

THE HONG KONG HOUSING AUTHORITY

Memorandum for the Subsidised Housing Committee

Marking Scheme for Tenancy Enforcement in Public Housing Estates

PURPOSE

This paper updates Members on progress in implementing the Marking Scheme for Tenancy Enforcement in Public Housing Estates and seeks Members' endorsement on the proposals to improve the Marking Scheme.

BACKGROUND

2. In May 2003, Team Clean announced a series of measures to boost hygiene and cleanliness in Hong Kong. To strengthen enforcement measures against hygiene-related offences in public housing estates and to promote civic responsibility among tenants, the Subsidised Housing Committee (SHC) endorsed the implementation of the Marking Scheme for Tenancy Enforcement in Public Housing Estates (Marking Scheme) in August 2003 (Paper No. [SHC 17/2003](#)). Under the Marking Scheme, penalty points are allotted to households for committing misdeeds affecting public hygiene or posing health and safety hazards. A list of offences and the penalty points they carry is at [Annex A](#). An accumulation of 16 points within 24 months will trigger action for tenancy termination.

PRESENT POSITION

3. Upon implementation of the Marking Scheme, estate management staff has been asked to step up enforcement against hygiene offences and misdeeds affecting public health and estate cleanliness. As at 31 October 2004, 2 787 allotments of penalty points were made. Of these, 2 720 cases of allotment (98%) are attributable to the hygiene offences of littering, spitting and urinating/defecating in public places. A total of 2 707 households have been allotted points. Of them, 53 (about 2%) accumulated 10 points or more due to commitment of two or more misdeeds. One household has reached the ceiling

----- of 16 points and a notice-to-quit has been issued. Statistics on the allotment of penalty points under the Marking Scheme are shown at [Annex B](#). With more rigorous enforcement under the Marking Scheme, the number of Fixed Penalty Notices issued against hygiene offences committed in public housing estates has increased considerably from 1 528 last year (August 2002 to July 2003) to 5 376 this year (August 2003 to 31 October 2004).

4. The implementation of the Marking Scheme, coupled with enforcement of the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570), has helped achieve sustained improvements in environmental hygiene of public housing estates, as evidenced by the few incidents of repeated offences and a decrease in the number of hygiene and cleanliness complaints from 795 cases in the second quarter of 2003 to 371 cases in the second quarter of 2004. Meanwhile, tenants' satisfaction over estate cleanliness has also increased significantly from 45.5% in 2002 to 52.1% and 61.7% in 2003 and 2004 respectively. Favourable feedback from local residents and Estate Management Advisory Committees (EMACs) also bore out the effectiveness of the Marking Scheme in improving the overall hygiene of public housing estates. Paragraphs 5 to 9 below describe in greater detail specific aspects of the Marking Scheme for Members' reference.

Management of dog-keeping in public housing estates

5. The tenancy agreement in public housing estates prohibits the keeping of animals without prior approval. Accordingly, keeping of animals which pose health problems or environmental nuisance is an offence attracting five penalty points under the Marking Scheme. In consideration of the views expressed by some tenants and animal concern groups and the large number of small dogs kept by public housing tenants then, the SHC endorsed the introduction of a "temporary permission" arrangement in September 2003 (Paper No. [SHC 35/2003](#)) allowing tenants to continue to keep their small dogs (not exceeding 20 kg in weight) until their natural death, subject to their de-sexing, vaccination and registration with estate management. This arrangement was aimed to phase out dog-keeping in public housing estates. Within the one-month period for registration in October 2003, a total of 13 323 small dogs were registered. No more new registration is accepted thereafter.

6. The temporary permission arrangement has put dog-keeping in public housing estates under control. Since November 2003, we have received seven substantiated complaints against nuisance caused by registered dogs. The tenants concerned were warned and the temporary permission of one

household had been revoked following two substantiated complaints. Moreover, through complaints and regular estate patrols, 17 households were found keeping unregistered dogs. They were allotted penalty points accordingly and the dogs in question were removed.

Throwing Objects from Height

7. Throwing objects from height endangers public safety but it is difficult to enforce against this misdeed. We used to encounter problems in identifying the culprit and collating evidence for prosecution. To overcome these problems, we engaged a security company in December 2003 in employing ex-police officers to undertake surveillance work. Since August 2003, we have successfully detected 34 cases of throwing objects from height, the majority of which concerned minor objects such as paper, food residue, refuse and small toys. Penalty points were allotted to the households concerned. In one of these cases, the object thrown from height was a glass bottle. In view of the threat to public safety, prosecution was brought against the tenant, who was subsequently convicted by Court. In comparison with the few cases of successful detection in the past, we have indeed made some encouraging headway in this difficult area of estate management. To keep up our efforts, we have also put in place an advanced Digital Falling Object Monitoring System in August 2004 to monitor falling objects in identified black spots, in addition to the rotating closed-circuit televisions currently installed in public housing estates.

Boiling Wax in Public Areas

8. Before implementation of the Marking Scheme, boiling wax in public areas during the Mid-Autumn Festival had been a formidable problem despite repeated publicity and education campaigns against this dangerous activity which also messes up estate common areas. Last year, boiling wax was made a misdeed attracting five penalty points under the Marking Scheme. Through intensive publicity, increased patrol, timely advice to likely offenders and the deterrent effect of the Marking Scheme, we managed to bring down the complaints and incidents concerning boiling wax in public housing estates to zero in 2003, as compared to six cases in 2002, of which one required police attention. No allotment of penalty points had been necessary. We implemented similar rigorous enforcement arrangements this year, which had been effective in keeping such activity at bay. No allotment of penalty points was made.

Drying clothes in public areas

9. Drying clothes in public places obstructs estate common areas and hinders estate-wide cleansing work and has therefore been made a misdeed carrying three penalty points under the Marking Scheme. In view of feedback from some tenants about the lack of space for drying their laundry, we designate some estate common areas for drying bulky laundry such as blankets and duvets during change of seasons. Recently, we have introduced a subsidy scheme to assist tenants to replace pole-socket type laundry racks of their units with aluminium racks with cord pulleys, which are easier to use. These measures in combination should have struck the right balance between tenants' convenience and estate orderliness and are generally supported by EMACs.

REVIEW OF THE MARKING SCHEME

10. The Marking Scheme has been in place for a year. Judging from tenants' feedback and regular surveys on satisfaction over estate cleanliness, the Marking Scheme has been effective in heightening tenants' sense of responsibility over the cleanliness and upkeep of public housing estates. The Scheme has also provided a framework for consistent enforcement against misdeeds causing nuisance to the neighbourhood. In the light of operational experience and feedback from the public, we have identified some areas for review to fine-tune the Scheme.

A. Additional misdeeds

(a) Dripping laundry

11. At present, putting dripping flower pots at balconies is a misdeed attracting three penalty points. Tenants committing this offence were first warned. With the Marking Scheme in support, the warnings were heeded and no allotment of penalty points had been made so far. In view of the effectiveness on this front, there is suggestion that dripping laundry, which causes similar nuisance to households on the lower floors (particularly if the dripping is coloured), should also be made a misdeed. Allowing laundry to drip is an inconsiderate behaviour which tenants can avoid through exercising due care. As such, we suggest that this misdeed be included into the Marking Scheme with three points to be allotted.

(b) Accumulation of stagnant water leading to mosquito breeding

12. The recurrent outbreaks of diseases like Dengue Fever and Japanese encephalitis has intensified tenants' concerns about the breeding of mosquitoes, which are the transmission media of these infectious diseases. For prevention, estate management has stepped up removal of stagnant water, mosquito surveillance and disinfestation, in particular in estates in districts recording high Ovitrap Index.

13. Despite our efforts in estate common areas, there are occasional instances in which tenants fail to clear up stagnant water inside their flats, thus causing mosquito nuisance to their neighbourhood. As this may turn into a hygiene threat, we suggest making verified cases of accumulation of stagnant water causing mosquito nuisance a misdeed under the Marking Scheme with five points to be allotted. As stagnant water accumulation takes place inside a tenant's flat, if it is made a misdeed attracting penalty points, enforcement will be taken in response to substantiated complaints and subject to the expert advice of the Food and Environmental Hygiene Department (FEHD) on the exact cause of mosquito nuisance.

(c) Water dripping from air-conditioners

14. Water dripping from air-conditioners causes nuisance to the neighbourhood. There has been suggestion that water-dripping from air-conditioners should be made a misdeed under the Marking Scheme.

15. At present, if dripping occurs, the tenant concerned is first asked to rectify the situation. If the tenant refuses to co-operate, the case will be referred to the FEHD for action under the Public Health and Municipal Services Ordinance (Cap. 132). The tenant concerned will be warned and required to take remedial actions promptly through the issue of statutory Nuisance Notice. Prosecution will be initiated against persistent non-compliance. This process gives the tenant an opportunity to rectify the nuisance, which is often unintentional. Whether penalty points should be allotted to this misdeed requires further consideration to ensure that the enforcement arrangements are fair and consistent and have regard to the tenants' circumstances. We are discussing with FEHD on practical ways to strengthen and streamline the enforcement regime to make it more effective.

16. Public housing blocks built after 1996 are provided with condensate drain pipes. Tenants in these blocks should take care to connect their air-conditioners to these drain pipes for discharging water during

installation. As the public housing blocks built before 1996 are not provided with condensate drain pipes, from time to time we remind tenants to prevent dripping through proper installation and maintenance of air-conditioners, use of condensate-free models or fixing flexible lead hoses to redirect condensate to the flats. Notwithstanding, the problem of dripping still persists. It was suggested by some quarters that the Housing Authority (HA) should consider retrofitting condensate drainage pipes in existing blocks. However, this would involve technical difficulties in retrofitting pipes to cater for existing air-conditioners installed at different locations and substantial expenses, estimated to be around \$300 million for around 800 blocks. We therefore consider it inappropriate at this stage to include water dripping from air conditioners as a misdeed under the Marking Scheme. We would consider the technical and financial implications of installing condensate drainage pipes in older-generation blocks, in particular the option of retrofitting main drainage pipes during redecoration of the estates.

B. Allotment of Penalty Points

17. The offences included in the Marking Scheme attract three, five or seven penalty points depending on their seriousness and the nuisance caused. Misdeeds threatening community health and public safety such as throwing objects from height and spitting therefore carry seven points. The penalty points carried by different misdeeds are generally considered to be appropriate and proportionate to the seriousness of the nuisance caused except for the misdeed of using leased premises as food factory or storage, which carries five marks at present. Since the implementation of the Scheme, two households have been allotted penalty points for committing this misdeed upon substantiated complaints. We note that the cooked food produced by these households is usually supplied to illegal cooked food hawkers nearby, usually within the same public housing estate.

18. Illegal hawking causes environmental nuisance and the cooked food sold by hawkers could cause health and hygiene concerns. In the past year, we have collaborated closely with FEHD in launching rigorous joint enforcement operations, drastically reducing hawking blackspots from fourteen in 2003 to five at present. Cutting the supply of cooked food prepared in public housing can be one of the means to combat illegal hawking in public housing estates. It is therefore suggested the penalty points for the misdeed of using public housing flats as food factory or storage should be increased from five to seven points in order to strengthen the deterrent effect.

C. Enforcement Arrangements

(a) *Warning before allotment of points*

19. When the Marking Scheme was launched in August 2003, we reckoned that tenants might need some time to understand its operation and get used to it. Therefore, for some offences, we have implemented a three-tier warning system before allotment of penalty points. Details of these misdeeds with related enforcement statistics are at [Annex C](#).

20. Now that the Marking Scheme has been implemented for more than a year, tenants are generally familiar with it and have accepted that it is instrumental in nourishing awareness to estate cleanliness and orderly management. Some EMACs and individual tenants are however concerned that the current elaborate warning system may prolong enforcement actions and with time, may become enforcement loopholes. To strengthen the deterrent effect of the Marking Scheme, we suggest reducing the number of warnings to one verbal and one written warning. This would usher in stricter and more immediate enforcement while still allowing tenants to make timely improvements.

(b) *Publicity*

21. We have launched intensive publicity on the implementation of the Marking Scheme throughout last year. To ensure that tenants understand the Scheme fully, and to maintain good habits in upkeeping environmental hygiene, we will continue with our vigorous publicity efforts through estate newsletters, the new HA TV Channel, brochures and posters. To heighten tenants' awareness of the Marking Scheme, we plan to regularly publicise summary of statistics on point allotment and misdeeds committed by tenants of individual blocks in anonymity. In order to induce tenants in taking an active part in upkeeping environmental hygiene, EMACs will be encouraged to organize incentive schemes/activities such as Tai Ping Tei Clean-up Operations on a quarterly basis for tenants to participate.

IMPLEMENTATION

22. It is proposed to implement the revised Marking Scheme on 1 January 2005 to allow time for adequate publicity and IT system enhancement.

PUBLIC REACTION

23. The public will generally welcome the scheme. Some may suggest that more stringent enforcement action should be taken against misdeeds like throwing objects from heights; others may criticize the Marking Scheme as harsh, especially with the inclusion of new misdeeds. We will stress that the Marking Scheme has proved to be an effective means to improve estate hygiene and cleanliness and the new misdeeds are added in response to increasing public concern and aspiration for a hygiene environment in estates. We will continue our effort to improve environmental hygiene and step up publicity to educate tenants on the importance of keeping their living environment clean and hygienic.

24. We have briefed the LegCo Panel on Housing on the progress of the Marking Scheme. They have expressed objections to the inclusion of dripping water from air-conditioners as a misdeed item under the Marking Scheme. Some LegCo members also criticized the Marking Scheme for the whole household need to share the responsibility for individual member's faults.

FINANCIAL, STAFFING AND IT IMPLICATIONS

25. A special squad with 55 Housing Officers has been redeployed to undertake enforcement under the Team Clean initiatives including the Marking Scheme. They are assisted by estate staff who will enforce the Marking Scheme during their daily patrol in the estate. Other than the 17 security guards being currently employed on the Scheme, no further additional staff is required under the revised Marking Scheme. The existing computer system will be enhanced to provide support for the revised Marking Scheme. Funding will also be provided to cover publicity programmes. The total expenditure for system enhancement and publicity is estimated at about \$1M.

RECOMMENDATIONS

26. It is recommended that -

- (a) 'dripping laundry at balconies' be included as a misdeed with three points to be allotted (paragraph 11);

- (b) 'causing mosquito breeding by accumulating stagnant water' be included as a misdeed with five points to be allotted (paragraphs 12-13);
- (c) points allotted under the misdeed on 'using leased premises as food factory or storage' be increased from five to seven points (paragraphs 17-18); and
- (d) the revised Marking Scheme be implemented on 1 January 2005 (paragraph 22).

DECLASSIFICATION OF PAPER

27. We propose that this paper be declassified upon approval of the proposals contained in paragraph 26 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

28. At the meeting of the SHC to be held on 18 November 2004, Members will be invited to endorse the recommendations set out in paragraph 26 and approve the declassification of this paper.

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(Estate Management Division)
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List of Offences Attracting Penalty Points under the Marking Scheme for Tenancy Enforcement in Public Housing Estates

Offences		Points
Category A		
A1	Drying clothes in public areas (except in areas designated by Housing Department)	3
A2	Utilizing laundry pole-holders for drying floor mops	3
A3	Putting dripping flower pots at balconies	3
A4	Dripping oil from exhaust fans	3
Category B		
B1	Littering	5
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	5
B3	Keeping animal, bird or livestock inside leased premises without prior consent of the Landlord	5
B4	Allowing animals and livestock under charge to foul public places with faeces	5
B5	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	5
B6	Using leased premises as food factory or storage	5
B7	Obstructing corridors or stairs with sundry items rendering, cleansing difficult	5
B8	Boiling wax in public areas	5
Category C		
C1	Throwing object from heights	7
C2	Spitting in public areas	7
C3	Urinating and defecating in public places	7
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	7
C5	Denying staff of Housing Department or staff representing Housing Department entry for repairs responsible by Housing Department	7
C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	7
C7	Damaging down/sewage pipes causing leakage to the flat below	7

**Allotment of Penalty Points under the
Marking Scheme for Tenancy Enforcement in Public Housing Estates
(from 1 August 2003 to 31 October 2004)**

(A) Breakdown by district

District	No. of Households
Hong Kong Island	371
Kowloon East	580
Kowloon West	321
Kwai Tsing, Tsuen Wan and Islands	438
Tuen Mun and Yuen Long	559
Tai Po, North, Shatin and Sai Kung	438
Total :	2 707

(B) Breakdown by offence

Offence	No. of Cases*
Littering	2 192
Spitting in public areas	525
Throwing objects from height	36
Keeping animal, bird or livestock inside leased premises without prior consent of the Landlord	19
Denying Housing Department staff or staff representing Housing Department entry for repairs responsible by Housing Department	4
Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	4
Urinating and defecating in public places	3
Using leased premises as food factory or storage	2
Obstructing corridors or stairs with sundry items, rendering cleansing difficult	1
Disposing refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	1
Total :	2 787

* Of the 2 707 households being allotted penalty points, only 53 have committed two misdeeds or more and have thus accumulated 10 points or more. Hence, the total number of cases exceeds the total number of households with penalty points allotted.

**Misdeeds against which warnings would be given before
allotment of penalty points together with enforcement statistics
(from 1 August 2003 to 31 October 2004)**

Offence			Verbal Warning	First Written Warning	Final Written Warning	Points- Allotted Cases
Prior warning before point allotment						
3 points	A1	Drying clothes in public areas (except in areas designated by Housing Department)	417	5	1	0
	A2	Utilizing laundry pole-holders for drying floor mops	1 705	15	0	0
	A3	Putting dripping flower pots at balconies	378	1	0	0
	A4	Dripping oil from exhaust fan	18	0	0	0
5 points	B5	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	23	12	5	4
	B7	Obstructing corridors or stairs with sundry items, rendering cleansing difficult	1 564	22	3	1
7 points	C5	Denying Housing Department staff or staff representing Housing Department entry for repairs responsible by Housing Department	11	5	4	4
	C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	2	0	0	0
	C7	Damaging down/sewage pipes causing leakage to the flat below	0	0	0	0
Without Warning						
5 points	B1	Littering	-	-	-	2 192
	B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	-	-	1
	B3	Keeping animal, bird or livestock inside leased premises without prior consent of the Landlord	-	-	-	19
	B4	Allowing animal and livestock under charge to foul public places with faeces	-	-	-	0
	B6	Using leased premises as food factory or storage	-	-	-	2
	B8	Boiling wax in public areas	-	-	-	0
Without Warning – Cont'd						
7 points	C1	Throwing objects from height	-	-	-	36
	C2	Spitting in public areas	-	-	-	525
	C3	Urinating and defecating in public places	-	-	-	3
	C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	-	-	-	0
Total			4 118	60	13	2 787