**Report of the UN Special Rapporteur on the right to adequate housing to the
52nd session of the Human Rights Council**

**The right to adequate housing and climate change**

**Questionnaire**

***Impact of climate change on the right to adequate housing***

*In real life*

1. In your country, what have been the main effects of the climate crisis, on the enjoyment of the right to adequate housing? Please specify whether there have been any climate-induced impacts on the security of tenure, availability, affordability, accessibility, habitability, location and cultural adequacy of housing, including climate crisis related displacement.[[1]](#footnote-1)

As of now, more than 200,000 people are living in sub-divided flats[[2]](#footnote-2) in Hong Kong. The weather in Hong Kong is humid and hot for more than half of a year. The existing subdivided housing problem is exacerbated with the threat of increasingly serious climate impacts and the recent global outbreak of coronavirus. The situation of residents of sub-divided flats, who are disproportionately vulnerable to extreme weather and coronavirus, has aroused increasing attention from the community.

1. Are there differences how the climate crisis affects the right to adequate housing in urban and rural areas? If yes, is there an interrelationship between the two?

Not applicable.

1. Are there groups distinctly affected in the enjoyment of their right to adequate housing as a result of the climate crisis? Please describe in what way.

Yes, we are referring to the situation of the residents of Subdivided Flats in Hong Kong in this questionnaire. They are often the low-income individuals or households in the city.

1. How is the right to adequate housing ensured for persons that have been internally or internationally displaced by the climate crisis? How and under what conditions is their right to voluntarily return ensured?

Not applicable

1. When housing has been damaged or lost due to climate-induced events, what has been the related impact on the lives, health and livelihoods of the affected populations?

Climate impacts also happen even when the subdivided flats remain undamaged. Sub-divided flats are generally poorly ventilated with poor drainage and waste water systems, all of which increases the risk of infection from a range of sources, including the COVID-19 virus. Many residents have other health problems related to high temperatures, such as indoor heatstroke. Residents confined to tiny sub-divided flats also have to face increased mental stress, including symptoms such as anxiety, depression, emotional distress, loss of appetite, and even insomnia.

1. How have people been able to access redress and compensation for damages to or loss of their housing as a result of the climate crisis and extreme weather events? What are the main obstacles to accessing timely redress and compensation, and what could be effective solutions?

Currently all households are granted with electricity bill subsidies no matter whether they are facing climate impacts or not. Even so, many sub-divided flat residents are reluctant to turn on air-conditioning because they cannot afford the high electricity bills. Further, where the government has provided electricity subsidies to households, these are usually in the hands of the property owners, and the landlords have no incentive to pass on these lower electricity costs to the tenants in subdivided flats.

1. Please indicate any key rulings of national courts and tribunals protecting tenants and home owners from the impact of the climate crisis or on their right to adequate housing or related to climate induced displacement? Please also describe their outcome and impact?

Not applicable

*In measures*

1. Please explain how energy efficiency, green urban planning, climate mitigation and adaptation policies and programmes take into account the right to adequate housing. What measures have been taken to ensure that they do not have any (unintended) discriminatory impact on particular population groups?

Currently the above said policies and programmes in the city did not take subdivided flats into consideration.

1. Please explain how natural disaster preparedness, response and recovery/reconstruction strategies and plans ensure non-discrimination?

Currently the above said strategies in the city did not take subdivided flats into consideration.

1. What are the main barriers to addressing and mitigating the adverse impacts of climate change on the realization of the right to adequate housing?

The building regulations that continue to allow the subdivision of housing are the main obstacles to addressing the issues.

***Impact of housing on climate change***

1. How does the housing sector in rural and urban areas contribute to climate change? It may be helpful to think in terms of:
* energy consumption for heating, cooling, cooking, lighting of housing;
* urban sprawl and related climate impacts (soil sealing, commuter traffic etc.);
* increase of average per capita living space;
* water use;
* emission of pollutants;
* climate impact of construction and used construction materials;
* deforestation, desertification and loss of biodiversity caused by housing development projects.

Please provide as well any statistical information on the climate impact of the housing sector compared to other sectors in your country.

According to the Hong Kong Climate Action Plan 2050, building sector accounts for 90% of electricity consumption and contributes to 60% of the city’s greenhouse gas emissions.[[3]](#footnote-3)

1. What measures are being implemented in rural and urban areas to reduce and eliminate the adverse impacts of the housing sector on the climate? How successful have been these programmes?

Hong Kong’s Green Building Council is promoting the application of a building energy code, called Building Energy Audit Management (BEAM) Plus, to all new buildings, in a voluntary manner. We have yet to know how much such energy code can lead to reduction of carbon footprint in building sector.

1. What are the main barriers to reducing and eliminating the adverse impacts of the housing sector on the climate?

However, such energy audit is still voluntary, and only applies to new buildings. The push for mandatory energy audit and installation of renewable energy facilities meet with resistance of housing developers. Lacking incentives for energy audits and retrofitting for existing buildings also encounter difficulties from a diversity of the property owners.

***Towards*** ***a just transition to a rights-compliant, climate-resilient and carbon-neutral housing***

1. What specific legislation, policies, or programmes have been adopted to put in place and finance a just transition to a rights-compliant, climate-resilient and carbon-neutral housing for all, without discrimination?

The Hong Kong’s Climate Action Plan 2050 has yet to identify the issues of subdivided flats as part of a just transition to climate resilient housing.

1. What measures have been taken to ensure that the costs of green transition in the housing sector are fairly shared between public authorities, taxpayers, homeowners, and tenants/renters or other affected interest groups, and to ensure the continued affordability of housing?

The Hong Kong’s Climate Action Plan 2050 has yet to identify the issues of subdivided flats as part of a just transition to climate resilient housing.

1. What adaptation strategies are needed to ensure the continued habitability of housing in the face of the climate crisis? (protection from e.g. heat, flooding, extreme weather, etc.)

The per capita living area needs to be at least 50 square feet, and the bed space should be long enough to lie flat and straighten the feet. Sufficient storage space, dining space, activity space and sleeping space, and an independent kitchen and toilet are also seen as basic minimum needs. In addition, the residence should also have a certain degree of privacy and private space. Accommodation should be equipped with sound insulation measures, a good ventilation system, sufficient sources of light, and whatever measures are needed to ensure a safe, hygienic environment.

In order to meet the goal of adequate housing for all, the use of innovative technology, cross-sectoral cooperation, and innovation in improving regulations are all worth exploring in addition to establishing the minimum standards listed above.

Other specific suggestions are as follows:

1. Use idle spaces such as rooftops or unused hotels as transitional residential houses.
2. Learn from co-accommodation models used in other countries in terms of the benefits of shared common space to lessen the problem of small private living spaces.
3. Consider the outcome of the coronavirus pandemic on increased opportunities for employees to work from home and the resulting reduced demand for commercial office space. Explore the possible potential this brings for planning more low-cost residential housing development.
4. Solve energy poverty. Currently, sub-divided households suffer from high electricity bills because they do not have independent electric meters, and therefore they could not benefit from the current Electricity Charges Subsidy Scheme. Independent meters can make the subsidy scheme more effective. Installation of smart meters for sub-divided households would provide better opportunities for the provision of more energy-efficient appliances as well as incentives for energy-saving behaviour.
5. Cross-sectoral civil society action and better use of community resources. Non-profit organizations can also provide a platform for cross-sectoral partnership to promote collective action, help residents of sub-divided houses cope with climate change and increase social dialogue and cohesion. Examples of cross-sectoral cooperation include the establishment of community-level waste collection and recycling stations. Here, social workers, environmental organisations and the recycling industry collaborate to benefit the community.
6. Advocate the review and revision of relevant laws: The government should be encouraged to add requirements to housing regulations to include climate change adaptation as part of basic building safety measures.
7. How are different interest groups, including marginalized communities, homeowners and tenants, being consulted, and able to participate in the design, implementation, monitoring and evaluation of:
* legislation, policies, or programmes been adopted that provide for specific measures to ensure the realization of the right to adequate housing in the face of the climate crisis;
* natural disaster preparedness, response and reconstruction, as well as in mitigation and adaptation efforts;
* measures to reduce and eliminate the adverse impacts of the housing sector on climate.

The Hong Kong’s Climate Action Plan 2050 has yet to incorporate the residents of subdivided flats in the design, implementation, monitoring and evaluation of energy use target and measures of building sector.

1. What is the role of international cooperation, technology transfer and development assistance of States and multilateral agencies to ensure a just transition?

The Hong Kong’s Climate Action Plan 2050 has yet to initiate international cooperation to ensure a just transition for subdivided flat residents.

1. What are the main barriers to achieving such a just transition?

The government should have revised policies that improve the structure of buildings, made better use of social space, reduced energy poverty in partnership with power sector, and supported scientific research to improve environmental hygiene and heat control.

***Other issues***

1. Please use this space to indicate any issue that should be considered for this report.

Civil society can also play a role to carry out cross-sectoral (and even international) cooperation to mobilise and make good use of diverse resources and promote community-level discussions to identify and solve problems. Only with the concerted efforts of all walks of life, can residents of subdivided flats be expected to cope with the impact of climate change.

Note:

The responses are written based on the report of Paris Watch Climate Community Dialogue, “Social challenges and climate action - Community Dialogue 1: Empowering residents of subdivided houses in Hong Kong.” The report can be accessed in CarbonCare InnoLab’s website [here](https://www.ccinnolab.org/uploads/media/pairswatch/CommunityDialogue_1_English.pdf).

**Submission instructions**

**Deadline:** **8 July 2022**

**Accepted languages:** English, French and Spanish

Please include references to reports, academic articles, policy documents, text of legislation and, judgements, statistical information with hyperlinks to their full text or source or attach them to your submission (please respect total file size limit of 20 MB to ensure that it can be received)

**Potential confidentiality:** Please indicate on top of this questionnaire and in your e-mail if you want to have this submission or any particular attachment not to be published on the website of the Special Rapporteur and treated as confidential.

**Expected presentation** of the report of the Special Rapporteur: February/March 2023

1. Under international law, the right to adequate housing is more than having four walls and a roof. It is essentially the right to live in a place in peace, security and dignity. Housing adequacy covers the following seven essential elements: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy. For organizations and stakeholders that may not be as familiar with the right to adequate housing in international human rights law, please consult General Comment No. 4 of the UN Committee on Economic, Social and Cultural Rights, available [here](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4759&Lang=en). [↑](#footnote-ref-1)
2. "Report of the Task Force for the Study on Tenancy Control of Subdivided Units (March 2021)," Secretariat for the Task Force for the Study on Tenancy Control of Subdivided Units Transport and Housing Bureau. <https://www.thb.gov.hk/eng/contact/housing/studyOnTenancyControl_Report.pdf> (Accessed on 17 August 2021) [↑](#footnote-ref-2)
3. Hong Kong SAR Government, “Hong Kong’s Climate Action Plan,” Accessed on 15 July 2022. https://www.climateready.gov.hk/files/pdf/CAP2050\_booklet\_en.pdf [↑](#footnote-ref-3)