



Research Office  
Legislative Council Secretariat

## Information Note

# Minimum Home Standard in South Korea and New Zealand

IN05/2024

## 1. Introduction

1.1 According to the latest update of the Long Term Housing Strategy, 127 500 or 4.8% of households in Hong Kong were categorized as residents of inadequate private housing in 2022, with three quarters of them residing in sub-divided units (“SDUs”).<sup>1</sup> In October 2023, the Government set up a dedicated taskforce to lay down “minimum standards of living conditions for SDUs” in terms of living space, hygiene and building and fire safety requirements in ten months, with a view to eradicating sub-standard SDUs afterwards.<sup>2</sup> The public welcomes the initiative, but is concerned about low inhabitability of the rest (i.e. one quarter) of inadequate dwellings (e.g. cubicles, bed-spaces, roof-top huts and non-residential buildings).<sup>3</sup> Moreover, critics point out that some unsatisfactory forms of accommodation in the territory are not fully enumerated in the above statistics yet, such as those located in highly obsolete buildings prone to greater structural safety risks and those with very crowded living space similar to SDUs.<sup>4</sup> To improve the living conditions of grassroots families, there is advocacy to specify a minimum home standard (“MHS”) for all dwellings in the territory, based on multiple parameters like (a) floor space; (b) self-contained kitchen and toilet; and (c) basic ventilation, hygiene and structural safety.<sup>5</sup> While imposing a minimum flat size of 26 square metres (“m<sup>2</sup>”) in major land disposal programmes in the public sector as from February 2022, the Government cautioned that the question of living space standard could be explored “when the land shortage situation is alleviated”.<sup>6</sup>

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<sup>1</sup> The Government considers public housing as “adequate housing” because it is built to satisfy basic housing needs. For the 127 500 “inadequately housed households”, 73% lived in SDUs, 19% in temporary structures (e.g. rooftops and squatters), 5% in non-residential buildings and 3% in shared dwellings (e.g. cubicles and bed-spaces). See Housing Bureau (2023).

<sup>2</sup> Policy Address (2023).

<sup>3</sup> 香港01 (2021, 2023) and 施麗珊 (2023).

<sup>4</sup> The median per capita floor area of residents in SDUs was 6.0 m<sup>2</sup> in 2021, less than two-fifths of the territory-wide figure of 16.0 m<sup>2</sup>. See Census and Statistics Department (2023b), Habitat for Humanity Hong Kong (2022) and 香港聖公會麥理浩夫人中心 (2018).

<sup>5</sup> In other places, MHS may apply to all dwellings or just certain housing segments. In addition, the terminology for MHS differs across places (e.g. Minimum Residential Standards in South Korea, Decent Homes Standard in the United Kingdom and Healthy Homes Standards in New Zealand). They are all abbreviated as MHS in this note for presentation convenience.

<sup>6</sup> GovHK (2018, 2023).

1.2 Globally, few advanced places have set nationwide MHS for all dwellings, primarily because living conditions particularly in the private sector is largely determined by market fundamentals of housing demand and supply, not dictated by law.<sup>7</sup> Regulators may lay down a high standard of MHS and enforce it stringently, but it could end up pushing up accommodation cost and pricing out some low-income residents, if affordable housing supply could not be increased at the same time. For instance, bearing these unintended policy consequences in mind, the Canadian government cautions that its MHS (i.e. National Occupancy Standard) is neither “a rule, regulation or guideline” nor “an enforceable standard”, but just a housing suitability indicator.<sup>8</sup> Nonetheless, some advanced places specify MHS for the private rental housing segment only, mandating landlords to keep their rental properties in decent conditions. In 2021, 26 member states of the Organisation for Economic Co-operation and Development (“OECD”) had set such standards for rental dwellings.<sup>9</sup>

1.3 At the request of Hon Andrew LAM Siu-lo, the Research Office has selected South Korea and New Zealand (“NZ”) for further study because their statutory MHS are supported by executable policies, not just planning guidelines. For South Korea, its MHS (i.e. Minimum Residential Standards) legislated in 2004 is backed up by supply-side measures, prompting “significant” improvement of housing quality over time. For NZ, its MHS (i.e. Healthy Homes Standards) enacted more recently in 2019 is applicable to private rental housing only, offering a glimpse on the mode of operation of MHS commonly seen in OECD. This *Information Note* begins with an overview of recent global application of MHS, followed by recent policy developments and major issues of concerns in Hong Kong. It will then discuss the salient features of MHS in the two selected places, along with a table for easy reference (**Appendix**).

## 2. Recent global developments

2.1 The United Nations (“UN”) considers that access to “adequate housing” is a basic human right, emphasizing the importance of adequate living space and its protective functions against health threats and structural hazards.<sup>10</sup> It is further echoed by UN’s World Health Organization which cautions that housing deprivation could affect the health of residents.<sup>11</sup> In brief, crammed dwellings without self-contained facilities could lead to (a) more frictions amongst household members; (b) poor physical health due to inadequate ventilation and daylighting; (c) worsened mental

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<sup>7</sup> Legislative Council Secretariat (1999) and Eurofound (2016).

<sup>8</sup> MHS in Canada was laid down in the 1980s, recommending the suitable number of bedrooms for families with different size and age composition (e.g. at most two persons staying in a bedroom). See Canada Mortgage and Housing Corporation (2022).

<sup>9</sup> Organisation for Economic Co-operation and Development (2021).

<sup>10</sup> The United Nations (undated).

<sup>11</sup> Appolloni and D’Alessandro (2021).

health amidst a lack of privacy and inactive social life; and (d) lower work and study efficiency.<sup>12</sup>

2.2 While all governments make laws and regulations to safeguard building safety and environmental quality of residential dwellings, the occupation pattern of families in these dwellings may not be satisfactory. For instance, a flat with a size of 40 m<sup>2</sup> may sound spacious for a singleton household, but it could be over-crowded for a family of five. **Prima facie, MHS specification alone cannot improve overall housing quality, if housing supply of a place is outstripped by housing demand or if its planning system is too rigid.**<sup>13</sup> Also, governments need to consider not only the technical feasibility and resource implications in MHS enforcement, but also the policy dilemma between the two apparently conflicting objectives, i.e. provision of adequate affordable housing and maintaining overall housing quality. As such, very few governments simply rely on MHS legislation to upgrade overall housing quality. As discussed above, MHS in **Canada** is neither a rule nor a regulation. By the same token, MHS in **Japan** is just a recommended standard or guideline, not for direct enforcement.<sup>14</sup>

2.3 **In some advanced places, their regulatory focus is placed on housing quality of the private rental housing segment only**, which took up 17% of overall housing in OECD in 2020. Conceivably, its enforcement is more straightforward as it can be easily embedded into the existing tenancy regulatory framework (e.g. rent control and tenancy protection) on the one hand, and landlords can be identified as enforcement targets on the other.<sup>15</sup> Based on scanty information available in the public domain, the minimum quality standard for rental dwellings in OECD is based on one or more parameters such as (a) per capita floor space; (b) number of bedrooms; (c) height and volume of the dwellings; (d) self-contained kitchen; and (e) heating, ventilation and insulation. Key MHS parameters for private rental housing in five member states of OECD (i.e. France, Italy, the Netherlands, Portugal and Spain) are shown below for easy reference (**Figure 1**).

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<sup>12</sup> Legislative Council Secretariat (2022).

<sup>13</sup> The Economist (2022).

<sup>14</sup> Under the revised standard, the Japanese government recommends an area of (a) 25 m<sup>2</sup> for a singleton household; (b) 30 m<sup>2</sup> for a couple; (c) 40 m<sup>2</sup> for a three-person family; and (d) 50 m<sup>2</sup> for a four-person family. See Real Estate Japan (2017) and Legislative Council Secretariat (1999).

<sup>15</sup> University of Cambridge (2012) and Organisation for Economic Co-operation and Development (2021).

**Figure 1 – Key MHS parameters for private rental housing in selected places**

		<b>Minimum floor area (m<sup>2</sup>)</b>	<b>Minimum size of living room (m<sup>2</sup>)</b>	<b>Minimum size of bedroom (m<sup>2</sup>)</b>	<b>Self-contained kitchen</b>	<b>Proportion of private rental segment in all housing in 2020</b>
1	<b>France</b>	14 <sup>(1)</sup>	-	9	✓	17.5%
2	<b>Italy</b>	14 <sup>(1)</sup>	14	9	-	19.4%
3	<b>Spain</b>	20	-	6	✓	14.4%
4	<b>Netherlands</b>	18	11	-	✓	40.8%
5	<b>Portugal</b>	-	10	10.5	✓	12.8%

Note: (1) Per capita basis in France and Italy. Hence, for a four-person family, the minimum floor area would be 56 m<sup>2</sup>.  
Sources: Appolloni and D’Alessandro (2021) and Organisation for Economic Co-operation and Development (2021).

2.4 So far, **there is very little information regarding the state of enforcement and policy effectiveness of MHS in the private rental housing in OECD.** While it may sound easy to ask landlords to comply with the regulatory requirements, how far regulators would actually enforce it is another question. In enforcement, the regulators may be mindful of its knock-on implications on low-income families. In a housing policy survey conducted in Europe, “better accessibility of affordable housing” and “provision of accessible housing for the most vulnerable” were the most commonly cited policy objectives, well above housing quality.<sup>16</sup> Moreover, as “declining rental affordability” due to housing shortage has become an emerging policy concerns in many European countries after the epidemic, how to strike a right balance between quantity and quality in the housing policy is a challenge.<sup>17</sup>

### **3. Recent policy developments in Hong Kong**

3.1 With a small territorial size and high population density, Hong Kong is inevitably crowded in terms of living space.<sup>18</sup> Prolonged land shortage has aggravated inhabitability of dwellings, as shown in the following indicators. **On per capita living area**, the median value for Hong Kong was only 16 m<sup>2</sup> in 2021, just about half of that in major cities in Asia.<sup>19</sup> **On newly completed private residential flats with ultra-small size** (i.e. “nano flats” with area 20 m<sup>2</sup> or less), the number has surged from just 64 units in 2014 to 1 010 units in 2022, triggering concerns over their stressful

<sup>16</sup> Eurofound (2016).

<sup>17</sup> International Monetary Fund (2021).

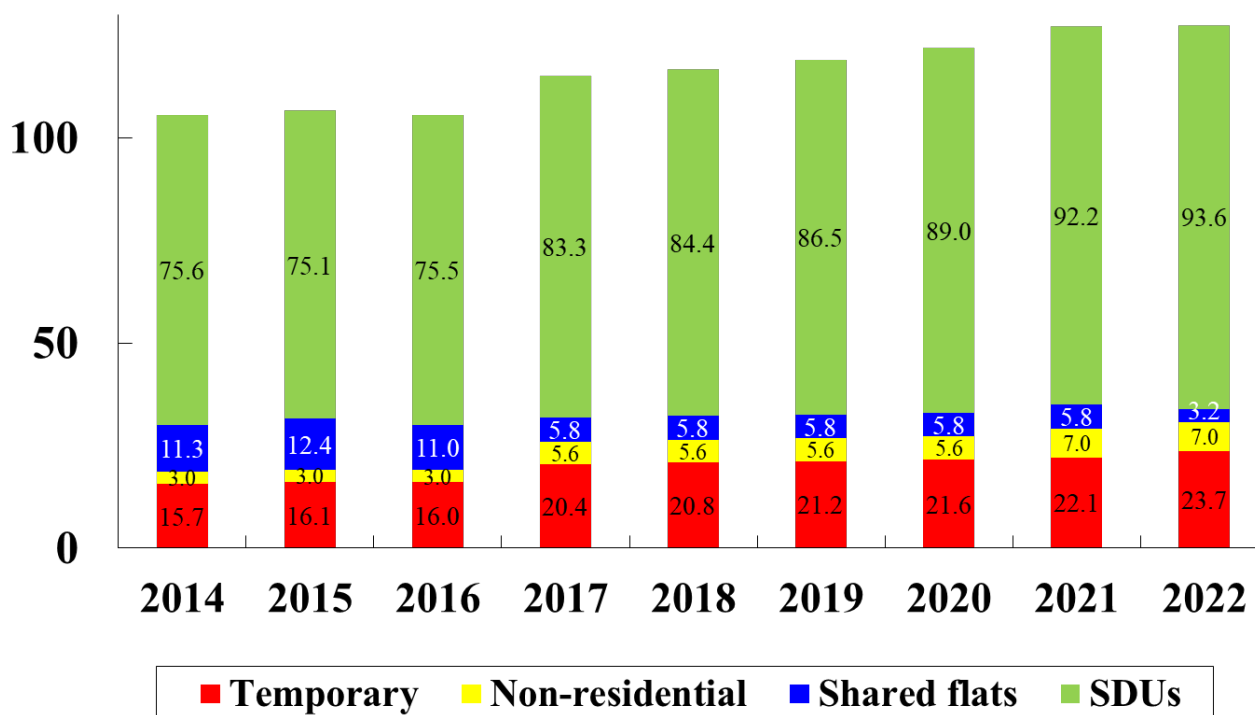
<sup>18</sup> In 2021, the population density in Hong Kong was estimated to be 7 100 people per km<sup>2</sup>, the 4th highest in the world. See Wisevoter (2024).

<sup>19</sup> Per capita floor space was estimated to be around 30.7 m<sup>2</sup> in Seoul, 33.0 m<sup>2</sup> in Singapore and 34.3 m<sup>2</sup> in Taipei. See Legislative Council Secretariat (2022).

environment and low inhabitability. On **inadequately housed households**, the number has gone up by 21% in eight years to 127 500 in 2022, along with a rise in their share in overall households from 4.3% to 4.8% (Figure 2).

**Figure 2 – Number of inadequately housed households in Hong Kong**

(’000)



Source: Housing Bureau (various years).

3.2 In response to public concerns and in anticipation of abundant land supply of over 7 000 hectares to be available from new development areas (e.g. Northern Metropolis and Tseung Kwan O Area 137) in the next 30 years, the Government has taken a more “visionary” and “forward-looking” approach in home space policies more recently.<sup>20</sup> **First**, it incorporated an assumed home space improvement factor of 10%-20% in the planning strategy report “Hong Kong 2030+” released in October 2021.<sup>21</sup> **Secondly**, it has imposed a new requirement of minimum flat size in terms of saleable area of 26 m<sup>2</sup> in major land disposal programmes of the public sector as from February 2022.<sup>22</sup> **Thirdly**, Hong Kong Housing Authority will impose

<sup>20</sup> GovHK (2021).

<sup>21</sup> In gross terms, assumed per capita floor area would become 20 m<sup>2</sup> with 10% improvement, and 22 m<sup>2</sup> with 20% improvement. The Government cautions that (a) it is neither a standard nor a target, but just a “forecast of outcome”; and (b) this is neither internal nor saleable floor area. See GovHK (2021, 2023).

<sup>22</sup> They include land sales, railway property projects, public renewal projects, and land exchange or lease modification applications for private development. See GovHK (2023).

a similar minimum flat size requirement of 26 m<sup>2</sup> for subsidized sale flats and most of public rental flats as from 2026-2027 onwards.<sup>23</sup> **Fourthly**, the Government set up a dedicated taskforce in October 2023 to tackle issues related to SDUs, including specification of minimum standards for SDUs within 2024, before eradicating those SDUs unable to meet the standards.

3.3 While these initiatives are well-received in society, there are concerns that they are too remote to address the issue of low quality of housing inhabited by grassroots families right now. **First of all**, the above initiatives affect newly completed flats only. Given that annual completions of new flats in both private and public sectors taken together are fewer than 50 000 units (i.e. 1.7% of the existing stock of 3 million dwellings), it will take decades to reshape the overall housing landscape.<sup>24</sup> **Secondly**, over-crowdedness in terms of per capita living space was apparently not considered in demarcation of inadequately housed households, resulting in underestimation of unsatisfactory accommodation. For instance, some public rental units could also be over-crowded, particularly for larger families with six or more members.<sup>25</sup> **Thirdly**, structural safety risk was not a criterion in the demarcation of unsatisfactory accommodation. Prima facie, those dwellings located in 1 000 private buildings aged 70 or above are prone to more risks, especially those without owners' corporations in management.<sup>26</sup> To offer better protection to grassroots families, there is advocacy to specify territory-wide MHS applicable to all dwellings, not just SDUs.

3.4 In reply to a question on “average living floor area per person” in the Legislative Council (“LegCo”) in June 2018, the Government remarked that “to increase land supply in a sustained manner” was a more fundamental approach to improve living space, not setting the minimum living standards itself.<sup>27</sup> In its response to a motion on housing policy reform passed in LegCo in July 2021, the Government further reiterated that it had to optimize the use of limited land to address “the most pressing issue” of “shortage of public housing supply” first. But it undertook to “timely explore and consider holistically” the average living space issue in the long run.<sup>28</sup>

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<sup>23</sup> More specifically on public rental housing, except those flats designated for one to two persons, the internal floor area of flats will be at least 21 m<sup>2</sup> (roughly equivalent to 26 m<sup>2</sup> in terms of saleable area applicable to subsidised sale flats). See GovHK (2023).

<sup>24</sup> Census and Statistics Department (2023a).

<sup>25</sup> 施麗珊 (2023) and 香港01 (2021, 2023).

<sup>26</sup> Development Bureau (2022) and 香港01 (2023).

<sup>27</sup> GovHK (2018).

<sup>28</sup> Transport and Housing Bureau (2021a).



## 4. Recent policy developments in South Korea

4.1 South Korea had suffered from chronic housing shortage after the 1960s, as manifested in a low ratio between the stock of dwellings and the number of households (“stock ratio”) of only 72.4% in 1990, spurring property speculation and driving up housing cost of grassroots families (**Figure 3**).<sup>29</sup> In August 1988, the then-President Roh Tae-woo announced an ambitious housing plan, aiming to build two million units in the next five years.<sup>30</sup> As he managed to deliver the target within his term of office, together with supply-led policy adopted by his successors, average annual supply of new housing in South Korea doubled from 263 400 units in the 1980s to 577 400 units in the 1990s. By the turn of the millennium, the problem of “absolute housing shortage” in South Korea was largely resolved, as seen in the upsurge in the stock ratio by 23.8 percentage points in 10 years to 96.2% in 2000.<sup>31</sup> Although per capita floor space doubled in two decades to 20.2 m<sup>2</sup> in 2020, attention in the community turned to the low quality of dwellings inhabited by low-income families as well as the poor quality of some new housing units in the rush to completion.<sup>32</sup> Based on an official survey, some 3.3 million or 23% of Korean households lived in low quality accommodation in 2000, mostly reflected in inadequate bedrooms for privacy protection, followed by a lack of basic facilities (e.g. pipe water, modern toilets or sewerage system).<sup>33</sup>

**Figure 3 – Key housing indicators in South Korea**

	<u>Stock of dwellings</u> (‘000)	<u>Number of households</u> (‘000)	<u>Stock ratio</u> <sup>(1)</sup> (%)	<u>Number of dwellings per 1 000 inhabitants</u> (unit)	<u>Per capita living space</u> (m <sup>2</sup> )
<b>1980</b>	5 319	7 470	71.2%	142.1	10.1
<b>1990</b>	7 357	10 167	72.4%	169.5	14.3
<b>2000</b>	11 472	11 928	96.2%	248.7	20.2
<b>2010</b>	17 739 <sup>(2)</sup>	17 656 <sup>(2)</sup>	100.5%	363.8	25.0
<b>2020</b>	21 674 <sup>(2)</sup>	20 927 <sup>(2)</sup>	103.6%	418.2	33.9

Notes: (1) Ratio between the stock of dwellings and the number of households.

(2) Due to a change in compilation methodology, the stock of dwellings and the number of households for 2010 and 2020 may not be directly comparable to those beforehand.

Sources: K-Developedia (undated), Kim (2023) and Organisation for Economic Co-operation and Development (2018).

<sup>29</sup> K-developedia (undated).

<sup>30</sup> Two million housing units amounted to as much as 30% of the Korean housing stock in 1989. See Ha (2019, undated).

<sup>31</sup> Asian Development Bank Institute (2016).

<sup>32</sup> Ibid.

<sup>33</sup> Within this total, 2.09 million households did not have adequate bedrooms, 0.74 million did not have basic facilities and 0.47 million were without both. See Ha (2004) and Chung (2005).

4.2 In response to emerging public concerns, the Korean government began to place more emphasis on housing quality, on top of housing quantity. It first introduced Minimum Residential Standards as a guideline in 2000, initially based on the number of rooms and size of each housing unit. MHS became statutory upon enactment of the **Housing Act** in 2004, and the standard was upgraded in 2011 by (a) increasing the flat size and (b) including basic facilities as new parameters. In June 2015, MHS was moved to another new housing law named as the **Framework Act on Residence**.<sup>34</sup>

4.3 After the standard enhancements in 2011, the salient features of the existing MHS in South Korea are briefly summarized below:

- (a) **Minimum number of bedrooms per dwelling:** Article 17 of the Framework Act on Residence mandates the Korean government to establish MHS to enable its people to “maintain a pleasant and fulfilling life”.<sup>35</sup> First of all, MHS specifies the suitable number of bedrooms which varies with family size and composition. For example, at least one bedroom is needed for a singleton household or a married couple without children.<sup>36</sup> The number of bedrooms should be increased to two if the married couple has one child, and to three when they have 2-3 children (**Figure 4**);

**Figure 4 – Examples of Minimum Residential Standards in South Korea**

Number of family members and its composition		Minimum number of bedrooms <sup>(1)</sup>	Minimum total living area (m <sup>2</sup> )	Private kitchen <sup>(2)</sup>	Private toilet and basic facilities <sup>(3)</sup>	Housing safety standard <sup>(4)</sup>
1	Singleton	1	14 (12) <sup>(5)</sup>	✓	✓	✓
2	Married couple	1	26 (20)	✓	✓	✓
3	Parents and 1 child	2	36 (29)	✓	✓	✓
4	Parents and 2 children	3	43 (37)	✓	✓	✓
5	Parents and 3 children	3	46 (41)	✓	✓	✓

Notes: (1) Living room is also counted as a bedroom.

(2) For family with two members or more, the kitchen should be large enough for dining.

(3) Basic facilities include bathing facilities and water connection.

(4) Including structural safety, adequate lighting, ventilation and heating facilities.

(5) Figures in parenthesis denote old area standard between 2004 and 2011.

Source: Kim (2023).

<sup>34</sup> Korean Government (2005, 2021), Kim (2023) and Asian Development Bank Institute (2016).

<sup>35</sup> Korean Government (2021).

<sup>36</sup> Living room is also counted as a bedroom. For children aged 6 or above, they should have a bedroom separated from their parents. Opposite sex children aged 8 or above should have individual bedrooms. See Kim (2023).



- (b) **Minimum total living area:** Secondly, minimum total area of a dwelling is specified for a singleton household (14 m<sup>2</sup>), married couple without a child (26 m<sup>2</sup>), and couple with one child (36 m<sup>2</sup>) or two children (43 m<sup>2</sup>) or three children (46 m<sup>2</sup>);
- (c) **Minimum basic facilities and housing safety:** Thirdly, a dwelling should have basic self-contained facilities (e.g. private kitchen, flush toilet, bathing and water supply facilities). A dwelling should also be structurally safe and meeting environmental standards (e.g. lighting, ventilation, heating and sound-proofing);
- (d) **Policy requirements of the Korean government:** The Act mandates the Korean government to conduct periodic housing surveys (which are done annually now) to keep track of the latest developments in housing quality and use them as an indicator in housing policy. The Ministry of Land, Infrastructure and Transport (“MLIT”) is held responsible for MHS implementation.

Moreover, Article 18 of the Act requires both the central government and local governments to offer necessary policy supports to assist residents of sub-standard dwellings to improve housing quality; and

- (e) **Implementation mechanism:** Apparently, statutory MHS in South Korea is not designed for eradication of sub-standard dwellings unit by unit through stringent enforcement. Instead, it acts more like a policy vision holding MLIT accountable to formulate housing policy to address the issue of sub-standard dwellings in South Korea.

4.4 **MHS is not an empty planning guideline in South Korea, but is backed up by sustained supply-led housing policy.** Under the then-President Roh Moo-Hyun, “housing welfare” became a new policy focus aiming to assist grassroots families to upgrade their accommodation.<sup>37</sup> In September 2003, he rolled out another ambitious housing plan, aiming to build one million units of public rental housing in the next decade for lower-income families.<sup>38</sup> Meanwhile, as construction in private housing remained hectic, average annual supply of new housing was sustained at an elevated level of over 500 000 units for three decades (**Figure 5**). As the stock ratio rose from 93% in 1999 to 101% in 2009 (and further to 105% in 2019), many low-income families could move out of their sub-standard dwellings to newly built housing units meeting MHS requirements.<sup>39</sup>

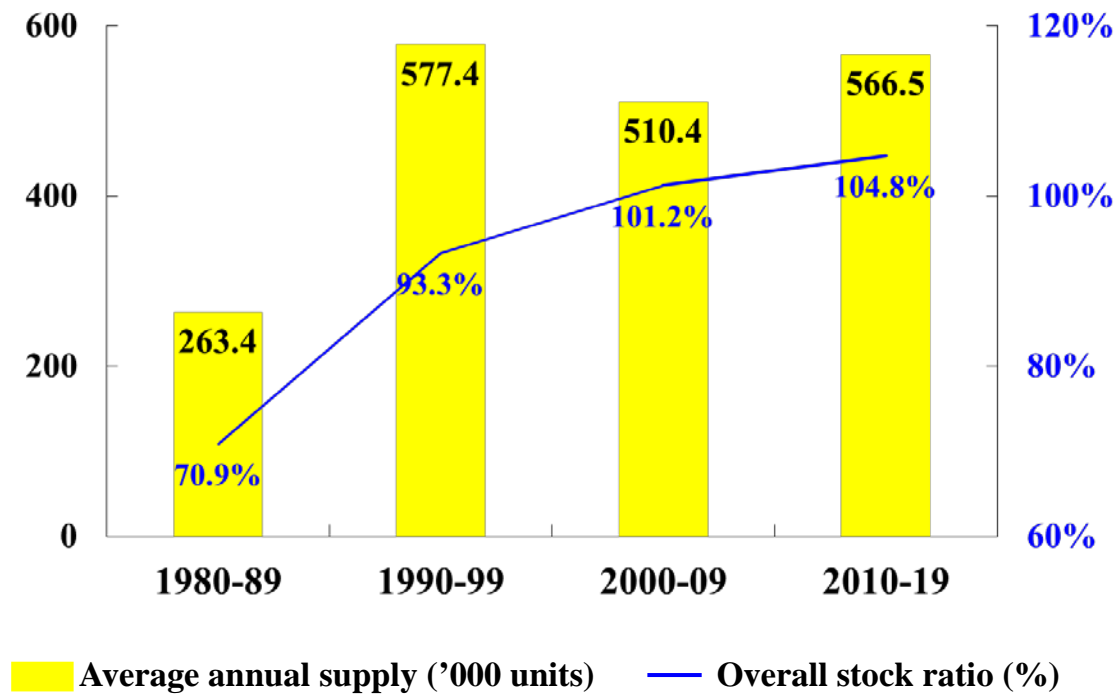
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<sup>37</sup> Chung (2005).

<sup>38</sup> You (2019) and Asian Development Bank Institute (2016).

<sup>39</sup> Reportedly, most of the sub-standard housing was then demolished for urban renewal. See Ha (2001).

**Figure 5 – Average annual housing supply<sup>(1)</sup> and stock ratio<sup>(2)</sup> in South Korea**



Notes: (1) In terms of construction permits granted by the Korean government.

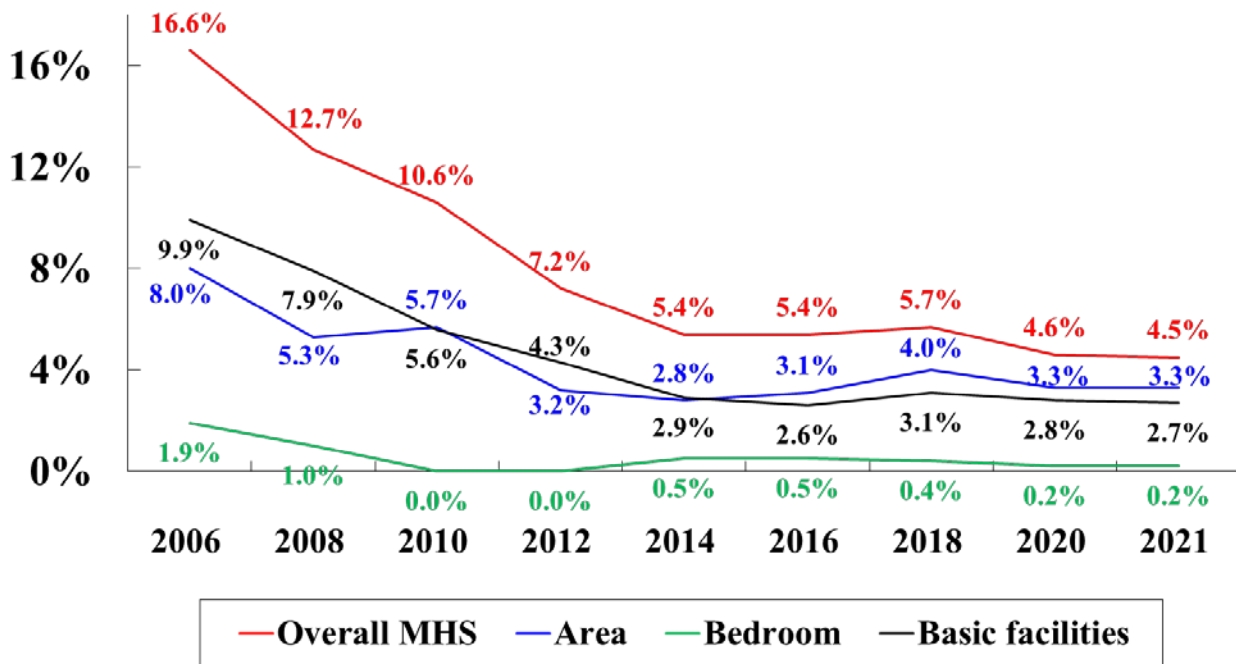
(2) Ratio between the stock of dwellings and the number of households at the end of the reference period.

Sources: K-Developedia (undated) and Korean Statistical Information Service (2024).

4.5 On policy effectiveness, **MHS together with more ample housing supply have noticeably improved overall housing quality in South Korea.** According to the official Housing Conditions Survey, the proportion of Korean households living in dwellings below the **overall standard of MHS** has displayed a steady and visible downtrend, falling steeply from 16.6% in 2006 to 4.5% in 2021 (**Figure 6**).<sup>40</sup> More specifically on the individual criterion, those dwellings failing to meet the **minimum area standard** alone declined from 8.0% to 3.3% over the same period; for **minimum bedroom standard** from 1.9% to 0.2%; and for **basic facilities** from 9.9% to 2.7%. In other words, at least one million Korean families managed to upgrade their home quality to meet MHS over the past two decades or so.

<sup>40</sup> Kim (2023).

**Figure 6 – Share of households residing in dwellings below MHS in South Korea**



Source: Kim (2023).

4.6 Most academics attributed this “remarkable improvements” in housing quality to “cumulative increase in supply of new housing of good quality” in South Korea over the years.<sup>41</sup> This had been well manifested in the steep upsurge in the ratio of dwellings per 1 000 of inhabitants in the country by almost 70% in two decades to 418.2 in 2020 (**Figure 3**). Likewise, OECD was impressed by the “significant progress” made by the Korean government in accessibility to quality housing, citing MHS specification and “direct government support for housing construction” as key contributory factors.<sup>42</sup> On space improvement, some scholars noted that continued demographic development towards smaller families (as reflected in the 30% decline in average household size from 3.1 to 2.2 between 2000 and 2022) in South Korea also contributed because it helped reduce space requirement per dwelling.<sup>43</sup>

<sup>41</sup> Ha (2019).

<sup>42</sup> Organisation for Economic Co-operation and Development (2018).

<sup>43</sup> Kim (2023).

## 5. Recent policy developments in New Zealand

5.1 “Cold, damp, mouldy and leaky” conditions are the major housing quality concerns in NZ, partly because two-thirds of dwellings were built before thermal insulation regulation came into effect in 1978.<sup>44</sup> By contrast, living space is generally not an issue, given that each family member on average has 2.4 rooms in NZ, far more than that of 1.8 rooms in OECD.<sup>45</sup> According to the recommendation of the World Health Organization, home should be warm and dry, with temperature lying in the region of 18°C - 21°C and relative humidity within a range of 40% - 60%.<sup>46</sup> Yet indoor temperature in winter in NZ is at least “a couple of degrees” colder than recommended, partly due to high concentration of forests and common usage of stones as building materials there.<sup>47</sup> As a result of regular exposure to coldness and dampness, one quarter of the population in NZ suffer from asthma and respiratory illness, the highest in OECD. Reportedly, some 40 000 annual hospital admissions in NZ are preventable if indoor insulation and heating can be improved.<sup>48</sup>

5.2 Analysed by housing segment, private rental housing is colder and damper than the owner-occupied segment, allegedly due to less attention paid by landlords to repairs and maintenance.<sup>49</sup> For example, 31% of rental housing had moderate to large gaps around windows and doors, far more than 19% in the owner-occupied segment. There was thus public pressure to improve the quality of some 600 000 private rental dwellings (which accommodated about three-tenths of households, mostly lower-income families) in NZ (**Figure 7**).<sup>50</sup> In December 2017, the government legislated the **Healthy Homes Guarantee Act**, specifying the statutory MHS for implementation as from July 2019. However, MHS enforcement is provided for under the **Residential Tenancies Act** (i.e. the law governing tenancy agreements in NZ) and more specifically the **Residential Tenancies (Healthy Homes Standards) Regulations 2019**.<sup>51</sup> MHS in NZ was enhanced slightly in May 2022, mainly in the heating requirement.

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<sup>44</sup> BRANZ (2011) and Ministry of Business, Innovation and Employment (2021).

<sup>45</sup> Organisation for Economic Co-operation and Development (undated).

<sup>46</sup> BRANZ (2011) and Ministry of Housing and Urban Development (2017).

<sup>47</sup> Room temperatures could fall to 13.5°C or lower during the night and morning.

<sup>48</sup> Organisation for Economic Co-operation and Development (2019).

<sup>49</sup> Some critics noted that 30%-50% of the rental stock was in poor condition. See Kohere (2022) and Ministry of Business, Innovation and Employment (2021).

<sup>50</sup> Landlords are required to keep their leased properties in a reasonable state of cleanliness and maintenance and to comply with statutory building and safety requirements. See Ministry of Housing and Urban Development (2017).

<sup>51</sup> Ministry of Housing and Urban Development (2017) and Parliamentary Counsel Office (2017, 2019).

**Figure 7 – Number of households in private dwellings<sup>(1)</sup> in New Zealand**

<u>Year-end</u>	<u>Stock of private dwellings</u> (’000)	<u>Number of households in private dwellings</u> (’000)	<u>Stock ratio</u> (%)	<u>Distribution of households in private dwellings by tenure</u>		
				<u>Owner-occupiers</u>	<u>Rental</u>	<u>Provided free</u>
<b>2000</b>	1 492.3	1 418.0	105%	68%	29%	3%
<b>2010</b>	1 712.1	1 620.5	106%	65%	31%	4%
<b>2015</b>	1 791.5	1 711.5	105%	65%	32%	3%
<b>2020</b>	1 928.7	1 872.3	103%	65%	32%	3%
<b>2023</b>	2 051.8	1 995.5	103%	65%	32%	3%

Note: (1) On top of private dwellings, OECD estimated that there were some 83 300 units of social housing in NZ in 2017, representing 4% of overall dwellings. However, neither the NZ government nor OECD have updated this figure afterwards.

Sources: Stats NZ (2024) and Organisation for Economic Co-operation and Development (2019).

5.3 By and large, Healthy Homes Standards in NZ are very technical and detailed, with altogether 45 pages in the regulation.<sup>52</sup> In layman’s terms, the salient features of the existing MHS and its enforcement are briefly presented below:

- (a) **Heating standard:** To create a “warm and dry home”, regulation of rental properties focuses on five areas. First on heating, landlords must provide one or more fixed heaters, which can directly heat the main living room and meet the heating capacity requirement;<sup>53</sup>
- (b) **Ventilation standard:** All bedrooms, dining rooms, living rooms, lounges and kitchens must have at least one door or window that opens to the outside. The openable windows and doors must have a total area equivalent to at least 5% of the floor area of the respective room. Kitchens and bathrooms must have mechanical ventilation connected to the outside;
- (c) **Insulation standard:** Both ceiling and underfloor insulation are compulsory in all rental properties, meeting specified thickness and resistance standards. Those ceiling insulation failing to meet the standard may need to be topped up or replaced;

<sup>52</sup> Specification of technical details is beyond the scope of this note.

<sup>53</sup> Ministry of Business, Innovation and Employment (2022) and Ministry of Housing and Urban Development (2024).

- (d) **Drainage standard:** Efficient drainage must be installed for removal of storm water, surface water and ground water. The drainage system must include gutters, downpipes and drains for the removal of water from the roof;
- (e) **Blocking draughts:** Landlords must block any unreasonable gaps and holes in walls, ceilings, windows, floors and doors that cause noticeable draughts;
- (f) **Penalty:** Landlords breaching the above MHS may be liable for exemplary damages of up to NZ\$7,200 (HK\$34,600). The penalty will be increased to NZ\$50,000 (HK\$240,400) for landlords having six tenancies or more;<sup>54</sup>
- (g) **Compliance declaration by landlords:** Landlords are required to provide a compliance statement at the start or renewal of a tenancy, indicating how far the rental property meets MHS. Landlords can hire an independent assessor to check their properties or do it themselves. Failure to provide such information may result in a fine of up to NZ\$750 (HK\$3,600), and those providing misleading or false information can be fined NZ\$900 (HK\$4,300);
- (h) **Enforcement agency:** The Ministry of Business, Innovation and Employment (“MBIE”) is the enforcement agency of MHS, as its Tenancy Compliance and Investigations Team is already handling tenancy matters with both landlords and tenants; and
- (i) **Phased implementation:** Although MHS has been effective since July 2019, the transition period is rather long, lasting for six years till July 2025. The policy intention is to give landlords more time to upgrade their facilities to meet the standard. As discussed, MHS applies to new or renewed tenancy agreements in phases. By July 2025, all rental properties must comply with the statutory standards.

5.4 On policy effectiveness, **it is the intention of the NZ government to make MHS enforcement “pragmatic and enduring”, without “imposing unreasonable burden on landlords or tenants”**.<sup>55</sup> After implementation of MHS for more than four years since mid-2019, it seems that some progress is made in the quality of rental housing. Based on the latest findings of a compliance survey of the NZ government, most (75%) of surveyed landlords indicated that “they have done something” in their

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<sup>54</sup> Consumer NZ (2023).

<sup>55</sup> Ministry of Housing and Urban Development (2022a).



rental properties to meet the Healthy Homes Standards in 2022, up from 70% in 2021 (**Figure 8**).<sup>56</sup> While the compliance rates of heating and ventilation reported by landlords reached high levels of 80% and 97% respectively in 2022, that for underfloor insulation was on the low side at 54%. Moreover, it is noteworthy that tenants felt differently in certain areas (e.g. underfloor insulation and drainage issues), with a larger discrepancy in the region of 20 percentage points against the compliance rate reported by landlords. Actually, there are public concerns in NZ that the enforcement burden of MHS fell on tenants, depending on whether they would take the troubles to report non-compliant incidents to the regulator.<sup>57</sup> Between May 2022 and May 2023, MBIE conducted 921 compliance checks, with 43% of them in breach of MHS. All these suggest that a large number of landlords are still not fully prepared for healthy homes standards before the full implementation date of July 2025.<sup>58</sup>

**Figure 8 – Selected compliance rates of Healthy Home Standards in New Zealand**

		Reported by landlords			Reported by tenants		
		2020	2021	2022	2020	2021	2022
1	Done something to meet MHS	77%	70%	75%	-	-	-
2	Heating in living room	63%	76%	80%	50%	69%	75%
3	Ventilation	95%	95%	97%	89%	92%	92%
4	Underfloor insulation	52%	55%	54%	34%	38%	36%
5	No drainage issues	94%	92%	91%	69%	69%	69%
6	No unblocked holes causing draughts	94%	92%	91%	71%	68%	69%

Source: Ministry of Housing and Urban Development (2022b).

5.5 On regulatory impacts of MHS on the rental market, **there are reports that some landlords have passed the compliance cost to tenants through higher rental payments, while some others are selling their rental properties to quit the market.**<sup>59</sup> As a matter of fact, the upward pressure on monthly rentals has become apparent more recently. In December 2023, the average rentals for new and renewed tenancies rose steeply by 7.0% over a year earlier, doubling the average annual rate of increase of 3.3% seen in the preceding eight years (**Figure 9**). It is expected that the upward rental pressure may continue in the run-up to the full implementation date in July 2025.

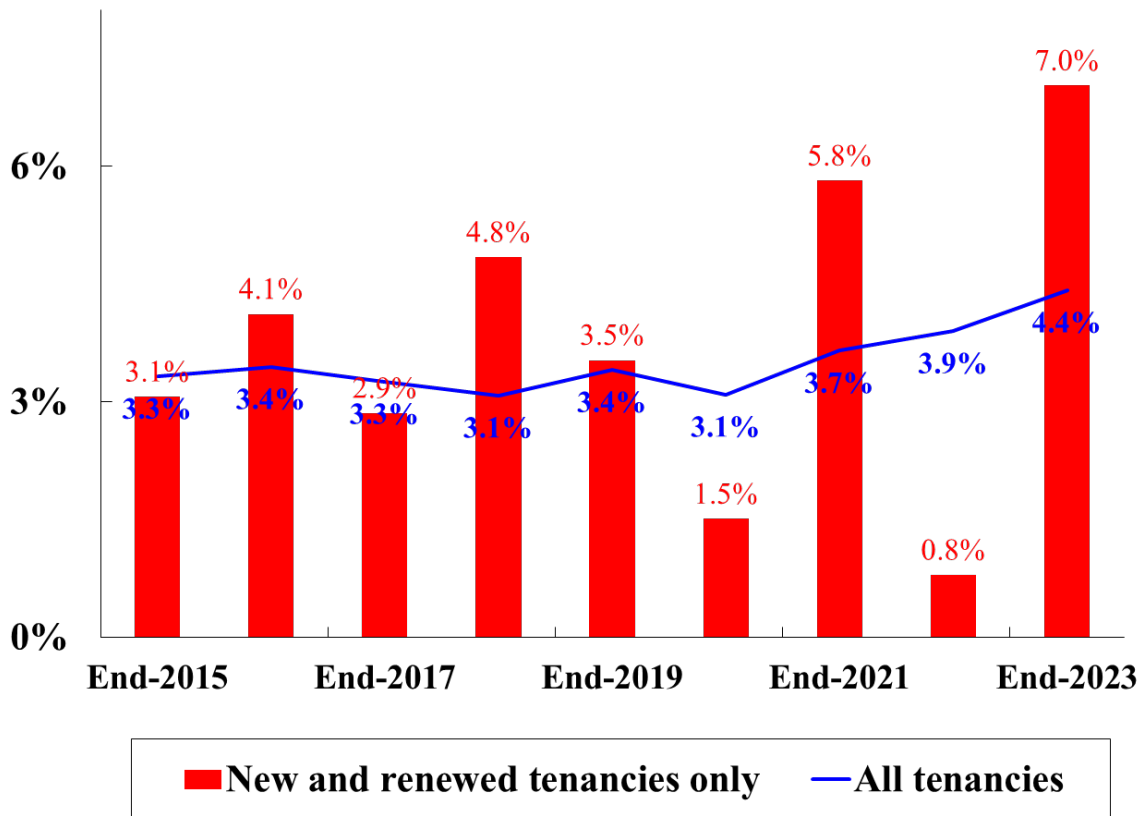
<sup>56</sup> Ministry of Housing and Urban Development (2022b).

<sup>57</sup> Consumer NZ (2023).

<sup>58</sup> NewsHub (2023).

<sup>59</sup> Good Returns (2023).

**Figure 9 – Year-on-year changes in private housing rentals in New Zealand**



Source: Stats NZ (2024).

## 6. Concluding remarks

6.1 In **Hong Kong**, the public generally welcomes the new initiative in the 2023 Policy Address to specify minimum standards for SDUs in terms of living space, hygiene and building and fire safety. Yet there is advocacy in society to extend this MHS to all dwellings in the territory, given that many low-income families are residing in unsatisfactory accommodation (e.g. cubicles, bed-spaces, roof-top huts, non-residential buildings) which could be as crammed and hazardous as SDUs.

6.2 In **South Korea**, the Minimum Residential Standards cover the (a) minimum number of bedrooms; (b) minimum total living area; and (c) self-contained facilities meeting structural and environmental standards. While the law mandates the Korean government to address the housing quality issue through formulation of housing policy, it is not intended for eradication of below-par dwellings through enforcement. On the back of three decades of abundant new housing supply, the share of Korean households residing in sub-standard dwellings fell steeply from 16.6% in 2006 to 4.5% in 2021.

6.3 In **New Zealand**, the Healthy Homes Standards address “cold and damp” housing conditions and the high rate of respiratory illness. MHS applies to the segment of private rental housing only, mandating landlords to make their properties meet the minimum standards in (a) heating; (b) ventilation; (c) insulation; (d) drainage; and (e) blocking draughts. To avoid “unreasonable burden on landlords or tenants”, MHS applies to new and renewed tenancies in phases, with a long transition period of six years till July 2025. Its policy effectiveness is not entirely clear yet. While 75% of surveyed landlords indicated that “they have done something” in the rental properties to meet the standards in 2022, tenants complained about the need to report non-compliant incidents to the regulator on the one hand, and the upward pressure on monthly rentals on the other.

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## Minimum Home Standard in selected places

	Hong Kong		South Korea		New Zealand	
<b>A. Basic socioeconomic indicators</b>						
	<u>2000</u>	<u>2022</u>	<u>2000</u>	<u>2022</u>	<u>2000</u>	<u>2022</u>
<b>1. Total population size (million)</b>	6.71	7.47	47.01	51.63	3.86	5.12
<b>2. Number of households (million)</b>	2.04	2.67	11.93	22.38	1.42 <sup>(1)</sup>	1.95 <sup>(1)</sup>
<b>3. Stock of dwellings (million)</b>	2.14 <sup>(2)</sup>	3.00 <sup>(2)</sup>	11.47	21.92 <sup>(3)</sup>	1.49 <sup>(1)</sup>	2.01 <sup>(1)</sup>
<b>4. Ratio of owner-occupiers in housing</b>	51.1%	51.5%	-	58.7% <sup>(3)</sup>	68% <sup>(1)</sup>	65% <sup>(1)</sup>
<b>B. Minimum Residential Standards (for all dwellings)</b>						
<b>5. Latest name of the legislation</b>	×		Framework Act on Residences <sup>(4)</sup>			
<b>6. First implementation year</b>	×		2004			
<b>7. Minimum total living area</b>	×		✓			
<b>8. Minimum number of bedrooms</b>	×		✓			
<b>9. Self-contained basic facilities</b>	×		✓			
<b>10. Safety and environment standards</b>	×		✓			
<b>11. Enforcement mechanism</b>	×		Supply-led housing policy			
<b>C. Healthy Home Standards (for private rental housing)</b>						
<b>12. Name of the legislation</b>	×				Residential Tenancies (Healthy Homes Standards) Regulations	
<b>13. First implementation date</b>	×				July 2019	
<b>14. Full implementation date</b>	×				July 2025	
<b>15. Heating standard</b>	×				✓	
<b>16. Insulation standard</b>	×				✓	
<b>17. Ventilation standard</b>	×				✓	
<b>18. Drainage standard</b>	×				✓	
<b>19. Blocking draughts</b>	×				✓	
<b>20. Enforcement mechanism</b>	×				Fines for violation	

Notes: (1) Private dwellings only in New Zealand.

(2) In terms of permanent living quarters compiled by the Census and Statistics Department.

(3) 2021 figure for dwellings and 2020 figure for owner-occupiers in South Korea.

(4) MHS was first provided in the Housing Act enacted in 2004.

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Note: ^ Internet resources listed in this section were accessed in February 2024.