

# Minimum Housing Standards Recommendations Report for SDUs

## 劏房的最低居住標準建議報告書

<b>Introduction</b> 簡介	2
<b>Recommendations</b> 建議	4
1. AFFORDABILITY 可負擔性	4
2. SECURITY OF TENURE 租住權保障	8
3. HABITABILITY 宜居性	11
4. AVAILABILITY OF SERVICES, MATERIALS, FACILITIES, INFRASTRUCTURE 提供服務、物料、設施、基礎設施	22
5. ACCESSIBILITY 可及性	26
6. LOCATION 位置	30
7. CULTURAL ADEQUACY 文化上的適當性	31
<b>Acknowledgments</b> 鳴謝	32

## Introduction 簡介

We are 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 have chosen to present and promote the implementation of minimum housing standard recommendations (“the Recommendations”) for SDUs to the HKSAR Government. Through a consultative process, we have gathered recommendations into a framework based on the UN Habitat principles from the 2014 ‘Elements of the Right to Adequate Housing’ publication. These principles provide a relevant framework 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 the minimum standards, we have 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 the current living conditions, recognising that the eradication of SDUs will take time to implement.

我們是由非牟利組織代表和社區持份者組成的非正式團體（下文稱為「參與者」、「我們」），共同目標是改善居住在分間單位（俗稱「劏房」）的住戶的生活狀況。為進一步實現這個目標，我們選擇向香港特區政府提出並推動實施關於「劏房」的最低居住標準建議（下稱「建議」）。通過諮詢過程，我們根據聯合國人類住區規劃署於 2014 年出版的《適足住房權》中的原則，把收集到的建議納入一個框架中。這些原則為香港提供了一個相關的框架，香港是一個具有國際地位的城市，也是《聯合國經濟、社會及文化權利國際公約》的締約地區，該公約承認享有適當生活水平的權利（第 11 條），包括適足住房。雖然我們意識到對許多劏房的業主來說，在短期內達到所有最低標準在結構上是不可能的，但我們仍提出一些建議，希望促進逐步實現這些權利。我們了解到社會上有消除劏房的意向，本報告是在這樣的情況下提交的，而我們也認同這個目標。本報告的重點是把立刻改變現有的生活狀況，視為當前急務，同時也認識到要消除劏房，是需要時間來實施的。

We appreciate the Government’s intention to adopt all recommendations put forward by the Government-appointed Task Force for the Study of Tenancy Control in SDUs (“Task Force”)<sup>1</sup> through an amendment to the Landlord and Tenant (Consolidation) Ordinance. The potential realization of tenancy control measures, creates 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

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<sup>1</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); [https://www.thb.gov.hk/eng/contact/housing/studyOnTenancyControl\\_Report.pdf](https://www.thb.gov.hk/eng/contact/housing/studyOnTenancyControl_Report.pdf)  
運輸及房屋局「劏房」租務管制研究工作小組秘書處，《「劏房」租務管制研究工作小組報告》，（2021年3月31日）；  
[https://www.thb.gov.hk/tc/contact/housing/studyOnTenancyControl\\_Report.pdf](https://www.thb.gov.hk/tc/contact/housing/studyOnTenancyControl_Report.pdf)

discouraging landlords from maintaining their flats. It follows that a comprehensive approach to tenancy control in SDUs would include legislation and measures to both enforce and incentivize upkeep, repairs, and hygienic conditions to mitigate the further decline of housing conditions that in many cases are already dire.

我們贊成政府打算通過修訂《業主與租客（綜合）條例》，採納政府委任的「劏房」租務管制研究工作小組（「工作小組」）提出的所有建議。租賃控制措施有可能實現，為解決劏房的安全問題和改善生活質素創造了新的機會，也再次令解決劏房問題成了當務之急。我們也注意到，租約管制往往會產生意想不到的後果，使業主不願意維修他們的物業。因此，對劏房的租約管制需要一個全面的配套，包括立法、強制實施和獎勵性措施，以維護、維修和保持單位衛生狀況，以免居住條件進一步下降，這些單位在許多情況下，已經很不理想。

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 and that have not yet been implemented. With legislative changes on the horizon and a growing sense of urgency around housing conditions in Hong Kong and a particular focus on SDUs, we urge the HKSAR 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.

我們聽取並收集了一直協助劏房租戶的組織建議，這些組織經常就租住服務或保障不足提出補救建議。我們的重點集中在那些能進一步實現聯合國原則但仍未實施的建議上。隨著立法改革的到來，加上香港的住屋問題越來越迫切，特別是對劏房的關注，我們促請香港特區政府從新的角度認真考慮這些建議。以前實施這些建議時的障礙可能已經轉移或減少，而新出現的措施可能有助實現這些建議。

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 and follow-up of existing standards. Additionally, as the practice of filing standard tenancy agreements gradually increases, we support the re-consideration of a licensing system to increase accountability.

我們支持目前由屋宇署和其他政府部門制定的最低標準，如果遵守這些標準，就可保障住戶有足夠的生活水平。我們強烈支持要求加強執行和跟進現有標準的聲音。此外，隨著提交標準租賃協議的做法逐漸增加，我們支持重新考慮建立牌照制度，以加強問責制。

In the Government's adoption of the Task Force recommendations and support to amend 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.

政府採納工作小組的建議和支持修訂《業主與租客（綜合）條例》，我們了解並歡迎政府有決心改善劏房租客的負擔能力和租賃保障期。我們現在要求政府進一步順著這個勢，實施和執行改善安全和生活水平的措施，以及更廣泛界定適切居住的原則。

## Recommendations 建議

To aid actionability of the Recommendations, we have organised them under the UN elements of adequate housing and divided them into three categories; (1) proposed legislative changes, (2) enforcement of current standards, and (3) minimum thresholds to aim for - i.e. incentivize compliance toward minimum thresholds without legal penalties for non-compliance. In addition to increasing tenant access to the UN principles, the driving factor used to determine the inclusion of each minimum standard recommendation is the aim of improving and protecting the health and well-being of SDU tenants.

為了提升建議的可行性，我們根據聯合國適足住房的要素去組織這些建議，並將其分為三類：（1）建議修改法例，（2）執行現行標準，以及（3）邁向最低門檻——即以非法律懲罰手段來激勵業主達到最低門檻。除了加強租客對聯合國原則的了解外，用以決定是否列入每個最低標準建議的驅動因素，是改善和保障劏房租客的健康和福祉。

### 1. AFFORDABILITY 可負擔性

*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. Low-income or subsidised housing must be made available to persons in need of assistance, and such housing must also comply with the other provisions stipulated here in order for that housing to be deemed adequate. The average cost of housing per month should, in most cases, consume no more than approximately one-third of total monthly income...<sup>2</sup>*

房屋不應過於昂貴，以至令一個人的財政預算中幾乎沒有餘錢應付水電、食物、衣服、交通、醫療和其他基本需求。我們必須向需要援助的人提供低收入房屋或有補貼的房屋，而這些房屋還必須符合這裡規定的其他條件，才能被視為適足住房。在大多數情況下，每月的平均房屋費用不應超過每月總收入的大約三分之一……

The Amendment to the Landlord and Tenant (Consolidation) Ordinance Bill under consideration by LegCo aims to fix a fair deposit amount, protect tenants from extraneous fees, and fairly and transparently manage utility costs. We support these measures and add further recommendations below to address high starting rent costs and restrictions on the cash allowance scheme.

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<sup>2</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)

《監察住房權利，制定一套指標監察充分並逐步實現適足住房的人權情況》聯合國人類住區規劃署 (2003)

立法會正在審議的《業主與租客（綜合）條例》修正案，旨在確定一個公平的按金金額，保障租客不需要繳交不相干的費用，並公平和透明地管理水電費。我們支持這些措施，並在下文進一步提出建議，以解決高租金起跳及對現金津貼計劃的限制。

Issue 問題	Context 背景	Recommendation(s)建議	Category 類別
<p>High cost of rent including high starting rents 租金成本高，包括租金起跳高</p>	<p>Smallest flats have been experiencing the greatest rent increases. From 2010 to 2019, rent rose 42% for units from 70 to 99.9 square metres, 64% for units ranging 40 to 69.9 square metres, and 80% for units under 40 square metres.<sup>3</sup> While these units are larger than SDUs, the trend becomes a vicious cycle: as rents per square metre go up, the demand for smaller housing increases, allowing landlords to charge higher rents.</p> <p>最小的單位租金漲幅最大。從2010年到2019年，70至99.9平方米的單位租金上漲42%；40至69.9平方米的單位上漲了64%；而40平方米以下的單位上漲了80%。雖然這些單位比劏房大，但這個趨勢已成為一個惡性循環：隨著每平方米的租金上漲，對小型房屋的需求增加，使業主可以收取更高昂的租金。</p> <p>Generally, the percentage of income SDU tenants pay to rent is 35%.<sup>4</sup> However, 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>5</sup> while the Hong Kong Council of Social Services recently found that almost a third of SDU households pay 50% or</p>	<p><b>1.1</b> In Hong Kong, rent requiring more than 25% of a tenant's household income is considered unaffordable. 在香港，支付超過租客家庭收入25%以上的租金，被視為是無法負擔的。</p> <p>A. Landlords should be free to charge up to, but not beyond market rent (per square metre). 業主可以自由地收取高達但不超過市值租金（每平方米）。</p> <p>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. 政府應設立一個租金津貼，以確保租客只支付可負擔的租金水平，定義為不超過家庭收入的25%。</p> <p>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. 援助程度應以估計租金為參考，由住宅單位每平方米的市值租金乘以該單位的建築面積來確定。</p> <p>D. The housing assistance should be means tested which can make reference to the public housing eligibility</p>	<p>3</p>

<sup>3</sup> *Investigation Report on the Rental Situation of Unsuitable Dwellings (Subdivided Houses, Board Houses, Cage Houses)*, Society for Community Organisation, (4 October 2020) 《不適切居所（劏房、板房、籠屋）租務情況調查報告》，香港社區組織協會（2020年10月4日）

<sup>4</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)  
運輸及房屋局「劏房」租務管制研究工作小組秘書處，《「劏房」租務管制研究工作小組報告》，（2021年3月31日）

<sup>5</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)

姚松炎、賴建國、梁嘉敏，《分析劏房戶租金與收入比率的真正變化》香港中文大學未來城市研究所及全港關注劏房平台（2015年6月25日）

	<p>more of their income to rent.<sup>6</sup></p> <p>一般來說，劏房租客支付的租金為收入的 35%。然而，在一個對五個區域的研究中，「全港關注劏房平台」發現，劏房家庭平均支付收入的 41%作為租金；而香港社會服務聯會最近發現，幾乎三分之一的劏房家庭支付收入的 50%或以上作為租金。</p> <p>In Hong Kong, the threshold for affordable housing, as defined in practise, is that which does not exceed 25% of income: tenants in public rental housing 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. This 25% threshold must extend to tenants of subdivided flats as well. 在香港，實際定義的「可負擔房屋」是指租金不超過收入的 25%：當租金成本超過家庭收入的 25%時，公屋租客就有資格獲得租金減免，而過渡性房屋的租金結構是不超過家庭收入的 25%。這個 25%的門檻也必須擴大到劏房租戶。</p> <p>Affordability plays a key role in giving tenants secure tenure. Our concern is that tenants unable to sustain costly rent payments over the long term are at a high risk of breaching their rent contract and having to move out as a result. 負擔能力在給予租客租住權保障時起著關鍵作用。我們關注的是，無法長期負擔昂貴租金的租客，很有可能違反他們的租約，並因此而不得不搬走。</p>	<p>scale but does not require the recipients to be on the waiting list for public housing. 房屋援助應進行入息審查，可以參考公屋資格標準，但不要求受助人在公屋的輪候名單上。</p> <p>E. The Government should use the tenancy control law to ensure landlords are not charging rent above a rent ceiling, as determined by market rent. 政府應利用租金管制法，確保業主收取的租金不超過由市值租金決定的租金上限。</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. 例如，如果一個人住在一個 11 平方米的單位中，市值租金是每平方米 400 元*，那麼估計租金的計算方法是：11 x 400 元= 4,400 元。如果這名租客的月收入為 10,000 元，他/她將支付 2,500 元的租金（佔收入的 25%），而政府的租金津貼將是每月 1,900 元，以滿足 4,400 元的估計租金。</p> <p>*actual figures may reference averages calculated by the Ratings and Valuation Department 實際數字可參考 差餉物業估價署計算的平均數。</p>	
Restricted Rent Allowance	As the current average waiting time for Public Rental Housing (PRH) is 5.8 years <sup>7</sup> and the number of family and	1.2 Extend the allowance distribution period for each recipient to cover the entire PRH waiting period, through to the final PRH	1

<sup>6</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)

「低收入劏房住戶」住屋選擇和服務需要調查簡報，香港社會服務聯會（2021年7月4日）

<sup>7</sup> Number of Applications and Average Waiting Time for Public Rental Housing, Hong Kong Housing Authority, (accessed May 2021) <https://www.housingauthority.gov.hk/en/about-us/publications-and-statistics/prh-applications-average-waiting-time/index.html>

<p>限制性租金津貼</p>	<p>single elderly applicants is 156,400, 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> <p>目前公屋的平均輪候時間為 5.8 年，家庭和單身長者的申請人數為 156,400 人，政府將通過現金津貼試行計劃，為輪候公屋超過三年的人士提供現金津貼。</p> <p>There is room to extend this allowance and take a more inclusive approach to allowance allocation.</p> <p>這筆津貼還有增加的空間，政府可以採取更包容的方式分配津貼。</p>	<p>offer as needed. This support will ensure all recipients have equitable access to all their housing options and not be limited to initial offers in the New Territories or extended urban areas.<sup>8</sup></p> <p>延長每位受助人士的津貼分配期至整個公屋輪候期，直至最終按需要輪候到公屋為止。這種支援可確保所有受助人士都能公平地得到全部的房屋選擇，而不局限於在新界或市區外圍地區的初次公屋分配。</p> <p><b>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.<sup>9</sup></b></p> <p>完善現有措施，對輪候公屋不足三年的人士（包括非老年單身人士）作出補償，擴大安全網，並保留對「N 無」家庭的津貼，使無法申請的低收入家庭仍能得到援助。</p> <p><b>1.4 Implement measures together with rent control to ensure the intended support of tenants, rather than allowing landlords to simply collect higher rent.<sup>10</sup></b></p> <p>與租金管制一起實施措施，確保對租客有預期的支援，而不是讓業主隨意地收取更高的租金</p>	
<p>Unethical Practices 不道德的做法</p>	<p>Real estate agencies and property management companies provide management services, including managing the rental process. 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. The leasing and</p>	<p><b>1.5 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.</b></p> <p>對要與準劊房租客處理租賃事宜的地產代理，我們敦促地產代理監管局加強執行標準合約以及公平和良好的實務守則。</p>	<p>2</p>

公屋申請數目和平均輪候時間，（2021 年 5 月瀏覽）<https://www.housingauthority.gov.hk/tc/about-us/publications-and-statistics/prh-applications-average-waiting-time/index.html>

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

回應運輸及房屋局於 6 月 17 日公佈之「現金津貼試行計劃」，（2021 年 6 月 17 日讀取），全港關注劊房平台

<sup>9</sup> Ibid 同上

<sup>10</sup> Ibid 同上

	<p>management methods of real estate intermediary property management companies is a contributing factor to pushing up rents.<sup>11</sup></p> <p>地產經紀和物業管理公司提供管理服務，包括管理租賃過程。目前的制度縱容不道德的做法，仲介公司私自向租客加租、收取一次過的續租費、通過驅逐租客訂立新的租約、分租、多收水電和服務費。地產仲介物業管理公司的租賃和管理方法，是推高租金的一個因素。</p>	<p><b>1.6</b> Require increased transparency of communications from real estate agencies and property management companies, with the goal of further increasing fair and reasonable practices. The Task Force recommended an Advisory Centre be set up to arrange public education and make rental information of SDUs more accessible to those in need. Allocate funds to this 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.</p> <p>要求提高地產經紀和物業管理公司的溝通透明度，目的是進一步提高公平合理的實務守則。工作小組建議成立一個諮詢中心推行公共教育，使有需要人士更容易得到劏房的租賃資訊。撥款給這個諮詢中心或資助一個非政府組織，去傳播房屋和租賃資訊，以便準租客了解相關政策，知道在簽署租賃協定前應該問什麼問題，並且在尋找住屋時不需要完全依賴地產經紀的資訊。</p>	
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## 2. SECURITY OF TENURE 租住權保障

*All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. Legal security of tenure describes an agreement, governed by a legal framework or legislative regime protecting individuals or groups regarding use of land or residential property generally to such an extent that those with security of tenure are protected against arbitrary forced eviction...*<sup>12</sup>

所有人都應該擁有一定程度的租住權保障，確保得到法律保障免受驅逐、騷擾和其他威脅。在法律上，租住權保障是指由法律框架或立法管制的協議，可保障個人或團體在使用土地或住宅財產時，使擁有租住權保障的人得到保障，免遭任意強迫驅逐.....

<sup>11</sup> *Inadequate Housing Report*, sponsored by Yau Tsim Mong District Council (February 2021)  
《油尖旺不適切住屋研究報告書》，油尖旺區議會贊助（2021年2月）

<sup>12</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)  
《監察住房權利，制定一套指標監察充分並逐步實現適足住房的人權情況》聯合國人類住區規劃署 (2003)



We are hopeful that the recommended standard tenancy agreement and fixed tenancy period that protects tenants from random or forced eviction currently under discussion has potential to increase security of tenure for SDU tenants. Other areas for improvement would include access to mediation and remedies and issues around resettlement.

我們希望，目前正在討論的兩個議題——標準租賃協議及保護租客免受隨意或強制驅逐的固定租期，可增加劏房租客的租住權保障。其他還可以改善的空間包括得到調解和補救措施，以及重新安置。

Issue 問題	Context 背景	Recommendation(s)建議	Category 類別
<p>Lack of mediation services and access to remedies 缺少調解服務和補償機會</p>	<p>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, thus limiting their access to remedies in cases of utilities overcharging, substandard and unsafe housing conditions, discrimination, and etc. 劏房租客沒有登記租賃協議，在租客與業主關係中幾乎沒有發言權或保障。驅逐的威脅使租客無法提出申訴，因此即使水電費多收了、房屋狀況不達標和不安全、歧視等情況也難以得到補償機會。</p>	<p><b>2.1</b> To shield people from harassment, discrimination, and abusive tenancy agreements, while also ensuring access to equitable and legal remedies when such violations occur,<sup>13</sup> 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”<sup>14</sup> such as recommended by the Task Force. This body should also provide increased support and counsel to SDU tenants on taking potential legal action to the various tribunals/court system as needed. 為了保障人們不受騷擾、歧視和違反租約的影響，同時確保在發生這些違法行為時，當事人能得到公平和合法的補償，當局應採納工作小組的建議，設立一個專責機構，「以執行劏房租務管制、協助調解業主與租客之間的糾紛[及]確保劏房營運者遵守相關的監管規定」。這個機構也應該為劏房租客提供更多的支援和諮詢，在必要時向各種審裁處／法院系統採取法律行動。</p>	<p>1</p>

<sup>13</sup> Ibid.同上

<sup>14</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)  
運輸及房屋局「劏房」租務管制研究工作小組秘書處，《「劏房」租務管制研究工作小組報告》，（2021年3月31日）；

<p>Resettlement 安置</p>	<p>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.</p> <p>「關注安置政策連線」記錄了在得到安置保障和正當程序方面的差距。當私人業主收到屋宇署的清拆令時，業主必須啟動一個正式程序，包括向法院申請，要求執達主任在場等，使租客能夠申請臨時房屋。</p> <p>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.</p> <p>然而，一些業主在收到屋宇署的清拆令時，為了避免上法庭的費用和法律上的麻煩，轉而採取非正式的手段，如切斷水電供應，迫使租客離開。</p> <p>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>15</sup></p> <p>如果沒有法院命令和執達主任在場，租客就無法申請臨時房屋，因政府行動而流離失所的人，就無法得到應得的保障和正當程序。</p>	<p><b>2.2</b></p> <p>A. 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>16</sup></p> <p>擴大安置政策的範圍，不僅包括寮屋或非法天台屋的住戶，還要包括受政府執法行動影響的不合標準房屋的住戶。</p> <p>B. 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>17</sup></p> <p>允許受影響的居民立即被安置到中轉房屋，並進行公屋申請資格和家庭資產評估，而不需要經過臨時收容中心和「無家可歸評審」。</p> <p>C. 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>18</sup></p> <p>雖然關愛基金和市建局提供各種安置津貼，但這些都是非常具有針對性的。安置津貼的提供範圍應擴大到所有受政府執法行動影響的租客。</p> <p>D. Immediately review the current resettlement policy and launch relevant public consultations.<sup>19</sup></p> <p>立即檢討現行的安置政策，並啟動相關的公眾諮詢。</p> <p>E. Expand provision of interim housing in urban districts,</p>	<p>1</p>
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<sup>15</sup> 王馥雅、吳堃廉、丘梓惠、洪一蘭、余煒樂，*劏房居民租務秘笈 Guide to Rental Issues for Residents in Sub-divided Units*, HKSKH Lady MacLehose Centre Group and Work Unit, (November 2019) 香港聖公會麥理浩夫人中心（團體及社區工作部），（2019年11月）

<sup>16</sup> Resettlement paper submitted to Legco by the Alliance for Better Re-housing Policy, (March 2021)  
關注安置政策連線呈交給立法會的《有關安置政策立場書》，（2021年3月）

<sup>17</sup> Ibid 同上

<sup>18</sup> Ibid 同止

<sup>19</sup> Ibid 同上

		<p>closer to where tenants work.<sup>20</sup>  在市區提供更多更接近租客工作地點的中轉房屋。</p> <p><b>2.3</b> 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> <p>為了減輕重新安置的負擔，政府應採取更有力的方法活化沒有危險性的工廈，允許將其用作中轉房屋／住宅發展。</p>	
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### 3. HABITABILITY 宜居性

*Adequate housing must provide adequate space and protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease. As such, housing must be constructed with materials that offer protection from the elements and provide for the comfort of occupants. Housing must also be in keeping with the protection of human health...*<sup>21</sup>

適足的房屋必須提供足夠的空間和保護，以免受寒冷、潮濕、酷熱、雨水、風或其他對健康、結構危險和疾病的威脅。因此，房屋的建築物料必須能夠提供保護，使居住者感到舒適。房屋還必須符合保護人類健康的要求...

Over 80% of subdivided flats are located in buildings that are 50 years old or above.<sup>22</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>23</sup> In that time period, while 23,690 warning letters

<sup>20</sup> Ibid 同上

<sup>21</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)

《監察住房權利，制定一套指標監察充分並逐步實現適足住房的人權情況》聯合國人類住區規劃署 (2003)

<sup>22</sup> *Report of the Task Force for the Study of Tenancy Control in SDUs*, Transport and Housing Bureau, (March 2021)

運輸及房屋局，《「劏房」租務管制研究工作小組報告》，（2021年3月）

<sup>23</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)

《有關強制驗樓計劃及強制驗窗計劃的匯報》，立法會 CB(2)1496/18-19(03)號文件，立法會跟進舊樓重建、維修及管理事宜聯合小組委員會，（2019年3月）

were issued only 139 prosecutions were instigated against owners who failed to comply with MBIS notices,<sup>24</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.

超過 80%的劏房位於有 50 年或以上樓齡的建築物中。遺憾的是，現有的樓宇健康和 safety 規例（如自然採光和通風、管道和排水、以及消防安全的規定）的監管和執行，往往沒有改善情況。雖然有關部門進行檢查和發出修葺通知的數量相當多，但對訂明的修葺建議的跟進行動卻未如理想。從 2012 年至 2018 年，沒有遵從「強制驗樓計劃」通知的比例有 44%到 78%不等。在那段期間，雖然有關部門已發出了 23,690 封警告信，但只有 139 宗個案是因業主沒有遵守「強制驗樓計劃」通知而受到檢控，起訴率不足 1%。我們了解到，有些業主希望遵守「強制驗樓計劃」通知的規定，但可能因各種複雜情況而難以遵守，包括「三無大廈」的既有問題。然而，我們擔心的是，疏於執法變相鼓勵忽視問題，對保護居民的生活條件並沒有好處。

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>25</sup> making the majority of SDUs likely to be substandard.

滿足現有標準的問題，對劏房來說，往往更加複雜。裝修工程可能由不合格的技工以不正規的方式進行，因此工程往往不符合標準，而且使用不當的物料完成，進一步破壞樓宇的耐久性和安全性。「全港關注劏房平台」估計，在 2015 年至 2019 年期間，只有 14%的劏房業主得到屋宇署批准進行改建工程，反映了大部分劏房可能不符合標準。

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 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.

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<sup>24</sup> Ibid 同上

<sup>25</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>  
香港劏房違例情況專題研究，全港關注劏房平台 Facebook 貼文，2020 年 2 月 12 日讀取，  
<https://www.facebook.com/SubdividedFlatPlatform/posts/3290989604342510>

我們支持工作小組的建議——設立一個諮詢中心，其任務的一部分是支援租戶就不適足的居住條件提出投訴、在有違反條例的情況下要求將檢查範圍擴大到單位內部，並強制遵守有關標準。隨著標準租賃協議的註冊數量逐漸增加，政府必須重新考慮一個具有明確的衛生和安全檢查、維修和升級要求的牌照制度。為了推動這一進程，我們敦促政府為在頭 1-3 個月、3-6 個月和 6-12 個月內註冊標準租約的劏房業主提供分段獎勵。

Issue 問題	Context 背景	Recommendation(s)建議	Category 類別						
<p>Inadequate Space 空間不足</p>	<p>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. A recent CUHK study found that, compared with living in high density quarters of less than 7 m<sup>2</sup>, living in a flat 7-13 m<sup>2</sup> was significantly associated with lower risk of anxiety.<sup>26</sup></p> <p>香港各地租客和社工已有大量關於擠迫單位對租客福祉有影響的軼事證據；除此之外，也有一些研究指出，居住面積細小和居住密度增加，與居民的貧困、焦慮和壓力增加有顯著關係。香港中文大學最近的一項研究發現，與居住在 7 平方米以下的高密度住宅相比，居住在 7-13 平方米單位的人士，其焦慮感明顯較低。</p> <p>Living in SDUs negatively affects the development of children, who often eat, play, and do homework on the</p>	<p><b>3.1</b> The current average per capita floor area for a single tenant in an SDU is 10.7 m<sup>2</sup>.<sup>30</sup> To improve living conditions and physical and mental well-being, we recommend as best practice a minimum floor area of 11m<sup>2</sup> for single-person households. This figure is less than the average living space per person in public rental housing, which was 13.4 m<sup>2</sup> in 2020.<sup>31</sup> We recommend a minimum floor area for households of 2-4 persons at no less than 7 m<sup>2</sup> per person, the amount of living space found to be significantly associated with lower risk of anxiety and stress.<sup>32</sup></p> <p>目前，單人住戶在劏房的平均人均居所樓面面積是 10.7 平方米。為了改善居住條件和身心健康，我們建議的最佳做法是單人家庭的最低樓面面積為 11 平方米。這個數字低於公屋的平均每人居住面積——2020 年為 13.4 平方米。我們建議 2-4 人家庭的最低樓面面積不少於每人 7 平方米，這個居住面積可令焦慮和壓力感大大減少。</p> <p>Minimum floor area 最低樓面面積</p> <table border="1" data-bbox="1003 1003 1577 1097"> <thead> <tr> <th data-bbox="1003 1003 1213 1097">Household size 住戶人數</th> <th data-bbox="1213 1003 1394 1097">Per person 每人</th> <th data-bbox="1394 1003 1577 1097">Total 總數</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Household size 住戶人數	Per person 每人	Total 總數				<p>3</p>
Household size 住戶人數	Per person 每人	Total 總數							

<sup>26</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) (2020 年 8 月)

<sup>30</sup> *Report of the Task Force for the Study of Tenancy Control in SDUs*, Transport and Housing Bureau, (March 2021)

《「劏房」租務管制研究工作小組報告》，運輸及房屋局（2021 年 3 月）

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

《房屋統計數字 2020》，運輸及房屋局，（2020 年 8 月 31 日），

<sup>32</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) (2020 年 8 月)

	<p>bed. Children may develop spinal issues<sup>27</sup> and, when cramped quarters are combined with poor lighting, they have a higher rate of developing myopia.<sup>28</sup> Physical development is just one concern, as living in SDUs negatively impacts children's social, emotional, and mental health development.<sup>29</sup></p> <p>在劏房居住對兒童的發展有負面影響，他們經常在床上吃飯、玩耍和做功課，可能會出現脊柱毛病。如果居住空間狹窄再加上照明不足，他們患近視的比例會更高。身體發育只是其中一個問題，住在劏房也對兒童的社交、情感和心理健康發展有負面影響。</p>	<table border="1" data-bbox="1003 207 1577 464"> <tr> <td>1</td> <td>11 平方米</td> <td>11 平方米</td> </tr> <tr> <td>2</td> <td>7 平方米</td> <td>14 平方米</td> </tr> <tr> <td>3</td> <td>7 平方米</td> <td>21 平方米</td> </tr> <tr> <td>4</td> <td>7 平方米</td> <td>28 平方米</td> </tr> </table> <p>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> <p>由於公屋的平均居住面積在未來會繼續增加，我們建議將劏房的最低樓面面積要求與公屋標準按百分比掛鈎。例如，按住戶人數計算，劏房單位的最低樓面面積可維持在公屋最低樓面面積的 85%。</p> <p><b>3.2</b> Floor to ceiling height for habitable space should be minimum 2.5m. 2.3m can be allowed under structural beams. Absolute minimum height under the cockloft should be 2m.</p> <p>可居住空間的地板至天花板高度應至少為 2.5 米，有結構橫梁則是 2.3 米，閣樓的最低高度必須有至少 2 米。</p>	1	11 平方米	11 平方米	2	7 平方米	14 平方米	3	7 平方米	21 平方米	4	7 平方米	28 平方米	
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Inadequate	Some flats are too small to accommodate a stove,	<b>3.3</b> Ensure that no WC opens directly into the kitchen. Separate	2												

<sup>27</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)

黃文生、何仲豪，*Posture Management and Furniture Design for SDU Children*, PowerPoint 演示文稿（2021 年 1 月 23 日於香港理工大學賽馬會社會創新設計院舉辦的社創研討會——劏房戶兒童的身心健康中發佈）

<sup>28</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)

蔡啟業、黃小慧，*Effect of Living Environment on Refractive Error in School-aged Children and Possible Community Interventions*, PowerPoint 演示文稿（2021 年 1 月 23 日於香港理工大學賽馬會社會創新設計院舉辦的社創研討會——劏房戶兒童的身心健康中發佈）

<sup>29</sup> *Inadequate Housing Report*, sponsored by Yau Tsim Mong District Council (February 2021)

《油尖旺不適切住屋研究報告書》，油尖旺區議會贊助（2021 年 2 月）

<p>separation between cooking facilities and soil fitment 煮食設施和便溺污水設施之間的隔離不足</p>	<p>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. 有些單位太狹小，無法放置煮食爐，租客只能用電飯煲做飯，而我們發現電飯煲有時甚至要放在廁所內。在靠近廁所的地方準備食物的做法是非常不衛生的。</p>	<p>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. 確保廁所不會直接通向廚房，用走廊或一個房間將廁所與廚房／茶水間隔開。在廁所門和茶水間／開放式廚房檯面之間提供至少 850 毫米的間隔。廁所應該用牆或結構屏障與廚房隔開。</p>	
<p>Significant fire hazards 嚴重的火災隱患</p>	<p>SDUs have an increased fire risk due to factors such as abundance of sources of ignition such as naked flames, heaters and overburdened electrical systems; as well as and the high density of sources of fuel, such as waste products, textiles, non-fire-rated timber partitions; and high density of occupants. 由於劏房有非常多的火源，如明火、暖爐和負荷過度的電氣系統、還有堆積了很多燃料來源，如廢品、紡織品、非防火等級的木質隔板，再加上非常多擠迫戶，令劏房的火災風險增加。</p>	<p>We recommend that SDUs have Fire Safety provisions higher than those required by law for regular domestic units. While acknowledging this topic requires recommendations by experts, we put forward recommended standards specific to SDUs (in addition to standards laid out in the Fire Safety (Buildings) Ordinance): 我們建議劏房的消防安全規例須高於法律對普通住宅單位的要求。除了《消防安全（建築）條例》中規定的標準外，我們建議針對劏房的標準包括：</p> <p><b>3.4 Doors width (See Annex)</b></p> <ul style="list-style-type: none"> <li>● 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).</li> <li>● 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).</li> </ul> <p>門的寬度（見附件）</p> <ul style="list-style-type: none"> <li>● 如果附有防煙封條的 FRR -/60/-大門完好無損，就要確保劏房單位的走廊寬度不小於 750 毫米（最多為 30 人）及 850 毫米（超過 30 人）。</li> <li>● 如果沒有防煙封條的 FRR -/60/-大門，就要確保走廊的寬度不小於 1050 毫米。最小的門寬應該是 750 毫米（最多為 30 人）及 850 毫米（超過 30 人）。</li> </ul> <p><b>3.5 Compartmentation</b></p> <ul style="list-style-type: none"> <li>● Regard each SDU as an independent fire compartment,</li> </ul>	<p>1</p>

		<p>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> <p>單位劃分 將每個劏房視為一個獨立的隔火間，用 FRR -/60/60 的隔牆和 FRR -/60/-的門與其他單位分開。確保這些門是可自動關閉的，並有防煙裝置。</p> <p><b>3.6 Fire Services Installation</b></p> <ul style="list-style-type: none"> <li>● Provide a stand-alone type smoke detector where a pantry/open kitchen is provided in an SDU.</li> <li>● Install a portable fire extinguisher and fire blanket at the common area near the main door of an SDU quarter.</li> <li>● Require annual inspections by Registered Fire Service Installation Contractors of the above Fire Services Installations.</li> </ul> <p>安裝消防設施</p> <ul style="list-style-type: none"> <li>● 在設有茶水間／開放式廚房的劏房內，提供獨立式煙霧探測器。</li> <li>● 在劏房單位靠近大門的公共區域安裝便攜式滅火器和滅火毯。</li> <li>● 要求註冊消防裝置承辦商對上述消防設施進行年度檢查。</li> </ul> <p><b>3.7 Naked flame cooking</b></p> <ul style="list-style-type: none"> <li>● To maintain the safety of all, prohibit naked flame cooking in SDUs that do not have a separate kitchen.</li> </ul> <p>明火煮食 為了保障所有人的安全，禁止在沒有獨立廚房的劏房中明火煮食。</p>	
<p>Significant fire hazards 嚴重的火災隱患</p>	<p>Around 13,500 target buildings are regulated by the Fire Safety (Buildings) Ordinance. 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.</p>	<p><b>3.8</b> Allocate resources to strengthen follow-up after the fire safety instructions have been issued and increase enforcement of fire safety ordinance violations.<sup>36</sup></p> <p>撥出資源，加強消防安全指引發出後的後續工作，加強違反消防安</p>	<p>1</p>

<sup>36</sup> Hong Kong Unison Report on Fire Safety, Hong Kong Unison (2020)  
香港融樂會就消防安全提交的報告書，香港融樂會（2020年）



	<p>However in those 13 years, only 343 buildings made the fire safety improvements specified in the instructions to meet requirements.<sup>33</sup></p> <p>約有 13,500 座目標樓宇受到《消防安全（建築物）條例》的監管。在 2007 年至 2020 年期間，消防處和屋宇署完成了對 9716 棟樓宇的檢查，並向 8493 棟樓宇發出消防安全指引。然而，在這 13 年間，只有 343 棟樓宇有按指示中的規定改善消防安全以滿足要求。</p> <p>There are 2,800 old buildings in Hong Kong that were built over 60 years ago. 香港有 2,800 幢建於 60 年前的舊樓。</p> <p>Over 2,000 old buildings have been inspected and nearly 800 buildings have different levels of fire hazards; in 2020, only 4% to 5% of Owner Corporations followed fire safety instructions.<sup>34</sup></p> <p>有關部門已檢查過 2,000 多座舊樓，近 800 座有不同程度的火災隱患；在 2020 年，只有 4%至 5%的業主立案法團有遵守消防安全指引。</p> <p>It is almost impossible to establish an Ownership Corporation (OC) in "three-nil buildings" without government assistance. The Home Affairs Department provides subsidies through the "Caring Fund-Old</p>	<p>全條例的執法力度。</p> <p><b>3.9</b> Subsidize the cost of basic fire safety equipment in old buildings (see the equipment listed in Recommendation 3.6).<sup>37</sup></p> <p>資助舊樓安裝基本消防安全設施的費用（見建議 3.6 中所列的設施）。</p> <p><b>3.10</b> Increase public awareness of fire prevention. 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>38</sup></p> <p>提高公眾的防火意識。加強消防處與地區組織或聯絡人的溝通，舉辦消防安全講座，包括教育市民如何使用滅火器和滅火毯。外展活動應有包容性，包括邀請少數族裔團體參加。</p> <p><b>3.11</b> Increase promotion of the "Building Fire Safety Envoy" (樓宇消防安全特使) and the "Fire Safety Ambassador (消防安全大使) 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.<sup>39</sup></p> <p>在「三無大廈」中加強推廣「樓宇消防安全特使」和「消防安全大使」計劃，提高居民的防火意識，並協調未來與提升消防設施和設備有關的項目。</p>	
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<sup>33</sup> *Hong Kong Unison Report on Fire Safety*, Hong Kong Unison (2020) 香港融樂會就消防安全提交的報告書，香港融樂會（2020 年）

<sup>34</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)

朱慧芳、陳梓維，《關注行政長官考慮修改法例，授權消防處和屋宇署以收費方式為舊樓進行消防安全改善工程的情況》，油尖旺區議會房屋事務委員會（2021 年 2 月 22 日）

<sup>37</sup> Ibid 同上

<sup>38</sup> Ibid 同上

<sup>39</sup> Ibid 同上

	<p>Building Owners' Corporation Subsidy Scheme (關愛基金—舊樓業主立案法團津貼計劃). Additionally, the Home Affairs Department launched the Building Management Professional Advisory Service Scheme (BMPASS) and the Resident Liaison Ambassadors Scheme (RLA Scheme) to provide support services for "three-nil" buildings. Since many owners of old buildings do not have deep knowledge of building maintenance and membership in the OC is voluntary, withdrawal is common resulting in the suspension of operations.<sup>35</sup></p> <p>如果沒有政府的幫助，要在「三無大廈」中成立業主立案法團幾乎是不可能的。民政事務總署通過「關愛基金—舊樓業主立案法團津貼計畫」提供津貼。此外，民政事務總署還推出了「大廈管理專業顧問服務計劃」和「居民聯絡大使計劃」，為「三無」大廈提供支援服務。由於許多舊樓的業主對樓宇維修沒有深刻認識，而加入業主立案法團是自願的，因此退出的情況很普遍，導致法團無法運作。</p>	<p><b>3.12</b> Expand current measures to encourage, support, and assist in the organization of Ownership Corporations and subsidy programmes to improve building facilities. Sustained assistance, capacity building, and resources are vital.<sup>40</sup>  擴展目前的措施，鼓勵、支援和協助組織業主立案法團；資助可改善樓宇設施的計劃。持續的支援、能力提升和提供資源是至關重要的。</p> <p><b>3.13</b> Encourage residents to participate in building management through "District Led Action Plans" or other schemes.<sup>41</sup>  通過「地區主導行動計劃」或其他計劃，鼓勵居民參與樓宇管理。</p>	
<p>Limited access to light and ventilation - habitable</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</p>	<p>Uphold basic requirements as required by law including:  堅持法律規定的基本要求，包括：</p> <p><b>3.14</b> Living space and Kitchen - Prescribed windows facing</p>	<p>2</p>

<sup>35</sup> *Hong Kong Unison Report on Fire Safety*, Hong Kong Unison (2020)  
香港融樂會就消防安全提交的報告書，香港融樂會（2020年）

<sup>40</sup> *Ibid* 同上

<sup>41</sup> *Ibid* 同上

<p>space and kitchen 採光和通風不足——可居住的空間與廚房</p>	<p>critically sub-standard. One study conducted on the effects of open air cooking in SDUs, found that lacking a partitioned kitchen and effective ventilation in SDUs, the resulting poor air quality may pose chronic health threats to occupants, particularly children.<sup>42</sup> 由於居住密度高，加上安裝了額外的隔板，還有煮食、洗澡和洗衣等高濕度的活動也集中在這個空間，劏房的日光和自然通風都嚴重低於標準。一項關於在劏房中開放式煮食有何影響的研究發現，如果劏房中沒有分隔開的廚房和有效的通風，所產生的混濁空氣可能會對住戶尤其是兒童的健康構成慢性威脅。</p>	<p>external air window glazing area not less than 1/10 of room floor area and openable windows area not less than 1/16 of room floor area, should be provided. 居住空間和廚房——面向室外的窗戶，玻璃面積不少於房間面積的 1/10，可開啟的窗戶面積不少於房間面積的 1/16。</p> <p><b>3.15</b> For SDUs that cannot comply with the above due to existing conditions, provide artificial lighting and mechanical ventilation, such as exhaust fan not less than 150mm diameter opening connecting to open air, as a remedial measure. 對於因現有條件限制而未能達到上述要求的劏房，業主應提供人工照明和機械通風作為補救措施，如使用直徑不小於 150 毫米，與露天空氣相通的抽氣扇。</p> <p>For very poor existing conditions, install HEPA filters and/or UV-C lamps as temporary remedial measures to achieve minimal health and hygiene situations. 對於現有條件非常差的劏房，則安裝 HEPA 高效濾網和／或 UV-C 燈作為臨時補救措施，以達到最低的健康和衛生標準。</p> <p>Four criteria should be considered in the provision of artificial lighting to provide adequate light for studying, reading, and everyday living: 1) sufficient light source, 2) stable light source, 3) holistic light source, and 4) suitable light intensity.<sup>43</sup> 在提供人工照明時，應考慮四個標準，以便為學習、閱讀和日常生活提供足夠的光線：1) 充足的光源，2) 穩定的光源，3) 整體的光源，4) 合適的光度。</p>	
<p>Limited access to light and ventilation –</p>	<p>The risk of accumulation of germs or viruses in a toilet area without natural ventilation, is believed to be greater when the building is aged and under maintained. This</p>	<p>Uphold basic requirements as required by law including: 堅持法律規定的基本要求，包括：</p>	<p>2</p>

<sup>42</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>

Cheung, P.K., Jim, C.Y. & Siu, C.T., *Air Quality Impacts of Open-plan Cooking in Tiny Substandard Homes in Hong Kong*, (2019 年 5 月 11 日), <https://doi.org/10.1007/s11869-019-00705-9>

<sup>43</sup> *Research Report on the Worsening Eyesight and Online Learning Difficulties of Students Living in SDUs During COVID*, Caritas Lai Chi Kok Workers' Centre, (4 April 2021)

《疫情下劏房學童視力變差及網上學習遇困難調查報告書》，明愛荔枝角職工中心（2021 年 4 月 21 日）

<p>WC 採光和通風不足——廁所</p>	<p>health risk is more imminent in the very restricted space of nano-flats, where germs can more easily spread to living or cooking areas.<sup>44</sup> 在老化和欠缺維修的樓宇中，病菌或病毒在沒有自然通風的廁所中積累的風險會更大。這些健康風險在空間非常有限的納米單位中更迫在眉睫，病菌更容易傳播到生活或煮食區。</p>	<p><b>3.16 WC:</b> Windows facing open air, window glazing area not less than 1/10 of room floor area and openable windows area not less than 1/10 of room floor area should be provided. 廁所：面向戶外的窗戶，窗戶玻璃面積不小於房間面積的 1/10，可開啟的窗戶面積不小於房間面積的 1/10。</p> <p>For SDUs that cannot comply with the above due to existing conditions, artificial lighting, and mechanical ventilation, such as exhaust fan not less than 150mm diameter opening connecting to open air should be provided as a remedial measure. 對於因現有條件限制而未能達到上述要求的劏房，業主應提供人工照明和機械通風作為補救措施，如使用直徑不小於 150 毫米，與露天空氣相通的抽氣扇。</p> <p>For very poor existing conditions, HEPA filters and/or UV-C lamps may be installed as temporary remedial measures to achieve minimum health and hygiene situations. 對於現有條件非常差的劏房，則安裝 HEPA 高效濾網和／或 UV-C 燈作為臨時補救措施，以達到最低的健康和衛生標準。</p>	
<p>Lack of personal security 缺乏人身安全</p>	<p>Issues around security are a large source of 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>45</sup> Many SDUs are located in buildings without security or front entrance locks, allowing any random passersby access to the building. 安全問題是劏房租客最關心的問題，尤其是女性租客。最近在油尖旺進行的一項調查發現，主要問題包括偷竊、吸毒、擔心被性侵犯，以及普遍的生活不安全感。許多劏房所在的大廈也沒有保安或大廈入口門鎖，令任</p>	<p><b>3.17</b> SDU owners have the responsibility to provide functional locks and keys to tenants. Such locking devices must be capable of being opened from the inside without using any key. Owners do not have the right to deny access of any tenants, without prior notice and consent by the tenants, such as through the control of remote smart card systems, unless the tenants have breached any specified item in the Tenancy Agreement that has clearly been defined that the breach would result in denial of access to property. Provide functional locks and keys for both individual units and buildings. 劏房業主有責任向租客提供合用的鎖和鑰匙。這些鎖具必須能夠在不使用任何鑰匙的情況下從內部打開。業主無權在沒有事先通知和</p>	<p>2</p>

<sup>44</sup> *HKIS Views to 2020 Policy Address*, Hong Kong Institute of Surveyors (21 September 2020)  
《HKIS Views to 2020 Policy Address》，香港測量師學會（2020年9月21日）

<sup>45</sup> *Inadequate Housing Report*, sponsored by Yau Tsim Mong District Council (February 2021),  
《油尖旺不適切住屋研究報告書》，油尖旺區議會贊助（2021年2月）

	何人也可隨時進入大廈。	徵得租客同意的情況下拒絕任何租客進入（例如通過遠端智能卡系統的控制），除非租客違反了租賃協議中明確規定的特定條款才能被拒絕進入物業。業主要為租戶提供單位和樓宇的鎖和鑰匙。	
Lack of or no protection from harassment 缺乏或沒有免受騷擾的保護	<p>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. Experiencing harassment in personal space that should be private and safe is a source of long-term stress that seriously affects mental health.<sup>46</sup></p> <p>關注基層住屋聯席在 2018 年對居住在劏房的女性進行的調查發現，在 105 名受訪女性中，每 5 人中就有 1 人經歷過性騷擾。在本應是私密和安全的個人空間遭到騷擾，是嚴重影響心理健康的長期壓力來源。</p> <p>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.</p> <p>由於劏房是密閉的空間和擁擠的居所，這迫使租戶們要相鄰而居，因此，保護他們免受各種形式的騷擾尤為重要。</p>	<p><b>3.18</b> Incentivize the development of practices to prevent sexual harassment in SDUs and co-living spaces, including education about what constitutes sexual harassment, and support those who experience sexual harassment by instituting a complaints procedure and referral to external supports such as legal advice and counseling.</p> <p>鼓勵在劏房和共同生活空間制定防止性騷擾的做法，包括教育如何構成性騷擾，並通過建立投訴機制和轉介至外部支援(如法律諮詢和輔導)，支援那些經歷性騷擾的人。</p> <p><b>3.19</b> Adopt Recommendation 18 of the EOC's, <i>Discrimination Law Review</i>, 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>47</sup></p> <p>採納平等機會的《歧視條例檢討》建議第 18 項，修訂《性別歧視條例》、《種族歧視條例》和《殘疾歧視條例》，以涵蓋居住地方，保障租客或分租客免受住在同一處所的另一租客或分租客的性騷擾、種族騷擾或殘疾騷擾。</p>	1

<sup>46</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) (2018年8月19日)

<sup>47</sup> *Discrimination Law Review*, Equal Opportunities Commission (2016)  
《歧視條例檢討》，平等機會委員會（2016）

## 4. AVAILABILITY OF SERVICES, MATERIALS, FACILITIES, INFRASTRUCTURE

### 提供服務、物料、設施、基礎設施

*For housing to be adequate 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. Basic infrastructure which ensure housing adequacy commonly includes water supply systems, sanitation systems and garbage collection, electricity supply systems, road construction, rainwater drainage systems and street lighting.*<sup>48</sup>

要有適足的房屋，就必須提供安全的食水、煮食、取暖和照明的能源、衛生和洗滌設施、食物儲存方法、垃圾處理、排水和應急服務。確保居住條件充足的最基本設施通常包括供水系統、污水系統和垃圾收集、電力供應系統、道路建設、雨水排放系統和街道照明。

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 the 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 refuse collection, pest management and, in those SDUs with shared kitchen and toilets, the maintenance of common areas. Certain joint responsibilities of both landlords and tenants should be suggested.

住宅單位和公共區域的環境衛生對租客的健康和福祉尤為重要，但是大廈的滲水、蟲害管理、公共區域維修等問題的責任分散而且往往不明確，令維修保養在統籌和執行上成為一個挑戰。如何解決當前的惡劣情況？我們要求政府在工作小組建議的標準租約中，加入解決垃圾收集、蟲害管理的條款，以及在那些有共用廚房和廁所的劏房中，解決公共區域的維修問題。租約應加入業主和租戶共同承擔某些責任的條款。

Issue 問題	Context 背景	Recommendation(s) 建議	Category 類別
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<sup>48</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)*

《監察住房權利，制定一套指標監察充分並逐步實現適足住房的人權情況》聯合國人類住區規劃署 (2003)

<p>Toilets overload with existing pipes 接駁廁所的現有水管超出負荷</p>	<p>The plumbing systems in subdivided flats are altered, often informally, to accommodate more toilets than planned for originally. The subsequent overload causes problems such as water seepage and sewage backflow and leakage.<sup>49</sup> 劏房的水管系統往往受到非正規的改動，要接駁比原定更多的廁所。水管超出負荷造成滲水、污水倒流和滲漏等問題。</p>	<p>Ensure the normal functioning of the plumbing and sewage systems through proper maintenance and adherence to current standards provided by the Buildings Department. 通過適當的維修和遵守屋宇署的現行標準，確保水管和污水處理系統正常運作。</p> <p><b>4.1 To safeguard the normal functioning of the plumbing and sewage systems:</b> For pipes within the SDU:</p> <ul style="list-style-type: none"> <li>● Waste pipe should have a minimum diameter of 50mm</li> <li>● Soil pipe should have a minimum diameter of 80mm.</li> </ul> <p>保障水管和污水系統正常運作： 對於劏房內的水管： 廢水管的最小直徑為 50 毫米。 糞渠的最小直徑為 80 毫米。</p> <p>For pipes in the common areas:</p> <ul style="list-style-type: none"> <li>● Waste pipe should have a minimum diameter of 80mm</li> <li>● Soil pipe should have a minimum diameter of 100mm.</li> </ul> <p>公共區域的水管：</p> <ul style="list-style-type: none"> <li>● 廢水管的最小直徑為 80 毫米。</li> <li>● 糞渠的最小直徑為 100 毫米。</li> </ul>	<p>2</p>
<p>Toilets lack protective U-shaped pipes 廁所缺乏 U 形保護渠</p>	<p>The addition of toilets in SDUs is frequently ad hoc. Toilets often do not incorporate the U-trap meant to lock in water for hygiene purposes. 在劏房中增設的廁所往往是臨時性的，那些廁所通常沒有可以保障衛生的鎖水 U 型渠。</p>	<p><b>4.2 To improve hygienic conditions and reduce the risk of disease dispersion, enforce adherence to current Buildings Department standards:</b></p> <ul style="list-style-type: none"> <li>● All drains and sewers should be connected with a U-trap, an anti-siphonage pipe, and where possible, a ventilating pipe.</li> <li>● Every ventilating pipe for any drain or sewer should be carried up to a height not less than 1 m above the roof.</li> </ul>	<p>2</p>

<sup>49</sup> *Concern over Infection Risks Posed by Drainage Systems of Buildings in Yau Tsim Mong District*, Yau Tsim Mong District Council, (18 February 2021)  
《關注油尖旺區大廈排污系統感染風險》，油尖旺區議會（2021年2月18日）

		<p>為了改善衛生情況，減少疾病傳播風險，業主必須遵守現行的建築署標準：</p> <ul style="list-style-type: none"> <li>• 所有的排水管和下水道也要連接 U 型的反虹吸管，並在可能的情況下連接通風管。</li> <li>• 任何排水管或下水道的每根通風管都應抬高至離屋頂不低於 1 米的高度。</li> </ul>	
<p>Improper drainage works and water seepage 不當的排水工程和滲水</p>	<p>Water seepage is a persistent building problem in Hong Kong. The problem can be compounded in subdivided flats due to these common causes: shower water allowed to flood onto the floor directly due to the absence of a proper fall and waterproofing membrane; poorly assembled sanitary fitments, 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.<sup>50</sup></p> <p>滲水是香港一個長久存在的樓宇問題。這個問題在劏房中變得更加複雜，以下是常見原因：由於沒有適當的斜度和防水膜，淋浴的水直接淹沒在地板上；衛生設備、供水管道和排水管裝組不良；排水管尺寸不足和／或斜度不當；改建的浴室和廁所斜度不足或完全沒有，以及地板和牆壁缺乏防水膜。</p>	<p><b>4.3</b> Require SDU landlords to follow the recommended practices as specified by the Buildings Department on waterproofing works for bathrooms, kitchens (pantries), and plumbing/drainage pipes. 要求劏房業主在浴室、廚房（茶水間）和水管／排水管的防水工程上，遵循屋宇署規定的建議做法。</p> <p><b>4.4</b> 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. 要確保排水系統正常運作和防止廢水滲漏，包括定期檢查排水系統，並在可能的情況下檢查衛生設施，確保它們得到維修和運作正常。有問題的話應由專業人士解決；應向準租客提供檢查證書。</p>	2
<p>Lack of clean water supply 缺乏乾淨食水供應</p>	<p>While water supplied by the Water Supplies Department is of good quality, some old buildings may have corroded and there may be 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</p>	<p><b>4.5</b> To ensure the cleanliness of water supply:</p> <ul style="list-style-type: none"> <li>• Include periodic inspection of exposed parts of the pipes and water storage tanks.</li> <li>• Conduct annual testing of water supply for bacteria and chemical contamination.</li> <li>• Incentivize participation in the Water Safety Plan for</li> </ul>	3

<sup>50</sup> *Professional Guide to Water Seepage*, Building Surveying Division, Hong Kong Institute of Surveyors, (2014)  
《Professional Guide to Water Seepage》，香港測量師學會建築測量組(2014年)



	<p>materials.</p> <p>雖然水務署供應的水質良好，但一些舊樓的水管可能已經鏽蝕，並有可能用這些生鏽水管供應食水。此外，由於食水水箱沒有適當的清洗，或者使用不合適的水管物料，導致內部供水系統可能受到污染。</p>	<p>Buildings put forward by the Water Supplies Department</p> <p>為了確保供應乾淨食水：</p> <ul style="list-style-type: none"> <li>● 定期檢查水管和水箱暴露在外的部分。</li> <li>● 每年對供水進行細菌和化學污染檢測。</li> <li>● 獎勵參與水務署舉辦的「建築物水安全計劃」。</li> </ul>	
<p>Limited or no refuse collection</p> <p>有限的、甚至是沒有垃圾收集</p>	<p>Regular rubbish collection and maintenance of collection areas is essential to maintaining environmental hygiene and minimizing pest infestations.</p> <p>定期收集垃圾和保持垃圾房乾淨，是維持環境衛生和儘量減少蟲害的關鍵。</p>	<p>4.7 Collect refuse regularly, and clean and maintain refuse collection areas 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 - in the Tenancy Agreement and enforce collaboratively between the owner and tenants.</p> <p>定期收集垃圾，並按照民政事務總署的「建築物管理指引」清潔和維持垃圾收集區潔淨。為確保衛生和減少火災風險，在租約中列出垃圾的管理計劃，如責任、次數和範圍，並由業主和租客共同執行。</p>	2
<p>Infestations of rats, fleas and bedbugs</p> <p>老鼠、跳蚤和臭蟲的侵擾</p>	<p>Fleas, rats, and especially bedbug infestations, severely impact the physical and mental health of tenants. In addition to skin rashes and allergies, infestations exact a mental and psychological toll as tenants are prevented from sleeping. Prolonged exposure to bedbugs can cause insomnia, anxiety, and depression.<sup>51</sup></p> <p>跳蚤、老鼠、特別是臭蟲的侵擾，嚴重影響租客的身心健康。除了皮疹和過敏外，蟲害還會導致租客無法入睡而造成精神和心理上的困擾。長期接觸臭蟲會導致失眠、焦慮和抑鬱。</p>	<p>4.8 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. Ensure that pesticides are applied in accordance with statutory ordinances to harmful pesticides.<sup>52</sup></p> <p>在租客入住前應消除單位內和公共區域的害蟲，並使用建築或遮罩技術，儘量減少害蟲侵入（使用金屬隔板而不是木材，儘量減少臭蟲滋生）。闡明業主和租客有共同責任保持單位內沒有蟲害。確保使用殺蟲劑除害蟲時，符合法定條例。</p>	2
<p>Utility Meters</p> <p>水電錶</p>	<p>The widespread practice of overcharging for utilities in SDUs is an acknowledged problem.</p>	<p>4.9 Water, electricity and gas meters should be installed at or below eye level for visibility of tenants to ensure fairness. (The</p>	3

<sup>51</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)

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. (2015年11月)

<sup>52</sup> Ibid 同上

	劏房租客被多收水電費，是普遍存在而且眾多周知的問題。	Task Force has already recommended ways to address the problem of tenants being overcharged for utilities, so we will not address this issue further). 為確保公平，水電、煤氣錶應安裝在視線高度或以下，讓租客能看得到。(工作小組已經建議了解決租戶被多收水電費問題的方法，我們因此不再在此討論這個問題)。	
Limited access to public amenities and community spaces 難以享用公共設施和社區空間	Due to the limited living space within an SDU, tenant access to public and community facilities is of vital importance. 由於劏房的居住空間有限，使用公共和社區設施的機會對租客來說尤其重要。	<b>4.10</b> We recommend that basic services and recreational facilities be provided within 500m walking distance. Basic services include community center, elderly center and daycare center. Recreational facilities include shaded or covered sitting areas, gardens or parks with seating facilities. 我們建議在 500 米步行距離內提供基本服務和康樂設施。基本服務包括社區中心、老人中心和日托中心。康樂設施包括有樹蔭或有上蓋的座席、花園或有座位設施的公園。	3
Maintenance of Common Areas 公共區域的維修	With little organization or enforcement, common areas such as shared kitchens and toilet areas are permitted to become filthy to the degree of becoming a health danger, in addition to increasing pest infestations. 由於缺乏組織或執行能力，公共區域的蟲害不斷增加，共用廚房和廁所等地方也變得骯髒，以至對健康構成威脅。	<b>4.11</b> The maintenance plan of common areas, such as responsibility, frequency and scope, should be required as a component of the Tenancy Agreement. Joint responsibilities of landlords and tenants should be suggested. 公共區域的維修保養計畫，如責任、頻率和範圍，應成為租賃協議的一個組成部分。我們建議業主和租客共同承擔責任。	2

## 5. ACCESSIBILITY 可及性

*Adequate housing must be accessible, or readily attainable, to those entitled to it. For example, disadvantaged groups must be accorded full and sustainable access to adequate housing resources.<sup>53</sup>*

對符合資格的人士來說，適當的房屋必須是觸手可得的，或是隨時可得到的。例如必須令弱勢社群充分而且可持續地取得適當房屋資源的機會。

As a foundation from which to access employment, education, and health services, housing can be a strong driver of socioeconomic inclusion. The shortage of adequate and affordable housing increases barriers to housing for all low-income tenants in Hong Kong,

<sup>53</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)

《監察住房權利，制定一套指標監察充分並逐步實現適足住房的人權情況》聯合國人類住區規劃署 (2003)

but can be felt especially hard by traditionally disadvantaged groups. People can easily be excluded from society through housing processes - such as living in neighborhoods with poor transport links or few job prospects, or places with inadequate public spaces and services – while the process of accessing adequate and affordable housing itself can also present significant challenges. We believe these stresses can be mitigated through the promotion of equitable accessibility.

房屋是得到就業、教育和保健服務的基礎，可強而有力地推動社會經濟共融。適切和可負擔的房屋短缺，增加了香港所有低收入租戶的居住障礙，而傳統上處於弱勢的社群會更感到無助。房屋分配過程很容易把某些人排除在社會之外——例如居住在交通不便或就業前景不佳的社區，或公共空間和服務不足的地方——而得到適切和可負擔房屋的過程本身也會帶來巨大的挑戰。我們相信，這些壓力可以通過促進公平的可及性來緩解。

Issue 問題	Context 背景	Recommendation(s)建議	
Discrimination 歧視	Landlords refuse to rent flats to prospective tenants on the basis of the passport they hold. 業主以所持護照為由拒絕向準租客出租房屋。	<p><b>5.1</b> To strengthen protections and fair treatment in accessing housing, adopt Recommendation 24 of the EOC's, <i>Discrimination Law Review</i>: the Government should conduct a public consultation and then introduce protection from discrimination on grounds of nationality and citizenship under the Race Discrimination Ordinance. The consultation should consider relevant issues including how nationality and citizenship is defined, and which exceptions relating to nationality and citizenship may be appropriate to be retained, repealed or introduced.<sup>54</sup> While this EOC recommendation encompasses much more than housing, promoting non-discrimination across the board would include and improve access to adequate and affordable housing.</p> <p>為了加強居住方面的保障和公平待遇，應採納平等機會委員會《歧視條例檢討》中的第 24 項建議：政府應舉行公眾諮詢，然後在《種族歧視條例》下引入免遭國籍和公民身份歧視的保障。諮詢應考慮相關問題，包括如何定義國籍和公民身份，以及哪些與國籍和公民身份有關的例外情況適合予以保留、廢除或引入。雖然平等機會委員會的建議所包含的內容遠遠超過房屋，但全面促進非歧視做</p>	1

<sup>54</sup> *Discrimination Law Review*, Equal Opportunities Commission (2016)  
《歧視條例檢討》，平等機會委員會（2016）

		法可包括並改善獲得適當和可負擔房屋的機會。	
Discrimination 歧視	<p>Landlords refuse to rent flats to single mothers. 業主拒絕把單位租給單身母親。</p> <p>For single women with children, a home conveys economic and food security, and improves her ability to care for the health and mental and emotional well being of her children. A woman without a home is much more vulnerable to violence, abuse, and harassment. 對於有孩子的單身婦女來說，家可提供經濟和食物安全，並提高她照顧孩子的身心健康及情緒健康的能力。沒有家的婦女更容易遭受暴力、虐待和騷擾。</p>	<p><b>5.2</b> Increase awareness of the rights of single parents under the EOC's Family Status Discrimination Ordinance (FSDO). Provide support for those discriminated against to lodge complaints or take the case to court. Consider single parents explicitly in future policymaking, for example incentivise landlords to rent to single parents or issue vouchers to single mothers. 提高大眾對平等機會委員會的《家庭崗位歧視條例》規定單親父母權利的認識。為受到歧視的人士提供支援，讓他們提出投訴或向法院提出訴訟。在未來的政策制定中明確考慮單親家庭，例如鼓勵業主將房屋租給單親家庭，或向單親母親發放房屋租賃券。</p>	1
Discrimination 歧視	<p>Landlords discriminate against the elderly. 業主歧視長者。</p> <p>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. 曾有租客死亡的單位會被視為「凶宅」，租金會被迫降低。為了儘量減少有租客在單位內死亡的風險，業主往往會拒絕把單位租給長者。</p>	<p><b>5.4</b> Provide incentives for landlords to rent to senior citizens. 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. 為業主提供獎勵措施，提高他們把單位租給長者的誘因。採納第480章《性別歧視條例》第29條（該條款保障在處置或管理處所方面免受歧視），使之適用於長者，保護他們免受年齡歧視。</p>	1
Lack of awareness of rights and existing protections 對權利和現有保護措施缺乏認識	<p>Without language skills in Cantonese, many members of ethnic minority groups are at a loss for accessing information around housing and protections from discrimination and harassment. 由於不會廣東話，許多少數族裔成員在獲取有關房屋和保護免受歧視及騷擾的資訊方面無所適從。</p>	<p><b>5.6</b> To increase awareness of housing and RDO, SDO, DDO, and FSDO protections from discrimination and harassment, information about the anti-discrimination ordinances as related to housing should be made available at real estate agencies and included on tenancy agreements. This information and any other that educates the public about housing resources and policies should be provided in the nine Government-recognized minority</p>	1

		languages in formats readily used and accessible, such as videos. 為了提高大眾對房屋和《種族歧視條例》、《性別歧視條例》、《殘疾歧視條例》以及《家庭崗位歧視條例》就保護大眾免受歧視和騷擾的認識，應向地產經紀提供與房屋有關的反歧視條例資訊，並將之列入租約中。這些資訊和任何其他教育公眾有關房屋資源和政策的資訊，應以政府承認的九種少數族裔語言提供，並採用容易使用和獲取的格式，如影片。	
Inadequate housing allowance for refugees and asylum seekers 給予難民和尋求庇護者的房屋津貼不足	Current level of assistance 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>55</sup> 目前的援助水平無法滿足生活需要。因此，許多難民和尋求庇護者長期生活在香港的貧困線以下，這種情況由於沒有工作權利而變得更加嚴重。	<b>5.7</b> 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>56</sup> 檢討給予難民和尋求庇護申請者的房屋津貼金額，並作出相應調整。由於最後一次調整金額已是 2014 年，再次調整時需要考慮到通貨膨脹及租金成本和其他費用的增長。	1
The community are not fully involved in housing-related decision making 社區沒有充分參與與房屋有關的決策	Hong Kong is a vibrant city, but there is also a large wealth gap and social inequalities around housing. An inclusive, participatory process in the development of housing policies, incorporating the experiences and voices of all community members, will contribute to policies that increase equitable access to adequate housing. Otherwise, development risks being influenced only by the wealthy and powerful and maintaining inequalities in the community. 香港是一個充滿活力的城市，但在房屋問題上卻有巨大的貧富差距和社會不平等現象。在制定房屋政策的過程中，如果能納入所有社區成員的經驗和聲音，將有助制	<b>5.8</b> Allocate resources to study options for institutionalizing 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. 撥出資源，研究在政府房屋規劃中實現參與式規劃制度化的方案。在決策和制定房屋政策方面，提高貧窮人士、婦女、殘疾人士、少數族裔和跨性別（LGBTQA）群體成員以及弱勢或邊緣群體的參與	1

<sup>55</sup> *Parallel Report to the Committee on Economic, Social, and Cultural Rights*, Refugee Concern Network, (December 2020) 《Parallel Report to the Committee on Economic, Social, and Cultural Right》，關注難民網絡（2020 年 12 月）

<sup>56</sup> Hong Kong Justice Centre, interview with Habitat (April 2021) Hong Kong Justice Centre，訪問仁人家園（2021 年 4 月）

	<p>定更加公平獲得適足房屋的政策。否則，未來的發展有可能只受富人和權貴的影響，令社區維持不平等現象。</p>	<p>度，目的是提高不同觀點的代表性，減少房屋方面的不平等，並解決房屋中的文化適當性問題。</p> <p><b>5.9 Recognize and incorporate community data collection as valid inputs, and use to inform government decision making.</b> 承認並吸納收集得來的社區數據，作為有效的投入，並利用其為政府決策提供資訊。</p> <p><b>5.10 Involve and support nonprofits and community organizations in gathering data, (including census data), from residents in informal housing such as SDUs and other substandard housing. Involve women, persons with disabilities, ethnic minority groups, and vulnerable populations so that future budgeting decisions and urban and housing planning are inclusive of traditionally marginalized members of society.</b> 讓非牟利機構和社區組織參與並支援他們從非正規房屋（如劏房和其他低於標準的住房）的居民中收集數據（包括人口普查資料）。讓婦女、殘疾人士、少數族裔和弱勢群社參與其中，使未來的預算決策、城市及房屋規劃能夠包容傳統上被邊緣化的社會成員。</p>	
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## 6. LOCATION 位置

*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.<sup>57</sup>*

適足的房屋必須讓居住者得到就業選擇、保健服務、學校、托兒所和其他社會設施，而且不應該建於受污染的地方，也不應該比鄰污染源。

Given the cramped quarters of subdivided flats, it is essential that residents have access to public spaces and community facilities (Recommendation 4.10). We recognize that location is a top priority for tenants living in SDUs. That tenants opt to live in dense quarters

<sup>57</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)

《監察住房權利，制定一套指標監察充分並逐步實現適足住房的人權情況》聯合國人類住區規劃署 (2003)

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.

鑒於劏房單位十分擁擠，居民必須要有機會使用公共空間和社區設施（建議 4.10）。我們認識到，對於劏房的租客來說，位置是最重要的。租戶選擇居住在城市中人煙稠密的地區，而不是密度較低的偏遠地區，這凸顯了位置是適足房屋的重要元素。我們敦促政府在都市地區擴大多樣化和公平的房屋選擇，並採納包容性的房屋政策，儘量減少分隔不同社群。

## 7. CULTURAL ADEQUACY 文化上的適當性

*Because of the importance which housing plays within the lives of individuals as well as communities, housing must also be culturally adequate. As such, 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>58</sup>*

由於房屋在個人和社區生活的重要性，房屋在文化上也必須是適當的。因此，房屋的建造方式、使用的建築材料和支持這些的政策，必須適當地讓人表達文化身份，並支持房屋的多樣性。

In consultations with organizations who engage with members of ethnic minority groups and refugees, and in reference to housing, the greatest concerns expressed by these groups were regarding discrimination during the rental process and the need to improve dire living conditions related to fire safety, hygiene, and space. Recommendations to address these conditions have been put forward in the relevant sections above. We urge the Government to institutionalize participatory planning in decision-making around housing policies (Recommendation 5.6), specifically including minority and ethnic group member voices in the development of housing policies to ensure progress towards cultural adequacy in housing in the future.

在諮詢過與少數族裔成員和難民溝通的組織後，我們得悉，在提到房屋時，這些群體的最大關注是租房過程中的歧視問題，以及需要改善與消防安全、衛生和空間有關的惡劣生活條件。解決這些問題的建議已在上述相關部分提出。我們敦促政府在圍繞房屋政策的決策中，實現參與性規劃的制度化（建議 5.6），特別是在制定房屋政策時，納入少數族裔成員的聲音，以確保未來在實現房屋文化適當性方面取得進展。

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<sup>58</sup> Ibid 同上

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