

For information
on 17 February 2016

Legislative Council Subcommittee to Study Issues Relating to Mainland-HKSAR Families

Purpose

Further to the information paper submitted by the Government for the meeting held on 23 November 2015 (LC Paper No. CB(2)292/15-16(02)), this paper briefs Members on arrangements of the Hong Kong Housing Authority (HA) for families with members who are new-arrivals from the Mainland and holders of “Two Way Permits” (TWPs).

New-Arrivals from Mainland

Public Rental Housing (PRH) Applicants

2. It is HA's policy to provide Public Rental Housing (PRH) to eligible low-income families that cannot afford private rental accommodation. To facilitate the integration of new arrivals into the community, provisions relating to the residence requirement have been relaxed for several times since its introduction in 1979¹. At present, people coming from the Mainland on “One Way Permits” and allowed to stay in Hong Kong without any stay conditions (except conditions which relate to the duration of stay) can apply for PRH once they enter Hong Kong, provided that they have met the eligibility criteria for application. PRH units would be offered to eligible applicants

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- ¹ (i) From 1999 onwards, eligible applicants would be offered PRH units provided that at least half (previously it was more than half) of the family members (including the principal applicant) have fulfilled the seven-year residence rule at the time of flat allocation. This relaxation facilitates those applicants with even number of family members (such as two or four) to fulfill the requirement. At the same time, to allow those families with children born outside Hong Kong to apply for PRH, all children below the age of 18, regardless of their place of birth, would be considered as having fulfilled the seven-year residence requirement, provided that one of their parents had lived in Hong Kong for seven years;
- (ii) From 2001 onwards, the above residence requirement was relaxed further so that only half of the family members are required to fulfill the seven-year residence requirement. The family may apply for PRH even if the principal applicant has not fulfilled the seven-year residence requirement.
- (iii) From 2005 onwards, in order to assist new-arrival families afflicted by divorce of their parents or death of a parent to apply for PRH, the residence requirement was relaxed so that all children under the age of 18 with established Hong Kong birth status are deemed to have fulfilled the seven-year residence requirement, regardless of their length of residence in Hong Kong and their parents' residence status.

when their applications are due for flat allocation, if half of the family members have lived in Hong Kong for seven years and all the family members are still living in Hong Kong. With regard to those who are under the age of 18, they will be deemed to have fulfilled the seven-year residence requirement if he/she has established Hong Kong birth status as permanent resident, or one of his/her parents has lived in Hong Kong for seven years regardless of his/her birthplace. Since PRH is a valuable resources heavily subsidised by public fund and that the number of PRH applicants has been on the rise, we consider it necessary to strike a balance between taking care of the housing needs of low-income families with new immigrant members and that of other PRH applicants. Therefore, we consider it fair and reasonable to maintain the current residence requirement.

3. Those who do not fulfill the residence requirement but have imminent and long term housing needs which cannot be resolved by themselves can consider approaching the Social Welfare Department (SWD) for relevant welfare services and assistance. SWD will assess individual cases and after investigation, will recommend cases eligible for Compassionate Rehousing to the Housing Department (HD), including a discretionary arrangement of the residence requirement on a case-by-case basis depending on individual circumstances. HD will allocate PRH flats to these applicants immediately upon completing the general procedures.

Sitting PRH Tenants

4. Subject to the fulfillment of the prescribed eligibility criteria (e.g. the comprehensive means test and the domestic property test), newly-arrived family members of a PRH tenant can be added into the PRH tenancy if they have the right of abode in Hong Kong. Permitted categories for addition include-

- (a) tenant's spouse;
- (b) children under the age of 18;
- (c) spouse and children of one of the tenant's married offspring (who must be an authorised occupant);
- (d) dependent parents or grandparents of the tenant or tenant's spouse;
- (e) dependent relatives (for whom constant care of the tenant is required); and

- (f) adult offspring (and his/her family members).

Holders of “Two Way Permits “(TWPs)

PRH Applicants

5. Persons who have no right to land in Hong Kong or whose right to land in Hong Kong is subject to any condition of stay (other than duration of stay) will not be accepted for PRH application by the HA because their stay is only temporary and conditional in nature.

Sitting PRH Tenants

6. While entering Hong Kong with TWPs, spouses of tenants can apply for a temporary stay at PRH flats to take care of their families. For example, if there is a strong need for the tenants’ spouses to take care of the tenants or their family members, HA may consider allowing them temporary stay on a case-by-case basis, taken into account the circumstances and merits of the case.

7. For cases of deceased tenants, if the surviving spouses who enter Hong Kong with TWPs have justified grounds to stay in Hong Kong (e.g. to take care of their young children who are born in Hong Kong and has been genuinely residing in PRH flats), HA may allow them to stay in PRH flats temporarily on a case-by-case basis, taken into account the circumstances and merits of the case. In such cases, HA may grant the tenancy to adult relatives or legal guardians of the children. When the children reach the age of 18, HA will grant them a new tenancy to take over the tenancy right.

Housing Department
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