

Submission to the Hong Kong Legislative Council's Subcommittee to Follow Up Issues Related to Inadequate Housing and Relevant Housing Policies

November 2019

Justice Centre Hong Kong (Justice Centre) appreciates this opportunity to make the following submission to the Hong Kong Legislative Council's Subcommittee to Follow Up Issues Related to Inadequate Housing and Relevant Housing Policies (the Subcommittee) for its meeting on 7 December 2019.

We would like to draw the Subcommittee's attention to observations made by Ms Leilani Farha, United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context¹, at a panel discussion titled "Poverty and housing in Hong Kong" on 9 November 2019². This panel was part of the academic workshop "Confronting Inequality and Social Exclusion in Hong Kong" co-hosted by the Department of Asian and Policy Studies of the Education University of Hong Kong and Justice Centre on 9 to 11 November 2019.

The Special Rapporteur noted that violations on the right to adequate housing is one of the most pressing human rights issues facing cities around the world. People from vulnerable and marginalised groups are most affected by violations to the right to adequate housing; they include people living in poverty, older people, LGBTQI+ people³, refugees, asylum seekers, migrants, persons with disabilities and young people.

While Hong Kong's housing situation may be extreme, it is not unique in this regard. She expressed concern upon learning about some statistics on Hong Kong's housing situation and the barriers faced by marginalised groups in accessing the right to adequate housing in Hong Kong.

The Special Rapporteur argued that, to address these violations, there needs to be a paradigmatic shift from viewing housing as an investment to respecting housing as a social good and human right. She referred to her report on human rights-based housing strategies (UN Doc. A/HRC/37/53)⁴, which detailed principles that governments should adopt to address housing concerns. A human rights-based housing strategy should include the following:

1. Measurable goals and timelines⁵

The government should set measurable, achievable goals and timelines that reflect the urgency of addressing violations of the rights to housing. For example, the government may commit to ending homelessness by 2030 in keeping with the Sustainable Development Goals, or commit to building a certain number of social housing units by a certain date.

¹ For more information on the Special Rapporteur's mandate, please see <http://www.unhousingrapp.org/> and <https://www.ohchr.org/en/issues/housing/pages/housingindex.aspx>

² Please view the panel discussion here: <https://bit.ly/2Oj9Zkg> and Ms Farha's message here: <https://www.youtube.com/watch?v=FxoDObF6-A>

³ LGBTQI+ is an acronym for lesbian, gay, bisexual, transgender, queer and intersex people.

⁴ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (15 January 2018). Available at: <https://undocs.org/A/HRC/37/53>

⁵ See Principle 6 of the Report of the Special Rapporteur, at note 3.

2. Recognition of the right to housing and related principles in law⁶

The right to housing and related principles should be recognised in law. The right to housing should be a legal right, and its related principles, such as the elimination of discrimination in housing and the protection of homeless people, should be provided in legislations⁷.

3. Regulation of the role of private actors⁸

The government should address the role of private actors in housing and ensure private actors are not violating or hindering access to the right to housing. The government should also educate private actors of their obligations to implement the right to adequate housing.

Please refer to the Special Rapporteur's report for detailed discussions and practical examples on human rights-based housing strategies.

Recommendation

To conclude, Hong Kong must begin by recognising the right to adequate housing as a legal right, and violations thereof as human rights violations. There is an urgent need for the Hong Kong Government to formulate rights-based housing strategies, which include laws, programmes, policies and decisions, to effect structural change. In this regard, it is key that the Hong Kong Government consult all stakeholders, including people most vulnerable to housing rights violations and civil society.

For more information, please contact Rachel Li, Research and Policy Officer at Justice Centre Hong Kong, via rachel@justicecentre.org.hk.

About Justice Centre Hong Kong

Justice Centre Hong Kong is a non-profit organisation focused on the promotion of human rights through our legal, psychosocial, research, policy and advocacy work. We are committed to driving change for a just and fair society.

Founded in 2007 as The Hong Kong Refugee Advice Centre, over seven years we helped over 2,000 men, women and children on the road to a new life.

Building on our expertise in refugee issues, in 2014 we identified a clear need for an increased response to tackling forced labour and human trafficking in Hong Kong, and expanded our remit to fill this gap and rebranded as Justice Centre Hong Kong. We now help around 300 people each year through our direct services and aim to benefit many more through our research, policy and advocacy work.

⁶ See Principle 1 of the Report of the Special Rapporteur, at note 3.

⁷ While the right to adequate standard of living, which encompasses the right to adequate housing is enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which is applicable to Hong Kong, the ICESCR has not been incorporated into domestic legislation.

⁸ See Principle 9 of the Report of the Special Rapporteur, at note 3.