

LCQ4: Management of Tenants Purchase Scheme estates

Following is a question by Dr the Hon Ngan Man-yu and a reply by the Secretary for Housing, Ms Winnie Ho, in the Legislative Council today (November 8):

Question:

It has been reported that while the Subsidised Housing Committee of the Hong Kong Housing Authority endorsed in May this year the implementation of enhanced measures for the Marking Scheme for Estate Management Enforcement (the Marking Scheme), the misdeed items applicable to public rental housing flats in Tenants Purchase Scheme (TPS) estates continue to remain at 14, and the misdeeds under the Marking Scheme are still not applicable to the public areas of such estates, resulting in the management of such estates failing to improve with the implementation of the enhanced measures. In this connection, will the Government inform this Council:

(1) of the situation of the tenants of TPS estates being allotted penalty points in each of the past five years (with a tabulated breakdown by District Council district and misdeed); among such cases, the respective numbers of those in which the tenancies of the tenants concerned were terminated and their flats were recovered due to the allotment of 16 penalty points or more to them;

(2) whether it knows the number of complaints received by the authorities (including the Owners' Corporations (OCs) of TPS estates) about the hygiene and noise in public areas of TPS estates in each of the past five years, as well as the details and the follow-up situations of those complaints; and

(3) whether it will launch targeted actions in respect of the management of TPS estates, such as enhancing the Marking Scheme, and coordinating or taking joint actions with OCs; if so, of the details; if not, the reasons for that?

Reply:

President,

In Tenants Purchase Scheme (TPS) estates, more than 80 per cent of flats have been sold and become private properties. The general estate management is no different from that of private properties, which is undertaken by their respective Owners' Corporations (OCs) by virtue of the powers granted under the Building Management Ordinance (Cap. 344) and the Deed of Mutual Covenant (DMC).

As regards the public rental housing (PRH) flats in TPS estates, the tenants are currently subject to 14 misdeed items under the "Marking Scheme

for Estate Management Enforcement" (the Marking Scheme) of the Hong Kong Housing Authority (HA). In support of the Government's measures to tackle territory-wide environmental hygiene issues, the HA approved in May 2023 the implementation of enhanced measures of the Marking Scheme. Among the enhanced measures, three are applicable in TPS estates, including "causing noise nuisance", of which the penalty points will be increased from five to seven, and "using leased premises for illegal purpose" and "damaging down/sewage pipes causing leakage to the flat below", of both the penalty points will be increased from seven to 15, while the warning system for the latter misdeed will no longer be applicable. When 16 points or above have been allotted to a tenant, the HA will also issue a notice-to-quit. The enhanced measures will take effect from mid-December 2023.

Regarding the common areas of TPS estates, if a resident commits misdeed such as damaging environmental hygiene or creating nuisance, irrespective of whether he/she is an owner or a tenant, the property management company (PMC) appointed by OC can take action to regulate the misdeed in accordance with the provisions of the DMC. If OC or PMC refers any case involving PRH tenants committing misdeed in the common areas to the Housing Department (HD), the HD will take follow-up action, including conducting investigation, carrying out joint operation with PMC or other departments, and taking tenancy enforcement action, such as issuance of warning letters, against the offending tenant. For serious cases, the tenancy will be terminated to recover the PRH flat.

My consolidated reply to the questions raised by Dr the Hon Ngan Man-yu is as follows:

At present, there are about 30 000 PRH households in the 39 TPS estates. In the past five years (2018 to 2022), the number of points allotment cases under the Marking Scheme in TPS estates per year by 18 districts is set out in the Annex. The misdeeds mainly include not allowing the HA staff or its authorised persons to enter the premises for inspection and carrying out works, keeping animal inside the premises, accumulating a large quantity of refuse inside the premises creating hygienic nuisance. Among the cases, there was one case where the tenancy was terminated and the PRH flat was recovered after seven penalty points were allotted thrice due to accumulating a large quantity of refuse inside the premises.

In the past five years, the HA received about 800 complaints and enquiries relating to hygienic and noise nuisances in the common areas of TPS estates. The HD had relayed these cases to the respective OCs and PMCs and requested them to follow up. Upon receiving reports from OC or PMC on misdeeds committed by PRH tenants in the common areas of TPS estate, the HD will interview the tenant concerned and ask him/her to rectify. Written warning will be issued to unco-operative tenants. For serious cases, the HD may consider terminating the tenancy concerned. The HD staff will also discuss with PMCs or other government departments on whether to conduct joint operations, for example, to investigate noise nuisance, water dripping from air conditioners, and throwing objects from heights. For individual tenants with special circumstances, such as having the need for medical or counselling services, upon obtaining their consent, the HD will refer their

cases to relevant government departments or social welfare organisations with a view to providing appropriate assistance and counselling to them. The HA does not have information on complaints relating to the common areas received by OCs direct.

The HA has all along been actively participating in and supporting the estate management work of TPS estates. Through participating in the management committee, the HD staff will proactively tender advice and information on property management, share the HA's management experience in particular on matters relating to building safety, public facilities, environmental hygiene and good management practices. The HA will seriously implement tenancy management policies and stop misdeeds through tenancy management and the Marking Scheme.

The HA will promote the enhanced measures of the Marking Scheme to the tenants through different channels, explain the salient points of the enhanced measures to OCs and PMCs, communicate proactively with OCs to maintain close co-operation, and conduct joint operation against the misdeeds of PRH tenants.

Regarding Member's suggestion of incorporating the misdeeds committed by PRH tenants in the common areas of the TPS estates into the Marking Scheme, the HA will seriously consider the proposal and will communicate with OCs and PMCs to study the details, targeting to formulate specific recommendations to the HA's Subsidised Housing Committee in the second quarter of 2024.