

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 1944/01-02  
(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 fourth meeting held on  
Friday, 17 May 2002, at 8:30 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
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  
Hon LAU Ping-cheung

**Member absent** : Hon Frederick FUNG Kin-kee

**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

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

**Staff in attendance** : Miss Anita HO  
Assistant Legal Adviser 2

Mrs Mary TANG  
Senior Assistant Secretary (1)2

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**I Confirmation of minutes of previous meeting**  
(LC Paper No. CB(1) 1723/01-02 — Minutes of the meeting held on  
19 April 2002

The minutes of the meeting held on 19 April 2002 were confirmed.

**II Meeting with the Administration**  
The Legislative Council Brief issued by the Housing Bureau in June 2001  
(Ref: HB(CR) 7/5/1)  
LC Paper No. LS 108/00-01 — Legal Service Division Report  
dated 18 June 2001  
Appendix III to LC Paper No. — the marked-up copy of the Bill  
CB(1) 416/01-02

- Appendix VI to LC Paper No. CB(1) 416/01-02 — Referral from Duty Roster Members after meeting with the Hong Kong Association of Landlords on 13 July 2001
- LC Paper No. CB(1) 1196/01-02(01) — List of follow-up actions arising from the discussion on 29 November 2001
- LC Paper No. CB(1) 1196/01-02(02) — Administration's response to CB(1) 1196/01-02(01)
- LC Paper No. CB(1) 1522/01-02 — Case studies provided by members of the Hong Kong Owners Club
- LC Paper No. CB(1) 1528/01-02(01) — Submission from the Properties Agencies Association Ltd
- LC Paper No. CB(1) 1528/01-02(02) — Submission from the Estate Agents Authority
- LC Paper No. CB(1) 1528/01-02(03) — Submission from the Hong Kong Bar Association
- LC Paper No. CB(1) 1528/01-02(04) — Submission from the Law Society of Hong Kong
- 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)
- LC Paper No. CB(1) 1549/01-02(01) — Submissions from the Hong Kong Owners Club and copies of letters provided by some individual owners on their concerns about the Bill
- LC Paper No. CB(1) 1585/01-02 — Letter from Mr Malcolm MERRY of the Hong Kong Bar Association providing supplementary information on the provisions of criminal law under which the court may order the termination of a tenancy
- LC Paper No. CB(1) 1683/01-02(01) — Submission from the Property Agencies Association Ltd
- LC Paper No. CB(1) 1683/01-02(02) — Extracts from minutes of meeting with the Yuen Long District Council on 10 January 2002)
- LC Paper No. CB(1) 1744/01-02(01) — List of follow-up actions arising from the discussion on

19 April 2002

LC Paper No. CB(1) 1744/01-02(02) — Administration's response to  
CB(1) 1744/01-02(01)

2. The Committee deliberated (Index of proceedings attached at **Annex A**).
3. The Administration was requested to-
  - (a) provide a copy of the internal guidelines of the Police on handling of disputes between landlords and tenants;
  - (b) consider including in the Bill a mandatory requirement for tenants to provide their personal information on name, occupation, salary as well as past rental records to landlords, and to seek legal advice on whether the proposed requirement would contravene the Personal Data (Privacy) Ordinance (Cap. 486);
  - (c) allow the application for Writ of Possession to proceed in parallel with the granting of Order of Possession with a view to further reducing the time for repossession of premises where a notice of opposition had not been filed;
  - (d) clarify whether it was a general practice of the Court to require a landlord who failed to apply for Writ of Possession on the expiry date of the four-week relief period to wait for another four weeks;
  - (e) provide information on overseas countries which had a fast-track system on repossession of premises;
  - (f) liaise with the Lands Department, the Consumer Council, the Law Society of Hong Kong and the Estate Agents Authority with a view to working out standardized terms for tenancy agreement to protect the interests of both landlords and tenants. Consideration should also be given to including a standard provision to allow landlords to enter the leased premises on good grounds, such as inspection of unauthorized building works upon receipt of repair order from the Buildings Department;
  - (g) work out a clear guideline on the manner in which properties left in the premises by the tenant after repossession of premises should be disposed of and to clarify if such disposal would affect the duty of Bailiff to sell properties left on the premises;
  - (h) consider whether there should be no more than two occasions of granting of relief for forfeiture to tenants who only settled rent in

arrears after landlords had taken procedure for forfeiture when rent was not paid within 15 days after the due date;

- (i) deter unlawful eviction, consideration should be given to requiring landlords to ensure that the agents they hire to evict tenants would not use harassing acts while imposing a criminal liability on those agents who used such acts; and
- (j) protect landlords, particularly those in redevelopment cases, who were forced to sell their premises to developers because of harassing acts done by the latter.

4. There being no other business, the meeting ended at 10:45 am.

Legislative Council Secretariat  
7 June 2002

**Proceedings of the meeting of the  
Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2001  
on Friday, 17 May 2002, at 8:30 am  
in Conference Room B of the Legislative Council Building**

| <b>Time</b>        | <b>Speaker</b> | <b>Subject(s)</b>  | <b>Action required</b> |
|--------------------|----------------|--|------------------------|
| 000000 -<br>000320 | Chairman       | Confirmation of minutes of meeting on 19 April 2002 (LC Paper No. CB(1) 1723/01-02) and discussion on the Administration's response to the concerns raised at the meeting on 19 April 2002 (LC Paper No. CB(1) 1744/01-02) |                        |
| 000320 -<br>000324 | Administration | Item 2 - To seriously consider the possibility of imposing a criminal liability on tenants who deliberately provided false information to landlords  |                        |
| 000324 -<br>000336 | Chairman       | Ditto  |                        |
| 000336 -<br>000348 | Administration | Ditto  |                        |
| 000348 -<br>000406 | Chairman       | Ditto  |                        |
| 000406 -<br>000413 | Administration | The Administration had been liaising with the Police on the handling of tenancy disputes   |                        |
| 000413 -<br>000424 | Chairman       | Ditto  |                        |
| 000424 -<br>000613 | Administration | Ditto  |                        |
| 000613 -<br>000618 | Chairman       | Ditto  |                        |

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| 000618<br>000659 | - Administration   | The Administration had been liaising with the Police on the handling of tenancy disputes  |   |
| 000659<br>000732 | - Mr TAM Yiu-chung | Need for clear guidelines for frontline police officers on the handling of tenancy disputes   |   |
| 000732<br>000735 | - Administration   | Ditto   |   |
| 000735<br>000823 | - Chairman         | Level of contact with the Police and progress of action   |   |
| 000823<br>000836 | - Administration   | Ditto   |   |
| 000836<br>000841 | - Chairman         | Ditto   |   |
| 000841<br>000952 | - Administration   | Appropriate level of contact with Police being maintained. The Police had internal guidelines on the handling of disputes between landlords and tenants |   |
| 000952<br>000959 | - Chairman         | Ditto   | The Administration was requested to provide a copy of the internal guidelines on the handling of disputes between landlords and tenants |
| 000959<br>001005 | - Administration   | Ditto   |   |
| 001005<br>001031 | - Chairman         | Ditto   |   |
| 001031<br>001045 | - Mr TAM Yiu-chung | Ditto   |   |
| 001045<br>001109 | - Chairman         | LegCo might have a copy of the Police General Orders  |   |

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| 001109<br>001307 | - Mr James TIEN  | Provision of false information on the part of tenants in securing tenancy. Concerned that the request for personal information from tenants would constitute a breach of Personal Data (Privacy) Ordinance  |  |
| 001307<br>001543 | - Administration | Provision of section 16A of the Theft Ordinance sufficient to capture tenants who deliberately provided false information Landlords could consider taking civil proceedings against tenants for providing false information   |  |
| 001543<br>001743 | - Mr James TIEN  | Impractical for landlords to take civil proceedings. The Administration should seek legal advice on the types of information which could be requested from tenants without contravening the Personal Data (Privacy) Ordinance. Imposition of criminal liability would deter tenants from giving false information |  |
| 001743<br>001802 | - Chairman       | Ditto   |  |
| 001802<br>001826 | - Mr James TIEN  | Ditto   |  |
| 001826<br>001901 | - Administration | Ditto   |  |
| 001901<br>001920 | - Mr Albert CHAN | Whether the mandatory requirement for tenants to provide personal information would contravene Personal Data (Privacy) Ordinance  |  |
| 001920<br>001924 | - Administration | Ditto   |  |

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| 001924 -<br>001935 | Chairman         | Request for information from tenants would not itself constitute a breach of personal privacy but the disclosure of such information might constitute a breach |  |
| 001935 -<br>001950 | Mr Albert CHAN   | Ditto  |  |
| 001950 -<br>002008 | Administration   | Ditto  |  |
| 002008 -<br>002059 | Chairman         | Ditto  |  |
| 002059 -<br>002133 | Mr Albert CHAN   | Ditto  |  |
| 002133 -<br>002137 | Chairman         | Ditto  |  |
| 002137 -<br>002306 | Mr Albert CHAN   | Ditto  |  |
| 002306 -<br>002312 | Chairman         | Ditto  |  |
| 002312 -<br>002408 | Mr TAM Yiu-chung | Ditto  |  |
| 002408 -<br>002426 | Chairman         | Ditto  |  |
| 002426 -<br>002447 | Administration   | Need to decide on the types of information which should be provided by tenants   |  |
| 002447 -<br>002507 | Mr Albert CHAN   | Information provided by tenants to landlords should include the name, occupation, salary and past rental records   |  |
| 002507 -<br>002536 | Chairman         | Ditto  | The Administration was requested to consider including in the Bill a |

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|                  |                    |   | mandatory requirement for tenants to provide their personal information on name, occupation, salary as well as past rental records to landlords, and to seek legal advice on whether the proposed requirement would contravene the Personal Data (Privacy) Ordinance (Cap. 486) |
| 002536<br>002613 | - Administration   | Item 3 - To consider further streamlining the repossession process                            |   |
| 002613<br>002623 | - Chairman         | Ditto   |   |
| 002623<br>002639 | - Administration   | Ditto   |   |
| 002639<br>002814 | - Mr James TIEN    | Need to consider further streamlining of repossession process by proceeding steps in parallel |   |
| 002814<br>003003 | - Administration   | The interests of both landlords and tenants should be protected                               |   |
| 003003<br>003006 | - Mr James TIEN    | Consideration should be given to changing the law to enable the streamlining of procedures    |   |
| 003006<br>003059 | - Chairman         | Provision of more bailiffs might be able to expedite the repossession process                 |   |
| 003059<br>003126 | - Mr TAM Yiu-chung | Ditto   |   |
| 003126<br>003153 | - Chairman         | Ditto   |   |
| 003153           | - Mr James TIEN    | Ditto   |   |

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| 003228<br>003240 | - Chairman       | Provision of more bailiffs might be able to expedite the repossession process  |   |
| 003240<br>003519 | - Administration | Explanation on the time limits for repossession of premises in Lands Tribunal (LT) (Reference made to item 6 of LC Paper No. CB(1) 1528/01-02)                               |   |
| 003519<br>003546 | - Mr James TIEN  | Ditto  |   |
| 003546<br>003602 | - Administration | According to the Judiciary Administrator, steps taken in parallel would result in waste of resources and in turn lengthen the court waiting time                             |   |
| 003602<br>003726 | - Mr James TIEN  | Request for information on overseas countries which had a fast-track system on repossession of premises. Whether the 14 days of advance notice of hearing could be shortened | The Administration was requested to provide information on overseas countries which had a fast-track system on repossession of premises |
| 003726<br>003745 | - Administration | Ditto  |   |
| 003745<br>003800 | - Chairman       | Time frame for repossession of premises in LT  |   |
| 003800<br>003816 | - Administration | Ditto  |   |
| 003816<br>003832 | - Chairman       | Ditto  |   |
| 003832<br>003839 | - Mr James TIEN  | Ditto  |   |
| 003839<br>003933 | - Administration | Explanation on time limits for repossession of premises in LT  |   |

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| 003933 -<br>003942 | Chairman       | Explanation on time limits for repossession of premises in LT  |  |
| 003942 -<br>003953 | Administration | Ditto  |  |
| 003953 -<br>003959 | Chairman       | Ditto  |  |
| 003959 -<br>004016 | Administration | Ditto  |  |
| 004016 -<br>004030 | Chairman       | Ditto  |  |
| 004030 -<br>004203 | Administration | Ditto  |  |
| 004203 -<br>004210 | Chairman       | Ditto  |  |
| 004210 -<br>004221 | Administration | Ditto  |  |
| 004221 -<br>004225 | Chairman       | Ditto  |  |
| 004225 -<br>004230 | Administration | Ditto  |  |
| 004230 -<br>004258 | Mr Albert CHAN | Ditto  |  |
| 004258 -<br>004331 | Chairman       | Ditto  |  |
| 004331 -<br>004402 | Administration | Ditto  |  |
| 004402 -<br>004540 | Mr Albert CHAN | Whether procedures for repossession could be expedited by allowing the application of Writ of Possession to proceed in parallel with the granting of Order for Possession in cases where no opposition was filed |  |

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|                    |                | by the tenant  |  |
| 004540 -<br>004632 | Administration | Whether procedures for repossession could be expedited by allowing the application of Writ of Possession to proceed in parallel with the granting of Order for Possession in cases where no opposition was filed by the tenant   |  |
| 004632 -<br>004648 | Mr Albert CHAN | Ditto  |  |
| 004648 -<br>004653 | Administration | Ditto  |  |
| 004653 -<br>004703 | Mr Albert CHAN | Ditto  |  |
| 004703 -<br>004730 | Administration | Ditto  |  |
| 004730 -<br>004755 | Mr Albert CHAN | Ditto  |  |
| 004755 -<br>004811 | Administration | If a landlord was allowed to set down the case for hearing at the time of application of repossession but it turned out that no opposition was filed, the resources would be wasted as it would be unlikely that another hearing could be fixed in the freed time slot |  |
| 004811 -<br>004830 | Mr Albert CHAN | Ditto  |  |
| 004830 -<br>004849 | Administration | Ditto  |  |
| 004849 -<br>004902 | Mr Albert CHAN | If a landlord was allowed to set down the case for hearing at the time of application, he/she would be required to pay for the court expenses irrespective of  |  |

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|                    |                | whether a hearing was held  |  |
| 004902 -<br>004930 | Administration | If a landlord was allowed to set down the case for hearing at the time of application, he/she would be required to pay for the court expenses irrespective of whether a hearing was held                  |  |
| 004930 -<br>004939 | Mr Albert CHAN | Ditto   |  |
| 004939 -<br>005004 | Administration | Ditto   |  |
| 005004 -<br>005019 | Mr Albert CHAN | Ditto   |  |
| 005019 -<br>005122 | Mr James TIEN  | Whether it was a general practice of the Court to require a landlord who failed to apply for Writ of Possession on the expiry date of the four-week relief period to wait for another four weeks          | The Administration was requested to clarify whether it was a general practice of the Court to require a landlord who failed to apply for Writ of Possession on the expiry date of the four-week relief period to wait for another four weeks |
| 005122 -<br>005320 | Administration | Reference made to repossession procedures in Taiwan   |  |
| 005320 -<br>005416 | Mr Albert CHAN | Need to consider how cases where no opposition was filed could be further streamlined   |  |
| 005416 -<br>005514 | Chairman       | Consideration could be given to shortening the execution stage rather than the application stage  |  |
| 005514 -<br>005631 | Mr Albert CHAN | Consideration should be given to allowing the application of Writ of Possession to proceed in parallel with the granting of Order for Possession in order to expedite cases where no opposition was filed | The Administration was requested to consider allowing the application for Writ of Possession to proceed in parallel with the granting of Order for possession with a view  |

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|                    |                |  | to further reducing the time for repossession of premises where a notice of opposition had not been filed |
| 005631 -<br>005702 | Administration | Need for notice of court order to be posted to ensure that sub-tenants were notified   |   |
| 005702 -<br>005722 | Mr Albert CHAN | Sub-tenants should be notified by way of notice on application of repossession   |   |
| 005722 -<br>005732 | Administration | Ditto  |   |
| 005732 -<br>005848 | Mr Albert CHAN | Ditto  |   |
| 005848 -<br>005906 | Chairman       | Ditto  |   |
| 005906 -<br>005939 | Administration | Ditto  |   |
| 005939 -<br>010021 | Mr Albert CHAN | Ditto  |   |
| 010021 -<br>010103 | Administration | Item 4 - To consider providing standard provisions for tenancy agreement for reference by relevant parties   |   |
| 010103 -<br>010140 | Chairman       | Ditto  |   |
| 010140 -<br>010214 | Mr Albert CHAN | Reference should be made to Deed of Mutual Covenant whereby standard provisions were worked out by the Lands Department and the Law Society of Hong Kong |   |
| 010214 -<br>010235 | Chairman       | Ditto  |   |

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| 010235 -<br>010246 | Mr Albert CHAN     | Ditto   |  |
| 010246 -<br>010331 | Administration     | Some tenancy problems arose from the uncertainty in the tenancy agreement. The Estate Agency Authority (EAA) to consider the possibility of providing standard provisions for tenancy agreements  |  |
| 010331 -<br>010342 | Chairman           | Ditto   |  |
| 010342 -<br>010405 | Mr Albert CHAN     | Standard provisions for tenancy agreements would ensure the protection of interests of both landlords and tenants   |  |
| 010405 -<br>010417 | Administration     | Ditto   |  |
| 010417 -<br>010646 | Mr LAU Ping-cheung | Consideration should be given to including a standard provision to allow landlords to enter the leased premises on good grounds, such as inspection of unauthorized building works upon receipt of repair order from the Buildings Department |  |
| 010646 -<br>010648 | Administration     | Ditto   |  |
| 010648 -<br>010731 | Chairman           | Ditto   | The Administration was requested to liaise with the Lands Department, the Consumer Council, the Law Society of Hong Kong and EAA with a view to working out standardized terms for tenancy agreement to protect the interests of both landlords and tenants. Consideration should also be given to |

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|                    |                |  | including a standard provision to allow landlords to enter the leased premises on good grounds, such as inspection of unauthorized building works upon receipt of repair order from the Buildings Department |
| 010731 -<br>010739 | Administration | Item 5 - To consider providing a fast-track possession route to landlords who failed to recover rental after taking distress proceedings   |  |
| 010739 -<br>010816 | Chairman       | Ditto  |  |
| 010816 -<br>010832 | Mr Albert CHAN | Whether distress proceedings and repossession proceedings could be combined  |  |
| 010832 -<br>010928 | Administration | Distress proceedings were carried out in District Court while repossession proceedings were carried out in LT. The two involved separate legal processes and could not be combined   |  |
| 010928 -<br>010955 | Chairman       | Rationale for adopting distress proceedings when rent in arrears could also be recovered by taking repossession proceedings  |  |
| 010955 -<br>011209 | Administration | Impractical to combine different proceedings. Not desirable to establish a separate route of special treatment to repossess the premises in favour of landlords who failed to recover rent arrears in distress proceedings |  |
| 011209 -           | Mr Albert CHAN | Ditto  |  |

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| 011308 |  |  |  |
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| 011308<br>011438 | - Administration     | Seizure of property was common in distress for rent in commercial premises   |  |
| 011438<br>011534 | - Chairman           | Ditto  |  |
| 011534<br>011624 | - Administration     | Item 6 - 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 |  |
| 011624<br>011637 | - Mr CHAN Kam-lam    | Whether orders were given on how unclaimed properties left in vacated premises were being dealt with   |  |
| 011637<br>011643 | - Administration     | Under the provisions of the Bill, LT would be empowered to make orders with regard to the disposal of unclaimed properties left by tenants   |  |
| 011643<br>011732 | - Mr LAU Ping-cheung | Ditto  |  |
| 011732<br>011756 | - Administration     | Landlords to apply to LT for orders to dispose of properties left by tenants   |  |
| 011756<br>011809 | - Mr LAU Ping-cheung | Ditto  |  |
| 011809<br>011824 | - Administration     | Ditto  |  |
| 011824<br>011852 | - Chairman           | Orders on disposal of properties would enable landlords to dispose of unclaimed properties   |  |
| 011852<br>011929 | - Mr CHAN Kam-lam    | Orders on disposal of properties had to be clearly set out   |  |

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| 011929<br>012119 | - Administration | Empowering provisions for making orders regarding disposal of properties was proposed by LT. Landlords could apply for such orders on application for repossession |   |
| 012119<br>012200 | - Mr Albert CHAN | Difference between existing disposal arrangement by Bailiff and proposed arrangement involving orders for disposal by LT   |   |
| 012200<br>012312 | - Chairman       | Concerned about disputes over disposal of properties when the value of unclaimed properties was not known at the time of application for orders for disposal       |   |
| 012312<br>012350 | - Mr Albert CHAN | Ditto  |   |
| 012350<br>012413 | - Administration | Ditto  |   |
| 012413<br>012434 | - Mr Albert CHAN | Ditto  |   |
| 012434<br>012521 | - Chairman       | Ditto  |   |
| 012521<br>012529 | - Mr Albert CHAN | Ditto  |   |
| 012529<br>012634 | - Chairman       | Ditto  | The Administration was requested to work out a clear guideline on the manner in which properties left in the premises by the tenant after repossession of premises should be disposed of and to clarify if such disposal would affect the duty of Bailiff to sell properties left on the premises |

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| 012634<br>012937 | - Administration     | Reply to the submission from the Hong Kong Bar Association (BA) (Annex A to LC Paper No CB(1) 1744/01-02)<br>1. Reduction in minimum period for automatic relief<br>2. Implied power of forfeiture for non-payment of rent |  |
| 012937<br>013001 | - Chairman           | Ditto  |  |
| 013001<br>013010 | - Administration     | Ditto  |  |
| 013010<br>013040 | - Mr LAU Ping-cheung | Concerned about cases involving defaulting tenants who only settled rent in arrears within the relief period when ordered by Court   |  |
| 013040<br>013158 | - Administration     | Ditto  |  |
| 013158<br>013354 | - Mr James TO        | Consideration should be given to introducing provisions to deter tenants from habitually defaulting payment of rent  |  |
| 013354<br>013438 | - Chairman           | Need for a limit on the number of occasions of grant of relief for forfeiture  |  |
| 013438<br>013518 | - Administration     | Ditto  |  |
| 013518<br>013532 | - Chairman           | Ditto  |  |
| 013532<br>013600 | - Administration     | Ditto  |  |
| 013600<br>013628 | - Mr James TO        | Ditto  |  |

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| 013628<br>013705 | - Administration     | Habitual default in the payment of rent could be regarded as one of the conditions for forfeiture of tenancy agreement on grounds of inconvenience |   |
| 013705<br>013726 | - Mr James TO        | More certainty in law on what should be regarded as habitual default in payment of rent  |   |
| 013726<br>013745 | - Mr LAU Ping-cheung | Ditto  |   |
| 013745<br>013759 | - Mr James TO        | Ditto  |   |
| 013759<br>013810 | - Administration     | Ditto  |   |
| 013810<br>013833 | - Chairman           | Ditto  | The Administration was requested to consider whether there should be no more than two occasions of grant of relief for forfeiture to tenants who only settled rent in arrears after landlords had taken procedure for forfeiture when rent was not paid within 15 days after the due date |
| 013833<br>014149 | - Administration     | Reply to the submission from BA<br>3. Reform of termination and renewal procedure<br>4. Grounds of opposition                                      |   |
| 014149<br>014304 | - Mr James TO        | New section 119E(1) which allowed the landlord to change or add grounds of opposition might catch tenant by surprise                               |   |
| 014304<br>014315 | - Chairman           | Ditto  |   |

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| 014315 -<br>014545 | Administration | New section 119E(1) was proposed by LT and was meant to provide for more flexibility. LT could adjourn hearing if more time was required by tenant to make a defence on the new grounds of opposition submitted by landlord.<br>5. Penalties for harassment |  |
| 014545 -<br>014627 | Mr James TO    | Expressed support for BA's proposal that developers in redevelopment cases should be made liable for harassing acts done to tenants to force them to move out of their premises   |  |
| 014627 -<br>014652 | Administration | The Administration could not impose criminal liability on an innocent developer who might not have any knowledge of harassing acts done on tenants by other people  |  |
| 014652 -<br>014923 | Mr James TO    | The developer was the actual beneficiary in evicting tenants in redevelopment cases. Need for the developer to ensure that such eviction would not result in unlawful acts  |  |
| 014923 -<br>014940 | Chairman       | The owner of premises might not be the developer in some redevelopment cases  |  |
| 014940 -<br>015212 | Mr James TO    | Developers should ensure that the agents they hired to evict tenants would not use harassing acts   |  |
| 015212 -<br>015300 | Administration | Ditto   |  |
| 015300 -<br>015342 | Mr James TO    | Need for licensing system for agents and imposition of heavier penalties for harassing acts in unlawful eviction  |  |

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| 015342 -<br>015418 | Administration | Need for a cautious approach. Individual owners might not have knowledge about unlawful acts taken by agents employed by developer to evict tenants   |  |
| 015418 -<br>015432 | Mr James TO    | The individual owner could prove that he or she was not behind such unlawful acts   |  |
| 015432 -<br>015450 | Chairman       | Ditto   |  |
| 015450 -<br>015505 | Administration | An experienced developer could be able to exonerate himself from liability for unlawful acts taken by his agents through a carefully worded contract. Imposition of criminal liability would impact on innocent owners/developers |  |
| 015505 -<br>015545 | Mr James TO    | Need for the Administration to consider imposing criminal liability for unlawful eviction   |  |
| 015545 -<br>015647 | Administration | Ditto   |  |
| 015647 -<br>020000 | Mr James TO    | Ditto   |  |
| 020000 -<br>020034 | Chairman       | Proposed section 119V of the Bill provided sanctions and punishments for unlawful acts to evict tenants   |  |
| 020034 -<br>020128 | Mr James TO    | Ditto   |  |
| 020128 -<br>020216 | Administration | Owners' associations were strongly opposed to the imposition of heavier penalties for unlawful eviction   |  |
| 020216 -<br>020240 | Mr James TO    | Ditto   |  |

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| 020240 -<br>020247 | Administration | There were means to hold the developers liable if they were found to be masterminding the unlawful acts   |   |
| 020247 -<br>020300 | Mr James TO    | Developers should be required to ensure that the agents they hire to evict tenants would not use harassing acts, otherwise they would be held liable for such acts. Consideration should be given to imposing a criminal liability on an agent who claimed to be acting on behalf of a developer to evict tenants but who had not been so authorized. This would ensure proper authorization and that developers should be held responsible for unlawful eviction |   |
| 020300 -<br>020310 | Chairman       | Actual difficulties in implementing proposal  |   |
| 020310 -<br>020335 | Administration | Proposed section 119V would suffice to ensure that unlawful acts would be sanctioned  |   |
| 020335 -<br>020400 | Mr James TO    | Consideration be given to imposing criminal liability on anyone who claimed to act on behalf of the developer to evict tenants but who had not been so authorized   |   |
| 020400 -<br>020440 | Administration | Ditto   |   |
| 020440 -<br>020450 | Chairman       | Ditto   | The Administration was requested to consider requiring landlords to ensure that the agents they hire to evict tenants would not use harassing acts while imposing a criminal liability on |

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|                    |                    |   | those agents who used such acts  |
| 020450 -<br>020553 | Mr LAU Ping-cheung | Measures were needed to protect individual owners from harassing acts done to force the sale of their premises to developers in redevelopment cases |  |
| 020553 -<br>020723 | Mr James TO        | Ditto   |  |
| 020723 -<br>020810 | Chairman           | Next meeting to be held on 10 June 2002 at 10:45 am   | The Administration was requested to consider taking measures to protect landlords, particularly those in redevelopment cases, who were forced to sell their premises to developers because of harassing acts done by the latter. |

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

Legislative Council Secretariat

7 June 2002