

立法會
Legislative Council

LC Paper No. CB(1) 1723/01-02
(These minutes have been seen
by the Administration)

Ref : CB1/BC/14/00/2

**Bills Committee on
Landlord and Tenant (Consolidation) (Amendment) Bill 2001**

**Minutes of third meeting held on
Friday, 19 April 2002, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon James TO Kun-sun
Hon HUI Cheung-ching, JP
Hon CHAN Kam-lam
Hon TAM Yiu-chung, GBS, JP
Hon Albert CHAN Wai-yip

Members absent : Hon James TIEN Pei-chun, GBS, JP
Hon Frederick FUNG Kin-kee
Hon LAU Ping-cheung

Public officers attending : Housing Bureau

Ms Ophelia TSANG Oi-lin
Principal Assistant Secretary

Ms Drew LAI Sai-ming
Assistant Secretary

Department of Justice

Mr G A FOX
Senior Assistant Law Draftsman

Ms Mabel CHEUNG
Government Counsel

Rating and Valuation Department

Mr WONG Chun-siu, JP
Deputy Commissioner

Mr SIU Kuen-sang
Acting Assistant Commissioner
(Rent Control and Special Duties)

Mr LAM Kin-ha
Principal Valuation Surveyor

Mr CHAN Kwok-fan
Senior Rent Officer

Attendance by invitation : Hong Kong Real Estate Agencies General Association

Mr LUN Chi-yim
Chairman

Properties Agencies Association Limited

Mr Tony KWOK Tak-leung
Vice-Chairman

Mr LAU Heung-wing
Officer in Government Policy

Hong Kong Owners Club

Mr SHEA Hing-wan
President

Ms Manore LI
Member

Estate Agents Authority

Mrs Grace CHOW
Chief Executive Officer

Ms Ariel YEUNG
Director of Enforcement and Legal Affairs

Hong Kong Bar Association

Mr Malcolm MERRY
Lawyer

Clerk in attendance : Miss Becky YU
Chief Assistant Secretary (1)1

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mrs Mary TANG
Senior Assistant Secretary (1)2

I Confirmation of minutes of previous meeting
(LC Paper No. CB(1) 1459/01-02 — Minutes of the meeting held on
6 March 2002

The minutes of the meeting held on 6 March 2002 were confirmed.

II Meeting with the Administration and deputations

Meeting with deputations

Hong Kong Real Estate Agencies General Association

Properties Agencies Association Ltd

LC Paper No. CB(1) 1528/01-02(01) -- Submission from the Association

Hong Kong Owners Club

LC Paper No. CB(1) 1522/01-02 -- Case studies provided by members of
the Hong Kong Owners Club

Estate Agents Authority

LC Paper No. CB(1) 1528/01-02(02) -- Submission from the Authority

Hong Kong Bar Association

LC Paper No. CB(1) 1528/01-02(03) -- Submission from the Association

Submission from organization(s) not attending the meeting

Law Society of Hong Kong

LC Paper No. CB(1) 1528/01-02(04) -- Submission from the Society

Meeting with Administration

LC Paper No. CB(1) 1528/01-02(05) -- List of follow-up actions arising from the discussion on 6 March 2002

LC Paper No. CB(1) 1528/01-02(06) -- Administration's response to CB(1) 1528/01-02(05)

2. The Committee deliberated (Index of proceedings attached at **Annex A**).
3. Members requested and the Administration undertook to -
 - (a) respond in writing to the submissions from deputations which had already been forwarded to the Administration;
 - (b) seriously re-consider the possibility of imposing a criminal liability on tenants who deliberately provided false information to landlords;
 - (c) consider further streamlining the repossession process;
 - (d) consider providing standard provisions for tenancy agreement for reference of relevant parties;
 - (e) consider providing a fast track repossession route to landlords who failed to recover rental after taking distress proceedings; and
 - (f) consider imposing a period within which tenants should remove their properties upon repossession of premises by landlords. For unclaimed properties, consideration should be given to storing these properties in public warehouse.
4. There being no other business, the meeting ended at 10:30 am.

Legislative Council Secretariat

13 May 2002

**Proceedings of the meeting of the
Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2001
on Friday, 19 April 2002, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
00:01 - 02:35	Ms Audrey EU	Confirmation of minutes of the meeting held on 6 March 2002	
02:36 - 07:50	Mr Tony KWOK of Property Agencies Association (PAA)	Expression of views on the Landlord and Tenant (Consolidation) (Amendment) Bill 2001 (the Bill) (Submission at LC Paper No. CB(1)1528/01-02(01))	
07:51 - 13:38	Mr LUN Chi-yim of Hong Kong Real Estate Agencies Association (HKREA)	Expression of views on the Bill	
13:39 - 19:10	Mrs Grace CHOW of Estate Agents Authority (EAA)	Expression of views on the Bill (Submission at LC Paper No. CB(1)1528/01-02(02))	
19:10 - 30:19	Mr SHEA Hing-wan of Hong Kong Owners Club (HKOC)	Expression of views on the Bill (Submission at LC Paper No. CB(1)1549/01-02(01) tabled at meeting)	
30:20 - 32:23	Ms Audrey EU	Invitation of response from the Administration	
32:24 - 37:26	Admin	Explanation on provisions of the Bill which aimed at streamlining repossession procedures and achieving a balance between protecting the interests of landlords and tenants. Instructions in respect of disposal of properties left by tenants to be sought from the Lands Tribunal (LT) when applying for order of repossession	

37:27 - 39:43	Mr Albert CHAN	Concerned about the provision of insufficient and/or false information on prospective tenants by estate agents	
39:44 - 42:14	Mrs Grace CHOW of EAA	Need for sufficient information to be provided by both landlord and tenant	
42:15 - 43:51	Mr Albert CHAN	-ditto-	
43:52 - 45:24	Mrs Grace CHOW of EAA	Disciplinary actions would be taken against estate agents who deliberately provided false information on tenants in a bid to secure tenancies	
45:26 - 46:05	Mr SHEA Hing-wan of HKOC	Concerned about the provision of insufficient and/or false information on prospective tenants by estate agents	
46:06 - 47:24	Mrs Grace CHOW of EAA	Estate agents would have difficulties in ascertaining the accuracy of information provided by tenants	
47:25 - 49:29	Mr CHAN Kam-lam	Streamlining of repossession procedures	
49:30 - 51:00	Mr Tony KWOK of PAA	-ditto-	
51:01-57:26	Mr LUN Chi-yim of HKREA	Elaboration on difficulties faced by landlords in evicting defaulting tenants. Need to consider imposing criminal liability on defaulting tenants who deliberately provided false information to landlords. Landlords had no obligations to resolve the financial difficulties of tenants	
57:27 - 01:02:57	Mr SHEA Hing-wan of HKOC	Tenants should be required to provide a deposit equivalent to the amount of rents in arrears with LT when initiating court proceedings on tenancy matters	

01:02:58 - 01:04:00	Mr CHAN Kam-lam	Need for streamlining of repossession procedures	
01:04:01 - 01:05:43	Mr SHEA Hing-wan of HKOC	-ditto-	
01:05:44 - 01:05:58	Ms Audrey EU	Limited resources of LT	
01:05:59 - 01:06:59	Mr HUI Cheung-ching	Provision of standard provisions for tenancy agreement	
01:07:00 - 01:08:07	Admin	-ditto-	The Administration to consider providing standard provisions for tenancy agreement for reference of relevant parties
01:08:08: - 01:09:24	Mr TAM Yiu-chung	Blacklisting of habitually defaulting tenants	
01:09:25 - 01:13:13	Mr SHEA Hing-wan of HKOC	HKOC would try to assist its members by providing information on defaulting tenants	
01:13:14 - 01:13:43	Mr TAM Yiu-chung	Role of LT	
01:13:44 - 01:18:12	Mr SHEA Hing-wan of HKOC	Difficulties of owners in complying with repossession procedures	
01:18:13 - 01:20:50	Ms Manore LI of HKOC	Concerned about the imposition of heavier penalties for harassment and unlawful eviction as well as inadequate protection on the interest of landlords. Related own experience in dealing with defaulting tenants	
01:20:51 - 01:21:10	Mr TAM Yiu-chung	-ditto-	
01:21:11 - 01:21:50	Ms Audrey EU	-ditto-	

01:21:51 - 01:22:59	Ms Manore LI of HKOC	Related own experience in dealing with defaulting tenants	
01:22:00 - 01:24:27	Mr SHEA Hing-wan of HKOC	-ditto-	
01:24:28 - 01:25:05	Ms Audrey EU	The list of defaulting tenants compiled by HKOC	
01:25:06 - 01:30:46	Mr SHEA Hing-wan of HKOC	Access to the list of defaulting tenants only confined to HKOC members	
01:30:47 - 01:31:39	Mr CHAN Kam-lam	Disposal of tenants' properties upon repossession of premises	
01:31:40 - 01:34:06	Mr LUN Chi-yim of HKREA	Need to go through auction procedures to dispose of tenants' properties upon repossession of premises. Difficulties faced by owners in repossession of premises	
01:34:07 - 01:34:32	Ms Audrey EU	-ditto-	
01:34:33 - 01:35:26	Ms Manore LI of HKOC	Related own experience in disposal of tenants' properties upon repossession of premises	
01:35:27 - 01:38:53	Mr SHEA Hing-wan of HKOC	-ditto-	
01:38:54 - 01:39:43	Mr CHAN Kam-lam	Storage of tenants' unclaimed properties in public warehouse	
01:39:44 - 01:39:53-	Admin	Under the provisions of the Bill, LT would be empowered to provide instructions for disposal of unclaimed properties left by tenants	
01:39:54 - 01:40:51	Mr Malcolm MERRY of the Hong Kong Bar Association	Expression of views on the Bill (Submission at LC Paper No. CB(1) 1528/01-0(03))	

01:40:52 - 01:41:59	Admin	Section 2 of clause 39 of the Bill amended the Lands Tribunal Ordinance by making provisions for the disposal of properties left in the premises concerned by the tenant or the sub-tenant	
01:41:00 - 01:41:30	Ms Audrey EU	Need for consequential amendments to be made to High Court Ordinance or other ordinances in respect of the disposal of properties left in the premises concerned by the tenant or the sub-tenant	
01:41:31 - 01:41:59	Admin	-ditto-	
01:42:00 - 01:42:51	Mr CHAN Kam-lam	Disposal of unclaimed properties in cases which had not been brought before LT	
01:42:52 - 01:43:45	Admin	Disputes over disposal of unclaimed properties might arise if repossession cases were not brought before LT	
01:43:46 - 01:44:02	Mr Albert CHAN	Owners might not be aware of the properties left in the premises when he applied to LT for repossession	
01:44:03 - 01:44:20	Admin	-ditto-	
01:44:21 - 01:45:07	Mr Albert CHAN	-ditto-	
01:45:08 - 01:45:20	Admin	Owners could revert back to LT for supplementary orders for disposal of unclaimed properties	
01:45:21 - 01:45:41	Mr James TO	Practicality of seeking orders from LT on disposal of unclaimed properties	
01:45:42 - 01:45:52	Mr Albert CHAN	ditto-	
01:45:53 - 01:46:12	Admin	-ditto-	
01:46:02 - 01:46:43	Ms Audrey EU	Whether tenant could hold	

		landlord responsible for loss of properties if these had been disposed of by landlord in accordance with instructions from LT	
01:46:44 - 01:47:25	Admin	Owners unlikely be held for loss of property if these were disposed by landlord in accordance with instructions from LT	
01:47:26 - 01:49:23	Mr CHAN Kam-lam	Consideration be given to empowering LT to impose a period within which tenants should remove their properties upon repossession of premises by landlords	The Administration to consider imposing a period within which tenants should remove their properties upon repossession of premises by landlords. For unclaimed properties, consideration should be given to storing these properties in public warehouse
01:49:24 - 01:51:27	Ms Audrey EU	-ditto-	
01:51:28 - 01:52:02	Mr Albert CHAN	Consideration be given to imposing criminal liability on tenants who deliberately provide false information to landlords	The Administration to seriously re-consider the possibility of imposing criminal liability on tenants who deliberately provided false information to landlords
01:52:03 - 01:53:06	Ms Audrey EU	Written response to submission from deputations	<p>The Administration to</p> <p>(a) respond in writing to submissions from deputations;</p> <p>(b) consider providing a fast track repossession route to landlords who failed to recover rental after taking distress proceedings; and</p> <p>(c) consider further</p>

			streamlining the repossession process.
01:53:07 - 01:54:06	Mr Albert CHAN	Queried the rationale for imposing criminal liability on prospective tenants of public rental housing who provided false information to secure tenancies but not imposing the same on tenants of private housing	
01:54:07 - 01:55:10	Ms Audrey EU	Date of next meeting	

Note: The audio records of the above proceedings are kept at the LegCo Library

Legislative Council Secretariat
13 May 2002