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LC Paper No. CB(2)1610/06-07
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seen by the Administration)

Panel on Welfare Services

Subcommittee on Strategy and Measures to Tackle Family Violence

Minutes of the 13th meeting
held on Thursday, 25 January 2007, at 4:30 pm
in Conference Room A of the Legislative Council Building

Members present : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon LEUNG Kwok-hung

Member absent : Hon Alan LEONG Kah-kit, SC

Public Officers attending : **Item I**

Miss Hanny LAM
Principal Assistant Secretary for Health, Welfare and Food
(Women)

Ms Winnie LEUNG
Assistant Secretary for Health, Welfare and Food (Women)

Mrs Anna MAK
Assistant Director (Family and Child Welfare)
Social Welfare Department

Ms PANG Kit-ling
Chief Social Work Officer (Domestic Violence)
Social Welfare Department

Mrs Alice LO
Chief Housing Manger (Applications)
Housing Department

Mrs Janet TSANG
Chief Manager/Management (Support Services 2)
Housing Department

**Deputations
by invitation : Item I**

Hong Kong Women's Coalition on Equal Opportunities

Ms CHUNG Yuen-yi
Co-ordinator

The Against Elderly Abuse of Hong Kong

Ms YUE Wai-ming
Chief Executive Director

Mr FOO Wai-lok
Case Representative Complaint

Society for Community Organization

Ms SZE Lai-shan
Community Organizer

Caritas Family Service

Ms KWOK Chi-ying
Supervisor

Hong Kong Association for the Survivors of Women Abuse
(Kwan Fook)

Ms LIU Ngan-fung
Chairperson

Ying
Member

風雨同路熱線

Ming
Member

Hong Kong Chinese Civil Servants' Association, Social
Work Officer Grade Branch

Mr LEUNG Kin-hung
Chairman

Mr CHEUNG Kim-ki
Vice-Chairman (External Affairs)

Association Concerning Sexual Violence Against Women

Ms Eleanor LAM
Chairperson

Association for the Advancement of Feminism

Ms AU Mei-po
Representative

International Social Service Hong Kong Branch

Ms Iris LIU Kam-fung
Director of Program

Mr Vincent SHUM Chi-shing
Social Worker

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Miss Josephine SO
Council Secretary (2) 1

Ms Sandy HAU
Legislative Assistant (2) 5

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Members noted the supplementary information provided by the Administration tabled at the meeting (LC Paper No.CB(2) 966/06-07(01)). The supplementary information concerned the Administration's responses to questions raised by members at the meeting held on 28 November 2006.

I. Further discussion on housing assistance to victims of domestic violence

2. At the invitation of the Chairman, Chief Manager/Management (Support Services 2), Housing Department (CM/M(SS2)) introduced the Administration's paper (LC Paper No. CB(2)916/06-07(01)) detailing its responses to the views/concerns expressed by members and deputations at the meeting on 28 November 2006 concerning housing assistance to victims of domestic violence. Assistant Director of Social Welfare (Family and Child Welfare) (ADSW(F&CW)) supplemented that apart from providing compassionate rehousing and conditional tenancy to victims of domestic violence who had genuine and imminent housing problems which could not be solved by themselves, other alternatives were available to arrange them to stay in refuge centres and provide them with money to rent private tenement flats. ADSW(F&CW) further said that the Social Welfare Department (SWD) was presently exploring the possibility of further increasing the total capacity of refuge spaces for victims of domestic violence to better meet their demand for temporary accommodation. At present, four refuge centres provided 172 spaces for women and their children, an increase of 10 spaces as compared with the number in 2005. In addition, the Family Crisis Support Centre operated by the Caritas-Hong Kong provided 40 short-term accommodation places for both men and women.

3. The Chairman then invited deputations to give their views on the matter, details of which are summarised in the ensuing paragraphs.

Views of deputations

Hong Kong Women's Coalition on Equal Opportunities

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4. Ms CHUNG Yuen-yi presented the views of Hong Kong Women's Coalition on Equal Opportunities (the Coalition) as detailed in its submission (LC Paper No. CB(2)966/06-07(02)). In particular, the Coalition urged the Administration -

- (a) to ensure that frontline staff of SWD and Housing Department (HD) well understood the policies of household splitting, compassionate rehousing and conditional tenancy and their respective roles and functions in handling these policies. According to SWD's statistics, SWD had only referred 391 cases for conditional tenancy to HD in 2005-2006, whereas the number of reported spousal abuse cases during the same period came to 3 598. The contracting out of the Integrated Family Services Centres (IFSCs) by SWD to non-governmental organisations (NGOs) had also made it more difficult for victims of domestic violence to obtain public housing units as social workers of these centres were generally not familiar with the aforesaid housing assistance policies;
- (b) to set and publicise the time required to process an application for household splitting/compassionate rehousing/conditional tenancy. According to a survey conducted by the Hong Kong Polytechnic University on the housing arrangements for abused women in 2001, the average time taken for an applicant to get a public housing unit was six months and the longest time could take up to two and a half years. This greatly contrasted with the replies made by the Administration in LC Paper No. CB(2)916/06-07(01) that of the 1 621 referrals made by SWD to HD in 2005-2006, over 50% and close to 80% of the referrals took 30 days and 60 days respectively to complete; and
- (c) to ensure that victims of domestic victims would not be left on their own to solve their accommodation problem after they were asked to leave the refuge centres whereby the length of stay at present was limited to two weeks due to heavy demand for shelter service.

Against Elderly Abuse of Hong Kong

5. Ms YUE Wai-ming and Mr FOO Wai-lok presented the views of Against Elderly Abuse of Hong Kong as set out in its submission (LC Paper No. CB(2)966/06-07(03)). In particular, Against Elderly Abuse of Hong Kong commended the swift actions taken by HD in addressing the requests for tenancy splitting by abused elderly in that over 85% of such requests made last year were approved by HD and the average time taken for the allocation of public housing

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unit was some two weeks. Notwithstanding, HD was requested to put up more posters and distribute leaflets in the management offices and lobbies of public housing estates to educate residents on household splitting and compassionate rehousing policies so as to better prevent the occurrence of domestic violence. To shorten the time for an application for compassionate rehousing to reach the District Social Welfare Officer concerned for consideration of making a recommendation to HD for allocation of a suitable public rental housing (PRH) flat to the applicant and to ensure that aggrieved applicants had a formal channel to seek recourse, Against Elderly Abuse of Hong Kong suggested that the processing of such applications should come under the ISFCs and/or Social Security Field Units (SSFUs) operated by SWD and not also by SWD-approved NGOs as at present.

Society for Community Organization

6. Ms SZE Lai-shan presented the views of Society for Community Organization (SOCO) as detailed in its submission (LC Paper No. CB(2)941/06-07(01)). In particular, SOCO urged the Administration -

- (a) to review the adequacy of the existing refuge service, in view of the rising trend of domestic violence in Hong Kong and the long waiting time for allocation of a PRH flat under the compassionate rehousing and conditional tenancy arrangements;
- (b) to step up education and publicity to raise public awareness and understanding of the compassionate rehousing and conditional tenancy policies; and
- (c) to review the seven-year residence rule for public housing, having regard to the fact that many victims of domestic violence were new arrivals from the Mainland. In the meantime, SWD and HD should exercise discretion to waive victims of domestic violence with imminent and genuine housing needs from complying with the seven-year residence rule for public housing.

Caritas Family Service

7. Ms KWOK Chi-ying introduced the submission from Caritas Family Service (LC Paper No. CB(2)966/06-07(04)) proposing the following -

- (a) HD should recruit its own social workers to work at the management offices of public housing estates to receive, process and vet applications for household splitting, compassionate rehousing and conditional tenancy and make referrals to HD for consideration of

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allocating a suitable PRH flat to the applicant, so as to shorten the existing time required to achieve the same. At present, people having genuine and imminent housing difficulties might apply to the IFSCs/SSFUs/Medical Services Units/Probation Offices of SWD and SWD-approved NGOs for compassionate rehousing, including conditional tenancy. Upon investigation and ascertaining the eligibility of the applicant, SWD would recommend the case to HD for consideration of allocating a suitable PRH flat to the applicant;

- (b) an appeal system should be put in place to enable aggrieved applicants to appeal against the decisions of SWD and HD; and
- (c) a transit centre to provide short-term accommodation to victims of domestic violence awaiting the outcome of their applications for compassionate rehousing/conditional tenancy should be set up, having regard to the limited length of stay at the existing refuge centres for women.

Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)

8. Ying, a victim of domestic violence, gave an account of her predicament in applying for conditional tenancy from HD.

9. Ms LIU Ngan-fung said that the rendering of housing assistance by SWD and HD to victims of domestic violence was far from satisfactory, as evidenced by the experience of Ying. Ms LIU urged the Administration to adopt the following measures as detailed in the submission of Kwan Fook (LC Paper No. CB(2)966/06-07(05)) -

- (a) one of the eligibility criteria for conditional tenancy that the applicant must "have imminent housing problems which cannot be solved by himself/herself" must be clearly defined;
- (b) applicants for conditional tenancy should only have social needs, and not at the same time have social or medical needs, to warrant consideration;
- (c) a central mechanism should be set up to review the existing compassionate rehousing and conditional tenancy arrangements, including to give consideration on setting down the time required for processing applications for compassionate rehousing and conditional tenancy and streamlining the application process, removing the inconsistencies adopted by SWD and HD in assessing the eligibility criteria for compassionate rehousing and conditional tenancy, and

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making the compassionate rehousing and conditional tenancy arrangements more open and transparent;

- (d) similar to conditional tenancy, victims of domestic violence should not be divorced to be eligible for household splitting; and
- (e) refuge places should be increased, so as to obviate the need of victims of domestic violence to move to another place whilst awaiting for allocation of PRH flats.

風雨同路熱線

10. Ming pointed out that the criterion for compassionate rehousing/conditional tenancy that applicant must "have special social or medical needs" was too vague. Not only would such deficiency give rise to subjective interpretation by SWD and HD staff, applications for compassionate rehousing/conditional tenancy would only be granted only when the applicants had suffered serious bodily injury caused by their spouse. To illustrate, Ming said that she was unable to obtain a PRH flat even though she had been repeatedly abused by her spouse both sexually and psychologically and not physically.

Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch

11. Mr LEUNG Kin-hung presented the views of Social Work Officer Grade Branch of Hong Kong Chinese Civil Servants' Association as detailed in its submission (LC Paper No. CB(2)941/06-07(02)). Specifically, the Association was of the view that HD should not, without first ascertaining whether the tenant was eligible for housing splitting, automatically refer the case to SWD for investigation and ascertaining the eligibility of the tenant for compassionate rehousing, as to do so would greatly increase the already heavy workload of social workers of SWD. The Association also expressed concern about the low acceptance rate of the referrals made by SWD to HD on household splitting. According to the feedback received from 20-odd SWD social workers during a recent survey, 32 out of 41 referrals made by them to HD for housing splitting in 2006 were turned down by HD. Not only would HD not respond to SWD's recommendation for a stretch of several months' time, HD gave no concrete reasons for their refusal to accede to the splitting request, save with the statement that it had acted in accordance with HD's prevailing policies. Even if these requests were acceded to by HD, the time taken to allocate a PRH flat to the splinter household could often take up to six months. The Association queried whether the aforesaid situation was due to the fact that housing managers of HD staff had different understanding of the household splitting policy than HD headquarters.

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Association Concerning Sexual Violence Against Women

12. Ms Eleanor LAM highlighted the following suggestions of the Association Concerning Sexual Violence Against Women -

- (a) to introduce a definition of "domestic violence" in the relevant legislation to include sexual abuse;
- (b) to shorten the time required for providing housing assistance to victims of domestic violence;
- (c) to safeguard the safety of the victims of domestic violence by keeping their whereabouts confidential after they left their matrimonial home from their abusers;
- (d) to expeditiously allocate additional resources to address shortage of places in the existing four refuge centres; and
- (e) to put in place a central mechanism for handling domestic violence for coordinating services provided by NGOs and different government departments, amongst others.

International Social Service Hong Kong Branch

13. Ms Iris LIU made the following suggestions regarding the provision of housing assistance to victims of domestic violence -

- (a) as a large number of victims were people with low education attainment, more work should be carried out to educate this group of people about household splitting and compassionate rehousing arrangements, say, by making the promotional leaflets more concise and easy to understand and streamlining the application procedures, including making the application forms more simple to complete;
- (b) more flexibility should be given in the allocation of PRH flats under compassionate rehousing/conditional tenancy to better meet the needs of the applicants;
- (c) more training should be provided to frontline staff of HD and SWD to make them more sensitive in attending to cases of domestic violence; and

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- (d) a dedicated team or department should be set up to handle cases involving domestic violence.

Discussion

14. CM/M(SS2) responded to the deputations' views as follows -

- (a) HD would see how best to make the leaflets on household splitting and compassionate rehousing policies more easily understood by the general public. Efforts would also be made to ensure that there were sufficient leaflets available at the management offices of all public housing estates;
- (b) there should not be any inconsistency in the understanding and application of the eligibility criteria for household splitting and compassionate rehousing/conditional tenancy between HD and SWD staff, having regard to the regular exchange of views between the two departments to enhance communication and understanding. Training classes were regularly organised by SWD for HD staff to raise their awareness on signs of domestic violence in order to arrange prompt emergency accommodation to needy tenants; and
- (c) in principle, HD would accede to splitting requests recommended by SWD. The only reasons why this was not the case were generally due to the facts that the applicants failed to pass the Comprehensive Means Test and the No Domestic Property Test and/or were found to have doubtful occupation.

ADSW(F&CW) supplemented that despite the actions mentioned in paragraph 14(b) above, it was still possible for some splitting cases recommended SWD to be rejected by HD in the end for the reasons that SWD was not given complete information by the applicants concerning their income and assets and/or that the circumstances of the applicants had changed after the cases were referred back to HD.

15. The Chairman, Ms LI Fung-ying and Mr LEE Cheuk-yan were unconvinced about the Administration's explanation about the rejection of splitting requests recommended by SWD, having regard to the fact that the recommendation was based on professional judgment of social workers that the applicants met the eligibility criteria concerned. They requested the Administration to provide information on the number of splitting requests recommended by SWD to HD for allocation of PRH flats in 2006, the number of which was rejected by HD and the reasons involved. CM/M(SS2) agreed.

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16. Ms LI Fung-ying and Mr LEE Cheuk-yan urged the Administration to provide seamless housing assistance to victims of domestic violence, having regard to the facts that an average of three months was often required to allocate a PRH flat to the applicant for household splitting/compassionate rehousing/conditional tenancy but the length of stay at refuge centers was generally two weeks.

17. ADSW(F&CW) responded that although the length of stay at the refuge centres was generally two weeks, extension up to one month or more to a maximum of three months could be granted if circumstances warranted. For those victims who had to leave the refuge centres and could not solve their accommodation problems whilst waiting for the allocation of a suitable PRH flat, temporary accommodation would be arranged. ADSW(F&CW) assured members that the fact that victims were provided temporary accommodation would not affect their chance of getting long term accommodation through household splitting/compassionate rehousing/conditional tenancy. ADSW(F&CW) however pointed out that the insistence of some victims on a certain type of PRH flat in a particular area was sometimes the cause of the longer time required for the allocation of PRH flats. ADSW(F&CW) also said that there was no question of the implementation of the IFSCs prolonging the time for applicants of compassionate rehousing to get a PRH flat, as the compassionate rehousing scheme was long in place prior to the existence of IFSCs whereby people having genuine and imminent housing need might also apply to SWD-approved NGOs for such housing assistance then as at present.

18. The Chairman requested SWD to provide information on the length of stay in each of the existing four refuge centres for women, as well as the number of victims who had been turned away by these centres due to lack of places. In response, ADSW(F&CW) said that she would strive to obtain the information from the operators, but pointed out that such information could not fully reflect the actual utilisation of the refuge centres as some residents chose to stay with their relatives/friends after a short while in the refuge centres and the fact that one refuge centre could not take in a victim on a particular day did not necessarily mean that there was no other refuge centres for admitting them. Notwithstanding this, ADSW(F&CW) reiterated that SWD was closely monitoring the utilisation of the existing shelter service and was presently in discussion with the operators of the four refuge centres on possibility of increasing the capacity of the centres.

19. Mr LEUNG Kwok-hung said that the Administration should identify a suitable site to set up a hostel to provide short-term accommodation for all victims of domestic violence, as there was little room for the existing refuge centres to increase their capacity given the physical constraint, amongst others. Principal Assistant Secretary for Health, Welfare and Food (Women) responded that the Administration would monitor the utilisation of the existing refuge centres for

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women and devise suitable measures to address the service need.

20. Mr LEE Cheuk-yan sought clarification from the Administration on whether the granting of housing assistance under household splitting and compassionate rehousing, the applicant was required to have both or either social and medical needs. CM/M(SS2) replied that to be eligible for household splitting and compassionate rehousing, the applicant must have social or medical needs, but not both, among others.

21. Miss CHAN Yuen-han asked whether saving public housing resources was the reason for HD not acceding to the splitting requests supported by SWD. Miss CHAN further asked why SWD had not raised query with HD on why HD had not acceded to the housing requests supported by them given the safety of the victims was at stake.

22. CM/M(SS2) responded that there was no question of the situation mentioned by Miss CHAN in paragraph 21 above. Splitting requests would be acceded to if the applicant could meet the eligibility criteria. ADSW(F&CW) also said that it could not be ruled out that SWD would have different views on a particular case during the initial assessment stage with HD. If this happened, SWD staff would liaise with HD staff at the district level, and where necessary, at the central level, to hammer out the differences. As mentioned earlier at the meeting by CM/M(SS2), there were established mechanisms at both the district and the headquarters levels of SWD and HD to regularly exchange views and share experience with each other on the handling of housing assistance. To ensure consistency in the application of the housing assistance policies across the board, training was regularly provided to both SWD and HD staff concerned. ADSW(F&CW) further said that should a splitting request supported by SWD be rejected by HD, SWD would arrange the needy tenant to seek housing assistance under the compassionate rehousing scheme if circumstances warranted.

23. Mr LEE Cheuk-yan said that it was unclear whether it was the policy that where a splitting request was supported by SWD, HD would allocate another PRH flat to the splinter household. Mr LEE pointed out that if this was the case there would not be so many splitting requests supported by SWD rejected by HD as mentioned by the Social Work Officer Grade Branch of Hong Kong Chinese Civil Servants' Association, and the replies made by ADSW(F&CW) in paragraph 22 above that SWD would arrange the needy tenants to apply for compassionate rehousing should their requests for splitting of household be rejected by HD. Mr LEE also hoped that consideration could be given to relaxing the income and asset limits for tenants seeking another PRH flat under the compassionate rehousing scheme.

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24. CM/M(SS2) replied that in principle, HD would accede to the splitting request on the advice of SWD, provided that the applicant met the criteria on income and asset limits and non-ownership of domestic property and did not have anomaly in his/her occupation of the flat concerned. To facilitate follow-up by HD, CM/M(SS2) hoped that the Social Work Officer Grade Branch of Hong Kong Chinese Civil Servants' Association could provide HD with details on the allegations made in their submission.

Conclusion

25. Miss CHAN Yuen-han and Mr LEE Cheuk-yan suggested holding another meeting to further discuss housing assistance to victims of domestic violence with the Administration and deputations. Members agreed.

26. To facilitate better discussion at the next meeting, the Chairman urged the Administration to give due consideration to the following -

- (a) to improve the arrangements under the household splitting/compassionate rehousing/conditional tenancy schemes, such as the processing of applications, staff training, coordination among departments and the appeal mechanism etc; and
- (b) to ensure victims of domestic violence who have genuine housing needs would be provided with short-term accommodation whilst waiting for long-term accommodation through household splitting/compassionate rehousing/conditional tenancy.

Admin

27. The Chairman also requested the Administration to provide the following information prior to the next meeting -

- (a) policies on household splitting, compassionate rehousing and conditional tenancy, and the differences among these policies, for providing housing arrangements to victims of domestic violence;
- (b) basis for SWD to sometimes assist victims of domestic violence to seek compassionate rehousing from HD when its recommendation for household splitting for the victims were rejected by HD;
- (c) of the splitting requests raised by household members with support from SWD, in 2006, the number of such requests acceded to, rejected and being considered by HD respectively, and the reasons for rejecting the requests;

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- (d) average time required by HD to consider a request for household splitting referred to in item (c) above; for those requests for household splitting requiring longer time for HD to consider, the average time required and the reasons for that;
- (e) reason(s) why HD had failed to act on SWD's recommendations to approve the household splitting requests raised by victims of domestic violence, as alleged by the Social Work Officer Grade Branch of the Hong Kong Chinese Civil Servants' Association that 32 out of the 41 requests for household splitting recommended by SWD in 2006 were rejected by HD;
- (f) breakdown of the number of applications for compassionate rehousing referred by SWD or SWD-approved NGOs to HD in 2006 by the number of cases approved, rejected and being considered by HD, and the reasons for rejecting such applications;
- (g) breakdown of the number of applications for conditional tenancy referred by SWD or SWD-approved NGOs to HD in 2006 by the number of cases approved, rejected and being considered by HD, and the reasons for rejecting such applications;
- (h) average time taken by SWD to make a recommendation to HD for providing housing assistance to victims of domestic violence under the conditional tenancy and compassionate rehousing arrangement respectively, as well as the average time taken by HD to consider such applications;
- (i) demand of each of the existing four refuge centres for women in 2006, such as the number of requests for immediate admission which could and could not be allowed and the average waiting time for admission;
- (j) average occupancy rate and period of stay of residents of each of four refuge centres for women in 2006;
- (k) breakdown by types and numbers of immediate housing arrangements provided to victims of domestic violence in 2006, due to lack of vacant space in the four refuge centres for women, and the duration of each type of such housing arrangements;
- (l) breakdown by types and numbers of housing arrangements provided to victims of domestic violence asked to leave the refuge centres whilst waiting for allocation of PRH flats under the compassionate

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rehousing or conditional tenancy arrangements in 2006, and the average duration of each type of such housing arrangements; for those victims who were not provided with any housing arrangements by SWD or SWD-approved NGOs, the reasons for that and the whereabouts of this group of people; and

- (m) whether the Administration would consider setting up a hostel to provide interim housing before the victims of domestic violence were allocated a PRH flat.

(Post-meeting note: The next meeting is scheduled for 23 April 2007.)

II. Any other business

- 28. There being no other business, the meeting ended at 6:45 pm.

Council Business Division 2
Legislative Council Secretariat
18 April 2007