

立法會
Legislative Council

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by the Administration)

Panel on Welfare Services

Subcommittee on Strategy and Measures to Tackle Family Violence

Minutes of the 14th meeting
held on Monday, 23 April 2007, at 2:30 pm
in the Chamber 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 TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung

Member absent : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

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**

The Against Elderly Abuse of Hong Kong

Mr Selwyn YU
Vice Executive Director

Ms LIANG Ka-li
Services User

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

Mr LEUNG Kin-hung
Chairman

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

Caritas-Hong Kong Family Service

Ms KWOK Chi-ying
Supervisor

Ms LAM Yee-wan
Supervisor

Hong Kong Women's Coalition on Equal Opportunities

Ms CHUNG Yuen-yi
Co-ordinator

Ah Wah

Harmony House

Miss LEUNG Fung-shan
Social Worker

Wong Chuk Hang Concern Group for Tenancy Rights

Mr LAM Shu-tai
Member

Ms KWOK Yuk-ling
Member

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

Ms LIU Ngan-fung
Chairperson

Fung-ying
Member

風雨同路熱線

Ah Yee
Member

Association Concerning Sexual Violence Against Women

Ms Linda WONG
Executive Director

Ms TAN Kong-sau
Counsellor

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

Staff in attendance : Ms Maisie LAM
Council Secretary (2) 2

Ms Sandy HAU
Legislative Assistant (2) 5

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I. Further discussion on housing assistance to victims of domestic violence
[LC Paper Nos. CB(2)452/06-07(03) to (05), CB(2)916/06-07(01),
CB(2)1605/06-07(01) to (03), CB(2)1659/06-07(01) and CB(2)1682/06-07(01)
to (04)]

The Subcommittee deliberated (Index of proceedings attached at **Annex**).

2. Members noted the arrangement to be implemented by the Housing Department (HD) and the Social Welfare Department (SWD) on 30 April 2007 to enhance coordination in the processing of applications for household splitting, whereby the frontline staff of HD would first conduct an eligibility vetting before referring the cases to SWD for consideration. Subject to the recommendation of SWD, HD would allocate a flat to the applicant as soon as possible.

Views of deputations

3. The Subcommittee received views from nine deputations on the housing assistance to victims of domestic violence. The major views of the deputations are summarised as follows –

- (a) the time required to process an application for household splitting/compassionate rehousing/conditional tenancy should be shortened and clearly made known to the public to enhance transparency, so that the applications would not be dragged on for months as at present;
- (b) the Administration should set up a transit centre to provide short-term accommodation to domestic violence victims pending approval of

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their applications for compassionate rehousing/conditional tenancy to meet their urgent housing needs, in view of the long waiting time for allocation of a public housing unit under the existing arrangements, the shortage of places of the four refuge centres for women as well as the limited length of stay at these centres which was generally two weeks;

- (c) more training and clear guidelines should be provided for frontline staff of SWD and the SWD-approved non-governmental organisations to make them well understand the housing assistance available for victims of domestic violence so that appropriate advice could be offered to the victims;
- (d) instead of requiring the applicants for household splitting/compassionate rehousing/conditional tenancy to contact with HD and SWD separately on the status of their applications, a caseworker should be assigned to act as a single point of contact and follow up with the applicant concerned directly;
- (e) batterers who had difficulties in finding accommodation after moving out of the matrimonial home should be allocated a separate public rental housing (PRH) flat upon the recommendation of SWD under compassionate rehousing. At present, victims of domestic violence and the children would usually be granted the public housing tenancy if an agreement could not be reached by both parties on the tenancy. As the batterers were usually the breadwinners of the household and could hardly pass the Comprehensive Means Test (CMT) for public housing, they would refuse to move out of the housing unit; and
- (f) the Administration should step up publicity to raise the awareness of residents of public housing units about the availability of household splitting and compassionate rehousing arrangements.

Discussion with the Administration

4. Members strongly called upon the Administration to provide seamless housing assistance to victims of domestic violence, having regard to the fact that their applications for compassionate rehousing/conditional tenancy/household splitting would often dragged on for months but the length of stay at the existing four refuge centres for women was normally two weeks and up to a maximum of three months. Moreover, arrangements should be made to address the housing needs of the batterers after their moving out of the PRH flat.

5. Some members were of the view that it was unreasonable for HD to reject a

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splitting request supported by SWD for the reason of failing to meet the eligibility criteria of household splitting but accede to the request for compassionate rehousing made by the same household and recommended by SWD with the same grounds. They asked whether consideration could be given to waive some or all of the eligibility criteria for victims of domestic violence seeking household splitting, as in the case of compassionate rehousing and conditional tenancy.

6. Responding to members' views, the Administration made the following points -

- (a) upon receipt of SWD's recommendation, HD would normally take about four weeks to complete the flat allocation for conditional tenancy and compassionate rehousing cases. In case of victims of domestic violence with imminent needs, HD pledged to allocate PRH flats to these applicants within about 10 working days;
- (b) for household splitting requests, it would normally take about one week for HD to conduct CMT if the applicant concerned had provided all the requisite information. Normally, SWD would make its recommendation to HD in four weeks' time after relevant collateral contacts, interviews, home visits, etc with concerned parties to gather information were successfully completed and it would normally take another four weeks for flat allocation by HD;
- (c) depending on the merits of individual cases, the caseworkers concerned might extend the victims' duration of stay in refuge centres to a maximum of three months. Arrangement had also been made to further extend the duration of stay for cases requiring a longer period to settle their accommodation; and
- (d) in case the splitting requests could not be acceded to under HD's prevailing policies, such as failing to pass the CMT and the Domestic Property Test or comply with the seven-year residence rule, but there appeared to have social grounds warranting special consideration, HD would refer the case to SWD for consideration to see if arrangement should be made for the tenant concerned to seek housing assistance under compassionate rehousing or other forms of assistance.

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7. Having regard to the Administration's response to the concerns raised at the meeting, members agreed that the issue on housing assistance to victims of domestic violence be further discussed at the next meeting of the Subcommittee. To facilitate better discussion at the next meeting, the Administration was requested to -

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- (a) collate information from the frontline staff of SWD on the number of recommendations on household splitting made to HD in 2006;
- (b) provide supplementary information on the alleged case raised by 風雨同路熱線 whereby the victim of domestic violence concerned was asked to leave the refuge centre whilst waiting for allocation of PRH flat; and
- (c) give due consideration to the views expressed by members and deputations at the meeting to ensure that seamless housing assistance would be provided to victims of domestic violence, and provide a response in writing to address the concern about the housing needs of the batterers.

(Post-meeting note: As stated by the Assistant Director (Family and Child Welfare) of SWD at the meeting, the confidential report contains personal information and it is necessary to obtain the subject client's prior consent for disclosing her case details to members. To follow up paragraph 7(b) above, the Administration has sought the Secretariat's assistance to verify the identity of Ah Yee to confirm if she was the subject client and if so, seek her written consent for disclosure of the case details to members. Upon enquiry by the Secretariat, Kwan Fook (風雨同路熱線) confirmed that Ah Yee was the subject client but she declined to give consent in writing. Hence, the Administration could not provide the confidential case report as requested by members.)

II. Any other business

- 8. There being no other business, the meeting ended at 4:32 pm.

**Proceedings of the meeting of
Subcommittee on Strategy and Measures to Tackle Family Violence
on Monday, 23 April 2007, at 2:30 pm
in the Chamber of the Legislative Council Building**

| Time marker | Speaker | Subject | Action required |
|--------------------|---|--|------------------------|
| 000000 - 000630 | Chairman | Opening remarks | |
| 000631 - 001055 | Admin | Briefing by the Administration on the policies on compassionate rehousing, conditional tenancy and household splitting [LC Paper No. CB(2)1605/06-07(01)] | |
| 001056 - 001122 | Chairman | Inviting the deputations to present their views | |
| 001123 - 001629 | The Against Elderly Abuse of Hong Kong | Presentation of views [LC Paper No. CB(2)1682/06-07(01)] | |
| 001630 - 002329 | Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch | Presentation of views [LC Paper No. CB(2)1659/06-07(01)] | |
| 002330 - 002855 | Caritas-Hong Kong Family Service | Presentation of views [LC Paper No. CB(2)1682/06-07(02)] | |
| 002856 - 003358 | Hong Kong Women's Coalition on Equal Opportunities | Presentation of views | |
| 003359 - 003956 | Harmony House | Presentation of views [LC Paper No. CB(2)1605/06-07(03)] | |
| 003957 - 004205 | Wong Chuk Hang Concern Group for Tenancy Rights | Presentation of views | |
| 004206 - 004920 | Hong Kong Association for the Survivors of Women Abuse (Kwan Fook) | Presentation of views | |
| 004921 - 005741 | 風雨同路熱線 Chairman | Presentation of views | |
| 005742 - 010143 | Association Concerning Sexual Violence Against Women | Presentation of views [LC Paper No. CB(2)1682/06-07(03)] | |
| 010144 - 010630 | Chairman Admin | The Chairman's enquiry about the following issues - (a) the discrepancies between the number of cases recommended by SWD to HD for household splitting as provided by the | |

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| | | <p>Administration under item 3 of its paper [LC Paper No. CB(2) 1605/06-07(02)] and the survey of the Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch which was worked out by a random sampling of the frontline staff of SWD; and</p> <p>(b) the appropriateness of the request of the Administration for details of the cases referred to in the survey of the Branch for verification</p> <p>The Administration's response that having regard to the Branch's position that information provided by the respondents would be kept confidential, the number of 144 household splitting referrals by SWD in 2006 was worked out by the information provided by the frontline staff of HD</p> | |
| 010631 - 011712 | <p>Mr LEE Cheuk-yan Chairman Admin Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch</p> | <p>Mr LEE Cheuk-yan and the Chairman's request that the Administration should also collect data from the frontline staff of SWD on the number of recommendations on household splitting made to HD so as to verify the figures of HD</p> <p>The Administration agreed to collate relevant information and its response that -</p> <p>(a) the internal audit unit of HD would conduct random checks on the frontline staff's estate records of tenants' applications such as transfer and household splitting to monitor proper keeping of records and control;</p> <p>(b) according to the monthly statistical report on housing assistance submitted by the frontline staff of SWD in each district, the total number of recommendations made to HD on household splitting was less than 100. Given the discrepancies between the figures, frontline staff of SWD were reminded to report all cases with due accuracy; and</p> <p>(c) under the improved arrangements for the processing of applications for household splitting as detailed in paragraph 7 of its paper, HD would, on the recommendation of SWD, allocate PRH flats to all applicants as soon as possible. Rejection must be endorsed by Senior Housing Managers</p> | Admin to provide the information (para. 7(a) of the minutes refers) |
| 011713 - 012707 | <p>Mr LEE Cheuk-yan Admin Chairman</p> | <p>Suggestions of Mr LEE Cheuk-yan that the Administration should -</p> <p>(a) look into whether, and if so, the reason why the victim of domestic violence referred to by 風雨同路熱線 was asked to leave the</p> | |

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| | | <p>refuge centre whilst waiting for allocation of PRH flat, and revert to the Subcommittee the outcome of the investigation;</p> <p>(b) make it a policy that seamless housing assistance would be provided to victims of domestic violence before they were allocated a public housing unit, say, by extending the length of stay of the existing four refuge centres for women; setting up a transit centre to provide interim housing; and shortening the time required to process the applications for compassionate rehousing/conditional tenancy/household splitting; and</p> <p>(c) ensure that the housing needs of the batterers would be adequately taken care of as raised by the deputations at the meeting</p> | |
| | | <p>The Administration's response -</p> <p>(a) supplementary information on the alleged case raised by 風雨同路熱線 could be provided to members after the meeting under confidential cover;</p> <p>(b) depending on the merits of individual cases, the caseworkers concerned might extend the victims' duration of stay in refuge centres to a maximum of three months. Arrangement had also been made to further extend the duration of stay for cases requiring a longer period to settle their accommodation;</p> <p>(c) the Administration had reservation about the proposal to set up a transit centre to provide interim housing before the victims of domestic violence were allocated a PRH flat. Effort had been and would continue to be made to monitor the demand for service of refuge centres and where necessary, SWD would consider increasing the number of refuge centres as well as the places of the existing refuge centres to address the service need; and</p> <p>(d) upon receipt of SWD's recommendation, HD would normally take about four weeks to complete the flat allocation for conditional tenancy and compassionate rehousing cases. In case of victims of domestic violence with imminent needs, HD pledged to allocate PRH flats to these applicants within about 10 working days</p> | <p>Admin to provide the information (para. 7(b) of the minutes refers)</p> |
| 012708 - 013457 | Miss CHAN Yuen-han Admin Chairman | Welcomed the improved arrangements on the processing of household splitting introduced by SWD and HD and expressed doubt about the | |

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| | | <p>Administration's figures of applications</p> <p>Miss CHAN Yuen-han's request for the following information -</p> <ul style="list-style-type: none"> (a) for cases of household splitting, the average time taken by HD to conduct the eligibility vetting and allocate a PRH flat to applicants upon receipt of recommendations of SWD; and (b) the average time taken by SWD to consider whether an applicant had social and medical needs in order to be eligible for the granting of housing assistance under compassionate rehousing and household splitting <p>The Administration's clarification that it would normally take about one week to conduct the CMT if the applicant concerned had provided all the requisite information. SWD would make its recommendation to HD in four weeks' time after relevant collateral contacts, interviews, home visits, etc with concerned parties to gather information were successfully completed and it would normally take another four weeks for flat allocation by HD</p> | |
| 013458 - 014837 | <p>Mr Albert HO Admin Chairman Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch</p> | <p>Views of Mr Albert HO that housing assistance should be granted under household splitting for straightforward domestic violence cases, such as reported cases and convicted cases, without the need to refer to SWD for consideration</p> <p>The Administration's response -</p> <ul style="list-style-type: none"> (a) to avoid taking undue advantage over the applicants on the Waiting List, tenants who intended to split from the main household should obtain separate public housing flat through registration on the Waiting List; (b) for tenants having deep-rooted disharmony among family members, their urgent need for a separate accommodation had been catered for under the policy of household splitting whereby additional PRH flat would be allocated to eligible splinter household on the recommendation of SWD; (c) in case the splitting requests could not be acceded to under HD's prevailing policies, such as failing to pass CMT and the Domestic Property Test or comply with the seven-year residence rule, but the tenants appeared to have social grounds warranting special consideration, HD would refer the case to SWD for consideration on whether | |

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| | | <p>arrangement should be made for the tenant concerned to seek housing assistance under compassionate rehousing or other forms of assistance; and</p> <p>(d) under the compassionate rehousing policy, SWD would, on the merits of individual cases, recommend waiving some or all of the eligibility criteria. HD would accede to the splitting request on the advice of SWD. For domestic violence victims with imminent housing needs, PRH flats would be allocated within 10 working days</p> <p>Suggestion of the Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch that SWD should also be granted the discretionary power to recommend waiving some or all of the eligibility criteria for household splitting cases on individual merits in order that assistance could be provided to the needy tenants during the initial assessment stage</p> | |
| 014838 - 015454 | Mr LEUNG Kwok-hung | Views of Mr LEUNG Kwok-hung that the needs of the victims of domestic violence for separate accommodation should take precedence over the eligibility criteria for the granting of housing assistance under household splitting so as to prevent the deterioration of the deep-rooted family disharmony into bloodshed | |
| 015455 - 015936 | Miss CHAN Yuen-han Wong Chuk Hang Concern Group for Tenancy Rights Chairman Admin | <p>Discussion on the reason why the 10 requests for tenancy splitting from the tenants of Wong Chuk Hang Estate affected by the Comprehensive Revelopment Programme could not be acceded to despite recommendation from SWD</p> <p>Suggestion of the Chairman that individual cases could be followed up after the meeting by way of case conference</p> | |
| 015937 - 020111 | Chairman | Chairman's concluding remarks on the way forward, and his request for a written response from the Administration to the concern raised by members and deputations about the housing needs of the batterers | Admin to provide a response (para. 7(c) of the minutes refers) |