



Beyond Four Walls and a Roof: Recommendations for improved living conditions in subdivided flats

Phase 2, updated 13 June 2022

Recommendations for improved living conditions in Subdivided Flats

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Introduction

We are nonprofit representatives with a common goal to improve living conditions for vulnerable members in our community by promoting recommendations to living conditions in SDUs. The Hong Kong SAR Government has committed to protect and fulfill the right to an adequate standard of living that includes adequate housing.¹ A rights-based policy approach can play a key role in meeting this commitment and improving living conditions for tenants in subdivided flats (SDUs).

This report includes strongly endorsed recommendations put forward by a range of organizations working with SDU tenants. We urge the Government to consider them in light of the need to increase public health safety amidst current and future pandemics, and the new SDU landscape being shaped by tenancy control regulations that came into effect in January 2022. Recommendations are organized around elements of the right to adequate housing as articulated by UN Habitat.²

While many in the community are working to eradicate SDUs – and we share this aspiration – it is also urgent to address immediate living conditions. Former Transport and Housing Secretary, Frank Chan, conceded that it may take years to decrease the wait time for public housing from six to three years.³ If improvements are not made, over 200,000 current SDU tenants and thousands of future tenants will continue to suffer unsafe, substandard and unhygienic living conditions for years to come.

Meeting the challenge of improving health and safety conditions in subdivided flats will contribute to making Hong Kong more inclusive, safe, and resilient - key targets of Sustainable Development Goal 11.1. The Government has shown determination to improve secure tenure and limit rent increases for SDU tenants, there is opportunity to build on this momentum by addressing living conditions and other aspects of adequate housing.

**The purpose of this report is to contribute to change in practices and policies in regard to inadequate living conditions in subdivided units. We anticipate that policies will change and we will revise this report accordingly, every 10-12 months. All versions are available on the Habitat website: <https://habitat.org.hk/>.*

¹ *Application of the International Covenant on Economic, Social and Cultural Rights in Hong Kong*, Basic Law Bulletin Issue No. 17, Department of Justice, (Dec 2015), https://www.doj.gov.hk/en/publications/pdf/basiclaw/basic17_3.pdf

² *The Right to Adequate Housing: Fact Sheet No. 21/Rev.1*, UN Habitat (2014)

³ Jack Tsang and Joyce Ng, *Hong Kong lawmakers demand government shorten 20-year projection to meet public housing target*, SCMP (20 Oct. 2021)

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Recommendations

1. AFFORDABILITY

Housing should not be so expensive that it leaves little room in one’s budget for utilities, food, clothing, transportation, health care and other basic needs... The average cost of housing per month should, in most cases, consume no more than approximately one-third of total monthly income.⁴

While new tenancy control regulations aim to limit rent increases, protect tenants from extraneous fees and fairly manage utility costs, it is urgent to address high starting rent costs.

Topic	Context	Recommendation(s)
Address high cost of initial rents	<p>A CUHK study found that SDU tenants pay more per square foot in rent than those living in larger housing units. For example, on Hong Kong Island SDU tenants pay an average of \$52.60 per square foot, while private flats in the same area let for an average of \$40.70 per square foot.⁵</p> <p>Costly rent is a heavy burden. A recent survey by the Hong Kong Council of Social Services found that almost a third of SDU households pay 50% or more of their income to rent.⁶</p> <p>In contrast, tenants in public rental housing become eligible for rent reduction when rent costs exceed 25% of</p>	<p>1.1 In Hong Kong, rent requiring more than 25% of a tenant’s household income is considered unaffordable.</p> <ul style="list-style-type: none"> A. Landlords should be free to charge up to, but not beyond market rent (per square metre). B. 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. C. 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. D. 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. E. Use data collected from the Form AR2 to ensure landlords

⁴ *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)

⁵ M.K. Ng, T.C. Yeung, W.Y. Leung, T.S. Lee, and W.Y. Chung (2021). *不適切住屋租金問卷調查 [Rental status survey on inadequate housing]*.

⁶ *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)

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	household income, while transitional housing rents are structured so as to not exceed 25% of household income.	<p>are not charging rent above a rent ceiling, as determined by market rent.</p> <p>For example, if one person is living in a 11 m² 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.</p>
Take a more equitable and inclusive approach to rent allowance allocation	As the current average waiting time for Public Rental Housing (PRH) is 6 years, ⁷ the Government will provide cash allowances for people who have been waiting for public housing for over three years through the Cash Allowance Trial Scheme.	<p>1.2 Extend allowance distribution to cover the entire PRH waiting period – through to the final PRH offer as needed – to ensure recipients have equitable access to all their housing options and are not limited to initial offers in the New Territories or extended urban areas.⁸</p> <p>1.3 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.⁹</p>
Minimize unethical practices	The current system allows for unethical practices where intermediary companies privately increase rents from tenants, charge a lump-sum lease renewal fee, create new leases through forced evictions, sublet, and overcharge utilities and service fees. ¹⁰	<p>1.4 Urge the Estate Agent Authority to strengthen enforcement of standard contracts and fair and ethical practices with real estate agencies that engage with prospective SDU tenants.</p> <p>1.5 Require increased transparency of communications from real estate agencies and property management companies, with the goal of further increasing fair and reasonable practices.</p>

⁷ *Number of Applications and Average Waiting Time for Public Rental Housing*, Hong Kong Housing Authority, (accessed March 2022)

⁸ *Response to Cash Allowance Trial Scheme*, Subdivided Flats Concerning Platform, (accessed 17 June 2021)

⁹ *Ibid*

¹⁰ *Inadequate Housing Report*, sponsored by Yau Tsim Mong District Council (February 2021)

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2. SECURITY OF TENURE

All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.¹¹

New tenancy regulations aim to protect tenants from random or forced eviction for two and up to four years. The implementation, monitoring, and enforcement of these new measures is a key concern.

Topic	Context	Recommendation(s)
Monitor and hold accountable Service Teams implementing new tenancy regulations	Six District Service Teams have been awarded funds to implement the new tenancy control regulations. There is concern this may not be adequate resources and manpower to provide needed services to over 200,000 SDU tenants.	<p>2.1 In the monthly and annual Service Team progress reports to Government, require indicators that capture: 1) improvements in landlord and tenant understanding of new regulations, 2) outreach to ethnic minority communities, and 3) numbers of dispute resolution cases handled, and results.</p> <p>2.2 Monthly and annual Service Team progress reports must be made readily available to the public.</p> <p>2.3 Provide a hotline for SDU tenants to report disputes and random or forced evictions. Conduct random on-site inspections, to find out if the tenants have been unfairly evicted (or overcharged for water and electricity).</p> <p>2.4 Break service areas down into smaller parts and fund additional District Service Teams to add coverage. Alternatively, outline a mechanism for Service Teams to request additional resources if there is insufficient manpower to cover the SDU landlords and tenants in their district.</p>
Expand tenure and eligibility for transitional housing	While transitional housing offers adequate living conditions the tenure period, 2-3 years, is too short. Tenants who waited 3 years for public housing prior to entering transitional housing often find that a few	<p>2.5 Increase tenant stays in transitional housing to a minimum of 6 years to align with the current average waiting time. Expand eligibility for</p>

¹¹ *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)

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	years is still not enough to cover the entire wait time for public housing (average is 6 years) - meaning they must move out of transitional housing and back into SDUs or other temporary housing. Each move into and out of transitional housing disrupts work, schooling, and community ties.	transitional housing to include those on the public housing waitlist for less than 3 years. Make available some transitional housing in urban areas.
Promote access to legal and mediation services	SDU tenants have little voice or protection within the tenant-landlord relationship. The threat of harassment, eviction, or being blacklisted as troublemakers prevents tenants from issuing complaints, thus limiting their access to remedies in cases of overcharging, substandard and unsafe housing conditions, discrimination, and etc.	<p>The RVD provides free advisory and mediatory services on tenancy matters at the Lands Tribunal and five district offices.¹² Mediation services are also offered by the Joint Mediation Helpline Office (soon to be the Judiciary).</p> <p>2.6 Service Teams must counsel tenants with disputes and facilitate access to appropriate mediation or legal services if and as needed. Mediation referrals must include strong incentives to promote landlord participation. The High Court has issued Practice Direction 31 requiring parties in certain civil litigations to first go through mediation. Consider incorporating this requirement into the tenancy agreement.</p> <p>2.7 Provide subsidies to facilitate SDU tenant access to mediation or legal services.</p>
Fill gaps in the resettlement process	<p>The Alliance for Better Re-housing Policy documented gaps in tenants' ability to access resettlement protections and due process available to those displaced by government actions:</p> <p>Private landlords who receive a Buildings Department (BD) clearance order must initiate a formal process that includes applying to the court and requesting the court bailiff in order to enable tenants to petition for temporary housing.</p>	<p>2.8 Broaden recipients 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.¹⁴</p> <p>2.9 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.¹⁵</p> <p>2.10 While the Community Care Fund and the URA offer various relocation subsidies, these are extremely targeted. Expand provision of</p>

¹² *Our Services, Tenancy Matters*, Ratings and Valuation Department, (accessed March 2022), https://www.rvd.gov.hk/en/our_services/tenancy_matters.html

¹⁴ Resettlement paper submitted to Legco by the Alliance for Better Re-housing Policy, (March 2021)

¹⁵ Ibid

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	<p>However, some landlords who receive a BD clearance order avoid the costs and legal hassle of going to court by instead resorting to informal means, such as cutting off water and electricity supply, to force tenants out.</p> <p>Lacking a court order and presence of the bailiff, tenants are blocked from petitioning for the resources, protections and due process that would otherwise be available to them.¹³</p>	<p>relocation subsidies to all tenants affected by government enforcement actions.¹⁶</p> <p>2.11 Review the current resettlement policy and launch relevant public consultations for ideas to fill in policy gaps and improve processes.¹⁷</p> <p>2.12 Expand provision of interim housing in urban districts, closer to where tenants work.¹⁸</p> <p>2.13 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.</p>
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3. HABITABILITY AND AVAILABILITY OF SERVICES, MATERIALS, FACILITIES, AND INFRASTRUCTURE

Adequate housing must provide adequate space and protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease...¹⁹ [It] must provide safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.²⁰

Enforcement of existing government standards for the health and safety of buildings should be strengthened. From 2012-2018, non-compliance with Mandatory Building Inspection Scheme (MBIS) notices ranged up to 77%.²¹ In that period, while 23,690 warning letters were issued only 139 prosecutions were instigated against owners who failed to meet standards.²² The situation is similar in regard to fire safety. Between 2007 and 2020, the Fire Services Department and Buildings Department inspected 9,716 buildings and

¹³ 王馥雅、吳堃廉、丘梓惠、洪一蘭、余煒榮，*劏房居民租務秘笈 Guide to Rental Issues for Residents in Sub-divided Units*, HKSCH Lady MacLehose Centre Group and Work Unit, (November 2019)

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Resettlement paper submitted to Legco by the Alliance for Better Re-housing Policy, (March 2021)

¹⁹ *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)

²⁰ Ibid

²¹ *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)

²² Ibid

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issued fire safety instructions to 8,493 buildings, but only 343 buildings made the improvements necessary to meet safety standards.²³ Compliance may be challenging in “3-nil” buildings but lax enforcement furthers the neglect of SDUs - over 80% of which are located in buildings 50 years old or above.²⁴

Environmental hygiene within flats is also critical to tenant health and well-being. Responsibility for problems such as water seepage, pest management, and maintenance of common areas can be diffuse. Yet, dire conditions must be addressed. As the Ratings and Valuation Department receives more Tenancy Forms (Form AR2) thus increasing data on SDUs, we urge the re-consideration of a licensing system for SDUs with clear health and safety inspection, repair and maintenance requirements.

Topic	Context	Recommendation(s)
Mandate minimum floor area requirements for SDUs	<p>Vast anecdotal evidence details the negative effects cramped flats have on tenant well-being. Studies show that increased living density is significantly associated with deprivation, anxiety and stress. A CUHK study found that, compared with living in a flat of less than 7 sq metres, living in a flat of 7-13 sq metres is significantly associated with lower risk of anxiety.²⁵</p> <p>Children who eat, play, and do homework on the bed may develop spinal issues.²⁶ Cramped quarters combined with poor lighting leads to a higher risk of developing myopia.²⁷ Small living space also</p>	<p>The average living space per person in public rental housing was 13.4 sq metres in 2020,³⁰ while families with living density of less than 7 sq metres of floor area per person are eligible to transfer to larger flats.³¹ Additionally, the Housing Authority will undertake “home space enhancement” of 10% or 20% in some public housing developments.³²</p> <p>Meanwhile, the average floor area for a single tenant in an SDU is 10.7 sq metres. This number decreases to 5.6 sq metres per person for a household of two and 4.5 sq metres for a household of three.³³</p> <p>3.1 We recommend a minimum floor area of 11 sq metres for single-person households in SDUs. For households of 2-4 persons we recommend minimum floor area of no less than 7 sq metres per person.</p>

²³ *Hong Kong Unison Report on Fire Safety*, Hong Kong Unison (2020)

²⁴ *Report of the Task Force for the Study of Tenancy Control in SDUs*, Transport and Housing Bureau, (March 2021)

²⁵ 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)

²⁶ 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)

²⁷ 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)

³⁰ *Housing in Figures, 2020*, Transport and Housing Bureau, (31 August, 2020), <https://www.thb.gov.hk/eng/psp/publications/housing/HIF2020.pdf>

³¹ Territory-wide Overcrowding Relief Exercise and Living Space Improvement Transfer Scheme, Hong Kong Housing Authority, (accessed March 2022), <https://www.housingauthority.gov.hk/en/public-housing/tenancy-matters/transfer/twor-and-lsits/index.html>

³² My Blog: All-out efforts to map out Hong Kong’s future, Development Bureau (10 Oct 2021), https://www.devb.gov.hk/en/home/my_blog/index_id_464.html

³³ *Report of the Task Force for the Study of Tenancy Control in SDUs*, Transport and Housing Bureau, (March 2021)

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	<p>negatively impact children’s social, emotional, and mental health development.²⁸</p> <p>In February 2022, in recognition of the deleterious effects of living in nano-flats, the Development Bureau mandated that nearly all new private flats meet a minimum size requirement of 26 sq meters.²⁹</p>	<p>This figure is the amount of living space significantly associated with lower risk of anxiety and stress.³⁴ It is also the density threshold used by the Housing Authority for families to qualify for larger quarters.</p> <p>Minimum floor area recommendations for SDUs</p> <table border="1" data-bbox="1041 391 1612 691"> <thead> <tr> <th>Household size</th> <th>Per person</th> <th>Total area</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>11 m²</td> <td>11 m²</td> </tr> <tr> <td>2</td> <td>7 m²</td> <td>14 m²</td> </tr> <tr> <td>3</td> <td>7 m²</td> <td>21 m²</td> </tr> <tr> <td>4</td> <td>7 m²</td> <td>28 m²</td> </tr> </tbody> </table> <p>3.2 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 floor area for SDUs could be maintained at 85% of PRH minimum floor area by household size.</p>	Household size	Per person	Total area	1	11 m ²	11 m ²	2	7 m ²	14 m ²	3	7 m ²	21 m ²	4	7 m ²	28 m ²
Household size	Per person	Total area															
1	11 m ²	11 m ²															
2	7 m ²	14 m ²															
3	7 m ²	21 m ²															
4	7 m ²	28 m ²															
<p>Adequate separation between cooking and toilet areas</p>	<p>Some flats are too small to accommodate a stove, leaving tenants to cook only with a rice cooker which we have observed is sometimes located in the toilet area. The practice of preparing food in close proximity to the toilet is critically unhygienic.</p>	<p>3.3 Ensure that no WC opens directly into the kitchen. Separate the WC from the kitchen/pantry with a corridor or a room. Provide a minimum 850mm separation between the WC door and pantry/open kitchen countertop. WCs should be separated by walls or a structural barrier from the kitchen.</p>															
<p>Address fire hazards unique to SDUs</p>	<p>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 the high density of sources of fuel</p>	<p>We recommend that SDUs have Fire Safety provisions higher than those required by law for regular domestic units. In addition to standards laid out in the Fire Safety (Buildings) Ordinance, and while recognizing the topic requires study by experts, we recommend standards specific to SDUs</p>															

²⁸ *Inadequate Housing Report*, sponsored by Yau Tsim Mong District Council (February 2021)

²⁹ Business & Finance: Land sale plan unveiled (24 Feb 2022), https://www.news.gov.hk/eng/2022/02/20220224/20220224_183706_150.html

³⁴ 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)

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	<p>such as waste products, textiles, and non-fire-rated timber partitions.</p>	<p>include:</p> <p>3.4 Doors width (See Annex)</p> <ul style="list-style-type: none"> • 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). <p>3.5 Compartmentation</p> <ul style="list-style-type: none"> • 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. <p>3.6 Fire Services Installation</p> <ul style="list-style-type: none"> • Provide a stand-alone type smoke detector where a pantry/open kitchen is provided in an SDU. • Install a portable fire extinguisher and fire blanket at the common area near the main door of an SDU quarter. • Require annual inspections by Registered Fire Service Installation Contractors of the above Fire Services Installations. <p>3.7 Naked flame cooking</p> <ul style="list-style-type: none"> • To maintain the safety of all, prohibit naked flame cooking in SDUs that do not have a separate kitchen.
<p>Enforce execution of prescribed fire safety repairs</p>	<p>Out of 2,800 buildings built over 60 years ago, 2,000 have been inspected and nearly 800 were issued prescriptions to address fire hazards. Yet in 2020, only 5% of Owner Corporations complied with fire safety instructions.³⁵</p>	<p>If a building violates the Buildings Ordinance and is unable to carry out restoration works as ordered, the Buildings Department can arrange for mandatory restoration of the building and collect fees from owners after works are completed. However, the Fire Services Department will not take [similar] initiative to assist owners to carry out compulsory repairs,</p>

³⁵ 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)

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		<p>resulting in a lack of support for three-no buildings or poorly managed buildings.³⁶</p> <p>3.8 Allocate resources to strengthen follow-up after fire safety instructions have been issued and increase enforcement of fire safety ordinance violations. Adapt the BD mandatory restoration model to fire services assistance, to bring buildings into compliance.</p>
<p>Educate and involve tenants in fire safety</p>	<p>Membership in Ownership Corporations (OCs) is voluntary. Thus, withdrawal from OCs is common resulting in the suspension of building improvement operations.³⁷</p>	<p>3.9 Expand current measures to encourage, support, and assist in the organization of Ownership Corporations and subsidy programmes to improve building facilities. (Such as the the Caring Fund-Old Building Owners' Corporation Subsidy Scheme, the Building Management Professional Advisory Service Scheme, and the Resident Liaison Ambassadors Scheme). Sustained assistance, capacity building, and resources are vital.³⁸</p> <p>3.10 Strengthen communication between the Fire Services Department and local organizations. Provide fire safety workshops that include how to use fire extinguishers and fire blankets. Outreach must be inclusive of traditionally marginalized communities.³⁹</p> <p>3.11 Increase promotion of the "Building Fire Safety Envoy" and the "Fire Safety Ambassador programmes in "three nil buildings" to enhance residents' awareness of fire protection, and to help coordinate future projects related to the upgrading of fire protection installations and equipment.⁴⁰</p> <p>3.12 Subsidize the cost of basic fire safety equipment in old buildings (see equipment list in Recommendation 3.6).⁴¹</p>

³⁶ *Fire Hazards in the Old Area of Sham Shui Po Request for the Government to Provide Support for "Three-nil" Buildings and Regulate Subdivided Units to Ensure Safety*, Sham Shui Po District Council Meeting, (4 March 2021)

³⁷ *Hong Kong Unison Report on Fire Safety*, Hong Kong Unison (2020)

³⁸ Ibid

³⁹ Ibid

⁴⁰ Ibid

⁴¹ Ibid

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<p>Uphold standards for light and ventilation</p>	<p>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.</p> <p>One study on the effects of open-air cooking in SDUs found that lack of a partitioned kitchen and effective ventilation results in poor air quality that may pose chronic health threats, particularly to children.⁴²</p> <p>Toilet areas without natural ventilation are at risk of accumulating germs or viruses... a health risk made more imminent in the restricted space of nano-flats, where germs can more easily spread to living or cooking areas.⁴³</p>	<p>3.13 Uphold basic requirements as required by law. External facing windows and openable windows must meet measurements and requirements as prescribed by the Buildings Department.</p> <p>3.14 For SDUs that cannot comply with BD standards, provide artificial lighting and mechanical ventilation, such as exhaust fan connecting to open air, as a remedial measure. For very poor existing conditions, install HEPA filters and/or UV-C lamps as temporary remedial measures to achieve minimal health and hygiene situations.</p>
<p>Improve personal security</p>	<p>Security issues are a large concern, especially for women. A survey in Yau Tsim Mong identified the main concerns: theft, drug use, fear of being sexually assaulted, and general feelings of unsafe living unsafe living.⁴⁴ Many SDUs are located in buildings without front entrance locks, allowing any passersby access to the building.</p>	<p>3.15 SDU owners have responsibility to provide functional locks and keys to tenants. Locking devices must open from the inside without a key. Functional locks and keys should be provided for units and buildings.</p>
<p>Educate landlords to maintain and repair subdivided flats</p>	<p>Under Part IVA of the Landlord and Tenant (Consolidation) Ordinance, the landlord must maintain and keep in repair the drains, pipes and electrical wiring serving the premises exclusively; and windows. In addition, the landlord must keep in proper working order fixtures and fittings. On receiving a notice from the tenant for repair of an item mentioned above, the landlord must carry out</p>	<p>Given the high demand for SDUs and high costs involved with seeking affordable housing and moving, terminating a tenancy in response to landlord noncompliance with a repair issue is not a realistic. We offer further options to address this issue.</p>

⁴² 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>

⁴³ *HKIS Views to 2020 Policy Address*, Hong Kong Institute of Surveyors (21 September 2020)

⁴⁴ *Inadequate Housing Report*, sponsored by Yau Tsim Mong District Council (February 2021)

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	<p>the repair as soon as practicable. If the landlord fails to fulfil his obligations, the tenant, may terminate the tenancy.⁴⁵</p>	<p>3.16 District Service Teams should increase landlord awareness of relevant government subsidies available to maintain flats and proactively assist landlords who qualify to apply for existing government subsidies to improve their flats. (Smart Power Care Fund, etc.)⁴⁶</p> <p>3.17 The <i>Community Care Fund Assistance Programme to Improve the Living Environment of Low-income SDU Households</i> provides one-off subsidies to SDU tenants, which includes funds to carry out minor improvements. Extend this programme (it is scheduled to end June 2022) and regularize disbursement of subsidies annually so that tenants may carry out minor improvements/repair works each year.⁴⁷</p> <p>3.18 Consider imposing a fine of 200% the repair cost or a flat minimum (whichever is higher) for landlords who do not comply with maintenance and repair requirements within a reasonable and clearly communicated timeframe. Alternatively, consider allowing the tenant to withhold paying the rent and utilities until such time as the repairs are completed.</p>
Remedy improper drainage works and enforce adherence to Buildings Department standards	<p>The plumbing systems in subdivided flats are altered, often informally, to accommodate more toilets than originally planned. The subsequent overload causes water seepage, sewage backflow and leakage.⁴⁸</p>	<p>3.19 Enforce landlord adherence to Buildings Department (BD) standards, so that waste and soil pipes meet minimum measurements with appropriate falls, and drains and sewers connect with protective structures.</p> <p>3.20 We urge the BD, through its Building Drainage System Repair Subsidy Scheme, to target buildings with subdivided flats. And in needed cases, widen their mandate and undertake works to repair or upgrade pipes serving individual units in addition to common drains.⁴⁹</p>
Enforce preventive	<p>Water seepage is a persistent building problem, often</p>	<p>3.21 Require SDU landlords to follow the recommended practices as</p>

⁴⁵ "Regulated Tenancies" At a Glance, Ratings and Valuation Department (January 2022)

⁴⁶ Caritas Community Development Service, interview with Habitat (April 26, 2022)

⁴⁷ Caritas Community Development Service, interview with Habitat (April 26, 2022)

⁴⁸ *Concern over Infection Risks Posed by Drainage Systems of Buildings in Yau Tsim Mong District*, Yau Tsim Mong District Council (18 February 2021)

⁴⁹ *Building Drainage System Repair Subsidy Scheme*, Legislative Council Panel on Development (23 March 2021), <https://www.legco.gov.hk/yr20-21/english/panels/dev/papers/dev20210323cb1-666-6-e.pdf>

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measures for water seepage	compounded in SDUs due to: shower water pooling on the floor due to absence of a proper fall and waterproofing membrane; poorly assembled sanitary fittings, water supply pipes, and drains; drainage pipes of inadequate sizes and/or improper falls; and inadequate or totally absent falls for converted bathrooms and toilets, along with a lack of a waterproofing membrane for the floors and walls. ⁵⁰	specified by the Buildings Department on waterproofing works for bathrooms, kitchens (pantries), and plumbing/drainage pipes. 3.22 To safeguard the normal functioning of drainage works and wastewater seepage, include periodic inspection of the drainage system and sanitary fittings. Problems should be addressed by a professional. Inspection certification should be made available to prospective tenants.
Ensure clean water supply	Water supply in buildings could become contaminated due to corroded, rusty pipes, improperly cleaned water tanks or inappropriate plumbing materials. ⁵¹	3.23 The Water Supplies Department should target buildings 50 years old and above for inspection and facilitate participation in the Water Safety Plan for Buildings as appropriate, to ensure cleanliness of drinking water.
Enforce regular refuse collection	Rubbish collection is irregular or lacking and maintenance of collection areas is lax, worsening pest infestations and unhygienic conditions.	3.24 Landlords should collect refuse regularly and maintain collection areas in line with the Home Affairs Department's Building Management guidelines. A refuse management plan – outlining frequency and responsibilities – should be in the tenancy agreement.
Prevent and manage pest infestations	Fleas, rats, and especially bedbug infestations severely impact physical and mental health. In addition to skin rashes and allergies, infestations exact a mental and psychological toll. Prolonged exposure to bedbugs can cause insomnia, anxiety, and depression. ⁵²	3.25 Landlords should eliminate pests from flats and common areas prior to occupancy and use materials to minimise entry. Joint responsibilities of landlords and tenants in maintaining a pest-free should be suggested. 3.26 The <i>Community Care Fund Assistance Programme to Improve the Living Environment of Low-income SDU Households</i> provides one-off subsidies to SDU tenants, which includes funds for pest control services. Extend this programme (it is scheduled to end June 2022) and regularize disbursement of subsidies annually so that tenants have the option of renewing pest control each year. ⁵³
Maintain	With little organization or enforcement, common	3.27 The maintenance plan of common areas, such as responsibility,

⁵⁰ *Professional Guide to Water Seepage*, Building Surveying Division, Hong Kong Institute of Surveyors (2014)

⁵¹ *Water Safety Plan for Buildings*, Water Supplies Department (accessed 17 March 2022), <https://www.wsd.gov.hk/en/water-safety/water-safety-in-buildings/index.html>

⁵² R. Ashcroft, Y. Seko, et al, *The Mental Health Impact of Bed Bug Infestations: A Scoping Review*, International Journal of Public Health. (November 2015)

⁵³ Caritas Community Development Service, interview with Habitat (April 26, 22)

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common areas	areas such as shared kitchens and toilet areas become filthy and dangerous to health.	frequency and scope, should be required as a component of the tenancy agreement.
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4. ACCESSIBILITY

Disadvantaged groups must be accorded full and sustainable access to adequate housing resources.⁵⁴

Topic	Context	Recommendation(s)
Make discrimination based on nationality and citizenship illegal	Prospective tenants are refused rental flats on the basis of the passport they hold. Against this discriminatory behavior those seeking housing have little recourse, as this behavior is not against the law. Real estate agents often propagate the situation by cooperating with landlords.	4.1 Adopt Recommendation 24 of the EOC's, <i>Discrimination Law Review</i> , which would introduce protection from discrimination on grounds of nationality and citizenship. ⁵⁵ This would provide backing for those who experience discrimination while seeking housing to lodge complaints and take legal action.
Address violations of the Racial Discrimination Ordinance (RDO)	Prospective tenants are harassed and refused rental flats due to their race. When a violation of the RDO occurs, the standards required to prove discrimination occurred are so high as to render the ordinance ineffective as a tool of justice or deterrence to landlords or real estate agents.	Under the RDO, those who provide services to the public may not refuse services on the grounds of race or aid discriminatory acts. 4.2 Form a task force made up of leadership from the Estate Agents Authority (EAA), the EOC, and traditionally marginalized communities, with the mandate to make recommendations to strengthen anti-discrimination practices – including a complaint mechanism and enforcement. 4.3 At a minimum, the EAA must establish procedures for a complaint mechanism in the case of an RDO violation by estate agents and

⁵⁴ *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)

⁵⁵ *Discrimination Law Review*, Equal Opportunities Commission (2016)

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		<p>devise measures for monitoring practitioner compliance.⁵⁶</p> <p>4.4 Adopt Recommendation 21 of the EOC's, <i>Discrimination Law Review</i>. This recommendation would, in the case of an RDO violation, shift the burden of proof to the defendant to prove that no discrimination occurred.</p>
<p>Enforce violations of the Family Status Discrimination Ordinance</p>	<p>Prospective tenants are refused rental flats due to family status. For women with children, a home conveys economic and food security, and improves their ability to care for the health and mental well-being of children while protecting from violence, abuse, and harassment.</p>	<p>4.5 Increase awareness of the rights of single parents under the EOC's Family Status Discrimination Ordinance (FSDO).</p> <p>4.6 Provide counseling and support for those discriminated against to lodge complaints or take the case to court.</p> <p>4.7 Consider single parents explicitly in future policymaking, for example incentivise landlords to rent to single parents or issue rental vouchers to single mothers.</p>
<p>Prevent and mitigate sexual harassment</p>	<p>In a 2018 survey of women in SDUs, the Concerning Grassroots Housing Rights Alliance found that, of 105 women interviewed 1 in 5 had experienced sexual harassment. Experiencing harassment in personal space that should be private and safe causes long-term stress and affects mental health.⁵⁷</p> <p>Given the density of SDUs which forces tenants to live in close proximity, protection from all forms of harassment is essential.</p>	<p>4.8 Adopt Recommendation 18 of the EOC's, <i>Discrimination Law Review</i>. This proposed amendment to the Sex Discrimination Ordinance (SDO), Race Discrimination Ordinance (RDO), and Disability Discrimination Ordinance (DDO) would protect tenants from sexual, racial, or disability harassment by other tenants occupying the same premises.⁵⁸</p> <p>4.9 Develop practices and increase awareness to prevent sexual harassment in SDUs and co-living spaces, including education about what actions constitute sexual harassment.</p> <p>4.10 Support those who experience sexual harassment by instituting a complaints procedure and referral to support such as legal counseling.</p>

⁵⁶ *Practice Circular No. 09-07(CR) on Race Discrimination Ordinance*, Estate Agents Authority (July 2009)

⁵⁷ 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)

⁵⁸ *Discrimination Law Review*, Equal Opportunities Commission (2016)

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Extend anti-discrimination ordinance to cover elderly tenants	Flats that experience the death of a tenant may be considered 'haunted' with the result that rental rates are forced lower. To minimise the risk of a death in their flat, landlords often refuse to rent to the elderly.	4.11 Adapt Cap. 480, the Sexual Discrimination Ordinance Article 29, which protects against discrimination in disposal or management of premises, to apply to senior citizens to protect them from discrimination based on age.
Increase understanding of housing policies and protections amongst ethnic minority communities	Without Cantonese skills, many members of ethnic minority groups are unable to access information about housing and protections from discrimination.	<p>4.12 Increase outreach in ethnic minority communities. Hold workshops in English - NGOs can help with translating needs – and rely on NGOs and community centres to distribute housing information.</p> <p>4.13 Improve accessibility of government housing information. Use everyday vocabulary in translated materials. Supplement written information with short videos in ethnic minority languages available via QR code to watch on a mobile phone.</p>
Increase resources for refugees and asylum seekers	<p>Refugees and asylum seekers live in destitution below Hong Kong's poverty line, a situation compounded by lack of the right to work.⁵⁹ The current level of assistance is sorely inadequate.</p> <p>Case workers are not always available to assist with vetting eligible flats and facilitating administrative tasks. Clients may become party to exploitative tenancy contracts or lose rental opportunities.⁶⁰</p>	<p>4.14 Review the amount of housing allowance granted to refugee and asylum seeker claimants and adjust to take into account inflation and increases in rental costs and fees since the amount was last adjusted in 2014.⁶¹</p> <p>4.15 Allocate adequate resources to ensure case workers are available to assist clients through the entire rental process.</p>
Involve traditionally marginalized voices in decision making around housing policies	<p>The government informs the public and listens to concerns. Members of traditionally marginalized groups are included on government advisory bodies.</p> <p>To ensure future policies meet the needs of impacted communities and are inclusive and equitable, go a step further and include disadvantaged groups at the decision-making table.</p>	4.16 Study options for institutionalizing participatory planning in the development of government housing policies. Increase involvement of traditionally marginalized groups to support the planning, design, resourcing, and implementation of policies. Create opportunities through engagement to increase accessibility and innovate equitable approaches to housing.

⁵⁹ *Parallel Report to the Committee on Economic, Social, and Cultural Rights*, Refugee Concern Network, (December 2020)

⁶⁰ Christian Action Centre for Refugees, interview with Habitat (January 2022)

⁶¹ Hong Kong Justice Centre, interview with Habitat (April 2021)

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		<p>4.17 Allocate resources to nonprofits and community organizations to gather data from tenants living in SDUs and other substandard housing.</p> <p>4.18 Recognize community data collection as valid inputs and use to inform government decision making, so that future budgeting decisions and urban and housing planning are inclusive of traditionally marginalized members of society.</p>
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5. LOCATION

Adequate housing must allow access to employment options, health-care services, schools, child-care centres and other social facilities and should not be built on polluted sites nor in immediate proximity to pollution sources.⁶²

That SDU 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.

6. 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.⁶³

In reference to housing, the greatest concerns expressed by organizations engaged with ethnic minority, refugee and asylum seekers were in regard to discrimination and dire living conditions. We put forward recommendations to address these concerns in relevant sections above. Additionally, we urge the Government to institutionalize participatory planning in decision-making around housing

⁶² *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)

⁶³ Ibid

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policies (Recommendation 4.16), specifically including minority and ethnic group member voices to ensure the consideration of cultural adequacy will be embedded in the planning of housing policies in future.

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