



Our Ref. :
Your Ref. : CB2/HS/2/08

Tel. No. : 2761 5049
Fax No. : 2761 7445

2 July 2010

Secretary General
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Attn: Miss Betty MA)

Dear Miss Ma,

**Subcommittee to Study Issues
Relating to Mainland-HKSAR Families**

Thank you for your email to the Director of Housing dated 4 May 2010. In respect of the Subcommittee's concern about the ineligibility for public rental housing (PRH) applications of Hong Kong-born children under the age of 18 whose single mothers are two-way exit permit holders, and its request for allowing these children to make an advance PRH application with a person who acts as an "surrogate" of their mother, we have considerable reservation about the relevant suggestion for the following reasons.

The Hong Kong Housing Authority (HA) maintains a Waiting List (WL) for eligible persons or their family members to apply for accommodation in PRH estates. Any persons who are aged 18 or above and satisfy the income and asset limits as well as other requirements may submit a PRH application. It is essential for HA to balance the housing needs of both the new arrivals and those who have settled in Hong Kong for a longer time, and, on this premise, HA has endeavoured to process the PRH applications from the new arrivals as flexibly as possible. Under the current arrangement, mainlanders arriving in Hong Kong with a one-way exit permit can apply for PRH if they have fulfilled the eligibility criteria, even though their period of stay upon arrival in Hong Kong is below seven

years. In addition, regardless of whether or not an applicant fulfils the seven-year residence requirement, he / she is eligible for PRH allocation if at least half of the family members included in his / her application fulfil the residence requirement at the time of allocation. As for two-way exit permit holders, they are not eligible for PRH application because their stay in Hong Kong is of a temporary nature. Allowing two-way exit permit holders to make PRH applications through an "surrogate" will cause unfairness to the PRH applicants who are residing in Hong Kong or those who wait until their fulfilment of the residence requirement before making a PRH application.

In setting the requirement that PRH applicants must be aged 18 or above, HA has taken into account the legal considerations and the need of minors (under 18 of age) for care from adults by living with their parents or guardians. This requirement applies to all PRH applicants. As regards the divorced PRH tenants, if either spouse is a two-way exit permit holder with substantial grounds to stay in Hong Kong, such as the dire need of looking after his / her young children in the territory, HA may, upon consideration of the case and its justifications, grant the spouse temporary stay in a PRH flat on individual merits. If a tenant has deceased and the surviving spouse is a two-way exit permit holder with substantial grounds to stay in Hong Kong, such as the need to take care of his/ her Hong Kong-born young children genuinely living in a PRH flat, HA may allow him / her to stay in the flat temporarily. In this case, HA may grant the tenancy to an adult relative or a legal guardian of the children.

For persons below the age of 18 who lack family care in Hong Kong, the Social Welfare Department may provide these children and teenagers with assistance such as residential child care services where necessary.

We appreciate the Secretariat's concern about this case. For further enquiries, please contact Mr CHAN Hon-sang, Senior Housing Manager/ Applications (1), on 2794 5221.

Yours sincerely,


(Anson LAI)
for Director of Housing