

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 December 2024, there are 30 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. Items in Category D are the most serious ones 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 October 2023, for ex-tenants and the adult family members whose tenancies have been terminated by the Hong Kong Housing Authority (HA), due to making false declarations, breaching any terms of the tenancy agreement, violating the Marking Scheme, etc., their applications for PRH will be barred for five years, counting from the day after NTQ expiry date. The HD will not offer a flat of better quality than the original PRH flat upon flat allocation. Starting from 31 March 2025, geographical locality is a mandatory restriction, and age and floor level of the PRH flat must be included in one of the two criteria. The above restrictions are also applicable to the ex-licencees and their family members of IH.

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 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.

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)%	✓
Putting dripping object at window, balcony or façade	✓
Dripping oil from exhaust fan, range hood duct, etc.	✓
Category B (5 penalty points)	
Keeping animal, bird or livestock inside leased premises without prior written consent of the Landlord (Note 1)	
Boiling wax in public areas	
Causing mosquito breeding by accumulating stagnant water	✓
Smoking or carrying a lighted cigarette in estate common area (Note 2)#	
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	✓
Failure to repair pipes or sanitary fittings for which the tenant is responsible or to rectify unauthorised alterations as demanded by HA	✓
Using leased premises as food factory or storage	
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%	
Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	✓
Littering	

Misdeeds	Warning will be given prior to point allotment
Disposing of refuse indiscriminately	
Allowing animal and livestock under charge to foul public places with faeces	
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	✓
Causing noise nuisance (Note 3)	✓
Feeding feral pigeons or other wild animals [@]	
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)	
Throwing objects from height that may cause danger or personal injury (Note 4)	
Dumping or disposing of decoration debris indiscriminately at refuse collection point, within building or in other public areas	
Damaging down/ sewage pipes causing leakage to the flat below	
Damaging or stealing Housing Authority's property	
Using leased premises for illegal purpose (Note 5)	
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 [^]	

[%] 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, authorized 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.

- Note 1: 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. 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.
- 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.
- 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: 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.
- Note 5: If the convicted person is the tenant of the flat, the tenancy agreement concerned will be terminated according to the prevailing terms thereof.