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Exploited right to housing: a critical review on Hong Kong housing problems

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2018
I. Abstract

Housing issue is a serious problem in Hong Kong. The rights to housing in Hong Kong are exploited. The problem was due to an unjust land-use planning. Hong Kong was claimed to have insufficient land supply but it was not the truth. The government holds the land that was sufficient to solve the housing problems. Another cause was the domination of the property developers. They have the power to influence the market and the policy formulation. They hoard the land and drive up the market prices. I would adopt the Jenkins’ System Model for Policy Process to analyze this issue in details. In order to tackle the problems, the government should re-establish rent control to secure the right to housing of the people. The government should also develop temporary housing units to solve the short-term housing needs. Besides, the government should also exercise the rights to take the land back from property developers and stop granting privilege to the native people. Most importantly, the government should take the responsibility to secure the rights to housing in Hong Kong.

II. Introduction

With the experience gained through two times of social work practicum in the field of community development, housing needs of the residents living in the sub-divided units (SDU) were realized. Most of the SDU were in bad quality with limited living spaces. The residents’ health was greatly affected in the environment. Some residents had even waited for 5 years in order to get the public rental housing units (PRHU). On the other hand, there was severe shortage in the PRHU and the private housing units prices kept rising for years. Youths in the society felt powerless and hopeless for having an own property (HKFYG Youth Research Centre, 2016). With the growing concern for the issue, in the 2017 Policy Address, the chief executive claimed that the housing problem is the most challenging among all livelihood issues (The Government of the Hong Kong Special Administrative Region, 2017). When housing policies were unjustly made, the housing rights of people were exploited and the resources distribution was not equal. Due to the limited time and extra workload in the practicum time, the issues cannot be thoroughly investigating with empirical information. Therefore, I plan to review the problems in details.
In this paper, Jenkin’s systems model for policy process is used as the framework to analyze the Hong Kong housing problems. After reviewing the data and incidents concerning the issues, I found the government failed to secure people’s rights to adequate housing in Hong Kong. Besides, the housing problem was due to the dominant power of the property developers instead of insufficient land supply. The dominant power also caused unjust resources allocation and housing planning. At the end, suggestions would be provided regarding the housing problems in Hong Kong.

III. Literature Review

Housing demands and supply

Housing problem is a complicated issue, which consists of a lot of parties. Therefore, I try to illustrate the housing problem briefly with the support of various literatures. There would be three major parts, including the PRHU, private housing units and SDU. Concerning the PRHU, the shortage was serious. There were about 280,000 general applicants. Most of them needed to wait for more than 5 years for the first offer (Hong Kong Housing Authority, 2017). Most importantly, the discrepancy between the demand and supply increased every year. According to the Hong Kong Housing Authority (2017), there were about 25,000-28,000 new applicants each year from 2013 to 2017. However, on average, the public housing production from 2013-2017 was only 14,560 PRHU per year. (Transport and Housing Bureau, 2017). The shortage of PRHU was getting more serious. On the other hand, the private property price was severely unaffordable that the median house price in the private housing market was 19.1 times higher than the median household income (Demographia, 2018). The high price has created difficulties for people to acquire residential units.

Due to the problems of PRHU and private housing units, the issue of SDU arose. According to the Census and Statistics Department (2016), SDU were the division of a living unit into more than two or more units for rental purposes to more than one household. The residents enjoyed only about 48 square feet on average with $4000 rent per month. The size was the smallest when comparing
with the USA, Taiwan and even the local PRHU (Lai & Leung & Yeung & Yiu, 2015). The limited living area caused different problems, including mental health issues, children growth, health and safety issues (Caritas- Grassroots Organization Development Project, 2014; Kwai Chung Sub-divided Units Residents Alliance, 2017; Society for Community Organization, 2016; Yu & Lai, 2014). There was also surcharge imposed on the electricity and water supply while some residents did not have independent toilet and kitchen. Nevertheless, there was still a growing trend about the popularity of the SDU. There were around 210,000 people living in the SDU and the number of the SDU rises from 85,500 to 88,800 since 2014 (Census and Statistics Department, 2016).

Voices of the people in housing issue

Facing the illustrated problems, there were several requests raised by the people. First, building more PRHU was the one people urged the most. The PRHU offered a lower rent and better environment than the SDU. As reflected by Lai at el. (2015), the PRHU secured the right to housing more than that in the SDU. Therefore, the residents wanted the government to speed up in building the PRHU and increased the quantity. Second, the people demanded for rent control to protect the rights of the tenant. According to Chan (2014), most of the tenants in the SDU used to be evicted. The unstable and unsecured tenure has threatened residents’ daily living. For some short-term actions, the residents demanded rent subsidy to cover the daily expenditure as well as building more temporary housing units, which might solve the short-term housing needs (The Hong Kong Council of Social Service, 2017). Besides, the high property prices made the people more difficult to own a flat. Some of them were not eligible for the PRHU and not capable of purchasing a new flat. Therefore, there were voices demanding the government to help stabilizing the property prices and to restart and build more housing units under the Home Ownership Scheme. The citizens thought that the government had the responsibility to provide a safe and adequate living environment (Forrest & Xian, 2018).
Land Supply- a precious resource for housing

Land supply is an inevitable issue to cope with. A myth of land supply was implanted to people’s minds. “Hong Kong having insufficient land for people” was a myth instead of the reality. According to the Planning Department (2016), Hong Kong had around 1100km$^2$ of land. Only 7% of the land was for residential use. The PRHU accounted for 1.4%, the private housing units accounted for 2.3% and the rural settlement accounted for 3.2%. The least land was allocated for the PRHU while most of the land was allocated for rural settlement. The native male in the rural settlement enjoyed lawful privilege to build a 3-storey apartment since they were born.

On the other hand, the government actually had sufficient land but poor land planning. According to the Press Release about ‘Expanding Land Resources’ (Development Bureau, 2012), the government held more than 2000 Hectares of vacant land for residential uses. The land being used for the PRHU was about 240 hectares containing 756,600 households (Housing Authority, 2017). If the vacant land was used for developing PRHU, all 280,000 general applicants’ housing needs could be solved. However, the Bureau claimed that most of the vacant land was not suitable for housing development and 1200 Hectares of land were reserved for ‘Village Type Development’ (Development Bureau, 2012).

Nevertheless, Yiu (2012) pointed out three points to argue against the Bureau. First, the government actually misled the society by providing the invalid data. The land planning favoring the rural settlement was also unjust. Second, with the advanced technology level, developing on slopes was possible. The Housing Authority (2017) also planned to spend more efforts to develop on the slopes. An existing construction site in the Texaco Road was one of the examples. Third, fragmented land was never a reason for the land being unsuitable for development. In the past, the government would transfer the domestic plot ratio from one area to another. For instance, all domestic plot ratio of the Parking space in North Point was transferred to the Ka Shun House in Jordan. Before having an efficient and justice land-use planning, claiming to have insufficient land was arbitrary.
Stamp Duty- support in stabilizing property prices
One of the reasons causing the high property prices was due to the investment from different capitals. The high price has wiped out the local buyers, who wanted a flat for residential purposes. Therefore, the government supported the local buyers by launching the stamp duty to tackle against the investment. According to Wong (2017), in 2010, the Special Stamp Duty (SSD) was launched. After the buyer purchased the housing units, if the buyer sold it within 6 months, the SSD would be amounted to 15% of the property price. If the time frame was about 6-12 months, 10% of the SSD was required. If the time frame was about 12-24 months, 5% of the SSD was required. In 2012, the SSD rate was raised and the time frame has been extended. Buyer Stamp Duty (BSD) was also introduced. Non-local people and the buyers adopting company’s name were entitled to the BSD amounted to 15% of the property price. In 2013, the BSD was doubled. In 2016, the stamp duty was amended again. All property transaction was entitled to stamp duty, which was amounted to 15% of the property price. Only the buyer’s first transaction or buyers, who bought new flat to replace the old one, would be exempted. The stamp duty theoretically increased the cost for investment in housing units and stabilized the prices. However, these measures were not effective. Referring to the Price Indices For Hong Kong Property Market (Rating and Valuation Department, 2018), the index raised from lower than 150 in 2010 to higher than 350 in 2018.

Community Care Fund- support for the poor
The community care fund (CCF) was a support for the people in SDU. CCF aimed at providing assistance to people facing economic difficulties, especially those falling outside the safety net (Community Care Fund, 2017). Under the CCF was a Living Subsidy for Non-Public Housing and Non-CSSA Households. According to the evaluation reports of the subsidy (Community Care Fund, 2016), most of the recipients of the subsidy lived in SDU. Nevertheless, the government has abolished the subsidy. Given the subsidy’s effectiveness in supporting the residents, demands for re-establishing the subsidy were high.
IV. Theoretical Framework

Right to housing

Adequate housing was an important human need (Bengtsson, 1995). King (2000) also argued that all households should have the right to housing because it was a fundamental human right. According to the Fact Sheet No. 21 (Office of the United Nations High Commissioner for Human Rights, 2009), the right to housing means the right to live somewhere in security, peace and dignity. It was one of the human rights and included 7 criterions. First, it included security of tenure, which guaranteed legal protection against forced evictions, harassment and other threats. Second was the availability of services, materials, facilities and infrastructure, which required the housing environment to have safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage and disposal. The third criteria was about affordability, requiring the cost to be affordable. The forth criteria was about habitability, meaning that the environment should guarantee physical safety, adequate space and protection against cold, heat and other threats to health and structural hazards. The fifth one was accessibility, which meant that the house should consider the ease of access by the people with special needs. The sixth criteria required the house’s location being accessible to employment opportunities, health-care services, schools and other social facilities. Finally, the housing environment should respect the expression of cultural identity. This concept would be adopted to analyze how the government failed to secure the right to housing in Hong Kong.

Social Justice

According to Rawls (1972), there were 2 principles about justice. First principle was about liberty. It said that people enjoyed equal rights. The second principle was the principle of difference, which stated that the inequalities should be regulated for the good of the poor. It was about fair equality of opportunity. People should enjoyed equal chance of competition. This principle pointed out that the rich people should contribute and help the people in need. It was their responsibility because the society provided a favorable environment for their success (Chiu, 1988). Furthermore, if the government’s policies have created or strengthened the inequality in the society, the policy would then be an unjust
policy. In the later part of the article, I would adopt this concept to analyze how the housing policies in Hong Kong were unjust.

**Systems Model of the Policy Process**

The political economy of housing suggested that resources like housing, were produced and distributed competition with the uses of power among different parties. Besides, government was an influential organization to intervene social problems under the pressure from different parties (Ho, 1993). The systems model of policy process proposed by Jenkins (1993) also suggested similar ideas. He focused more on the interactions of the political actors in the policy process. The model aimed to differentiate between the policy input, such as demands and resources, for actions from both inside and outside the political system, the policy decisions by the authorities, the policy outputs about what the system generated and the policy outcomes. Besides, there was a group of mediating variables between the policy demands and the policy decision.

V. Application of the theories: Critical review on housing problems

In this part, the analysis would focus on how the policy formulation was affected. Since the policy input, including the demands, resources and support, has been introduced in the literature review. I will move directly to analyze the mediating variables, decision system and the policy output.

**Mediating Variables**

*Citizen organization.* There were different citizen organizations working for the housing issues in the society, including the Society for Community Organization, Land Justice League and Sub-divided Flat Platform. These organizations were formed by residents in sub-divided units, social workers and other professionals. These civil organizations were pressure group and challengers outside the establishment (Lui, 1989). They had no intention to control the government. But they intended to influence the policies through the protests and the voices of the stakeholders (Miners, 1975). They advocated for the housing demands of Hong Kong people by meeting with the government officials and joining the meetings in the Legislative Council to voice out the demands. Nevertheless, they
controlled no resources on hand. They could not influence the housing markets like the government and property developers did.

*Property developers.* Another stakeholder was the property developer. There were several major property developers in Hong Kong including the Cheung Kong Property Holdings Limited (CKP) and the New World Development Company Limited (NWD). Not only did they develop their kingdom in the real estate industry, but also in public service sector (Poon, 2010). By dominating the real estate market and the public service market, they generated and accumulated enormous wealth. For instance, CKP owned a chained supermarket with over 300 shops in Hong Kong. The company also owned HK Electric, an electricity provider for the Hong Kong Island. The NWD owned the franchises over bus and ferry. Furthermore, the Kadoorie’s family, the founder of CLP Power Hong Kong Limited, also cooperated with the CKP to expand its business in Kowloon. In other words, solely the CKP has controlled the whole electricity supply in Hong Kong. Domination of property developers over the different markets granted them a great influence over the society.

Besides, the property developers were also landlords. They had the abilities and powers to hoard the land in Hong Kong (Yam, 2012). The land bank of Sino Land Company Limited was 32.8 million square feet (Sino Group, 2017). The land bank of the CKP was 6 million square feet (Cheung Kong Property Holdings Limited, 2017). The Sun Hung Kai Properties held 51.8 million square feet of land bank and 28 million square feet of agricultural land in the New Territories (Sun Hung Kai Properties, 2017). The New World Development Company Limited held 10 million square feet of land bank and 17 million square feet of agricultural land (New World Development Company Limited, 2017). Last but not least, the total land bank of Henderson Land was about 24.1 million square feet and 44.8 million square feet of agricultural land (Henderson Land Development Company Limited, 2016). The property developers totally owned 131.7 million square feet (about 1223 hectares) of land bank and about 90 million square feet (about 836 hectares) of agricultural land. The total amount of the land bank was half of the government’s vacant land. The property developers
had the power to influence the market and the decision system.

The Decision System
The decision system in Hong Kong was about the separation of powers. It consisted of the Executive, the Legislature and the Judiciary. However, the businessmen and property developers have dominated the decision system.

The Executive. The executive referred to the Executive Council of the Hong Kong government, led by the Chief Executive. The executive would formulate, launch and carry out policies for the Hong Kong society. According to the Basic Law (1997), The Chief Executive was elected by an election committee consisted of 1200 members. The composition of the executive council consisted of official members and non-officials members. Nearly half of the non-officials members were from the business sectors (Executive Council, 2018). For instance, Li Kwok-cheung was the vice-chairperson of the Bank of East-Asia. Lam Kin-fung, Liao Cheung-kong and Cheung Yu-yan were businessmen. On the other hand, the Financial Secretary used to own sub-divided units and generate profits from it (Lee, 2012). These instances showed that most of the government officials were related to the business sector.

The Legislature. The legislature referred to the Legislative Council, which all the councilors were elected by the citizens. It monitored the work of the executive. The council membership included geographical constituencies and functional constituencies. In the functional constituencies, nearly half of the members were related to the businessmen and property developers. Besides, the chairperson of the legislative council, Leung Kwan-yuen, was in the board of directors in 18 different companies. Therefore, the businessmen and property developers also had the power to influence the decisions.

Policy Outputs
Concerning the PRHU, the policies were about land supply and building PRHU. In 2014, the government launched the Long Term Housing Strategy, proposing that 480,000 housing units would be built from 2015-2025. 60% would be the
PRHU while 40% would be the private housing units. (Transport and Housing Bureau, 2014). For the land supply issue, the Task Force on Land Supply (Task Force) was formed to investigate the land supply in Hong Kong. According to the Press Releases by the Task Force (2017, 2018), it proposed to build housing units on various locations, to carry out reclamation project and to support the development on private land owned by the property developers. Besides, in order to supply more PRHU, the government has regularized the Green Form Subsidized Home Ownership Scheme (GFS), which aimed to increase the turnover rate of the PRHU to empty the existing PRHU for the applicants. (The Government of Hong Kong Special Administrative Region, 2017)

After handling the PRHU, the government worked on the private market. The ‘Starter Homes’ Pilot Scheme for Hong Kong Residents was launched to support the local buyers for purchasing their own residential flat. The land owned by the property developers would be used while the property prices under the scheme would be lower than the market prices. The scheme reflected the new development method proposed by the Task Force- cooperation between the government and the private sector. The government would support the projects of the property developers.

Last but not least, the government also handled the SDU by supporting the Community Housing Movement, which was initiated by the Hong Kong Council of Social Services. According to the Hong Kong Council of Social Service (2017), the scheme required the residents to co-live with other families and co-use the public area such as toilet and kitchen. The average living space per person would be 75 square feet, which was larger than that in SDU. The amount of rent would be 25% of the residents’ monthly income. It would be a temporary housing. Those who had waited for the PRHU for more than 3 years would be able to apply. Up to this point, 332 potential units were contributed.

Policy Outcome
The outcome of the policy for PRHU was not satisfactory. PRHU only accounted for 60% of the total housing units. Only 280,000 PRHU would be built in the 10
years. However, up to this point, there were more than 280,000 PRHU applicants waiting for the PRHU. The supply of the units would not be enough. Besides, concerning the land supply, the task force suggested building housing units on several places and reclamation. All these suggestions required high costs. Moreover, the GFS scheme did not help solving the housing needs. If the existing residents in the PRHU were not interested in the scheme, emptying the PRHU for other applicants would not be possible.

The government’s efforts in tackling the SDU were also ineffective. According to a survey report, which had 200 respondents in total, by the Caritas Development Project for Grassroots of Organization (2018), more than 70% of the respondents claimed that they would not apply for the community housing since they needed to share the living spaces with others and their private space would be intruded.

VI. Discussion

The government failed to protect the right to housing

After reviewing the Hong Kong housing environment and housing issues, it was realized that the right to housing in Hong Kong was not well-protected, especially those living in the SDU. Considering the 7 criterion concerning the right to housing proposed by the United Nations, below would show how the right to housing was not protected in the SDU.

Security of tenure. Since the rent control was abolished in 2004, the tenants lost the security of tenure. As long as the flat owner informed the tenant one month in advance, the tenant had to leave without bargaining.

Availability of services, materials, facilities and infrastructure. Some SDU residents needed to share toilet and kitchen with other families. Even in the Social Housing Movement, the tenants needed to co-live with others and share public spaces, including kitchen, toilet and living room. This situation has intruded the privacy of the tenants to certain extent.

Affordability. According to Lai at el. (2015), in 2015, the residents needed to
use 40% of the monthly income to pay for the rent. Moreover, the surcharge on the electricity and water fee would make the total expenditure driven up to 50% of the monthly income. The burden of living in a SDU was heavy.

_Habitability._ Neither was SDU a safe place, nor it was a comfortable place to live. In the SDU, the average living space was small without any fire precautions. Moreover, as pointed out by Yu & Lai (2014), living in the SDU had a higher chance to get diseases as there were more germs in SDU.

_Accessibility._ According to Chan (2013), it was reported that wheelchairs people were not able to rent a SDU. If they did, they needed to rent all sub-division in the house. In other words, wheelchair people needed to pay higher rent than the usual residents.

_Location._ Residents usually chose to live in the area closed to their workplace and urban center. Therefore, surrounding the SDU residents would be community facilities, such as clinic, restaurants and supermarkets. However, these facilities were initiated by private individuals instead of the government.

_Cultural Adequacy._ There were ethnic minorities people reflecting that they were rejected to rent a flat because of their cultural background and nationalities. It failed to achieve the right to housing since it stressed that no one should be discriminated because of religious and cultural background.

The businessmen and property developers influenced the policy formulation
In both executive council and the legislative council, there were businessmen and property developers, who have monopolized the private housing markets and Hong Kong public services. Since they were in the most powerful position concerning policy formulation, they would put their interests on top of the public interests. One example was the North-east New Territories Development Project. At that time, the Finance Committee of the Legislative Council was working on the project. The chairperson, Ng Leung-sing, was the board of director in a subsidiary of Sun Hung Kai Properties, which has acquired the land in the
development area before the government formally proposed the project. If the government developed the land, the government needed to buy the land according to the market price or to launch another scheme supporting the project from the property developers. Ultimately, after Mr. Ng forbidden the councilors from further speaking and questioning, the bills were passed. It was how the businessmen control the decision systems.

The land-use was injustice
While the principles of justice were about everyone should enjoy equal rights and the resources should be used for the good of the poor. It was clear that the land-use planning was injustice. As reflected above, most land resources were allocated for the ‘rural settlement’. Moreover, more than half of the 2000 Hectares vacant residential land was allocated for it. The beneficiary was the native people living in the New Territories. They had the privilege to build a 3-storey housing unit once they were born. The privilege itself violated the principle of liberty. Moreover, with the growing demands and the serious shortage of the PRHU and the number of SDU, the government violated principle of difference by allocating fewer resources to the people in need. Besides, for creating new land supply, the government has been persuading the people that reclamation was a must. If the government adopted the same principle in development, it just provided an extra opportunity for the property developers to expand their business or to strengthen their land banks.

VII. Suggestion for the future policies
Concerning the housing problems, there would be several suggestions focusing on housing demands and responding to the housing demands. As building new housing units would take years, some short-term measures would be proposed. Moreover, since the right to housing was a basic human right, protection for the right to housing would be the core principle in the suggestion and should be the major objective in the government policies.

Re-establish the rent control
For a short-term measure, the government should re-establish the rent control to protect the security of tenure. The rent control would ensure that the flat owner could not evict the tenants unless the tenants failed to pay the rent or used the units for illegal purposes. Moreover, the rent control could help reducing the living cost of the residents. If the rent control was established, the rent level would be controlled and the flat owner could not raise the rent randomly. The living cost would then be minimized relatively.

**Develop temporary housing units**

Another short-term measures the government should carry out was about building more temporary housing units to solve the short-term housing needs. There were different abandoned schools and industrial buildings. These buildings could be changed into transitional housing units. Besides, there were also suggestions about ‘Pipe Houses’ and ‘Cargo Houses’. These ideas were originated from the Netherland but these urged the government to tackle the immediate housing problems by providing short-term transitional housing units, which the environment was healthy for living.

**Prohibit the property developers from creating land bank**

Apart from coping with the needs of the people, something should be done on the powerful group, especially those putting own interests on top of public interests. The most direct way was that the government exercised the rights granted by the Land Resumption Ordinance and Land Acquisition (Possessory Title) Ordinance to take back the land from the developers for building more PRHU. These actions were actually carried by the British Hong Kong government to develop new towns. Another method was to impose conditions on the land. For instance, the property developers must develop the land within a given time frame and built the required number of housing units. These measures would avoid the property developers from hoarding the land and ensure that the resources were used in a justice way.

**Develop on the vacant land**
As mentioned, the government owned 2000 Hectares of vacant residential lands. Given the high demand of PRHU and the resources, the government should develop the 2000 Hectares land by building PRHU in the long-run. As the land were all owned by the government, extra acquisition, reclamation and other complicated processes were not needed. Moreover, it was injustice to allocate half of the land to the privilege group while there was a huge demand for PRHU. The government needed to review such outdated privilege for the good of the society.

VIII. Conclusion

Housing problem was serious in Hong Kong and people’s right to housing was exploited. While the people’s housing needs were unmet, the property developers and powerful groups could still live luxuriously with huge profits. The difference between the poor and the rich was a shame to the city. Given the resources and power the government had, it should take the responsibilities to solve the issues and protected the rights to housing of the people. The government should respond the public demand to establish the rent control to protect the security of tenure. Besides, the government should review the land planning. Instead of reclaiming the land, a lot of vacant residential land could be used to solve the housing needs. Moreover, taking back the land from the property developers should also be done in order to increase the land supply. In the long run, the government should build more PRHU to protect the people’s right to housing. The government should also protect the security of tenure. With a secured tenure, people would be more confident to rent a housing unit to fulfill the housing needs. Then, acquisition of housing unit was not the only choice to solve housing needs. When there were more alternatives in the market, the property developers would have lower possibility to dominate the market.
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Appendix – System Model of Policy Process

Environmental Variables include socio-economic, physical and political factors. These variables vary with time.

Systems Model of the Policy Process (By Bill Jenkins, 1993)