco products and herbal cigarettes. Smoking offence under misdeed Item B10 of the Marking Scheme has been expanded to cover ASP as well ^{Note 4}.

Note 4 Following the amendment of the Ordinance, HD staff had been notified that smoking offence under misdeed Item B10 of the Marking Scheme has been expanded to cover ASP.

11. Offenders who are found smoking or carrying a lighted cigarette or an activated ASP in statutory no smoking areas (SNSAs) ^{Note 5} will be issued with fixed penalty notice (FPN) ^{Note 6}. If PRH residents are found smoking in SNSAs in their residing estates, they will be allotted five penalty points under the Marking Scheme and simultaneously issued with FPNs, while those found smoking in non-SNSAs within estate common areas will be allotted penalty points only. In line with the Government's policy to safeguard public health by discouraging smoking, we have enhanced our publicity work and strengthened our efforts for the enforcement actions in 2023. As a result, the total number of point-allotment cases in 2023 was 1 513, with an increase of about 90% as compared with 796 and 820 in 2021 and 2022 respectively. We will continue to enhance our publicity work and strengthen the enforcement action against smoking offences by issuing FPNs in SNSAs and/or allotment of penalty points in PRH estates.

Illegal Gambling in Public Places

12. Illegal gambling in public places arouses grave concerns among local residents and the estate management 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, "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.

13. To effectively tackle this misdeed, we have implemented enhanced measures, including strengthening security patrols, installations of surveillance system at blackspots and enlisting police assistance to make arrests under the Gambling Ordinance. Our concerted effort could be shown from the total number of 267 point-allotment cases in 2023, which was double of the 112 and 58 in 2021 and 2022 respectively in average. We will continue to maintain close communication with the police to monitor the situation.

Note 5 SNSAs 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.

Note 6 HD has been empowered to assist the Tobacco Control Office (now renamed as the Tobacco and Alcohol Control Office) of the Department of Health in issuing FPN to offenders for smoking in SNSAs under the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) since 2009.

Control of Dog-keeping

14. The tenancy agreement stipulates that tenants cannot keep dogs in PRH flats without the prior consent of the landlord. To strike a balance between tenants' aspirations for a hygienic, quiet and safe living environment in general and those with special medical needs of keeping dogs, dog keeping is prohibited in PRH estates except (i) permitted dogs under the "Temporary Permission Rule (TPR)"^{Note 7} and (ii) service dogs. Following the removal of the last remaining dog granted permission under TPR in September 2023, only service dogs are allowed for keeping in PRH estates. Service dogs include guide dogs for visually impaired tenants and companion dogs for tenants with strong special needs of mental support. Tenants found keeping dogs without permission will be allotted five penalty points without warning. The total number of point-allotment cases in 2023 was 244, as compared with 201 and 185 in 2021 and 2022 respectively. We will continue our efforts to tackle unauthorised dog keeping in PRH estates.

THE REVIEW

15. The provision of clean, hygienic and secure living environment is the major concern of PRH residents and also our paramount target. We thus propose implementation of three additional misdeed items related to environmental hygiene, public safety, and effective estate management, as detailed in **paragraphs 17 to 19**. With the aim to strengthen the effectiveness of enforcement, we also propose expanding the scope of coverage for the misdeed Items A4 and C16, as detailed in **paragraphs 20 and 21**.

16. Furthermore, in response to the increasing concern and support for implementing the misdeed items against PRH households who committed mis-behaviour in estate common areas of TPS estates, we have conducted a thorough review and propose to implement all misdeed items in TPS estates rather than the current in-flat misdeeds only, as detailed in **paragraphs 23 to 26**.

Note 7 The SHC (vide Paper No. SHC 35/2003) endorsed the implementation of a one-off TPR in 2003 allowing tenants to continue keeping their small dogs already existed in PRH flats before 1 August 2003 until the dogs' natural death.

Addition of New Misdeed Items

(a) For Improving Environmental Hygiene

17. The Wild Animals Protection (Amendment) Ordinance 2024 has already been published in the Gazette on 31 May 2024 and will take effect from 1 August 2024. The Ordinance aims to expand the prohibition on feeding currently applicable to wild animals to cover feral pigeon (feeding ban) as well; increase the maximum penalty for contravention of the feeding ban from a fine of \$10,000 to a fine of \$100,000 and imprisonment for one year, and introduce a fixed penalty with the amount at \$5,000; and broaden the scope of the Government's enforcement officers, including public officers of the Housing Department (HD). To tie in with the legislative amendment and facilitate the effective enforcement in PRH estates, addition of a ***new misdeed Item C18 "Feeding feral pigeons or other wild animals"*** is recommended. Seven penalty points will be allotted to PRH tenants **without warning** if the misdeed is committed.

(b) For Enhancing Public Safety

18. Apart from throwing objects from height, there have been situations that PRH tenants place various objects, such as flower pots, plank, basket at external wall, near window, outside the balcony, on the canopy or air-conditioner hood of their domestic units which pose potential risk of personal injury to passers-by. At present, we are tackling these cases under the clauses in tenancy agreement with prior warnings for rectification depending on individual situations. To encourage timely rectification by tenants and facilitate prompt enforcement actions, addition of a ***new misdeed Item C19 "Hanging or placing objects with potential risk of falling from height outside the window, balcony or façade (including canopy, air-conditioner hood and other projections)"*** is recommended. As floor mop is regarded as object with potential risk of falling from height, misdeed Item A2 "Hanging floor mop outside the window or balcony" will be deleted. Application of **Warning System** is recommended for allowing tenants chance for timely rectification. Seven penalty points will be allotted to PRH tenants for relapse cases before the expiry of the warning issued.

(c) For Effective Management

19. HA/HD are committed to safeguard public housing resources and ensure effective and smooth implementation/enforcement of public housing policies. However, there has been an increasing trend where PRH residents resist or obstruct HD staff in the execution of their duties during operations against shop front obstructions/unauthorised occupation/misdeeds under the Marking Scheme, etc., with acts including but not limited to assault and threats, and have even caused bodily harm to HD staff in some cases. In view of the violent acts/uncooperative attitudes of the PRH residents that have greatly impeded the duties of HD staff, we recommend to introduce a **new misdeed Item D6 “Resisting or obstructing the Housing Authority (HA) or person(s) authorised by HA in execution of duties in accordance with the Housing Ordinance or other statutory requirements, or policies imposed by HA”**, so as to impose the deterrent effect on the unruly, uncooperative, and unreasonable PRH residents. Fifteen penalty points will be allotted to PRH tenants upon conviction ^{Note 8}. **Warning system is not applicable.**

Widening the Scope of Two Misdemeanor Items

(a) Misdemeanor Item A4

20. In view that not only exhaust fan might drip oil but also device/installations like range hood duct, we **propose** expanding the scope for misdemeanor Item A4 as follows –

Existing version

“Dripping oil from exhaust fan”

Proposed amendment

“Dripping oil from exhaust fan, range hood duct, etc.”

Note 8 S.23 of the Summary Offences Ordinance, Cap. 228 provides that any person who resists or obstructs a public officer or other person lawfully engaged, authorised or employed in the performance of any public duty or any person lawfully assisting such public officer or person therein shall be liable to a fine at level 1 and to imprisonment for 6 months. Penalty points under the Marking Scheme will be allotted for cases upon conviction. The misdemeanor item D6 is applicable to HA/HD personnel performing duties at any places, including out-stationed offices like District Tenancy Management Offices (DTMO) and HA/HD’s Regional Management Offices (RMO) and HAHQs offices, etc.

(b) *Misdeed Item C16*

21. The abandonment of sundry items, property, and objects within the common areas of PRH estates has been a persisting issue. Such behavior not only causes obstruction but also hampers the cleansing work, consequently exerting a significant impact on the overall environment of the estate. In order to strengthen the deterrent effect for PRH residents who engage in such misconduct, we **propose** expanding the scope for misdeed Item C16 as follows –

Existing version

“Obstructing corridors or stairs with sundry items rendering cleansing difficult”

Proposed amendment

“Placing any sundry items, property, or objects in estate common areas (including but not limited to common areas inside or outside any buildings of the estate) that cause obstruction or render cleansing difficult”

----- 22. The new list of misdeeds incorporating the proposed three new misdeed items and two revised misdeed items (marked in red) is at **Annex C**.

Implementation of All Misdeed Items in TPS Estates

(a) *Feasibility Study*

23. At present, only 14 in-flat misdeed items are applicable to PRH households living in TPS estates since the estate common areas of these estates are managed by respective Owners’ Corporations (OCs). With a view to rendering assistance to OCs on daily management and meeting the aspiration of residents for a decent living environment, we have conducted a comprehensive study on the applicability of the remaining misdeed items related to estate common areas to PRH households in TPS estates.

24. According to the tenancy agreement, PRH tenants have a contractual obligation to observe and comply with all rules and regulations set forth by HA for the use of their PRH units. Furthermore, they are required to adhere to the provisions set out in relevant ordinances, regulations, by-laws, and any directives or orders of any authority. As the Marking Scheme serves as a management tool governing the landlord and tenant relationship between the HA and PRH tenants, the remaining misdeed items can thus be applied in TPS estates, except for those misdeed items not contravening the Building Management Ordinance, Cap. 344 and the respective Deed of Mutual Covenant (DMC). To cite an example, if drying clothes in public area of a TPS estate is allowed under the DMC, points allotments against this misdeed item will not be applicable.

25. Unlike PRH estates, the management responsibility of the common areas in TPS estates rests with the OCs. Therefore, it is the responsibility of OCs and/or their appointed management agents to gather evidence before HA/HD's initiating any enforcement actions against PRH households who commit misdeeds under the Marking Scheme. The support and assistance of the OCs will be vital for the successful implementation of the "non in-flat" misdeed items.

(b) Consultation with the Owners Corporations

26. As of 31 March 2024, there were approximately 30 000 PRH households in TPS estates, which accounts for around 17% of the total number of households residing in TPS estates. Considering that the enforcement actions for misdeed items against PRH residents rely on the cooperation of OCs and their management agents, we have preliminary liaised with some OCs for the proposals. We would work out with OCs for the implementation details with their feedbacks being incorporated to ensure effective implementation and ***propose*** the application of all misdeed items under the Marking Scheme in TPS estates ^{Note 9}.

Note 9 To maintain consistency, the same enforcement principle shall also be applied to other estates/courts where there are PRH households and the estate common areas are managed by respective OCs and their appointed management agents, including (i) Buy-or-Rent Option (BRO) courts, viz. Choi Ming Court, Hoi Fu Court and Yung Shing Court; (ii) Private Sector Participation Scheme (PSPS)-transferred estates, viz. Grandeur Terrace, High Prosperity Terrace and Easeful Court; and (iii) Green Form Subsidised Home Ownership Scheme (GSH) courts, e.g. Lai Tsui Court and Kai Chuen Court.

IMPLEMENTATION

27. Subject to Members' approval, we *propose* to implement the above enhancement measures as recommended in paragraph 2 in the **fourth quarter of 2024** to allow time for the related preparatory works including system enhancement, education to tenants, carrying out publicity and liaison with OCs, for working out implementation details.

STAFFING IMPLICATIONS

28. The workload arising from the enforcement of the Marking Scheme will continue to be absorbed by the estate staff. In order to ensure the effective implementation of the enhanced measures and to enhance the proficiency of the estate staff, we will update and refine the operation manual and arrange regular training sessions to estate staff such that they can familiarise with the amendments.

FINANCIAL AND INFORMATION TECHNOLOGY (IT) IMPLICATIONS

29. The cost on intensifying publicity and educational programmes for the Marking Scheme of about \$0.5M has been provided for in the 2024/25 Budget.

PUBLIC REACTION/PUBLICITY

30. The Marking Scheme aims at promoting environmental hygiene and facilitating effective estate management work to maintain a safe and healthy living environment in PRH estates. We anticipate that the proposed enhancements will be supported by PRH residents and the community at large as the proposed enhanced measures would meet the public aspirations for a more hygienic and safe environment in PRH estates. Notwithstanding that, some tenants may find the proposed addition of new misdeed items too stringent. We would explain to them that the proposed measures would only affect the offenders and we need to strengthen the enforcement actions to enhance the deterrent effect.

31. Publicity and education are important to raise PRH tenants' awareness of maintaining a safe and clean living environment. We will issue a press release upon Members' endorsement of the proposed addition of the new misdeed items. We will also step up publicity through estate newsletters, HA's social media platforms, posters, leaflets and notice at the lift lobby of all domestic blocks and estate management offices, with a view to enhancing their understanding and awareness on the enhanced measures under Marking Scheme.

DECLASSIFICATION

32. We propose to declassify this paper upon Members' approval of the proposals. Upon declassification, the paper will be made available to the public at the HA/HD homepage, HD's library and through the Departmental Access to Information Officer.

DISCUSSION

33. At the meeting to be held on 19 July 2024, Members will be invited to approve the recommendations in paragraph 2 above.

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File Ref. : HD 3-3/TMP/1-55/2
(Estate Management Division)
Date of Issue : 12 July 2024

List of Misdeeds under the Current 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)

B3^	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord
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
B12	Illegal gambling in public places
B13*	Water dripping from air-conditioner

Category C (seven penalty points)

C1^	Throwing objects from height that jeopardised environmental hygiene
C2	Spitting in public areas
C3	Urinating and defecating in public places
C5*^	Not allowing Housing Authority (HA) or persons authorised by HA to inspect or carry out inside the leased premises or at any area pertaining to the leased premises (including but not limited to the exterior wall, corridor wall, ventilation window, metal gate) works for which HA is responsible or for compliance with statutory requirements or for implementation of HA's repair, maintenance or enhancement programme covering the building of which the leased premises form part
C6*^	Failure to repair pipes or sanitary fittings for which the tenant is responsible or to rectify unauthorised alterations as demanded by HA
C8^	Using leased premises as food factory or storage
C9	Illegal hawking of commodities or services; supplying, promoting, soliciting or advertising of commodities or services that is commercial in nature but without HA's prior approval
C11*^	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance
C13	Littering
C14	Disposing of refuse indiscriminately
C15	Allowing animal and livestock under charge to foul public places with faeces
C16*	Obstructing corridors or stairs with sundry items rendering cleansing difficult
C17*^	Causing noise nuisance

Category D (15 penalty points)

D1^	Throwing objects from height that may cause danger or personal injury
D2	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas
D3^	Damaging down/ sewage pipes causing leakage to the flat below
D4	Damaging or stealing Housing Authority's property
D5^	Using leased premises for illegal purpose

- * 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.
- ^ 14 items of misdeed applicable to the PRH flats in mixed tenure estates (e.g. Tenants Purchase Scheme, Green Form Subsidised Home Ownership Scheme and Buy or Rent Option estates).
- # Including activated alternative smoking products (e.g. electronic cigarette products, heated tobacco products and herbal cigarettes).

Number of Households with Points Allotted (1.8.2003 – 31.12.2023)

3-9 Points		10-15 Points		≥ 16 Points ^{Note 1}		Total	
Cumulative	Active	Cumulative	Active	Cumulative	Active	Cumulative	Active
34 612	3 277	2 699	187	127	7	37 438	3 471

Marking Scheme Summary (1.8.2003 – 31.12.2023)

Misdeeds Category		Warning ^{Note 2}	Point-allotment Cases ^{Note 3}
A1	Drying clothes in public areas (except in areas designated by HD)	1 325	227
A2	Hanging floor mop outside the window or balcony	1 782	2
A3	Putting dripping object at window, balcony or façade	710	58
A4	Dripping oil from exhaust fan	26	0
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	#	7 370
B8	Boiling wax in public areas	#	0
B9	Causing mosquito breeding by accumulating stagnant water	2	1
B10	Smoking or carrying a lighted cigarette in estate common area	#	19 250
B12	Illegal gambling in public places	#	3 695
B13	Water dripping from air-conditioner	1 295	237
C1	Throwing objects from height that jeopardise environmental hygiene	#	2 394
C2	Spitting in public areas	#	1 565
C3	Urinating and defecating in public places	#	39
C5	Not allowing Housing Authority (HA) or persons authorised by HA to inspect or carry out inside the leased premises or at any area pertaining to the leased premises (including but not limited to the exterior wall, corridor wall, ventilation window, metal gate) works for which HA is responsible or for compliance with statutory requirements or for implementation of HA's repair, maintenance or enhancement programme covering the building of which the leased premises form part	326	248

Misdeeds Category		Warning ^{Note 2}	Point- allotment Cases ^{Note 3}
C6	Failure to repair pipes or sanitary fittings for which the tenant is responsible or to rectify unauthorised alterations as demanded by HA	31	4
C8	Using leased premises as food factory or storage	#	19
C9	Illegal hawking of commodities or services; supplying, promoting, soliciting or advertising of commodities or services that is commercial in nature but without HA's prior approval	#	51
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	313	272
C13	Littering	#	7 657
C14	Disposing of refuse indiscriminately	#	75
C15	Allowing animal and livestock under charge to foul public places with faeces	#	5
C16	Obstructing corridors or stairs with sundry items rendering cleansing difficult	2 104	102
C17	Causing noise nuisance	209	175
D1	Throwing objects from height that may cause danger or personal injury	#	246
D2	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	#	9
D3	Damaging down/sewage pipes causing leakage to the flat below	(18)##	2
D4	Damaging or stealing Housing Authority's property	#	67
D5	Using leased premises for illegal purpose	#	348
Total		8 141	44 118

Note 1 Since the implementation of Marking Scheme in 2003, HA has issued 104 NTQs in total. Among them, 8 were issued in 2023.

Note 2 The Warning System is applicable to 11 misdeeds. Meanwhile, the system has been twice simplified in the past. Details are as follows –

Period	Warning System
1.8.2003 – 31.12.2004	Comprising three warnings (one verbal and two written)
1.1.2005 – 31.12.2006	Comprising two warnings (one verbal and one written)
1.1.2007 till now	Comprising one written warning only

Note 3 Penalty points will be purged upon expiry of a two-year validity period.

Warning System is not applicable to these misdeeds.

This is a historical figure. Warning System is not applicable with effect from 18 December 2023.

Proposed New 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))
A3*	Putting dripping object at window, balcony or façade
A4*	Dripping oil from exhaust fan, range hood duct, etc.

Category B (five penalty points)

B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord
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
B12	Illegal gambling in public places
B13*	Water dripping from air-conditioner

Category C (seven penalty points)

C1	Throwing objects from height that jeopardised environmental hygiene
C2	Spitting in public areas
C3	Urinating and defecating in public places
C5*	Not allowing Housing Authority (HA) or persons authorised by HA to inspect or carry out inside the leased premises or at any area pertaining to the leased premises (including but not limited to the exterior wall, corridor wall, ventilation window, metal gate) works for which HA is responsible or for compliance with statutory requirements or for implementation of HA's repair, maintenance or enhancement programme covering the building of which the leased premises form part
C6*	Failure to repair pipes or sanitary fittings for which the tenant is responsible or to rectify unauthorised alterations as demanded by HA
C8	Using leased premises as food factory or storage
C9 [%]	Illegal hawking of commodities or services; supplying, promoting, soliciting or advertising of commodities or services that is commercial in nature but without HA's prior approval
C11*	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance
C13	Littering
C14	Disposing of refuse indiscriminately
C15	Allowing animal and livestock under charge to foul public places with faeces

C16*	Placing any sundry items, property, or objects in estate common areas (including but not limited to common areas inside or outside any buildings of the estate) that cause obstruction or render cleansing difficult
C17*	Causing noise nuisance
C18@	Feeding feral pigeons or other wild animals
C19*	Hanging or placing objects with potential risk of falling from height outside the window, balcony or façade (including canopy, air-conditioner hood and other projections)

Category D (15 penalty points)

D1	Throwing objects from height that may cause danger or personal injury
D2	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas
D3	Damaging down/ sewage pipes causing leakage to the flat below
D4	Damaging or stealing Housing Authority's property
D5	Using leased premises for illegal purpose
D6^	Resisting or obstructing HA or person(s) authorised by HA in execution of duties in accordance with the Housing Ordinance or other statutory requirements, or policies imposed by HA

* Warning System is in place for these misdeeds. The written warning will be valid for a period of two years from the date of commission of the misdeed. Penalty points will be allotted if the household ignores the written warning and repeats the same misdeed for the second time and onwards within the two years' warning validity period.

% For misdeed Items A1 and C9 in Tenants Purchase Scheme estates, the mentioned HA/HD's designation or approval shall mean Owners' Corporations designation or approval.

Including activated alternative smoking products (e.g. electronic cigarette products, heated tobacco products and herbal cigarettes).

@ "Wild animal" is defined in section 2 of the Wild Animals Protection Ordinance, Cap. 170 to mean any animal, other than those classed at common law as domestic (including those so classed which have gone astray or have been abandoned). Examples of wild animals include monkeys, wild pigs and tree sparrows.

^ S.23 of the Summary Offences Ordinance, Cap. 228 provides that any person who resists or obstructs a public officer or other person lawfully engaged, authorised or employed in the performance of any public duty or any person lawfully assisting such public officer or person therein shall be liable to a fine at level 1 and to imprisonment for 6 months. Penalty points under the Marking Scheme will be allotted for cases upon conviction.