



Right to Adequate Housing

There were no recommendations made on the Hong Kong Special Administrative Region, China (HKSAR) in the Second UPR Cycle.

Framework in HKSAR

HKSAR is the most expensive city, worldwide, in which to buy a home. Broadly, housing is categorized into; permanent private housing, public rental housing, and public housing. The International Covenant on Economic, Social and Cultural Rights (ICESCR) has been extended to HKSAR and its implementation is covered under Article 39 of the Basic Law.

The middle income group is squeezed by the rocketing prices, relative to low incomes; particularly given that there is no control to prevent public rental rates being set against the wider commercial property market. The crisis in the affordability of housing in Hong Kong has been noted by successive Chief Executives since 2013. For example, the current Chief Executive, Carrie Lam, said in her Policy Address in October 2017 that “meeting the public’s housing needs is our top priority”.

However, despite these statements, since 2013 there has been a continued surge in property prices, rental prices and an increase in the number of homeless. Concerns with the lack of affordable and adequate housing were raised by the ICESCR Committee in their 2014 Concluding Observations on HKSAR.

Challenges

- The government has not taken sufficient action to protect and promote the right to adequate housing under Article 11(1) of ICESCR, including the right to choose one’s residence and freedom of movement. The rise in property prices is not matched by the rise in incomes. Housing supply is restricted, increasing prices and pushing people into renting, where there is limited from price rises.

Cases, facts and comments

- Median property prices are 19.4 times the median salary.
- In the years 2007-2016, property prices in HKSAR increased by 176.4%, compared to a 42.9% rise in the median monthly income. Rental prices have also substantially increased over the same period.
- Given market pressure, the waiting list for both Public Housing and Public Rental Housing increases, currently expected to be 4.6 years, well exceeding the government target of 3 years.
- Number of people registered as homeless has risen 22% over the past year.



<ul style="list-style-type: none">• The right to be free from arbitrary interference with one's home, privacy and family, protected by Article 11(1) of ICESCR, is not sufficiently protected. More people are living in Sub Divided Units (SDUs) or end up homeless.	<ul style="list-style-type: none">• More than 1 in 5 people live in poverty, the highest figures ever recorded. A 2015 study found 1,614 homeless people, double government estimates. There are only 630 hostel places.• SDUs present the only affordable option to some. A 2016 the Census and Statistics Department report estimated 210,000 people to live in SDUs. Despite a 2013 Policy Address to crack down on the existence of SDUs, there is no significant measure. 15% of SDUs house families of 4 or more.• The survey of those living in SDUs did not include "caged" living. It is estimated a further 40,000 people live in bunk bed spaces, with total living space of 1.4 square meters. Many lack proper sanitation or ventilation and are unsafe.
<ul style="list-style-type: none">• The "Small House Policy" applies in a discriminatory manner, allowing only male indigenous villagers to build houses in certain areas of Hong Kong.	<ul style="list-style-type: none">• The "Small House Policy" was established in 1972 as an interim measure for rural housing, allowing each male indigenous villager to build one small house – which has at most three storeys and a limit of 700 sq ft for each floor.• More than 42,100 villas have since been built, taking up 224 hectares in the New Territories.• Land rights for nearly a quarter of villas built for indigenous villagers are suspected to have been sold to developers through questionable deals.

Recommendations

- **HKSAR should introduce measures to restrict housing speculation and increase affordability, including but not limited to: mandating a proportion of units as 'affordable', real estate capital gains tax, increasing Special Stamp Duty rates and establishing Government backed first home saver accounts with interest incentives, within one year.**
- **HKSAR should reintroduce rent control to increase rental affordability within one year.**
- **HKSAR should take immediate measures to increase land supply for affordable housing, without impacting upon green belt land or country parks, including development under utilised and unused land.**
- **HKSAR should immediately abolish the Small House Policy.**

Questions to ask in advance

- *What concrete, deliberate and targeted steps will the HKSAR Government, take to improve security of tenure and increase rental affordability, consistent with the right to adequate housing under Article 11(1) of ICESCR, within the next two years?*
- *Across HKSAR, the People's Liberation Army (PLA) occupies 2,700 hectares (6,670 acres). Several reports have identified an underutilisation of the PLA's space. What measures will the HKSAR Government take to utilise this space for housing?*

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