

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

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

**PURPOSE**

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

**BACKGROUND**

2. In May 2003, the Team Clean announced a series of measures to boost the hygiene and cleanliness in Hong Kong. To strengthen enforcement measures against hygiene-related offences in public rental housing (PRH) estates and to promote civic responsibility among tenants, the Subsidised Housing Committee (SHC) endorsed vide Paper No. SHC 17/2003 the implementation of the MS on 1 August 2003.

3. Subsequent policy changes were endorsed vide Paper Nos. SHC 35/2003, SHC 68/2004, SHC 62/2005, SHC 55/2006, SHC 6/2007, SHC 47/2007 and SHC 45/2008 respectively. At present, the MS covers 28 misdeed items, categorized by their degrees of adversity on environmental hygiene or estate management. Category A, B, C and D misdeeds carry three, five, seven and 15 points respectively and a warning mechanism is in place for the 12 less serious misdeeds. A list of the 28 misdeeds under the MS is at

----- **Annex A.**

4. Tenants or authorized occupants committing the misdeeds in their residing estates will be liable to allotment of points under the MS. Any points allotted will be valid for two years. Except for cases with strong compassionate elements, households carrying valid points will be barred from applying for all types of voluntary transfer. An accumulation of 16 points within two years will trigger action for termination of tenancy. Similar to all termination of tenancies, the tenant may make an appeal to the Appeal Panel (Housing).

## **REVIEW**

### **Survey on the MS**

5. The implementation of the MS has achieved substantial improvement in the environmental hygiene of PRH estates. According to the recently published Public Housing Recurrent Survey 2009 (the Housing Survey) vide Paper No. SHC 53/2009, an overwhelming majority of our tenants (97%) had knowledge of the MS whilst 65% of the respondents expressed that the penalty was reasonable. The percentage showing satisfaction level towards the overall cleanliness and hygienic conditions of estate common areas has been maintained at a high level of around 70% in the past few years, compared with 46% and 52% in 2002 and 2003 respectively.

### **Overall Enforcement Results**

6. Misdeed B1 "Littering" and B10 "smoking or carrying a lighted cigarette in estate common area" continue to be the most frequently committed offences involving 5 000 and 3 500 cases respectively. From 1 August 2003 to 30 November 2009, 12 000 allotments of penalty points involving 11 200 households have been recorded. Amongst them, 550 (5%) have accrued 10 points or more due to commitment of two or more misdeeds. Of the 12 000 points-allotted cases, 7 100 (59%) have expired, with 4 900 cases (41%) remaining valid (**Annex B**). 24 households have accrued 16 or more points. Amongst them, two have surrendered their PRH flats voluntarily. The Department has issued 19 Notices-to-quit (NTQs) and approved the withholding of NTQ action on three cases on special grounds.

## **New Enforcement Actions in 2009**

### *Water Dripping from Air-conditioners*

7. In view of the upward trend of the number of complaints over water dripping from air-conditioners (A/C) in PRH estates, Members endorsed vide Paper No. SHC 45/2008 to include this as a misdeed item B13 with effect from 1 January 2009. According to the Housing Survey, 86% of our tenants welcomed the inclusion of this new misdeed. So far, we have issued 95 written warnings and allotted five penalty scores to 13 tenants who failed to take heed of the written warning to abate such nuisance within a reasonable time. The fact that there is no relapse case fully demonstrates the effectiveness of the deterrent and educational effect of the B13 misdeed item.

### *Fixed Penalty (Smoking Offences) Ordinance*

8. Under the Fixed Penalty (Smoking Offences) Ordinance which came into effect on 1 September 2009, a Fixed Penalty Notice (FPN) will be issued to offenders for smoking in a statutory no-smoking area (SNSA). Housing Department (HD) is one of the three complementary departments (the other two are Leisure and Cultural Services Department and Food and Environmental Hygiene Department) to assist the Tobacco Control Office of Department of Health in issuing FPNs in the boundaries under their respective management. Tenants who were found smoking in SNSAs in PRH estates would be allotted points and issued with FPNs. On top of allotting penalty scores to 330 households in both SNSAs and other non-SNSAs, we have issued 80 FPNs in the past three months.

## **Other Areas of Concerns**

### *Throwing Objects from Height*

9. Having regard that the degree of nuisance/danger caused by the fallen objects differs considerably, we have allotted different penalty points (i.e. either seven or 15 points) against this misdeed according to its seriousness since 1 January 2006. For offences that may cause serious danger or personal injury, concerned tenancies would even be terminated immediately by invoking S19(1)(b) of the Housing Ordinance.

10. To facilitate enforcement actions in this aspect, we have installed 96 sets of Falling Objects Monitoring System and ten Mobile Digital Closed Circuit Television (MDCCTV) sets at strategic locations to pose a stronger deterrent effect on potential offenders. In addition, we have deployed five Special Operation Teams, each comprising three ex-policemen, to assist in taking enforcement action under the MS as well as initiating prosecution actions. Up to 30 November 2009, three households have been issued NTQs with 275 cases allotted seven points and 21 cases allotted 15 points. On top of the above, we have also taken prosecution actions against 112 households.

11. In response to the recent incidents of throwing/dropping objects from height in a few PRH estates, HD has taken the following four proactive measures to deter the irresponsible behaviour of offenders –

- (a) to launch a one-month campaign to publicize the serious consequences of the offences of throwing/allowing the dropping of objects from height. Publicity will be intensified through various channels including press release, a special forum held on 20 December 2009 with the attendance of some 400 Estate Management Advisory Committee (EMAC) members, Housing Channel, radio broadcast, poster and leaflet;
- (b) to carry out partnering functions with Non-Government Organizations by EMACs to promote the message (e.g. to report such incidents, not to place mops, flower pots and articles outside the balcony/window, etc.);
- (c) to deploy additional resources, including the installation of ten additional MDCCTV sets and deployment of five additional Special Operation Teams to strengthen the enforcement actions; and
- (d) to intensify the patrol and enforcement actions by estate staff and to set up a Task Force at Headquarters level to monitor the implementation of the above proactive measures and assume the coordination role of overall deployment of available resources to tackle the issue.

12. The initial response from the community and PRH tenants to the above measures is encouraging.

### *Control of Dog-keeping*

13. Unauthorized dog keeping will create nuisance to tenants. SHC endorsed the introduction of a 'temporary permission rule' (TPR) arrangement in September 2003 (Paper No. SHC 35/2003) allowing tenants to continue to keep their small dogs already existed in PRH flats before 1 August 2003 until their natural death, subject to their de-sexing, vaccination and registration with the estate management. The number of TPR dogs has been reduced from 13 300 in 2003 to 9 500 as at end of November 2009. The TPR permission would be revoked upon two substantiated complaints for causing nuisance; after which, MS under misdeed item B3 "Keeping dog inside leased premises without prior written consent of the Landlord" would apply. Apart from daily enforcement, each Estate Management Region has deployed one Special Team since 1 September 2007 to assist in the detection and abatement of unauthorized dogs.

14. The management will intensify efforts to tackle unauthorized dog keeping in PRH estates through the MS in the second quarter of 2010. The proposed control measures under planning include the revalidation of TPRs, flexible deployment of the Special Teams by Headquarters to detect unauthorized dog keeping, tighter control of visitors carrying dogs to domestic blocks by the tower guards stationed on the ground floor lobby and publicity through the Housing Channel, radio broadcast and poster to appeal to tenants for reporting unauthorized dog keeping in PRH estates.

### **STAFFING AND INFORMATION TECHNOLOGY IMPLICATIONS**

15. The workload arising from the enforcement of the MS will continue to be shouldered by estate staff with the reinforcement of special squads from Regional Headquarters and dedicated teams from security contractors. There is no information technology impact.

### **FINANCIAL IMPLICATIONS**

16. The one-off expenditure for the intensified publicity and educational programmes and installation of ten extra MDCCTV sets is estimated to be \$2.5M while the monthly charges for the five additional Special Teams is \$183,000. The requisite funding can be absorbed in 2009/2010 approved budget or revised budget of 2010/2011.

## **PUBLIC REACTION/PUBLICITY**

17. The public safety relating to throwing objects from height and the nuisance triggered by dog keeping in estates have caused grave concerns of the general public. The proactive measures which demonstrate the determination of the Housing Authority in tackling the irresponsible and reckless acts as well as to upkeep a quiet and healthy living environment shall be well-received by the public and sitting tenants. We shall step up our publicity in these aspects through media briefing, radio broadcast, Housing Channel, estate newsletters, posters and notices. The latest progress of the MS will be reported to the Panel on Housing of the Legislative Council on 7 January 2010.

## **INFORMATION**

18. This paper is issued for members' information.

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**List of Misdeeds under the Marking Scheme (w.e.f. 1.1.2009)**

## Category A (3 penalty points)

A1*	Drying clothes in public areas (except in areas designated by HD)
A2*	Utilizing laundry pole-holders for drying floor mop
A3*	Putting dripping flower pots or dripping laundry at balconies
A4*	Dripping oil from exhaust fan

## Category B (5 penalty points)

B1	Littering
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord
B4	Allowing animal and livestock under charge to foul public places with faeces
B7*	Obstructing corridors or stairs with sundry items rendering cleansing difficult
B8	Boiling wax in public areas
B9*	Causing mosquito breeding by accumulating stagnant water
B10	Smoking or carrying a lighted cigarette in estate common area
B11*	Causing noise nuisance
B12	Illegal gambling in public places
B13*	Water dripping from air-conditioner

## Category C (7 penalty points)

C1	Throwing objects from height that jeopardize environmental hygiene
C2	Spitting in public areas
C3	Urinating and defecating in public places
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas
C5*	Denying HD staff or staff representing HD entry for repairs responsible by HD
C6*	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant
C7*	Damaging down/sewage pipes causing leakage to the flat below
C8	Using leased premises as food factory or storage
C9	Illegal hawking of cooked food
C10	Damaging or stealing Housing Authority's property
C11*	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance
C12	Using leased premises for illegal purpose

## Category D (15 penalty points)

D1	Throwing objects from height that may cause danger or personal injury
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\* Warning System is in place for these misdeeds. Penalty points will only be allotted if the offender ignores one written warning and repeats the same misdeed for the second time and onwards.

## Annex B

### Number of Households with Points Allotted (as at 30.11.2009)

3-9 Points		10-15 Points		≥ 16 Points		Total	
Cumulative	Valid	Cumulative	Valid	Cumulative	Valid	Cumulative	Valid
10 654	4 491	523	225	27	1	11 204	4 717

### Marking Scheme Summary (1.8.2003 – 30.11.2009)

Misdeeds Category		Warning <sup>Note 1</sup>		Points-Allotted Cases <sup>Note 2</sup>	
		Cumulative	Valid	Cumulative	Valid
A1	Drying clothes in public areas (except in areas designated by HD)	594	112	4	4
A2	Utilizing laundry pole-holders for drying floor mop	1 740	13	1	1
A3	Putting dripping flower pots or dripping laundry at balconies	468	67	8	6
A4	Dripping oil from exhaust fan	23	1	0	0
B1	Littering	-	-	5 002	620
B2	Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover	-	-	13	10
B3	Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord	-	-	1 145	863
B4	Allowing animal and livestock under charge to foul public places with faeces	-	-	1	1
B7	Obstructing corridors or stairs with sundry items rendering cleansing difficult	1 808	41	6	1
B8	Boiling wax in public areas	-	-	0	0
B9	Causing mosquito breeding by accumulating stagnant water	1	1	1	0
B10	Smoking or carrying a lighted cigarette in estate common area	-	-	3 502	2 490
B11	Causing noise nuisance	73	73	36	29
B12	Illegal gambling in public places	-	-	517	515
B13	Water Dripping from Air-conditioner	95	95	13	13

(to be continued)



## Annex B

Misdeeds Category		Warning <sup>Note 1</sup>		Points-Allotted Cases <sup>Note 2</sup>	
		Cumulative	Valid	Cumulative	Valid
C1	Throwing objects from height that jeopardize environmental hygiene	-	-	275	122
C2	Spitting in public areas	-	-	1 244	162
C3	Urinating and defecating in public places	-	-	9	3
C4	Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	-	-	1	0
C5	Denying HD staff or staff representing HD entry for repairs responsible by HD	41	22	16	9
C6	Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	18	6	0	0
C7	Damaging down/sewage pipes causing leakage to the flat below	7	3	0	0
C8	Using leased premises as food factory or storage	-	-	4	1
C9	Illegal hawking of cooked food	-	-	37	5
C10	Damaging or stealing Housing Authority's property	-	-	15	10
C11	Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	175	99	110	49
C12	Using leased premises for illegal purpose	-	-	22	20
D1	Throwing objects from height that may cause danger or personal injury	-	-	21	9
<b>Total</b>		<b>5 043</b>	<b>533</b>	<b>12 003</b>	<b>4 943</b>

Note 1: For 12 less serious misdeeds, the Warning System is applicable. Meanwhile, the system has been twice simplified in the past. Details are as follows –

Period	Warning System
1.8.2003 – 31.12.2004	Comprising 3 warnings (1 verbal and 2 written)
1.1.2005 – 31.12.2006	Comprising 2 warnings (1 verbal and 1 written)
1.1.2007 till now	Comprising 1 written warning only

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