

**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 updates Members on 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 which was set up by the Government and headed by the Chief Secretary for Administration announced a series of measures to boost the hygiene and cleanliness in Hong Kong in response to the outbreak of Severe Acute Respiratory Syndrome (SARS). To strengthen enforcement measures against hygiene-related offences in public rental housing (PRH) estates and to promote civic responsibility among tenants and authorised occupants, the Subsidised Housing Committee (SHC) endorsed in August 2003 vide Paper No. SHC 17/2003 the implementation of MS.

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, SHC 12/2011, SHC 7/2012, SHC 14/2013, SHC 10/2014, SHC 19/2015 and SHC 25/2016. At present, the scope of MS has been extended to 28 misdeeds covering common misconducts which would cast impact on environmental hygiene and estate management. According to their degree of adversity on environmental hygiene or estate management, the 28 misdeeds are categorised into category A, B, C and D which carry three, five, seven and 15 points respectively. In order to encourage offending tenants' timely rectification of bad habits, a warning system is in place for 12 less serious misdeeds whereby a written warning will be issued to an offender before allotting points for his repeated offence on the same misdeed.

----- A list of the 28 misdeeds under MS is at **Annex I**.

4. Tenants/licensees and authorised occupants committing the misdeeds in their residing estates/interim housing will be liable to allotment of points under MS. Any points allotted will be valid for two years. Except for cases with strong compassionate grounds, households carrying valid points will be barred from applying for any type of voluntary transfers. Upon accumulation of 16 valid points within two years, the tenancy/licence of the subject household will be terminated by a Notice-to-quit (NTQ). Similar to other tenancy enforcements, the affected tenant/licensee may lodge an appeal to the Appeal Panel (Housing) against the NTQ and the panel would consider each case on its individual merit.

REVIEW

5. The Housing Department (HD) has just completed a review of MS with findings summarised in the following paragraphs.

Survey on MS

6. The MS has been well received and supported by the public in general since its implementation in 2003 as it has achieved substantial improvement in the environmental hygiene of PRH estates. According to the 2016 Public Housing Recurrent Survey (PHRS) vide Paper No. SHC 61/2016, an overwhelming majority (94%) of our tenants were aware of MS. Among them, 76% considered that MS could improve the cleanliness and hygienic condition of their estates. Regarding the level of penalty, 72% considered it being reasonable. Majority of the respondents considered that enforcement of MS was effective in preventing tenants from throwing objects from height (55%) and prohibiting unauthorised dog-keeping in premises (54%). To conclude, the percentage of satisfaction level towards the overall cleanliness and hygienic condition of estate common areas has increased to 70%, compared with 46% and 52% in 2002 and 2003 respectively before the implementation of MS.

Overall Enforcement Results

7. Since the implementation of MS in August 2003 to end of December 2016, 29 722 allotments of penalty points involving 26 164 households (**Annex II**) have been recorded. Amongst them, 1 843 (7%) have accrued ten points or more.

8. Out of the 29 722 point-allotment cases, 25 370 cases (85.4%) have expired, with 4 352 cases (14.6%) remaining valid (**Annex II**). Among the 78 households accrued 16 or more points, three have surrendered their PRH flats

voluntarily, 61 NTQs had been issued and 14 cases were withheld of NTQ actions on special grounds.

Less Serious Misdeeds with Warning System

9. In 2016, the total number of written warning issued relating to the 12 less serious misdeeds has decreased from 504 to 317 as compared with past year. Among the 317 written warnings issued, 96 tenants failed to take heed of the written warnings representing 30.3% of relapse cases. About 75% (239 out of the total 317) of the warning letters issued in 2016 are concentrated on three types of misdeed. The highest number of warning letter was issued on misdeed **Item B13** “Water dripping from air-conditioner” (137 cases), followed by **Item A1** “Drying clothes in public areas (except in areas designated by HD)” (60 cases) and **Item C5** “Denying HD staff or staff representing HD entry for repairs responsible by HD” (42 cases). Among these 239 top three cases of written warning issued, 63 tenants were allotted points, representing a 26% relapse. In other words, majority of the households (74%) which committed less serious misdeeds had refrained from relapse after receiving warnings. It demonstrated the effectiveness of our warning mechanism under MS in educating our tenant’s civic awareness.

More Serious Misdeeds without Warning System

10. For the 16 more serious misdeed items for which the warning system is not applicable, the total number of point-allotment cases was dropped from 2 374 in 2015 to 2 131 in 2016 (10% decrease). However, when comparing the figures in 2015 and 2016, the misdeed cases of **Item B2** “Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or insider bins with cover” and **Item C3** “Urinating and defecating in public places” are observed to have an increase from three to nine cases and from one to six cases respectively. Although the case numbers are small, the increase has revealed our tenants’ desire for having clean and hygienic living environment which fostered their cooperation in reporting misdeed cases.

11. On the other hand, the figures of other two misdeed items, namely **Item C12** “Using leased premises for illegal purpose” and **Item D1** “Throwing objects from height that may cause danger or personal injury” had an obvious drop from 30 to 11 cases and from 20 to 10 cases respectively in comparison with the figures in last year. It is probably attributed to HD’s determination in tackling tenancy abuse and sustaining quality management.

12. For the remaining 12 misdeed items without the warning mechanism, there were no significant changes as compared with last year.

Among which, point-allotment cases in respect of **Item B10** “Smoking in estate common area” and **Item B3** “Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord” are continue to be the most frequently committed misdeeds involving 1 041 and 552 cases respectively. These two most common misdeeds constituted a high proportion (almost 75%) of point allotted cases in 2016. Besides, “throwing objects from height that jeopardise environmental hygiene” is continue to be one of the most commonly committed misdeeds that the happening of which has aroused grave concerns among local residents and the management due to its adverse impacts on the living environment and public safety. As the above three misdeeds have wider impact of detriment on the environmental hygiene and public safety, HD’s corresponding actions on these three aspects are further elaborated below.

Smoking Offence

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

14. With the enactment of the Fixed Penalty (Smoking Offences) Ordinance on 1 September 2009, any person who smokes or carries a lit cigarette, cigar or pipe in a statutory no-smoking area^{Note 1} (SNSA) will be issued with a Fixed Penalty Notice (FPN). Tenants who are found smoking in SNSAs in their residing PRH estates will be allotted five penalty points and simultaneously issued with FPNs whereas those found smoking in non-SNSAs within estate open areas will be allotted penalty points only. From September 2009 to December 2016, we have issued 2 446 FPNs to smoking offenders in SNSAs, on top of allotting points to 8 610 tenants smoking in the estate common areas. The MS is useful in deterring smoking offence at estate outdoor public places which are common areas.

Control of Dog-keeping

15. PRH estates are densely populated. Keeping of dogs may cause adverse effect to environmental hygiene and create nuisance to tenants. Therefore, it has been stipulated in the tenancy agreement that keeping of dogs

Note 1 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.

and livestock without prior written consent from the Hong Kong Housing Authority (HA), is not allowed. We have prohibited dog keeping therein except (i) permitted dogs under the “Temporary Permission Rule” (TPR)^{Note 2} and (ii) service dogs. Service dogs include guide dogs for the visually impaired tenants and companion dogs for those 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 points without warning under MS.

16. A series of enhanced measures^{Note 3} to tackle unauthorised dog keeping has been implemented since end of 2009 for maintaining a decent and quiet living environment in PRH estates. Furthermore, the Agriculture, Fisheries and Conservation Department has agreed to transfer the licensing information of the dog owners living in PRH estates to HD for data matching for those licence applications with prior written consent from the dog owners. This useful information further facilitated the control mechanism against unauthorised dog keeping in PRH estates. With our effort in tackling unauthorised dog keeping, the point-allotment cases on this misdeed dropped from 602 in 2015 to 552 in 2016. The number of TPR dogs also reduced from some 13 300 in 2003 to some 1 600 at the end of December 2016. To improve the control mechanism of dog keeping, we have enhanced the Information Technology (IT) system to facilitate system monitoring and timely cases review.

17. Recently, some Concern Groups for Pets formed by animal-lovers^{Note 4} have actively requested the HD to relax the restriction on dog keeping in PRH estates. They are of the view that dog keeping is a social trend and also the society’s aspirations. Taking enforcement against dog keeping under MS would disenfranchise PRH residents’ enjoyment of the companionship of dogs, and therefore they requested HA to revisit the policy in consideration of public’s views.

Note 2 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.

Note 3 The enhanced measures include (i) more stringent control on dog licence renewal for the approved dog keeping cases; (ii) tightened control on keeping of companion dogs on medical ground; (iii) monitoring measures including deployment of mini-tracker readers for dog scanning, strengthened patrols and inspection against unauthorised dog keepings; and (iv) enhanced publicity through the Housing Channel, radio broadcast and posters.

Note 4 These Concern Groups include “the Animal Welfare Advisory Group (AWAG)” of Agriculture, Fishers and Conservation Department, “STOP! Save HK’s Cats and Dogs (STOP)”, “the Alliance for Animal Friendly Housing, (AAFH)”, “Dog Rights Concern Group” and “the Society for the Prevention of Cruelty to Animals (SPCA)”, etc.

18. To address public concern, we conducted an opinion survey to PRH residents and Estate Management Advisory Committee (EMAC) members in 2016 to obtain up-to-date public views towards keeping dogs in PRH estates. The survey result revealed that about 70% of PRH residents objected to relaxing the prevailing dog keeping policy, with majority of them (85%) are fear of the fouling of public area, nuisance to the environment and the hygiene problem caused by dogs. The feedback from 155 EMACs also reflected similar views. Only 1% EMACs supported the relaxation of the prevailing dog keeping policy under MS. To sum up, the survey results reflected the aspiration of PRH tenants in maintaining a decent, quiet and hygienic living environment in estates. It has strongly supported HA's stance in maintaining the current dog keeping policy.

Throwing Objects from Height

19. Throwing objects from height is an immoral act which poses danger to the passers-by. We have included the misdeed of "Throwing objects from height that jeopardise environmental hygiene" in MS since 2003. Different penalty points to an offender will be allotted or termination of tenancy would be enforced according to the degree of seriousness of the incident. Seven points will be allotted for throwing objects jeopardising environmental hygiene while 15 points will be allotted for cases causing minor danger or personal injury. For offences that may cause serious danger or personal injury, HA will terminate the tenancy of the subject household immediately by invoking Section 19(1)(b) of the Housing Ordinance.

20. In order to tackle this misdeed effectively, we have adopted a three-pronged approach^{Note 5} since 2009. From 2009 to 2016, HD has allotted points to 1 342 offenders for committing the misdeed and taken prosecution actions against them with 635 being convicted. It is worth-noting that the misdeed cases related to throwing objects from height are observed to have a decreasing trend since 2010 after implementing the measures in the three-pronged approach. The figure of point-allotment cases in 2010 was 210 while the figure was 127 in 2016. The decrease of the misdeed figures was attributed to an increasing awareness of civic responsibility of residents, wide publicity and educational programmes throughout the years and HD's intensified enforcement actions taken which have achieved a deterrent effect.

Note 5 The measures includes (i) publicity through Housing Channel, posters, partnering functions by Estate Management Advisory Committees and Non-Governmental 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 at regional level.

STAFFING IMPLICATIONS

21. The workload arising from the enforcement of MS will continue to be absorbed by the estate staff with the reinforcement of the Special Operation Teams.

FINANCIAL AND INFORMATION TECHNOLOGY IMPLICATIONS

22. There is no financial or IT implication arising from this review. The total cost on intensifying publicity and educational programmes of \$0.5M will be absorbed in the 2017/18 approved budget.

PUBLIC REACTION/PUBLICITY

23. The MS, in particular the measures to tackle misdeeds on smoking at non-designated estate common areas, unauthorised dog keeping and throwing objects from height, are well received and supported by PRH tenants and the community at large. We will continue to implement proactive measures to deter the misdeeds. Publicity measures to strengthen tenants' awareness of MS through Housing Channel, radio broadcast, estate newsletters, posters and leaflets will be continued for educational purpose.

INFORMATION

24. 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

Category A (3 penalty points)

- | | |
|-----|---|
| A1* | Drying clothes in public areas (except in areas designated by 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 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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- * 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 December 2016)

3-9 Points		10-15 Points		≥ 16 Points ^{Note 1}		Total	
Cumulative	Active	Cumulative	Active	Cumulative	Active	Cumulative	Active
24 321	4 131	1 765	220	78	1	26 164 (Say 26 200)	4 352

Marking Scheme Summary (1 August 2003 – 31 December 2016)

Misdeeds Category		Warning <small>Note 2</small>	Points-allotted Cases <small>Note 3</small>
A1	Drying clothes in public areas (except in areas designated by HD)	806	36
A2	Hanging floor mop outside the window or balcony	1 770	2
A3	Putting dripping object at window, balcony or façade	645	41
A4	Dripping oil from exhaust fan	25	0
B1	Littering	-	6 451
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	42
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	5 064
B4	Allowing animal and livestock under charge to foul public places with faeces	-	3
B7	Obstructing corridors or stairs with sundry items rendering cleansing difficult	1 921	44
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	-	11 617
B11	Causing noise nuisance	155	101
B12	Illegal gambling in public places	-	2 454
B13	Water dripping from air-conditioner	918	110

Note 1 Since the implementation of Marking Scheme in 2003, the HA has issued 61 NTQs in total. Among them, three NTQs were issued in 2016.

Note 2 For 12 less serious misdeeds, the Warning System is applicable. The system has been simplified twice in the past. Details are as follows –

Period	Warning System
1 August 2003 – 31 December 2004	Comprising three warnings (one verbal and two written)
1 January 2005 – 31 December 2006	Comprising two warnings (one verbal and one written)
1 January 2007 till now	Comprising one written warning only

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

Misdeeds Category		Warning <small>Note 2</small>	Points-allotted <small>Note 3</small> Cases
C1	Throwing objects from height that jeopardise environmental hygiene	-	1 441
C2	Spitting in public areas	-	1 463
C3	Urinating and defecating in public places	-	20
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	-	6
C5	Denying HD staff or staff representing HD entry for repairs responsible by HD	179	111
C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	29	3
C7	Damaging down/sewage pipes causing leakage to the flat below	15	1
C8	Using leased premises as food factory or storage	-	8
C9	Illegal hawking of cooked food	-	48
C10	Damaging or stealing Housing Authority's property	-	41
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	254	206
C12	Using leased premises for illegal purpose	-	280
D1	Throwing objects from height that may cause danger or personal injury	-	128
Total		6 719	29 722

Note 2 For 12 less serious misdeeds, the Warning System is applicable. The system has been simplified twice in the past. Details are as follows –

Period	Warning System
1 August 2003 – 31 December 2004	Comprising three warnings (one verbal and two written)
1 January 2005 – 31 December 2006	Comprising two warnings (one verbal and one written)
1 January 2007 till now	Comprising one written warning only

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