

Legislative Council Panel on Housing

Landlord and Tenant (Consolidation) Ordinance and Measures to Assist Low-income Persons in Meeting their Housing Needs

Purpose

This paper outlines the Government's measures to provide assistance to low-income persons in meeting their housing and other needs.

Background

2. The Government has always attached importance to the housing and other needs of low-income persons and families. For example, individuals and families who are unable to support themselves financially can apply for assistance under the Comprehensive Social Security Assistance (CSSA) Scheme to meet their basic needs. Low-income families who cannot afford private rental accommodation may apply for Public Rental Housing (PRH) from the Hong Kong Housing Authority (HA).

3. Persons with genuine and pressing housing needs but who are incapable of meeting such needs themselves may seek assistance from the Integrated Family Service Centres of the Social Welfare Department (SWD) or of non-governmental organisations (NGOs). The centres will provide assistance appropriate to the needs of these people after considering their actual circumstances. The form of assistance may include provision of short-term financial assistance to meet rental and removal expenses, arrangement for admission to urban singleton hostels or temporary shelters operated by NGOs, or making recommendations to the Housing Department (HD) for admission to PRH for cases eligible for Compassionate Rehousing (CR).

Landlord and Tenant (Consolidation) Ordinance

4. Regarding the private residential property and rental market, the Government's policy is to maintain a stable environment and minimise unnecessary intervention, with a view to facilitating the free operation and steady development of the market.

5. Upon the enactment of the Landlord and Tenant (Consolidation) (Amendment) Ordinance (the Amendment Ordinance) by the Legislative Council, rent control and security of tenure were removed in 1998 and 2004 respectively. The Amendment Ordinance was passed after public consultation and in-depth examination of the details by the relevant Bills Committee of the Legislative Council.

6. We understand that landlords and tenants may face various tenancy problems. One of the functions of the Rating and Valuation Department (RVD) is to render assistance to landlords and tenants, and to provide advisory and mediation services on tenancy matters under the Landlord and Tenant (Consolidation) Ordinance. Members of the public may seek assistance on tenancy problems and disputes by calling RVD, visiting RVD's office or visiting any of the five designated District Offices¹ to consult RVD officers on duty. Moreover, Rent Officers from RVD are stationed at the Lands Tribunal every work day to help members of the public complete application or objection forms in respect of tenancy cases requiring adjudication by the Lands Tribunal. Also, the Home Affairs Department (HAD), the Hong Kong Police Force, the Government 1823 Call Centre and various voluntary organisations will inform those in need of the aforementioned services or refer cases to RVD for necessary follow-up.

7. To address the housing needs of low-income persons and families, the Government has been providing appropriate assistance from different perspectives, including social welfare and housing. Re-introduction of rent control or security of tenure is not an effective and direct means to tackle the issue.

Assisting low-income persons with housing needs

8. Low-income persons and families who cannot afford private rental accommodation may apply to the HA for public housing under the current PRH Waiting List (WL) system. At present, the average waiting time for general applicants and elderly one-person applicants are 1.9 and 1.2 years respectively. The HA has drawn up a rolling five-year Public Housing Construction Programme, and the housing production is adjusted as appropriate in the light of the latest demand for PRH on an annual basis. According to the latest Public Housing Construction Programme for the five years starting from 2009/10, the anticipated new PRH production is about 74 000 flats, i.e. an annual production of about 15 000 flats on average. The anticipated PRH production in the

¹ RVD officers are deployed to Wanchai, Kwun Tong, Yau Tsim Mong, Tsuen Wan and Tai Po District Offices during specified hours.

coming five years, coupled with the PRH flats expected to be recovered every year should ensure the target of maintaining the average PRH waiting time at around three years be met.

9. To respond to and cope with the needs of the community, the Government, under the fundamental principle of ensuring the effective utilisation of PRH resources and the sustainability of the housing policy, has put in place special arrangements and measures for the following categories of persons to look after their housing needs.

Elderly People

10. Given the ageing population of Hong Kong, the number of elderly people has been on the increase in recent years. It has all along been the HA's commitment to give elderly people in need priority access to public housing. A number of priority housing schemes have been launched to expedite PRH allocation to elderly applicants on the WL within the constraints in PRH resources. At present, the average waiting time for elderly one-person applicants is 1.2 years, which is shorter than that for general family applicants. On the choice of WL Districts, elderly households (including elderly one-person applicants and all-elderly households) are allowed to choose any one of the four WL districts in their PRH applications, without being barred from opting for the Urban District as in the case of new applications without elderly. In addition, under the Harmonious Families Addition Scheme, eligible adult offspring (including singletons or those with family members) may apply for addition to the tenancy of elderly tenants. Under the Harmonious Families Priority Scheme, other younger members of the family (including singletons) may apply with their elderly member(s) for a PRH flat of any District of their choice and enjoy a credit waiting time.

11. The HA strives to provide suitable PRH flats and ancillary facilities for the elderly people. It has also put in place various measures to cater for the needs of elderly people while ensuring the effective utilisation of PRH resources at the same time. For example, barrier-free designs are adopted in new PRH estates to facilitate access by elderly tenants, and improvement works are carried out in PRH estates to create a more elderly-friendly living environment. The HA has ceased the construction of Housing for Senior Citizens (HSC) units as well as the allocation of HSC Type I units² to PRH applicants. As most of the

² As decided by the Subsidised Housing Committee under HA, HSC blocks with a higher vacancy rate, mainly Type I units, have gradually been included in the on-going conversion programme since 2006 with a view to converting them into normal PRH flats for letting in the long run. Type I units were converted from normal PRH flats by partitioning a flat into two or three smaller units with toilet and kitchen facilities to be shared between/ among tenants.

HSC Types II and III units³, which are provided with 24-hour warden service, are located mainly in the Urban and Extended Urban Districts, they remain attractive to a number of applicants.

12. PRH allocation is currently conducted by computer ballot. When allocated an HSC unit, an elderly applicant may consider whether to accept the offer or not, taking into account his/ her personal requirements in terms of location and warden service.

13. As part of the existing allocation procedure, we will arrange for the elderly applicants who have been allocated HSC units to visit the flats so that they can see for themselves the actual living environment. In fact, after making the site visits, a number of elderly applicants indicate their satisfaction with and accept the HSC units offered. If elderly applicants indicate after the visits that they do not wish to accept HSC units, we will not offer HSC units to them again and will, subject to the availability of resources, as far as possible meet their preferences. Moreover, if elderly tenants encounter difficulties in settling down or getting along with other tenants after moving into HSC units, the resident warden will offer assistance or carry out mediation. If the problem cannot be resolved, the HD will consider making transfer arrangements for them having regard to individual circumstances.

14. Under the existing PRH allocation policy, applicants may opt for one of the WL Districts in their PRH applications but cannot further specify the location or housing estate preferred. The objective of the policy is to ensure the rational and effective allocation of limited PRH resources, and to prevent serious imbalance of the supply and demand of PRH in individual WL Districts. If applicants insist on rehousing in a particular area, they will probably have to wait for a longer time before being offered PRH flats, which goes against the objective of resolving their housing problems as soon as possible.

15. However, if individual elderly applicants need to be allocated a PRH flat in a specified district or housing estate under exceptional circumstances, their requests may be referred on social or medical grounds to the HD through the concerned departments (such as the SWD) or organisations (such as the Hospital Authority). Their requests will be met as far as possible, subject to the availability of resources.

³ These units are equipped with separate gas meters for individual households in the kitchens. Toilets of Type II units are located outside the units and mostly shared between two units, but in some cases, for the exclusive use of one unit. Each Type III unit has its own toilet. Out of the 4 125 HSC Types II and III units, about 460 are vacant as at the end of October 2009.

Persons living in private rental premises such as bedspace apartments

16. As far as bedspace apartments are concerned, the Government's existing policy is to ensure the fire and building safety of such apartments via a statutory licensing system under the Bedspace Apartments Ordinance. The HAD carries out periodic inspections to ensure that bedspace apartments comply with the licensing requirements.

17. All self-occupied or rental premises are required to comply with the provisions of relevant ordinances, including the Fire Services Ordinance, the Electricity Ordinance, the Gas Safety Ordinance and the Bedspace Apartments Ordinance as well as the requirements of relevant subsidiary legislation. To carry out building works that involve building structures or that affect fire escapes in any buildings (including bedspace apartments and partitioned cubicles), prior approval has to be obtained from the Building Authority. The government departments concerned will take enforcement actions pursuant to the existing ordinances to ensure the safety of the premises.

18. The Government also pays attention to community support for low-income persons living in premises like bedspace apartments. Social workers from the SWD and NGOs will consider the special circumstances of the individuals and provide them with suitable assistance, including short-term financial assistance and arrangement for admission to urban hostels for single persons. Recently, HD staff visited and contacted through NGOs occupants of all the licensed private bedspace apartments. During the visits, PRH application forms together with notes on application were distributed to the occupants. Information on how to apply for PRH and where to make enquiries was also provided.

Persons affected by disasters and clearance operations

19. For eligible persons affected by fire, natural disasters or squatter clearance operations, we have in place policies and arrangements to help them solve their housing problems. If they are eligible for PRH⁴, we will arrange for them to move into PRH as soon as possible. For those who fail to meet the eligibility criteria of being covered by the 1984/85 Squatter Occupancy Survey/ having resided in the structures for at least two years and/ or having the required length of residence in Hong Kong but who fulfil other eligibility criteria for

⁴ The eligibility criteria include: having lived in a structure registered for domestic purposes during the 1982 Squatter Structure Survey; being covered by the 1984/85 Squatter Occupancy Survey or being able to provide proof of 2-year residence in the structure concerned prior to the date of announcement of the squatter clearance operation and having satisfied other eligibility criteria of the WL for PRH, including the income and assets tests, length of residence in Hong Kong, non-possession of any domestic property, etc.

admission to PRH and are in need of housing, we will arrange for them to move into interim housing (IH); but they are required to register on the WL first and join the queue for PRH allocation just like other WL applicants. As for carees who cannot pass the income and asset tests but who have temporary housing needs, they can be accommodated in IH for a maximum of one year by paying a licence fee at market rent level, provided they meet other eligibility criteria for IH.

20. For the special category of individuals who have housing needs but who fail to satisfy the eligibility criteria for immediate rehousing in PRH/IH, irrespective of whether they are private housing tenants affected by urban renewal, occupants of bedspace apartments/partitioned cubicles or those affected by disasters or squatter clearance operations, if they have genuine and pressing housing needs but are incapable of meeting such needs themselves, they may seek assistance from the Integrated Family Service Centres of the SWD or of NGOs. The centres will provide assistance appropriate to the needs of these people after considering their actual circumstances. The form of assistance may include provision of short-term financial assistance to meet rental and removal expenses, arrangement for admission to urban singleton hostels or temporary shelters operated by NGOs, or making recommendations to the HD for admission to PRH for cases eligible for CR. In assessing the CR applications, the service centres will, having regard to the individual circumstances of the applicants, determine whether there are sufficient grounds to recommend waiving some or all of the eligibility criteria for PRH application so as to expedite their rehousing in PRH. In 2008/09, about 2 000 cases were allocated PRH flats through CR.

Conclusion

21. The Government considers that to provide assistance to low-income persons, concerted efforts have to be made in different policy areas so that appropriate assistance in terms of housing, social welfare, community support services, etc. can be rendered.

22. The HA will continue to provide PRH to low-income persons who cannot afford private rental accommodation. In conjunction with the SWD and the HAD, the HD will also continue to provide low-income persons with information on and assistance in PRH application.

23. The HAD will continue the enforcement of the Bedspace Apartments Ordinance to safeguard the building and fire safety of bedspace apartments.

24. On the social welfare front, the SWD will continue to help those with welfare needs and visit occupants of bedspace apartments from time to time to inform them of the welfare support services available and provide suitable support to those in need. Besides, the NGOs operating short-term food assistance schemes will promote the services concerned to occupants of bedspace apartments and reach out to them to provide food and other support services.

**Transport and Housing Bureau
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