

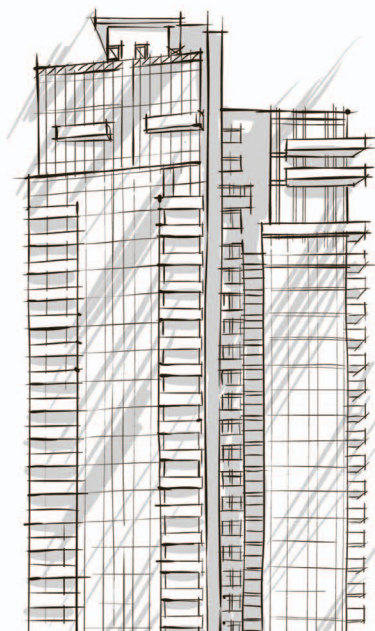
# 中国银川 保障性住房分配 (英文版)

JUSTICE OF AFFORDABLE HOUSING  
DISTRIBUTION IN YINCHUAN, P. R. CHINA

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宁夏人民  
出版社



图书在版编目(CIP)数据

中国银川保障性住房分配:英文 / 张涛,朱蓓予著. —银川:宁夏人民出版社,2014.12

ISBN 978-7-227-05918-9

I. ①中… II. ①张… ②朱… III. ①住宅—社会保障—研究—银川市—英文 IV. ①D632.1②F299.274.31

中国版本图书馆CIP数据核字(2014)第300795号

中国银川保障性住房分配(英文版)

张涛 朱蓓予 著

责任编辑 姚小云

封面设计 沈家菡

责任印制 肖艳

黄河出版传媒集团 出版发行  
宁夏人民出版社

地址 银川市北京东路139号出版大厦(750001)

网址 <http://www.yrpubm.com>

网上书店 <http://www.hh-book.com>

电子信箱 [renminshe@yrpubm.com](mailto:renminshe@yrpubm.com)

邮购电话 0951-5052104

经销 全国新华书店

印刷装订 宁夏雅昌彩色印务有限公司

印刷委托书号 (宁)0000529

开本 720mm×980mm 1/16

印张 13.25

字数 300千字

版次 2014年12月第1版

印次 2014年12月第1次印刷

书号 ISBN 978-7-227-05918-9/D·414

定价 32.00元

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## ABSTRACT

Affordable housing is built with public assistances and public land in Yinchuan. It aims to provide an accommodation with security and stability to the urban poor and help them overcome disadvantages and live as a human being with dignity. It is absolutely unacceptable that the ineligible occupy affordable housing and obtain welfare benefits. The affordable housing fraud deprives the people who are genuinely in need from accessing to the program.

Distinguished from the policy study about the affordable housing program, this research is conducted from law perspective to investigate drawbacks in the legal system of affordable housing distribution. Based on the Rawls' theory of justice and the framework of legal operating system of affordable housing distribution, the researcher conducts investigation from four perspectives, which are affordable housing legislation, enforcement, judiciary and sanction.

The aims of this study are to explore the general picture of affordable housing development in Yinchuan; to identify the problem in affordable housing distribution in Yinchuan; to investigate drawbacks in affordable housing distribution system in Yinchuan and to examine views and perceptions of low income respondents upon the affordable housing distribution system in Yinchuan. Data collection techniques involve documents, observation, interview and survey using questionnaire. The questionnaire is designed based on the findings of documents analysis, observation and interview. Data gathered from the survey are analyzed descriptively.

The findings reveal that there are some drawbacks in the affordable housing distribution system, which consists of legislation upon eligibility, distribution execution, judiciary and sanction. Each subsystem is not perfect to play its role in safeguarding fair dis-

tribution. Legislation upon eligibility criteria and required proof documents are not clear and adequate enough to ensure eligibility of applicants. The execution of distribution consists of four procedures in which each procedure does not function effectively due to its defects. The judiciary consists of three types, which are from civil, criminal and administrative procedures. There are also some drawbacks in the subsystem of sanction as well. The results of this study suggest that drawbacks in each subsystem make its operation very ineffective and prevent the whole system from functioning normally. All these drawbacks result in unfairness and injustice in the process of affordable housing distribution.

## ACKNOWLEDGEMENTS

The word "Gratitude" is always on my mind. But I have never had such a desire as strong as this moment to make an attempt to appreciate what it really is. Every time when I recollect the experiences I went through in UPM, in Malaysia, many people just show up in front of my eyes like a film which records each touching story. This PhD thesis can not be accomplished without generous contributions from them.

First, I would like to thank Malaysian government and UPM for giving me this chance to study here with Graduate Research Fellowship to support me to finish this research.

Also my supervisory committee members were vital to the process of the research, who are Associate Professor Ahmad Hariza, Professor Jayum and Professor Norizan. They contributed a great deal of time and knowledge to accomplishment of thesis. Especially, I would like to thank Dr. Ahmad Hariza for his great patience and enormous help with my research. He is such a friendly and kind person. His instructions always remind me that how lucky I am to be his student. I even can not find a word to express my gratitude for what he has done for me.

I also want to thank my wife, I owe her too much. The sacrifices she made, the courage she gave and the love she dedicated deserve my whole life to cherish her and keep her accompany. And, I want to say "thank you" to my parents. They are always there when I went through ups and downs. Their generosity and kindness make me feel that they are the permanent haven whenever I come across difficulties.

There are others in Yinchuan who put me on this track. I want to thank my university colleagues who helped me with the design and correction of the survey. I also

want to thank the officials from various bureaus, lawyers and a judge from the Supreme Court for their cooperation. I really appreciate their time to sit there for interviews. Their thoughtful reflection made data collection reliable.

## **LIST OF ABBREVIATIONS**

COFOG	Classification of Functions of Government
CSC	Circular of State Council
NXU	Ningxia University
NXTV	Ningxia Television
SUV	Sports Utility Vehicle
BRA	Boston Redevelopment Authority
NYCHA	New York City Housing Authority
SA	South Australia
HDB	Housing Development Board
SO	Street Office
CC	Community Committee

## LIST OF OPERATIONAL DEFINITIONS

**Legislation refers** to the written legal documents including laws, regulations and official documents. It does not involve the procedure to make the legal documents. Judiciary refers to the application of law by the judges. The procedure in the judiciary is not included in this research.

**Legal operational system** refers to a framework which consists of four components: legislation, execution, judiciary and sanction. Sanction is separated from the legislation as an independent component.

**The urban poor** refer to the low-income and middle-income people without a house or with housing plights who stay at the urban areas.

**Affordable housing community** refers to an enclosed residential area in which the inhabitants are the low and middle income people who meet the eligibility requirements. The community has all the basic facilities including shop, security, and other service.

**Drawback** refers to the disadvantages in the legal operational system in affordable housing distribution including the loopholes in the legislation and sanction and the defects in the execution and judiciary.



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# CHAPTER 1

## INTRODUCTION

### 1.1 Overview

This chapter unfolds an introduction about affordable housing program in China. It starts with interpretation of the concept of housing and illustration of development of affordable housing program. It also introduces urbanization in China. Subsequently, it focuses on the issue of justice on affordable housing distribution. Generally, this chapter involves five sections, which are background of study, research questions, research objectives, significance of study and scope of the study.

### 1.2 Background

House is a necessity of human life. It is considered that one's house is not only a sense of continuity and safety one could experience, but a sense of belonging as well (Stone, 1993). The common conception believes that a house is a haven without intrusion from the outside world. It is also a desire to own a place where one could truly be oneself.

However, having a decent house to live in is still a dream for many people. It is a deplorable phenomenon in developing countries that slums are scattered everywhere in big cities with excessive in-migration (Brockerhoff & Brennan, 1998; Tangri, 1968). Turkstra (1998) points out the reason that tremendous development of urban areas has not been accompanied with a same pace of improvement in employment opportunities and a supporting development of satisfactory environment with access to housing,

infrastructure and other basic public services, such as education and health care.

As the rapid urbanization continues in China, more people from rural areas swarm into urban areas to find better employment opportunities in order to improve their living conditions. However, without working skills, they start to live in informal shelters and have to be engaged in low income and manual work. China has been undergoing urbanization since the 1980s. By the end of 2011, the total population of China is estimated to be 1.35 billion with 659.21 million ( 48.73% ) and 690.79 million (51.27%) living in rural and urban regions respectively (NBSC, 2012).

Although urbanization and industrialization in China have contributed to a great development and growth of its national civilization and economic prosperity, a new social stratum, the urban underclass, has gradually came into being. The urban underclass consists of three groups of people who are dwelling in cities. They are laid-off workers, migrant workers from rural areas who troop into cities in search of employments, and growing number of poor people in cities (Solinger, 2006). They are living in the state of vulnerability to risks and poverty and facing various plights.

With regards to the characteristics of urban poverty, they are very distinctive from rural poverty. Wratten (1995) comes up with three remarkable features to discover urban poverty:

### **(1) Environmental and health hazards**

Urban environmental and health risks pose threats to the life of urban poor by human pathogens and industrial toxic materials. Special characteristics of low-income communities include: (a) insufficient public services (water, sanitation, drainage, and solid waste management); (b) poor quality housing; (c) overcrowding; and (d) settlement on deserted land. These elements increase health risks to the poor and costs for health care (Barton, Bernstein, Leitmann, & Eigen, 1994).

### **(2) Commoditization vulnerability**

The urban poor are vulnerable to fluctuation in market environment. The variation of food prices and wages and inability to maintenance are the typical risks confronting them. Urban households need to pay for their food and housing, rather than depend on their own production. Employment is frequently unavailable, insufficient, or insecure. Shelter is frequently informal and unsafe.

(3) Social fragmentation and crime

It is also susceptible for urban dwellers to be protected because community and inter-household model for social security are less likely to be put into practice in urban areas than in rural areas. Urban areas are considered being exposed to violence, alcohol, and drug abuse, and greater risk of road accidents. And the vulnerability is even more remarkable to the inhabitants who are living in the areas with informal settlements.

It seems that housing plight is a one of major elements in urban poverty and greatly affects the life quality of urban poor. Therefore, it can be expected that life of urban underclass is in straitened circumstances if the price of housing soars up. With the increase in price of housing, it means they may not afford to buy a house and are forced to live in slums with poor environment and conditions. But, every citizen in society is entitled to a decent housing, and the government ought to fulfill its responsibility to ensure the attainment.

In order to alleviate the lamentable living conditions of poor residents in urban areas and protect the basic rights of people, Chinese government has fashioned a social security housing system to solve the housing issues, which mainly consists of affordable housing program and low rent program (Details about figure 1.1 will be discussed in Chapter Two) . Each program targets different group of people. This study mainly focuses on the affordable housing program.

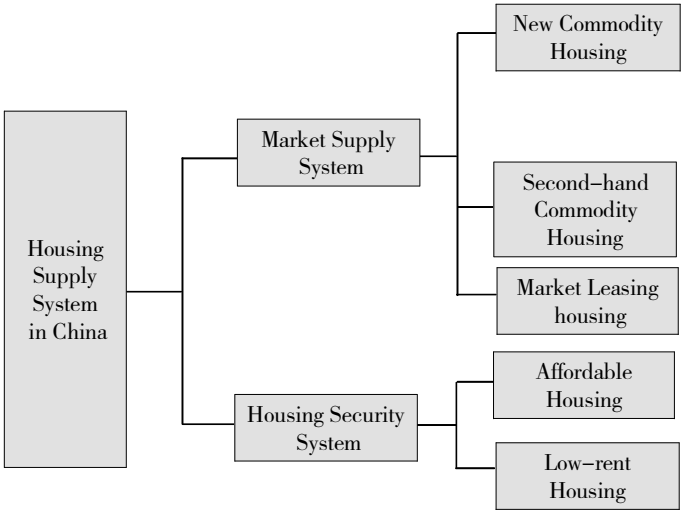


Figure 1.1: Housing Supply System in China



Affordable housing in China is provided by the state to the urban poor who cannot afford to buy commodity housing in market. Affordability means a price low enough for the poor to afford and income limit is one of the key criteria to assess eligibility of applicants. The low-rent housing is distributed to the lowest-income people with public assistance. The low-rent house is a social welfare targeting the urban poorest. These two social housing programs play significant roles in mitigating urban housing plights in following aspects.

### (1) Purpose

Affordable housing and low-rent housing programs are purported to alleviate poverty of urban dwellers. The urban poor are living in terrible conditions with poor sanitation and high crime rates. To help this stratum of people is not only the responsibility of government, but the fulfillment of social justice as well.

### (2) Price

Affordable housing enjoys preferential policies of taxation and fees reduction and exemption. The assignment of state-owned land is administered without land transferring fees. So the price of affordable housing is thirty percent cheaper than that of the housing supplied by market. Low-rent housing is planned and constructed by government and then is leased to the urban poorest. The low-rent housing is nonprofit and the rent covers property maintenance and management. Generally, the low-rent fee is thirty five to forty percent of the rent in the market. Housing costs should be at such a level that attainment and satisfaction of other basic needs are not threatened or compromised. For instance, one should not have to choose between paying rent and buying food.

### (3) Construction Quality

Both affordable housing and low-rent housing are built with the same standard as commodity housing in market. The construction materials and construction quality are supervised by government and construction supervision companies. Housing must provide essential facilities for health, security and comfort. For instance, residents must have access to safe drinking water, heating and lighting, washing facilities, means of food storage, and sanitation. Housing must provide tenants with adequate space that protects