

Office of The Ombudsman announces completion of direct investigation with aim of preventing imprisoned singleton PRH tenants from becoming homeless

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Ms Winnie Chiu, today (November 14) announced the completion of a direct investigation on the notification mechanism and arrangements of the Housing Department (HD) and the Social Welfare Department (SWD) for imprisoned singleton public rental housing (PRH) tenants.

According to the established policy of the HD, if singleton PRH tenants are serving a relatively long sentence (normally three months or more), the HD will advise them to voluntarily surrender their flats. If they meet the relevant criteria (including no rent arrears), the Hong Kong Housing Authority (HKHA) will issue a Letter of Assurance (LA) which allows them to be offered another PRH flat upon release from prison.

The Office of The Ombudsman received a complaint that the PRH unit of an imprisoned singleton tenant was recovered by the HKHA due to rent arrears, as a result of suspension of Comprehensive Social Security Assistance (CSSA) payment upon the tenant's imprisonment. The tenant was then ineligible to apply for an LA. He had no place to live upon release from prison and needed to apply for PRH again. The complainant withdrew the complaint when he was allocated a PRH unit. However, the Office found inadequacies in the current mechanism and initiated a direct investigation in March 2019.

Ms Chiu said, "The current mechanism and arrangements are not conducive to ex-inmates' reintegration into society. If these tenants are in rent arrears, the HKHA would recover their flats. Upon release from prison, they would need to apply for a PRH flat again and settle all outstanding rent payments.

"In particular, for PRH tenants who are CSSA recipients, since their rent allowances are directly transferred to the HKHA by the SWD, any rent arrears may imply a change in the tenants' CSSA eligibility (e.g. due to imprisonment). We consider that the HD needs to find out as soon as possible the reason for any change in a tenant's CSSA eligibility so that prompt follow-up action can be taken to recover the flat for reallocation. It can also prevent the situation in which a tenant loses both his or her PRH flat and the chance of getting an LA because of rent arrears, which may create another problem."

The Ombudsman made four recommendations to the HD including calling on

the department to devise an alternative system to issue Conditional Letters of Assurance (CLAs). Subject to specific conditions, imprisoned singleton PRH tenants with rent arrears could still apply for a CLA. This would allow them to be allocated a PRH flat in the future once all rent arrears/outstanding sums are settled.

The Ombudsman also recommended the HD to strengthen the existing notification mechanism with the SWD, so that the SWD can provide the HD directly with the details about PRH tenants' imprisonment upon suspension of rent allowance payments and obtaining consent from the imprisoned singleton PRH tenants.

The investigation report has been uploaded to the Office of The Ombudsman website for public viewing.