

Executive Summary

Direct Investigation Report

Housing Department's Arrangement for Using Idle Spaces in Public Housing Estates

Foreword

The building designs of some public housing estates ("PHE") completed in earlier years have often included some idle spaces scattered around the estate buildings. As most of these idle spaces are small and narrow, or not in compliance with all the statutory requirements for domestic units under the Buildings Ordinance ("BO"), the Housing Department ("HD") has not used those spaces as public housing units ("PHU"). Over the years, HD has used the idle spaces as storerooms for letting out to public housing tenants for storing furniture and other household items, or to service providers and mutual aid committees for storage purposes.

Our Findings

2. As at end August 2017, there were 87 PHE with storerooms, providing a total of 2,462 storerooms. Our investigation revealed that 959 of those storerooms were vacant, making up a total area of more than 10,100 square metres (about 109,000 square feet), representing a vacancy rate of 39%. While most of these vacant storerooms (68%) have an area less than 100 square feet, we have found some larger ones.

3. Currently, there is a serious shortage of public housing, and many people are living in windowless, subdivided units of only a few dozen square feet. The condition of those subdivided units is even worse than that of some of the storerooms. Given the pressing housing demand in society, HD seems to be wasting public resources in allowing so many storerooms to remain vacant without taking timely and proactive measures to convert or utilise those spaces.

4. This direct investigation revealed inadequacies on the part of HD and room for improvement in three areas: conversion of storerooms into PHU, use of storerooms for other purposes, and provision of information.

(I) Actively Study Conversion of Storerooms into PHU

5. In response to the realigned letting policy of PHE storerooms and shortage in public housing, HD started a feasibility study in early 2015 and successfully identified 24 storerooms for conversion into PHU. Prior to 2017, however, those idle spaces had all along been used as storerooms. HD had failed to pro-actively make efforts to convert those storerooms into PHU in the face of the surging demand for public housing and changes in construction technologies.

6. We understand that demand for public resources and public aspiration can change with time and so HD's focus of review and judgement may be different at different points of time. Yet, the living area and environment of many people in Hong Kong have been deteriorating over the past years. The waiting time for a PHU often takes years. As such, when considering how those idle spaces should be utilised, top priority must be accorded to converting them into PHU.

7. This Office agrees that HD should follow the requirements of the BO in converting the storerooms into PHU. Hence, we will not make any recommendations that would cause HD to violate the BO. In this regard, we have consulted some professionals in building and architecture. They opine that for storerooms that but for only minor violations of the BO requirements could have been used for domestic purposes (such as slightly insufficient natural lighting or ventilation), HD can consider providing justifications or finding alternative or remedial measures to make them fulfil the statutory requirements (such as enlarging the windows). Since HD had adopted this new approach, eight storerooms previously rejected by the Independent Checking Unit have been converted to PHU successfully. HD expects that similar principle could be applied to 42 more storerooms for conversion into PHU.

8. Moreover, during our investigation, we found in a certain PHE a large number of empty bays with sizes and conditions similar to their adjacent PHU. HD explained that those spaces were for ventilation and access purposes. Since those empty bays are not regarded as storerooms, HD has not compiled any records or statistics on their quantity, size and distribution, and so we are unable to know how many similar empty bays exist in all PHE in Hong Kong. However, upon our intervention, HD successfully converted three empty bays into PHU in 2017. This indicates that it is indeed not impossible to convert those empty bays into PHU.

9. We consider that HD should not only closely monitor the progress of works regarding the approved conversion of storerooms and empty bays, but also carefully review the conditions of all storerooms, vacant or rented, and proactively explore ways to remedy and overcome their inadequacies in meeting the statutory requirements. HD should also take stock of and compile records on the empty bays in all PHE, and actively explore the possibility to convert those empty bays into PHU.

(II) Explore Other Possible Uses of Storerooms

10. For those storerooms that are not suitable for conversion into PHU, HD will rent those located outside the domestic area to social welfare agencies/organisations for storage or social welfare services. As for those located within the domestic area, HD will only rent out to tenants of the same building for security and management reasons. Under such constraints, only a limited number of tenants would be eligible to rent those storerooms. In our view, if HD insists on only letting those storerooms to tenants of the same building, many such storerooms, particularly those in large size, will continue to remain vacant, resulting in undue wastage of precious land resources.

11. During our investigation, we received suggestions from a number of social welfare agencies and building professionals on how to better utilise those vacant storerooms located within the domestic area, such as renting them to mutual help groups or social welfare organisations for provision of day nursery or tutorial service to residents in the building, or converting them into open spaces to improve the living environment. We can see that various stakeholders have many creative ideas on how to make use of those vacant storerooms.

12. We consider that, since the current letting policy has greatly restricted the usage of storerooms located within the domestic area, HD should review whether those storerooms can be put to other uses (including renting to social welfare agencies/organisations) for the benefit of the community. In particular, for some social welfare services that are welcome by the residents/local community, HD should actively assist interested social welfare agencies/organisations in renting the storerooms. As regards security and management arrangements, HD can liaise with the potential tenant of the premises and draw up tenancy conditions for proper regulation. It should also consult the Estate Management Advisory Committee or residents to allay any unnecessary concerns.

(III) Enhance Transparency and Provision of Information

13. Currently, where there are vacant storerooms available for renting, HD would put up notices in the Estate Offices or at the lobby of the estate buildings to invite applications. Nevertheless, some social welfare agencies told us that they knew next to nothing about the availability of vacant storerooms and their quantities/locations, and whether/how they could rent these storerooms. At present, the HD website only contains information about those storerooms available for renting for social welfare uses. Information about other vacant storerooms and the channels disseminating such information are very limited, making it difficult for interested agencies/organisations to have a comprehensive picture of the vacant storerooms in different PHE.

14. Social welfare agencies/organisations and other stakeholders have many

innovative views and ideas on how to make good use of those vacant storerooms. We consider that HD should enhance the provision of information about the vacant storerooms (including their quantity, size and location) so that interested agencies/organisations can apply to HD for conversion to suit their needs. We believe that enhanced transparency would help encourage stakeholders and interested parties to put forward more innovative or even unconventional proposals and ideas to the Government. With collective wisdom, idle spaces in PHE can be better utilised for more diversified purposes.

Recommendations

15. In the light of the above, The Ombudsman makes five recommendations to HD for improvement:

(1) to follow up closely the conversion progress of those storerooms and empty bays already approved by the Independent Checking Unit for converting into PHU, and examine as soon as possible the feasibility of applying similar principles to other suitable storerooms for conversion into PHU;

(2) to review the conditions of all storerooms, both vacant and rented, with a view to actively examining whether there are alternative ways to surmount or compensate their inadequacies in satisfying the requirements under the BO for conversion into PHU;

(3) to record and compile statistics about all the empty bays within the domestic areas of PHE, and vigorously examine the feasibility of converting these empty bays into PHU;

(4) to proactively review the feasibility of putting the vacant storerooms which cannot be converted to domestic use to other uses (such as social welfare purposes or used as open spaces), and provide adequate assistance to interested social welfare agencies/organisations in renting those storerooms; and

(5) to enhance the transparency and dissemination of information about vacant storerooms in order to reduce the vacancy rate.

**Office of The Ombudsman
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