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Panel on Welfare Services

**Subcommittee on Strategy and Measures to
Tackle Domestic Violence and Sexual Violence**

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 9 March 2015**

Housing assistance to victims of domestic violence

Purpose

This paper provides background information on the existing housing policies on housing assistance to victims of domestic violence and gives an account of the past discussions by the Panel on Welfare Services and the former Subcommittee on Strategy and Measures to Tackle Family Violence on the related issues.

Existing housing policies for victims of domestic violence

2. According to the Administration, to address the housing needs of individuals and families encountering family problems, including domestic violence, the Housing Authority has formulated policies to provide them with housing assistance in accordance with their various needs.

Compassionate Rehousing

3. Compassionate Rehousing ("CR") is a form of housing assistance, which aims at providing assistance for individuals and families who have genuine and imminent housing needs which cannot be addressed by themselves. Victims of domestic violence who are not existing public rental housing ("PRH") tenants but have genuine and imminent housing

needs may seek recommendation for CR from the Social Welfare Department ("SWD") for housing assistance. Upon receipt of CR recommendation from SWD, the Housing Department ("HD") will conduct eligibility checking and vetting of applications, and arrange flat allocation for eligible applicants.

4. Generally speaking, CR applicants are subject to the Comprehensive Means Test ("CMT") with income and asset limits pitched at PRH waiting list level and are required to pass the Domestic Property Test ("DPT") (i.e. no ownership of private residential property), as well as satisfying other eligibility criteria including the seven-year residence rule.

Conditional Tenancy

5. The Conditional Tenancy ("CT") scheme under CR provides PRH assistance for those who are assuming custody of children and in need of temporary accommodation while awaiting the court decision on their divorce applications. SWD will recommend eligible applicants under such circumstances to HD for temporary residence in the form of CT in PRH flats. The CT scheme is also applicable to existing PRH tenants and their spouses who are unable to continue to live under the same roof during the process of divorce proceeding (such as involving domestic violence). Subject to the recommendation of SWD, eligible PRH tenants or their spouses in such cases would be allocated to another PRH flat. For tenants under CT, after completion of the divorce proceedings, their CT can be converted to normal tenancy if they meet the CMT and DPT requirements, and other applicable special criteria, for example, the granting of custody of their children, if any.

Household splitting

6. If the victims of domestic violence are existing PRH tenants (including their new arrival spouses), where there is serious and deep-rooted disharmony among family members, or where there are other reasons deserving sympathetic consideration, they may apply to HD for household splitting ("HS") in order to prevent further deterioration of the situation. HD will conduct an eligibility vetting, such as CMT and DPT, for HS applicants first and then refer eligible cases to SWD for consideration. Subject to the recommendation of SWD, an eligible splinter household will be offered a refurbished PRH flat in the New Territories. If the applicants cannot fulfill the relevant eligibility criteria but deserve sympathetic consideration, HD will refer their cases to SWD to assess whether CR should be recommended or other appropriate assistance should be provided.

Members' deliberations

7. Members generally considered that many family tragedies could have been avoided if timely housing assistance had been rendered to families facing domestic violence or other family crisis. They urged the Administration to step up efforts in addressing the imminent housing needs of victims of domestic violence.

8. The Administration advised that since November 2001, HD had extended the coverage of CT under the CR scheme to victims of domestic violence who had petitioned for divorce but had no offspring or had not brought along any dependent children when leaving their matrimonial home. In addition, SWD had revised the guidelines for processing applications for CR in 2002 to allow more flexibility in providing assistance for the needy. The referral mechanism between SWD and HD in handling applications for HS and house transfer for needy PRH tenants, including those who suffered from family problems or domestic violence, had also been streamlined to speed up the application process.

9. The Administration further advised that front-line staff of SWD and the concerned non-governmental organizations ("NGOs") would assess the situation of each applicant and recommend eligible case to HD within six weeks should the applicant satisfy the eligibility criteria for CR and produce all the necessary documents. While longer processing time might be required for complicated cases, SWD, NGOs and HD would accord due priorities to processing CR applications under special and urgent circumstances. According to the Administration, the number of referrals for CR by SWD in 2009-2010, 2010-2011 and 2011-2012 were 2 727, 2 738 and 2 488 respectively, which had exceeded the number of PRH flats reserved by HD for CR and HS in the annual PRH allocation plan (i.e. 2 000 flats). The number of successful CR applications were about 2 600 to 2 700 per year, of which 400 to 500 were CT cases covering PRH assistance to victims of domestic violence having petitioned for divorce. The figures showed that the Administration had endeavoured to help eligible applicants resolve their accommodation problems.

10. In response to a query as to why HD did not accede to all HS requests recommended by SWD in accordance with the established policy, the Administration explained that in principle, HD would approve HS applications supported by SWD, except those where the applicants failed to pass CMT and DPT, were found to have doubtful occupation of the flats,

and/or the circumstances of the applicants had changed after the cases were referred back to HD. Rejected cases must be endorsed by Senior Housing Managers with concrete reasons. However, SWD might, on merits of individual cases, recommend to HD for waiving certain eligibility criteria. HD would, on the recommendation of SWD, arrange prompt allocation of PRH flats to the applicants.

11. Concern was also raised about the inconsistency in handling requests for housing assistance by different SWD district offices. Members called on the Administration to ensure that the front-line staff of the relevant government departments was well aware of the policies on CR, CT and HS so as to provide timely assistance for the victims of domestic violence. The Administration advised that to ensure consistency in assessment yardsticks, each housing assistance case would be scrutinized and endorsed by the respective District Social Welfare Officer. Training on the application of the housing assistance policies was regularly provided for both SWD and HD staff concerned. The District Social Welfare Offices of SWD would also organize sharing sessions, in collaboration with the District Tenancy Management Offices of HD, from time to time on the handling of case in response to the needs of the respective districts, with a view to rationalizing the procedures for processing housing request cases.

12. On the suggestion of relaxing the eligibility criteria for CT to cover couples who were in disputes but had not yet proceeded with divorce or were not prepared to proceed with divorce, the Administration advised that HD might, in considering the special and urgent circumstances of individual cases and on the recommendation of SWD, exercise its discretion to arrange temporary accommodation for these applicants.

Relevant papers

13. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Appendix

Relevant papers on the housing assistance to victims of domestic violence

Committee	Date of meeting	Paper
Panel on Welfare Services and Panel on Security	30 April 2004 (Item II)	Agenda Minutes
Subcommittee on Strategy and Measures to Tackle Family Violence	-	Report (issued on 27 June 2008)
Panel on Welfare Services	14 January 2013 (Item V)	Agenda Minutes
	19 February 2013 (Item VI)	Agenda Minutes

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