

Legislative Council Panel on Housing

Splitting of Public Rental Housing Tenancy and Housing Assistance to Divorced Couples

Purpose

This paper sets out the Administration's response to Legislative Council Members' concern about the splitting of public rental housing tenancy and suggestion of meeting the immediate housing needs for divorced couples.

Background

2. At a meeting with Legislative Council Members on 1 February 2001, some Kwai Tsing District Council members expressed concern that applications for splitting of tenancies would not normally be allowed unless with Social Welfare Department's consent. In the case of divorced couples, some Kwai Tsing District Councillors also suggested offering conditional tenancies in old public rental housing estates pending redevelopment to meet any immediate housing needs for parties not having the custody of children.

Household Splitting

3. In the past, splitting of household was normally not allowed unless the circumstances were so unique and extenuating that an exception should be granted. In the light of possible genuine hardships faced by public housing tenants who have been sharing accommodation on an involuntary basis, the Housing Authority has decided after a review in January 2001 to relax the policy of splitting households. For households consisting of unrelated persons or persons without direct relationship who have to share public rental flats for lack of one-person flats at the time of redevelopment, clearance and so on, the Housing Authority would process with priority requests for splitting on grounds of need such as disputes among household members, overcrowding or inconvenience caused by addition of family members.

4. However, for household members who are sharing accommodation on a voluntary basis, such as family members, related or unrelated persons submitting a single application for a public rental flat under the Waiting List as well as elderly single persons who choose to live together voluntarily for mutual care, splitting requests will continue to be considered only on fully justified grounds with support from the Social Welfare Department as necessary. Justifying circumstances include serious disharmony among household members, insurmountable social barrier or unavoidable conflicts among

members. Such test is essential to avoid possible abuse by certain household members to secure an additional public rental flat in advance of their normal turn by submitting a joint application with other household members in the first place. Relaxing this requirement may therefore result in an inequitable allocation of public housing resources.

5. Since implementation of the relaxed policy, 120 households and 123 households which had been sharing accommodation on an involuntary and voluntary basis respectively have been allowed to split.

Immediate Housing Needs of Divorced Couples

6. During divorce, the party without custody of any offspring is generally not granted the public rental housing tenancy. However, in case of genuine housing needs, he/she may be offered interim housing in the New Territories or apply for a public rental housing flat with a credit of waiting time equivalent to the length of his/her former tenancy up to a maximum of 3 years.

7. As regards their immediate housing needs, the Social Welfare Department would help through the offer of temporary shelter in refuge homes or financial assistance in renting private sector accommodation if the divorcing party without custody of children is eligible for Comprehensive Social Security Assistance. Where the circumstances warrant special consideration on compassionate grounds, the Social Welfare Department would also exercise discretion in consultation with Housing Department for immediate allocation of public rental housing flats under the Compassionate Rehousing arrangement. These measures are generally effective in satisfying the immediate housing needs of these divorcing tenants.

8. Nevertheless, given the surfacing of domestic violence cases in recent years, the Housing Authority has decided after a review in November 2001 to provide further support to meet the immediate housing needs for divorce cases involving domestic violence. A conditional tenancy in a public rental flat will be offered on recommendation of the Social Welfare Department to victims of domestic violence seeking divorce even though they have no offspring or do not bring along any dependent children. To avoid the need for moving twice, a flat in an estate not due for redevelopment will be offered. This relaxed policy has been well received.

Housing Department
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