

Section B

Chapter 20: Marking Scheme for Estate Management Enforcement in Public Housing Estates

To improve environmental hygiene in public housing estates (including public rental housing (PRH) and Interim Housing (IH)), the Housing Department (HD) has implemented the Marking Scheme for Tenancy Enforcement in Public Housing Estates (Marking Scheme) since 1 August 2003. The Marking Scheme was renamed to Marking Scheme for Estate Management Enforcement in Public Housing Estates on 18 October 2006, to include misdeeds involving civic responsibility and execution of tenancy condition, to signify its wider use for more effective estate management.

Misdeeds under the Marking Scheme

Starting from 1 January 2009, there are 28 misdeed items under the Marking Scheme, which are grouped under Category A, B, C and D. Households who committed misdeeds will be allotted 3 to 15 points in accordance to the degree of misdeeds' seriousness. When 16 points or above have been recorded within two years, the tenancy/ licence will be subject to termination.

Items in Category A are minor misdeeds and each of them will carry 3 points. Items in Categories B and C are more serious ones and each will carry 5 and 7 points respectively. Item in Category D is the most serious one and will carry 15 points.

Any points allotted under the Marking Scheme will be valid for a period of two years from the day the material misdeed is committed. Change of household head or deletion of household member(s) during the two-year period will not lead to early cancellation of the points allotted. For cases where transfer is arranged due to redevelopment etc, the points accrued to the original tenancy will be carried forward to the new tenancy. When households residing in IH move to PRH (e.g. through the PRH application), the points accrued in their IH flats will be carried forward to the PRH flats. The points that have become invalid through lapse of time will be deducted from the household's total score.

Effects of points-allotment on household

The tenant and adult family members will be notified of any points allotted and reminded to take immediate action to break the bad habits.

Except households affected by involuntary transfers (such as redevelopment), any household carrying valid points under the Marking Scheme will be barred from applying for alternative accommodation, better/ larger or otherwise, through external or internal transfer.

When the number of valid points accrues to 10 (or less than 10 but with 3 point-allotments), a warning letter will be served to the concerned household. This warning letter will detail the points allotted and remind the tenant of the possible consequence if more points are allotted. The warning letter will also be copied to all adult members of the household. A manager grade housing staff would interview the tenant and the family member who committed the misdeeds to reiterate the possible consequences of tenancy termination if there is further accumulation of points under the Marking Scheme.

When 16 valid points have been accrued, the subject tenancy will be terminated by the service of a notice-to-quit (NTQ) pursuant to Section 19(1)(b) of the Housing Ordinance. The tenant may lodge an appeal against the NTQ to the Appeal Panel (Housing).

Upon termination of tenancy, the household will be required to vacate the public housing flat. For those who may become genuinely homeless, offer of IH in the New Territories may be arranged provided that the household can meet all prevailing eligibility criteria. Any points not counted for the service of NTQ will be carried forward to the new tenancy/ licence if the household remains in residence in public housing (e.g. moving from PRH to IH in the New Territories).

With effect from 1 January 2006, for ex-tenants and the adult family members whose tenancies have been terminated by the Hong Kong Housing Authority (HA), due to Marking Scheme or tenancy breach, their applications for PRH will be barred for two years, counting from the day after NTQ expiry date. The HD will not offer a flat of better quality (in respect of geographical locality, age of building and floor level as compared with their previous public housing flats) to them upon rehousing through PRH application after the lapse of two years. The above restrictions are also applicable to the ex-licencees and their family members of interim housing.

Details of misdeeds covered by the Marking Scheme and their implementation

To encourage timely correction of bad habits, the Warning System (1 written warning) is applicable to some of these misdeeds. The tenants will be allotted points when the same misdeed is committed again despite warning.

Tenants who conduct misdeeds which will seriously affect estate hygiene, e.g. spitting in public areas or smoking in the statutory no smoking areas, they will be issued with Fixed Penalty Notice and allotted points. For tenant who commits throwing objects from height that may cause serious danger or personal injury, HA will even terminate the tenancy.

The List of Misdeeds under the Marking Scheme is detailed as follows:

| Misdeeds | Warning will be given prior to point allotment |
|---|---|
| Category A (3 penalty points) | |
| Drying clothes in public areas (except in areas designated by the Housing Department) | ✓ |
| Hanging floor mop outside the window or balcony* | ✓ |
| Putting dripping object at window, balcony or façade* | ✓ |
| Dripping oil from exhaust fan* | ✓ |
| Category B (5 penalty points) | |
| Littering | |
| Disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover | |
| Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord (Note 1)* | |
| Allowing animal and livestock under charge to foul public places with faeces | |
| Obstructing corridors or stairs with sundry items rendering cleansing difficult | ✓ |
| Boiling wax in public areas | |
| Causing mosquito breeding by accumulating stagnant water* | ✓ |
| Smoking or carrying a lighted cigarette in estate common area (Note 2) | |
| Causing noise nuisance (Note 3)* | ✓ |
| Illegal gambling in public places | |
| Water dripping from air-conditioner | ✓ |
| Category C (7 penalty points) | |
| Throwing objects from height that jeopardise environmental hygiene* | |
| Spitting in public areas | |
| Urinating and defecating in public places | |
| 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 | ✓ |

| Misdeeds | Warning will be given prior to point allotment |
|--|---|
| Refusing repair of leaking pipes or sanitary fittings responsible by the tenant* | ✓ |
| Damaging down/ sewage pipes causing leakage to the flat below* | ✓ |
| Using leased premises as food factory or storage* | |
| Illegal hawking of cooked food | |
| Damaging or stealing Hong Kong Housing Authority's property | |
| Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance* | ✓ |
| Using leased premises for illegal purpose (Note 4)* | |
| Category D (15 penalty points) | |
| Throwing objects from height that may cause danger or personal injury (Note 5)* | |

*14 items of misdeeds applicable to Tenant Purchase Scheme/ Buy-or-Rent Option estates

Note 1: HA endorsed on 25.9.2003 to uphold the ban on dogs in public housing estates while granting a general permission for the keeping of small household pets (including desexed cats but excluding pigeons) that do not pose any health hazard and do not cause any nuisance. Wild lives, exotic animals and domesticated farm animals are strictly prohibited.

The HD has adopted the “Temporary Permission Rule” to handle dogs kept in public housing before implementation of the Marking Scheme. According to the Rule, an one-off permission was given to tenants who applied to continue keeping those small dogs (i.e. less than 20 kg in weight) that had been kept in the leased premises before 1 August 2003. Tenants who have been granted the permission should strictly comply with the prescribed rules for dog keeping. The permission will be withdrawn if there are two substantiated incidents of creating nuisance/ breaking the rules.

With effect from 1 November 2003, tenants who keep prohibited dog(s) or animal(s) in leased premises without prior written consent of the Landlord will be allotted penalty points under the Marking Scheme.

Note 2: 'Estate common area' means any place within the estate boundary to which the public have access, and includes common areas of domestic buildings, estate rest gardens, pleasure grounds, pedestrian walkways, estate roads, etc.

Subject to the consent of local Estate Management Advisory Committee, smoking area may be designated in the estate. The number of smoking areas can be adjusted (A maximum up to five locations).

- Note 3: Apart from related enforcement action under the Marking Scheme, the Noise Control Ordinance also provides legislative control over noise at any time. A tenant in breach of relevant provision inside his/ her flat will be allotted points upon conviction. In that case, the Warning System will not be applicable.
- Note 4: If the convicted person is the tenant of the flat, the tenancy agreement concerned will be terminated according to the prevailing terms thereof.
- Note 5: For households who have thrown objects from height that may cause serious danger or personal injury, the HA will terminate the subject tenancy by issuing a Notice-to-quit in pursuance of the Housing Ordinance.