

## **WOMEN'S COMMISSION**

### **Actions Taken by Housing Department on recommendations from Women's Commission**

#### **BACKGROUND**

1. The Women's Commission (WoC) recommended in her report: Women's Safety in Hong Kong: Eliminating Domestic Violence (January 2006) that-
  - (a) a system be established to facilitate and share research and database information about domestic violence (WoC recommendation #4.4)
  - (b) the Housing Department to revise the Application Form for Public Housing stating the rights of tenants and their dependents and to provide training to its frontline staff to enhance gender awareness (report item 8.9)
  - (c) the Government promote gender related training to their officers (WoC recommendation #6) and
  - (d) all stakeholders have a responsibility in early identification of abuse (WoC recommendation #7)

#### **ACTIONS TAKEN BY THE HOUSING DEPARTMENT**

##### **Database Information**

2. Statistics on Conditional Tenancies (CT) have been maintained by the Housing Department. A breakdown of CT cases originated from the Social Welfare Department is as follows-

As at 20 December 2005	No. of cases (persons involved)
Cases involving sitting public housing tenants :	137 (383)
Cases involving private housing dwellers :	323 (867)
Cases involving victims to domestic violence having no offspring/bringing along no dependent children :	62 (62)
<b>Total :</b>	<b>522 (1312)</b>

### **Revised Application Form for Public Housing**

3. With effect from 18 January 2006, an information leaflet has been introduced as an attachment to the Application Form for Public Housing to address WoC's recommendation. A copy of the leaflet is in **Annex A**.

### **Training Courses**

4. Training courses have been arranged by Health, Welfare and Food Bureau for enhancement of government officers' gender awareness. Details of these courses are as follows-

Seminar Title	Date held	No. of HD staff in attendance
Gender Awareness	1, 9, 17 March	33
Sexual Harrassment	17 March	8

### **Early Identification of Abuse Cases**

5. To facilitate early identification of cases involving domestic violence, the information leaflet on CT has been revised as from 13 January 2006. The revised leaflet is in **Annex B** (the last paragraph is newly added).

Housing Department  
April 2006

**Waiting List for Public Rental Housing**  
**Information For Applicants**  
**(Supplement to Point 9 – Important Notes)**

The application for public housing is gender-free, hence both female and male can be the Principal Applicant. The Applicant and her/his spouse can enjoy the same rights and must fulfill the same obligations in regard to their application for public housing.

Applications Sub-section  
Housing Department  
18 January, 2006

**Policy Brief**  
**Conditional Tenancy Scheme**

**Purpose of the Conditional Tenancy Scheme**

Whether public housing residents or not, when couples separate during petition for divorce, the party who brings along dependent offspring or the battered spouse (even without offspring, or fails to bring along dependent offspring), they may temporarily stay in public rental housing under the Conditional Tenancy (CT) Scheme until finalization of the divorce proceedings.

With effect from 12 November 2001, similar arrangements are extended to cover couples on the Waiting List.

**Application Procedures**

- (I) In general, applicants may apply to the Social Welfare Department (SWD) for a CT. SWD will recommend the eligible cases to the Housing Department (HD) for permitting temporary stay in public rental housing through the CT Scheme under the 'Compassionate Rehousing' Category.
- (II) If applicants on the General Waiting List (WL) petition for divorce, they may directly apply to the Applications Sub-section of HD for CTs. Upon confirmation of their eligibility, the Applications Sub-section will arrange for the allocation of flats to the applicant and his/her separated spouse according to their choice of districts for temporary stay under CTs.

**Eligibility Criteria**

- (I) Applicant who applies to **SWD** for CT must-
  - (1) satisfy the eligibility criteria for 'Compassionate Rehousing';
  - (2) have proven, genuine and imminent need for public rental housing during the divorce proceedings; and
  - (3) furnish documents to prove that the he/she has petitioned the court for divorce, or the Legal Aid Department has undertaken to provide legal aid in the divorce proceedings.
- (II) WL applicant who applies to the Applications Sub-section of **HD** for CT must-
  - (1) be having an application that has reached the investigation stage;
  - (2) fulfil all eligibility criteria applicable to WL applications;
  - (3) agree with his/her separated couple on the custody of their offspring; and
  - (4) furnish documents to prove that the divorce proceedings are underway.

Under CT, WL applicants and his/her separated spouse will be separately assigned a WL registration number, and their applications for public housing will be processed on their own merits under the policy on public housing allocation. In other words, investigation and allocation will be arranged in sequence based on their choice of districts, family sizes and allocation schemes. For instance, after splitting of application, if one party applies under the Families with Elderly Persons Priority Scheme while the other party under the category of 'ordinary families', their sequence of allocation will then be different. So after splitting of application, when one party has reached the stage of investigation or allocation, the other party cannot ask for the same treatment.

**Consequences of Failing to Proceed with the Divorce Proceedings during the Temporary Stay in Public Rental Housing**

- (I) For application under **SWD's** recommendation, the public rental housing flat must be surrendered to HD unconditionally if the applicant fails to proceed with the divorce proceedings.
- (II) For cases approved by the Applications Sub-section of **HD**, where the separated couple are both granted individual CTs for temporary stay in public rental housing as, if they fail to proceed with the divorce proceedings-
  - (1) in cases of no reconciliation, both parties must surrender their respective flats for temporary stay to HD unconditionally;

- (2) in cases of reconciliation, one party has to surrender the flat for temporary stay to HD unconditionally and then apply together with the other party for conversion of the latter's CT into a normal tenancy, subject to passing the Comprehensive Means Test <sup>(Note 1)</sup> and the Domestic Property Test <sup>(Note 2)</sup>.

### **Housing Arrangements upon Finalization of the Divorce Proceedings**

- (I) For tenants under SWD's recommendation-
- (1) The party being granted with the child custody (including battered spouse who fails to bring along dependent offspring during temporary stay in public housing flat) must pass the Comprehensive Means Test <sup>(Note 1)</sup> and the Domestic Property Test <sup>(Note 2)</sup> before approval can be given to the conversion of the CT into a normal tenancy so that he/she may continue the residence in the public rental housing flat. Otherwise, the flat concerned has to be surrendered to HD unconditionally. After the conversion into a normal tenancy, the household has to declare household income/assets to HD on a biennial basis <sup>(Note 3)</sup>.
  - (2) Tenants of the following categories should surrender the public rental housing flat to HD unconditionally-
    - those having no offspring; or
    - tenants who fail to be granted the custody of children; or
    - tenants who fail the Comprehensive Means Test or the Domestic Property Test.
 Should they have housing problems, they may seek assistance from SWD according to individual circumstances.
- (II) For cases approved by the Applications Sub-section of HD, where both separated parties are granted CTs for temporary stay in public rental housing-
- (1) They must pass the Comprehensive Means Test <sup>(Note 1)</sup> and the Domestic Property Test <sup>(Note 2)</sup> before approval can be given to the conversion of the CT into a normal tenancy so that they may continue their residence in the public rental housing flat. Otherwise, the flat concerned has to be surrendered to HD unconditionally. After the conversion into a normal tenancy, the household has to declare household income/assets to HD on a biennial basis <sup>(Note 3)</sup>.
  - (2) If the judgment of the court on custody of child(ren) is different from the agreement reached by both parties upon separation, the tenant has to move to another flat commensurate with his/her household size as arranged by HD.

**This Policy Brief is for reference only. For details, please approach the Applications Sub-section or individual estate management office.**

**For housing arrangements for divorced couples in public rental housing, please see 'Notes on the Policy on Housing Arrangements for Divorced Couples in Public Rental Housing Estates'.**

**Person who falls victim to domestic violence and in need of separate housing may approach respective Estate Office. Upon consent from the party concerned, the Estate Office will refer the case to Social Welfare Department for the provision of assistance.**

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(Note 1) The income and net asset limits of the Comprehensive Means Test are pitched at the Waiting List levels.

(Note 2) Household members should not possess any domestic property (except those jointly owned by the couple undergoing divorce proceedings with its ownership yet to be decided by the court) in Hong Kong from the effective date of the conditional tenancy to the commencement date of the normal tenancy converted from the conditional tenancy.

(Note 3) Households paying normal or 1.5 times net rent plus rates are required to declare their household income biennially while double rent payers should declare their assets biennially.