

**Legislative Council Panel on Welfare Services
Subcommittee on Strategy and Measures to Tackle Family Violence**

**Hong Kong Housing Authority's Policies on
Compassionate Rehousing, Conditional Tenancies and
Household Splitting**

Purpose

This paper provides a brief summary of Hong Kong Housing Authority (HA)'s policies on Compassionate Rehousing (CR), Conditional Tenancies (CT) and Household Splitting (HS).

Existing Policies

2. The HA has attached great importance to the housing need of those encountering family problems, and has formulated policies to provide them with housing assistance according to their different needs. Generally speaking, anyone who has imminent housing need and cannot resolve it on his own (including those suffering from domestic violence problems), may apply for CR (including CT as described below). Moreover, if a public rental housing (PRH) tenant encounters family problems, he could also choose to apply for HS. The Housing Department (HD) would, on the recommendation of the Social Welfare Department (SWD), allocate PRH flats to the applicants, obviating the need for them to wait under the Waiting List. The details of these policies are as follows.

Compassionate Rehousing

3. Any person who has genuine and imminent housing need and cannot resolve it on his own due to hardships may apply for housing assistance under CR, whether or not he lives in PRH or private housing. Applications for CR would be investigated and recommended by SWD. Generally speaking, CR applicants have to meet the eligibility criteria applicable to Waiting List applicants, including passing the Comprehensive Means Test (CMT) and the Domestic Property Test (DPT), and complying with the residence rule. However, SWD may, on the merits of individual cases, recommend waiving some or all of the eligibility criteria. HD will, on the recommendation of SWD, allocate

suitable flats to the applicants as soon as possible. In 2006, about 1 700 CR cases (including CT cases as described below) were recommended by SWD. All of them have been accepted by HD and all the applicants have been allocated flats.

Conditional Tenancies

4. In a divorce case where an agreement cannot be reached between the two parties on their PRH tenancy, HD normally grants the tenancy to the party having custody of the child(ren) concerned. As legal proceedings often take time, and it may be stressful for the divorced parties to continue to live under the same roof, HA has since 1991 been providing temporary accommodation in the form of CT under the CR mechanism to applicants who have dependent child(ren) and are awaiting the award of divorce decrees (e.g. those who have obtained legal aid or have other supporting legal documents) and custody orders, whether or not they live in PRH or private housing, subject to the recommendation of SWD. In 2001, HA extended the coverage of CT to allow victims of domestic violence who have no offspring or who have left their matrimonial homes with no dependent child, to apply for temporary accommodation under CT.

5. Generally speaking, CT applicants are required to pass the CMT and DPT and comply with the residence rule under the CR requirements. However, SWD may, on the merits of individual cases, recommend waiving some or all of the eligibility criteria. HD will, on the recommendation of SWD, allocate suitable flats to the applicants as soon as possible. In 2006, about 400 CT cases were recommended by SWD and HD have allocated flats to all the applicants.

Household Splitting

6. If the person in question is a PRH tenant, where there is serious and deep-rooted disharmony among family members, or where there are other reasons deserving sympathetic consideration, he may apply to HD for “splitting” on the recommendation of the SWD. If both the main and the splinter households pass the CMT and the DPT, they will be offered an additional PRH flat for living separately. An eligible splinter household will be offered a refurbished flat in the New Territories. Under special circumstances, on further recommendation of SWD, a refurbished flat in other specified districts may be allocated. If the splinter

household passes the DPT but fails the CMT, he may apply for a one-year temporary licence to stay in Interim Housing in the New Territories. Licence fees will be charged at the current market level during the period. If a household cannot meet the above eligibility criteria but his case deserves sympathetic consideration, HD will refer it to SWD to assess whether CR should be recommended (see paragraph 3 above) or other forms of assistance should be provided.

7. To further improve the processing of HS applications, we have recently agreed with SWD that in future, frontline staff of HD will first conduct an eligibility vetting (including the CMT and DPT) for those who intend to apply for HS. Eligible cases will then be referred to SWD for consideration. Subject to the recommendation of SWD, HD will allocate a flat to the applicant as soon as possible.

Conclusion

8. Currently, in drawing up the annual PRH allocation plan, the HA reserves 2 000 flats for HS and CR (including CT) applications. This figure is projected on the basis of the number of past cases. It serves merely as a reference for planning instead of a ceiling for flat allocation. In fact, upon receipt of HS and CR cases recommended by SWD, HD will process them as soon as possible to provide housing assistance to each of the applicants, subject to the availability of resources. The number of flats allocated in a year may exceed 2 000 if the situation so warrants.

9. In close cooperation with SWD, HA will continue to provide prompt and appropriate housing assistance through HS, CR and CT to those encountering family problems.

Housing Department
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