

Habitat for Humanity Hong Kong (Habitat) appreciates the opportunity to provide a submission to the 2020-2021 Chief Executive Policy Address

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## Introduction

Habitat for Humanity, a global nonprofit housing organization, works towards a vision of a world where everyone has a decent place to live. We believe in the key role housing plays in increasing people’s health, well-being, and ability to thrive. However, here in Hong Kong as in many other places globally, there is a dire shortage of adequate and affordable housing. We appreciate that improving the current situation for low-income tenants is a priority of the Government, as evidenced by the support of recommended tenancy control measures for subdivided flats and the pending Amendment to the Landlord and Tenant (Consolidation) Ordinance Bill.

We worked with an informal group of nonprofit representatives and community stakeholders (“contributors” “we”) with a common goal to improve the living conditions of tenants living in Subdivided Units (SDUs). As a step towards achieving this aim, we compiled a series of minimum housing standard recommendations for SDUs organized into a framework based on elements of the right to adequate housing as articulated by UN Habitat.<sup>1</sup> These principles are relevant for Hong Kong, a city of international standing and party to the UN International Covenant on Economic, Social, and Cultural Rights, which recognizes the right to an adequate standard of living (Article 11), including adequate housing. While we recognise it may be structurally impossible for many landlords of SDUs in the near term to address all minimum standards, we

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<sup>1</sup> *The Right to Adequate Housing: Fact Sheet N. 21/Rev.1*, UN Habitat, (May 2014), <https://unhabitat.org/the-right-to-adequate-housing-fact-sheet-no-21rev-1>

put forward recommendations that would further the progressive realization of these rights. This report is also delivered in the knowledge that there are aspirations to eradicate SDUs and we share this goal. This report is focused on addressing the urgent need to make immediate changes to current living conditions, recognising that the eradication of SDUs will take time to implement.

The pending passage of the Landlord and Tenant (Consolidation) Ordinance Bill and potential realization of tenancy control measures create fresh opportunities to address the safety and quality of living conditions in SDUs and an additional urgency to do so. We are mindful that tenancy control can often have the unintended consequence of discouraging landlords from maintaining their flats. It follows that a comprehensive approach to tenancy control in SDUs would include legislation and measures to both incentivise and enforce upkeep, repairs, and hygienic conditions to mitigate the further decline of SDU housing conditions that in many cases are already dire.

We listened to and gathered recommendations from a range of organizations who work with SDU tenants and who regularly put forward recommendations to remedy gaps in tenant services or protections. We focused on those recommendations that would further progress toward the UN principles of adequate housing and are not yet implemented. With upcoming legislative changes and a sense of urgency around improving housing, we urge the Hong Kong government to seriously consider these recommendations from a new perspective, as previous barriers to their implementation may have since shifted or minimized while newly emerging tools may facilitate their realization.

We support current minimum standards laid out by the Buildings Department and other government bodies that if adhered to, would provide sufficient protection of living standards. We strongly support the voices calling for increased enforcement of existing standards. Additionally, as the practice of filing standard tenancy agreements gradually increases, we urge the re-consideration of a licensing system to increase accountability.

In the government's support of tenancy control recommendations and amendment to the Landlord and Tenant (Consolidation) Ordinance, we recognize and celebrate the determination to make progress towards improved affordability and conditions of security tenure for SDU tenants. We now ask the Government to further this momentum by implementing and enforcing measures that address safety and living standards, and principles that define a wider range of aspects of adequate housing.

## **AFFORDABILITY**

The Amendment to the Landlord and Tenant (Consolidation) Ordinance Bill under consideration by LegCo aims to protect tenants from extraneous fees, transparently manage utility costs, limit the percentage by which landlords may increase rent, and promote secure tenure for two years (and up to four years). These measures are a solid beginning, however it is also urgent to address high starting rent costs.

### **Limit starting rent costs**

A concern is that landlords who foresee an inability to increase rents for two years will become motivated to raise starting rents before the tenancy control measures become effective. SDU rent costs are already much higher per square foot than those of larger private flats. A CUHK survey found that SDU tenants on Hong Kong Island pay an average of \$52.60 rent per square foot, while private flats in the same area let for an average of \$40.70 per square foot.<sup>2</sup> Those in our community with lowest income are bearing the heaviest financial burden to pay for housing. We urge the Government to regulate starting rent costs and to consider making certain limits retroactive by a few months.

### **Implement equitable rent assistance**

The average percentage of household income SDU tenants pay to rent was recently pegged at 35%,<sup>3</sup> and in a study of five districts the Subdivided Flats Concerning Platform found that SDU households pay an average of 41% of income for rent.<sup>4</sup> Recently, the Hong Kong Council of Social Services found that almost a third of SDU households pay 50% or more of their income to rent.<sup>5</sup>

In Hong Kong, tenants in public rental housing (PRH) become eligible for rent reduction when rent costs exceed 25% of household income, while transitional housing rents are structured so as to not exceed 25% of household income. Thus the threshold for affordable housing, as defined in practise, is 25%. We urge the Government to extend this 25% threshold to tenants of subdivided flats as well, by allocating rent assistance so that tenants pay a maximum of 25% of household income for rent:

1. Landlords should be free to charge up to, but not beyond market rent (per square metre).
2. The government should set up a rent allowance to ensure tenants only pay the affordable level of rent, defined as no more than 25% of household income.
3. The level of assistance should reference to a notional rent, determined by the market rent per square metre of the housing unit multiplied by floor area of the household flat.
4. The housing assistance should be means tested which can make reference to the public housing eligibility scale but does not require the recipients to be on the waiting list for public housing.
5. The government should use the tenancy control law to ensure landlords are not charging rent above a rent ceiling, as determined by market rent.

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<sup>2</sup> Ng M.K., Yeung T.C., Leung W.Y., Lee T.S., Chung W.Y. (2021). 不適切住屋租金問卷調查[Rental status survey on inadequate housing], Institute of Future Cities, The Chinese University of Hong Kong and Concerning Grassroots Housing Rights Alliance

<sup>3</sup> Secretariat for the Task Force for the Study on Tenancy Control of Subdivided Units, Transport and Housing Bureau, *Report of the Task Force for the Study on Tenancy Control in Subdivided Units*, (31 March 2021)

<sup>4</sup> Edward CY Yiu, Kin Kwok Lai, Mandy KM Leung, *The Actual Change of the Rent to Income Ratio of Subdivided Units' SDU Research Project*, CUHK Institute of Future Cities and the Subdivided Flats Concerning Platform (25 June 2015)

<sup>5</sup> Fact Sheet, Survey on the Housing Choice and Service Needs of the "Low-income Households of Subdivided Units, Hong Kong Council of Social Services, (4 July 2021)

For example, if one person is living in an 11 m<sup>2</sup> flat, and the market rent is \$400\* per square metre, the notional rent would be calculated by multiplying 11 x \$400 = \$4,400. If this renter earns \$10,000 a month, he/she would pay \$2,500 toward rent (25% of income) while the government rent allowance would be \$1,900 per month to meet the notional rent of \$4,400.

### **Provide an effective and accessible enforcement body**

Tenants subject to overcharging on utility fees, unauthorized rent increases, or other charges they should be protected from under the pending legislation must have a clear avenue for recourse. We urge the Government to fund a dedicated body to “enforce tenancy control on SDUs, help mediate between the landlord and tenant on disputes, [and] ensure that the operation of SDUs comply with relevant regulatory requirements” such as recommended by the Task Force for the Study of Tenancy Control in SDUs (“Task Force”).<sup>6</sup>

### **Curtail unethical rental practices**

The current arrangement allows for unethical practices where intermediary companies may privately increase rents, charge a lump-sum lease renewal fee, create new leases through forced evictions, sublet, and overcharge utilities and service fees. These methods are a contributing factor to pushing up costs of housing.

We urge the Real Estate Agent Authority to strengthen enforcement of standard contracts and fair and ethical practices with real estate agencies that engage with prospective SDU tenants. Additionally, the government should require increased transparency of communications from real estate agencies and property management companies, with the goal of further increasing fair and reasonable practices. Prioritize the establishment of an Advisory Centre or fund an NGO to disseminate housing and rental information so prospective tenants are apprised of relevant policies, know what questions to ask before signing a tenancy agreement, and are not solely reliant on real estate agencies for information as they seek housing.

### **Improve Cash Allowance Trial Scheme allocation processes**

We recognize that the purpose of the Cash Allowance Trial Scheme is to mitigate the hardships of people waiting for public housing for over three years. We urge a larger target population and an allocation process that will expand equitable housing outcomes.

- Extend the allowance distribution period for each recipient to cover the entire PRH waiting period, through to the final PRH offer as needed. This support will ensure all recipients have equal access to all their housing options and not be limited to initial offers in the New Territories or extended urban areas.<sup>7</sup>
- Improve measures to compensate those who have been waiting for public housing for less than three years including non-elderly singles, expand the safety net, and retain the subsidy for “N have-nots” households so that low-income families who cannot apply, can still receive assistance.<sup>8</sup>

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<sup>6</sup> Secretariat for the Task Force for the Study on Tenancy Control of Subdivided Units, Transport and Housing Bureau, *Report of the Task Force for the Study on Tenancy Control in Subdivided Units*, (31 March 2021)

<sup>7</sup> *Response to Cash Allowance Trial Scheme*, Subdivided Flats Concerning Platform, (accessed 17 June 2021)

<sup>8</sup> Ibid

- Implement measures together with rent control to ensure the intended support of tenants, rather than the subsidizing of higher rent costs.<sup>9</sup>

## **SECURITY OF TENURE**

SDU tenants lacking registered tenancy agreements have little voice or protection within the tenant-landlord relationship. The threat of eviction prevents tenants from issuing complaints, limiting their access to remedies in cases of utilities overcharging, harassment, and substandard or unsafe housing conditions. We are optimistic that the recommended standard tenancy agreement and fixed tenancy period to protect tenants from random or forced eviction (for two and potentially up to four years) currently under discussion have great potential to address this issue. Further recommendations:

### **Adopt flexible terms for tenants who receive PRH offers**

A fixed tenancy period that provides protection from random or forced eviction is a welcome development. One concern is that new terms may inadvertently limit the situation of SDU tenants who receive offers of public rental housing while under legal obligation of the tenancy agreement. Build flexible terms into the standard tenancy agreement that permit SDU tenants to leave a contract early to attain a PRH unit. Tenants must be free to consider and accept all offers of public rental housing.

### **Protect access to resettlement protections and due process**

The Alliance for Better Re-housing Policy has documented gaps in access to resettlement protections and due process. Private landlords who receive a Buildings Department (BD) clearance order must initiate a formal process that includes applying to the court, requesting the court bailiff, etc. – for tenants to be able to petition for temporary housing. However, some landlords who receive a BD clearance order avoid the costs and legal hassle involved with going to court by instead resorting to informal means, such as cutting off water and electricity supply, to force tenants out. Without a court order and the presence of the court bailiff, tenants are blocked from petitioning for temporary housing and thus unable to access the protections and due process available to those being displaced by government actions.<sup>10</sup>

- Broaden the scope of the resettlement policy to cover those staying in other forms of substandard housing affected by government enforcement actions, not just squatters or illegal rooftop structures.<sup>11</sup>
- Permit affected residents to be relocated to interim housing immediately, where assessment on PRH eligibility and household assets takes place, without going through the transit center and the "homeless status" review.<sup>12</sup>

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<sup>9</sup> Ibid

<sup>10</sup> *Guide to Rental Issues for Residents in Sub-divided Units*, HKSKH Lady MacLehose Centre Group and Work Unit, (November 2019)

<sup>11</sup> Ibid

<sup>12</sup> Ibid

- While the Community Care Fund and the URA offer various relocation subsidies, these are extremely targeted. Expand provision of relocation subsidies to all tenants affected by government enforcement actions.<sup>13</sup>
- Immediately review the current resettlement policy and launch relevant public consultations.<sup>14</sup>

To ease the burden of resettlement, the Government could take a more robust approach to revitalisation of non-hazardous, industrial buildings by allowing usage for interim housing/residential development.

## HABITABILITY

Over 80% of subdivided flats are located in buildings that are 50 years old or above.<sup>15</sup> Unfortunately, the monitoring and enforcement of existing government regulations around the health and safety of buildings, (e.g. provisions for natural daylight and ventilation, plumbing and drainage, and fire safety), does not often result in improvements. While the number of inspections and prescribed notices for building improvement may be robust, follow-up on prescribed recommendations is poor. From 2012-2018, non-compliance to the Mandatory Building Inspection Scheme (MBIS) notices ranged from 44% to 78%.<sup>16</sup> In that time period, while 23,690 warning letters were issued only 139 prosecutions were instigated against owners who failed to comply with MBIS notices,<sup>17</sup> a rate of less than 1%. We recognize that owners who may wish to comply with MBIS prescriptions may have difficulties due to various complications including those inherent to “3-nil” buildings. However, our concern is that lax enforcement encourages neglect and does little to protect the living conditions of residents.

The problem of meeting existing standards is compounded inside subdivided flats. Construction works may be carried out informally by unqualified workers, and the resulting work, often substandard and completed with improper materials, further undermines durability and safety. The Subdivided Flats Concerning Platform estimates that between 2015 and 2019, only 14% of SDU landlords got approval for construction works through the Buildings Department,<sup>18</sup> making the majority of SDUs likely to be substandard.

We support the Task Force recommendation of an Advisory Centre that, as part of its mandate, supports tenants to file complaints of inadequate housing conditions, to request inspections be

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<sup>13</sup> Ibid

<sup>14</sup> Ibid

<sup>15</sup> *Report of the Task Force for the Study of Tenancy Control in SDUs*, Transport and Housing Bureau, (March 2021)

<sup>16</sup> *Report on the Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme*, LC Paper No. CB(2)1496/18-19(03), Legislative Council Joint Subcommittee to Follow-up Issues Related to the Redevelopment, Maintenance, and Management of Old Buildings, (March 2019)

<sup>17</sup> Ibid

<sup>18</sup> *Special Study on Hong Kong Subdivided Housing Violation and Supervision*, Hong Kong Subdivided Flats Concerning Platform, Facebook posting, accessed Dec. 12, 2020, <https://www.facebook.com/SubdividedFlatPlatform/posts/3290989604342510>

extended to include inside flats in cases where there are ordinance violations, and to enforce compliance with standards. As the registration of standard tenancy agreements gradually increases, a licensing system with clear health and safety inspection, repair and upgrade requirements must be re-considered. To encourage this process, we urge the Government to provide tiered incentives for SDU landlords who register standard tenancy agreements within the first 1-3 months, 3-6 months, and 6-12 months.

### **Incentivise and increase enforcement of prescribed fire safety instructions**

Around 13,500 target buildings are regulated by the Fire Safety (Buildings) Ordinance. According to a report by Hong Kong Unison, between 2007 and 2020, the Fire Services Department and Buildings Department completed inspections of 9,716 buildings and issued fire safety instructions to 8,493 buildings. However in those 13 years, only 343 buildings made the fire safety improvements specified in the instructions to meet requirements.<sup>19</sup> In a similar vein, the Yau Tsim Mong District Council noted that of 2,800 buildings in Hong Kong built over 60 years ago, over 2,000 of these have been inspected and nearly 800 buildings were identified as having different levels of fire hazards; however in 2020, only 4% to 5% of Owner Corporations followed fire safety instructions.<sup>20</sup> In a report on fire safety, Hong Kong Unison put forward several recommendations which we urge the government to adopt, starting with incentivising follow-up on fire safety instructions, increasing enforcement of fire safety ordinance violations, and subsidising the cost of basic fire safety equipment in old buildings.<sup>21</sup>

### **Increase public awareness and further support formation of Ownership Corporations**

Strengthen communication between the Fire Services Department and local organizations or contacts and provide fire safety seminars, including teaching citizens how to use fire extinguishers and fire blankets. Outreach should be inclusive and include ethnic minority organizations.<sup>22</sup>

### **Higher fire safety provisions for SDUs**

SDUs have an increased fire risk due to an abundance of sources of ignition such as naked flames, heaters and overburdened electrical systems, as well as a high density of fuel sources such as waste products, textiles, and non-fire-rated timber partitions. These factors, in addition to the high density of occupants and narrow/blocked escape routes, justify special fire safety provisions for SDUs, which we believe should be higher than those required by law for regular domestic units. While recognizing this issue requires study by experts, we put forward recommendations below:

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<sup>19</sup> Ibid

<sup>20</sup> Chu Huifang, Chan Tsz-wai, *Concerned about the Chief Executive's consideration of amendments to the legislation, empowering the Fire Services Department and the Buildings Department to carry out fire safety improvement works for old buildings on a fee basis*, Yau Tsim Mong District Council Housing Affairs Committee, (22 February, 2021)

<sup>21</sup> *Hong Kong Unison Report on Fire Safety*, Hong Kong Unison (2020)

<sup>22</sup> Ibid

#### Doors width

- If the FRR -/60/- main door with smoke seal is intact, ensure the corridor of SDU quarters is not less than 750mm wide (for maximum capacity of 30) and 850mm wide (for capacity above 30).
- If there is no FRR -/60/- main door with a smoke seal, ensure the corridor is not less than 1050mm wide. Minimum door width should be 750mm wide (for maximum capacity of 30) and 850mm wide (for capacity above 30).

#### Compartmentation

- Regard each SDU as an independent fire compartment, separated by FRR -/60/60 partitional walls and FRR -/60/- doors from the other units. Ensure that such doors are self-closing and provided with a smoke seal.

#### Fire Services Installation

- Provide a stand-alone type smoke detector where a pantry/open kitchen is provided.
- Install a portable fire extinguisher and fire blanket in each unit or at the common area near the main door.
- Require annual inspections by Registered Fire Service Installation Contractors of the above Fire Services Installations.

#### Naked flame cooking

- To maintain the safety of all, prohibit naked flame cooking in SDUs that do not have a separate kitchen.

### **Mandate a minimum adequate living area**

In addition to vast anecdotal evidence from tenants and social workers across Hong Kong about the effects of cramped units on tenant well-being, several studies have shown small living areas and increased living density to be significantly associated with deprivation and increased anxiety and stress of residents. Researchers at CUHK found that, compared with living in high density quarters of less than 7 m<sup>2</sup>, living in a flat measuring 7 to 13 m<sup>2</sup> was significantly associated with lower risk of anxiety.<sup>23</sup> Limited space also affects hygiene and nutrition. Flats that are too small to accommodate a stove result in tenants cooking with only a rice cooker, sometimes located in the toilet area. This practice of preparing food in close proximity to the toilet is critically unhygienic.

Living in SDUs negatively affects the development of children, who often eat, play, and do homework on the bed. Children may develop spinal issues<sup>24</sup> and, when cramped quarters are

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<sup>23</sup> Siu ming Chan, Hung Wong, et al, *Association of Living Density with Anxiety and Stress: A cross-sectional population study in Hong Kong*, (August 2020)

<sup>24</sup> M.S. Wong and H.C. Ho, *Posture Management and Furniture Design for SDU Children*, PowerPoint presentation (presented 23 January 2021 at Polytechnic University, Jockey Club Design Institute for Social Innovation symposium, Children's Well-Being in Subdivided Units)

combined with poor lighting, they have a higher rate of developing myopia.<sup>25</sup> Physical development is just one concern, as living in SDUs negatively impacts children’s social, emotional, and mental health development.<sup>26</sup>

The current average per capita floor area for a single tenant in an SDU is 10.7 m<sup>2</sup>.<sup>27</sup> To improve living conditions and physical and mental well-being, we recommend as an absolute bare minimum, floor area of 11 m<sup>2</sup> for single-person households. This figure references the average living space per person in public rental housing, which was 13.4 m<sup>2</sup> in 2020,<sup>28</sup> recognizing that private flats subject to market forces would be challenged to meet PRH standards (in both size and price) lacking substantial government support.

In regard to households larger than one person, a survey by CUHK Institute of Future Cities found that the mean floor area per person in SDUs is 5.04 m<sup>2</sup>.<sup>29</sup> We recommend as absolute minimum, floor area for households of 2-4 persons at no less than 7 m<sup>2</sup> per person, the minimum threshold of living space significantly associated with lower risk of anxiety and stress.<sup>30</sup>

#### Minimum floor area

Household size	Minimum area per person	Total
1	11 m <sup>2</sup>	11 m <sup>2</sup>
2	7 m <sup>2</sup>	14 m <sup>2</sup>
3	7 m <sup>2</sup>	21 m <sup>2</sup>
4	7 m <sup>2</sup>	28 m <sup>2</sup>

As the average living space in public rental housing continues to increase in the future, link a minimum floor area requirement for SDUs to PRH standards by percentage. For example, the minimum required floor area for SDUs could be maintained at 85 – 90% of PRH minimum floor area by household size.

<sup>25</sup> Choi Kai Yip and Wong Siu Wai, *Effect of Living Environment on Refractive Error in School-aged Children and Possible Community Interventions*, PowerPoint presentation (presented 23 January 2021 at Polytechnic University, Jockey Club Design Institute for Social Innovation symposium, Children’s Well-Being in Subdivided Units)

<sup>26</sup> *Inadequate Housing Report*, sponsored by Yau Tsim Mong District Council (February 2021)

<sup>27</sup> *Report of the Task Force for the Study of Tenancy Control in SDUs*, Transport and Housing Bureau, (March 2021)

<sup>28</sup> *Housing in Figures 2020*, Transport and Housing Bureau, (August, 2020),

<https://www.thb.gov.hk/eng/psp/publications/housing/HIF2020.pdf>

<sup>29</sup> Ng M.K., Yeung T.C., Leung W.Y., Lee T.S., Chung W.Y. (2021). *不適切住屋租金問卷調查* [Rental status survey on inadequate housing], Institute of Future Cities, The Chinese University of Hong Kong and Concerning Grassroots Housing Rights Alliance

<sup>30</sup> Siu ming Chan, Hung Wong, et al, *Association of Living Density with Anxiety and Stress: A cross-sectional population study in Hong Kong*, (August 2020)

### **Improve safety and protection from harassment**

Issues of security are a large concern for SDU tenants, especially amongst women. A recent survey in Yau Tsim Mong identified the main problems as theft, drug use, fear of being sexually assaulted, and general feelings of unsafe living.<sup>31</sup> Many SDUs are located in buildings without security or front entrance locks, allowing any random passersby access to the building. Tenants must be provided functional locks and keys for both individual units and buildings.

A 2018 survey of women living in SDUs conducted by the Concerning Grassroots Housing Rights Alliance found that, out of 105 women interviewed, 1 in 5 had experienced sexual harassment. The threat of harassment in personal space that should be private and safe is a source of long-term stress that seriously affects mental health.<sup>32</sup>

- Support the development of practices to prevent sexual harassment in SDUs and co-living spaces, including education about what constitutes sexual harassment
- Mandate support for those who experience sexual harassment by instituting a complaints procedure and referral to external supports such as legal advice and counseling

Given the close spaces and crowded quarters of SDUs which force tenants to live in close proximity to each other, protection from all forms of harassment is essential. We urge the government to adopt Recommendation 18 of the EOC's, *Discrimination Law Review*, and amend the Sex Discrimination Ordinance (SDO), Race Discrimination Ordinance (RDO), and Disability Discrimination Ordinance (DDO) to include places of residence, to provide protection of tenants or sub-tenants from sexual, racial, or disability harassment by another tenant or sub-tenant occupying the same premises.<sup>33</sup>

### **Uphold access to ventilation and light**

Due to high occupant density, the insertion of extra partitions, and high humidity due to concentration of activities, such as cooking, showering and laundry, access to day-light and natural ventilation in SDUs are critically sub-standard. One study conducted on the effects of open-air cooking in SDUs, found that lacking a separate kitchen and effective ventilation in SDUs, the resulting poor air quality may pose chronic health threats to occupants, particularly children.<sup>34</sup>

- Uphold basic requirements governing windows and ventilation as required by law. For SDUs that cannot comply, the provision of artificial lighting, mechanical ventilation, and other remedial measures must be enforced.

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<sup>31</sup> *Inadequate Housing Report*, sponsored by Yau Tsim Mong District Council (February 2021),

<sup>32</sup> 關注基層住屋聯席《女性於劏房內受到性騷擾情況》調查報告, Concerning Grassroots Housing Alliance, (19 August 2018)

<sup>33</sup> *Discrimination Law Review*, Equal Opportunities Commission (2016)

<sup>34</sup> Cheung, P.K., Jim, C.Y. & Siu, C.T., *Air Quality Impacts of Open-plan Cooking in Tiny Substandard Homes in Hong Kong*, (11 May 2019), <https://doi.org/10.1007/s11869-019-00705-9>

## **AVAILABILITY OF SERVICES, MATERIALS, FACILITIES, INFRASTRUCTURE**

Environmental hygiene in flats and common areas is critical to tenant health and well-being, yet maintenance and upkeep are a challenge to organize and enforce given that the responsibility for problems such as water seepage, pest management, maintenance of common areas etc. can be diffuse and unclear. Yet these dire conditions that currently exist must be addressed. We ask the Government to include in the Task Force-recommended standard tenancy agreement, clauses that address water issues, refuse collection, and pest management. Certain joint responsibilities of both landlords and tenants should be suggested.

### **Enforce water seepage prevention**

While water seepage is a persistent building problem in Hong Kong, the problem can be compounded inside subdivided flats due to the absence of waterproofing surfaces in shower areas, poorly assembled water supply pipes, and drains; drainage pipes of inadequate sizes, or improperly installed toilets.<sup>35</sup> Increase enforcement of SDU landlords to follow the recommended practices as specified by the Buildings Department on waterproofing works for bathrooms, kitchens (pantries), and plumbing/drainage pipes.

To safeguard the normal functioning of the drainage works and wastewater seepage, include periodic inspection of the drainage system, and when possible sanitary fitments, to ensure they are maintained and in working order. Problems should be addressed by a professional. Inspection certification should be made available to prospective tenants.

### **Ensure cleanliness of water supply**

While water supplied by the Water Supplies Department is of good quality, some old buildings may have corroded and rusty pipes providing the fresh water supply. In addition, the internal water supply system could be contaminated due to the drinking water tank not being properly cleaned, or use of inappropriate plumbing materials.

- Conduct regular testing of water supply for bacteria and chemical contamination.
- Include periodic inspection of exposed parts of the pipes and water storage tanks.
- Incentivize landlord participation in the Quality Water Supply Schemes for Buildings<sup>36</sup> put forward by the Water Supplies Department

### **Manage refuse**

The regular collection of refuse and the maintenance of refuse collection areas should be outlined in the standard tenancy agreement, in line with the Home Affairs Department's Building Management guidelines. To ensure proper hygiene and reduce fire risk, list out the management plan of refuse - such as responsibility, frequency and scope.

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<sup>35</sup> *Professional Guide to Water Seepage*, Building Surveying Division, Hong Kong Institute of Surveyors, (2014)

<sup>36</sup> *Quality Water Supply Scheme for Buildings - Fresh Water (Management System)*, Water Supplies Department, the Government of the HKSAR (accessed 23 September 2021), <https://www.wsd.gov.hk/en/water-safety/fresh-water-management-system-/index.html>

## **Control pest infestations**

Fleas, rats, and especially bedbug infestations, severely impact the physical and mental health of tenants. In addition to skin rashes and allergies, prolonged exposure to bedbugs can cause insomnia, anxiety, and depression.<sup>37</sup> Eliminate pests from inside flats and in common areas prior to occupancy and use building or screening techniques to minimise entry (ie use of metal partitions rather than wood to minimise bedbugs). Articulate the joint responsibilities of landlords and tenants in maintaining a pest-free environment inside the flat.

## **ACCESSIBILITY**

As a foundation from which to access employment, education, and health services, housing can be a strong driver of socio-economic inclusion. The shortage of adequate and affordable housing increases barriers to housing for all low-income tenants in Hong Kong, but can be especially hard on traditionally marginalized communities. The process of accessing housing itself can present significant challenges. We believe these stresses can be mitigated through the promotion of equitable access.

### **Expand non-discrimination protections in accessing private rental housing**

#### **Discrimination against certain passport holders**

To strengthen protections and fair treatment in accessing private rental housing, we urge the Government to adopt Recommendation 24 of the EOC's *Discrimination Law Review*, to conduct a public consultation and introduce protection from discrimination on grounds of nationality and citizenship under the Race Discrimination Ordinance (RDO).<sup>38</sup> While this EOC recommendation encompasses much more than housing, promoting non-discrimination across the board would improve access to adequate and affordable housing, and especially for those experiencing discrimination based on the passport they hold.

#### **Discrimination against single mothers**

For single mothers with children, a home conveys economic and food security and improves the ability to care for the health and mental and emotional well being of her children. A woman without a home is more vulnerable to violence, abuse, and harassment. We urge the Government to combat discrimination against single mothers during the rental process by measures such as:

- Increase awareness of the rights of single mothers under the EOC's Family Status Discrimination Ordinance (FSDO)
- Provide support for those discriminated against to lodge complaints or take the case to court

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<sup>37</sup> Ashcroft R, Seko Y, Chan LF, Dere J, Kim J, McKenzie K., *The Mental Health Impact of Bed Bug Infestations: A Scoping Review*, International Journal of Public Health. (November 2015)

<sup>38</sup> *Discrimination Law Review*, Equal Opportunities Commission (2016)

- Consider single parents explicitly in future policymaking, for example, create incentives for landlords to rent to single mothers

### **Discrimination against elderlies**

To decrease discrimination toward the elderly who seek rental housing, adapt or expand the coverage of existing discrimination ordinances - such as Cap. 480, the Sexual Discrimination Ordinance Article 29 which protects against discrimination in disposal or management of premises - to protect elderlies from discrimination based on age.

### **Update housing allowance for refugees and asylum seekers**

The current level of government assistance for refugees and asylum seekers is not adequate for living. As a result, many refugees and asylum seekers live in prolonged destitution below Hong Kong's poverty line, a situation compounded by the lack of the right to work.<sup>39</sup> We urge the Government to review the amount of housing allowance granted to refugee and asylum seeker claimants and adjust accordingly, to take into account inflation and the increases in rental costs and other fees since the amount was last adjusted in 2014.<sup>40</sup>

### **Deepen community involvement in housing-related policy decisions**

An inclusive, participatory process in the development of housing policies will contribute to policies that increase equitable access to adequate housing.

- Allocate resources to study options to institutionalize participatory planning in government planning around housing. Increase participation of people living in poor conditions, women, persons living with disabilities, members of ethnic minority and LGBTQA communities, and vulnerable or marginalized groups in decision making and the development of housing policies, with the goals of increasing representation of diverse viewpoints, decreasing inequities around housing, and addressing issues of cultural adequacy.
- Support nonprofits and community organizations in gathering data from residents in informal housing such as SDUs and other substandard housing. Incorporate community data collection as valid inputs, and use it to inform government decision making. Involve women, persons with disabilities, ethnic minority groups, and vulnerable populations so that future budgeting decisions and urban and housing planning are based on data inclusive of traditionally marginalized members of society.

## **LOCATION**

Given the cramped quarters of subdivided flats, it is essential that residents have access to public spaces and community facilities. We recognize that location is a top priority for tenants living in

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<sup>39</sup> *Parallel Report to the Committee on Economic, Social, and Cultural Rights*, Refugee Concern Network, (December 2020)

<sup>40</sup> Hong Kong Justice Centre, interview with Habitat (April 2021)

SDUs. That tenants opt to live in dense quarters in urban areas rather than in less cramped housing further away highlights the importance of location as an element of adequate housing. We urge the Government to expand diverse and equitable housing options in urban areas and adopt inclusive housing policies that minimize the segregation of communities.

### **CULTURAL ADEQUACY**

“...The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.”<sup>41</sup> We urge the Government to institutionalize participatory planning in decision-making around housing policies, specifically including minority and ethnic group member voices in the development of housing policies to ensure progress towards cultural adequacy in housing.

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<sup>41</sup> *Monitoring Housing Rights, Developing a Set of Indicators to Monitor the Full and Progressive Realization of the Human Right to Adequate Housing*, United Nations Human Settlements Programme, (2003)