

# **Summary of Investigation Report**

## **Complaint against Housing Department (“HD”) for Failing to Allocate Public Rental Housing Flats Fairly**

### **The Complaint**

In 2006, the complainant applied to HD for public housing. In mid-2010, he went to HD’s Customer Service Centre to check the latest allocation status, only to find that some applicants in his category with later Waiting List Application Numbers had been allocated flats, while he was still waiting for an offer. He asked HD staff for an explanation but did not get a satisfactory answer. He, therefore, lodged a complaint with this Office.

### **Background**

#### ***Public Housing Allocation Procedures***

2. Applications for public housing are generally processed according to the sequence of registration on the Waiting List (i.e. the application numbers), the number of family members and the applicant’s district choice. Flats are allocated randomly by computer programme. When an application approaches the allocation stage for the first time, HD would investigate and verify the eligibility of the applicant. When an application is ready for allocation depends on various factors, such as the availability of flats of suitable size in the applicant’s chosen district, or whether the applicant has changed his/her district choice.

3. If resources permit, HD would try its best to accommodate requests from those applicants with special allocation needs. To make sure that an applicant is still eligible for public housing when the tenancy agreement is signed, HD may conduct spot checks on or review those cases in which eligibility were verified two or more years ago.

4. On the 15<sup>th</sup> day of each month, HD publicises the “Highest Numbers that have accepted Public Housing Offers” (“Highest Numbers”) for different categories of public housing applications via newspapers, the Department’s website and its Customer Service Centre. Those “Highest Numbers” are for applicants’ reference only and do not imply that all applicants with lower numbers have accepted public housing offers. All eligible applicants have three chances of flat allocation.

## **The Complainant's Case**

5. The complainant's application was registered on the Waiting List and assigned an application number in 2006. In early 2008, HD gave him the first housing offer in his chosen district but it was refused. In June 2008, the complainant changed his choice of district.

6. In early 2010, HD verified the complainant's eligibility for allocation again. In mid-June, HD publicised the "Highest Numbers". The complainant found that the "Highest Numbers" for his category had exceeded his application number. He subsequently enquired of HD five times during June and July and pressed for an early allocation. HD staff responded and explained the situation to him over the telephone or through written replies and asked him to wait patiently. Not until the end of July, the complainant received a notification of his second flat allocation.

## **HD's Comments**

7. HD denied having delayed the complainant's application. HD clarified that the "Highest Numbers" publicised in mid-June 2010 included applications where the first housing allocation offer was accepted. Applicants with application numbers close to the complainant's and who needed to undergo certain procedures before allocation (such as re-verification of eligibility) got the second offer at about the same time as the complainant did.

8. The complainant's application reached the allocation stage in late June 2010. As he made a number of enquiries around that time, HD had to suspend allocation temporarily each time to clarify if there was any update of family particulars or new request, so as to avoid making an unsuitable offer which might cost the complainant one chance of allocation.

9. HD admitted that the above arrangement needed improvement. A "triage" system was thus introduced. If an applicant's enquiry or complaint does not affect the order of allocation or involve new requests, HD must reply within two to three working days. Applications approaching the allocation stage would be put on designated shelves for centralised management and closer follow-up actions.

## **Our Comments**

10. HD's suspension of housing allocation to applicants making an enquiry or a complaint presumes that such enquiry or complaint might involve requests affecting the allocation. This might be unfair to the applicants. In the present case, the complainant's enquiries had nothing to do with the factors relating to housing allocation. Nevertheless, HD suspended housing allocation for him without his knowledge. This could give the impression of a punishment in disguise and

was obviously unfair to him. Besides, HD had failed to provide a satisfactory explanation for such suspension all along.

### **Conclusion**

11. In light of the above, The Ombudsman considered the complaint against HD **substantiated**.

### **Other Observations**

12. Announcing the “Highest Numbers” every month to inform applicants of latest allocation status (**para. 4**) is itself a good arrangement. However, HD failed to explain at the same time the various factors afore-mentioned (**paras. 2 and 3**) that would affect the actual sequence of housing allocation. Applicants would inevitably think that late comers were served first and feel dissatisfied.

### **Recommendations**

13. The Ombudsman recommended that HD should review in due course the “triage” system and other measures (**para. 9**) for full and effective implementation; and that, when publicising the latest information on public housing applications (**para. 4**), HD should consider giving a brief explanation as to why actual public housing allocation may not follow the sequence of application numbers.

**Office of the Ombudsman**

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