

立法會
Legislative Council

LC Paper No. CB(1) 698/01-02
(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 meeting held on
Thursday, 29 November 2001, at 4:30 pm
in Conference Room A 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 Albert CHAN Wai-yip

Members absent : Hon CHAN Kam-lam
Hon TAM Yiu-chung, 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 Mee-bo
Government Counsel

Rating and Valuation Department

Mr WONG Chun-siu, JP
Deputy Commissioner

Mr F G HEATH, JP
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 : Mr Arthur CHEUNG
Assistant Legal Adviser 5

Miss Lolita SHEK
Senior Assistant Secretary (1)3

I Election of Chairman

Mr James TIEN, the member who had the highest precedence in the Council amongst those who joined the Bills Committee, presided at the election of Chairman and invited nominations for the chairmanship of the Bills Committee.

2. Ms Audrey EU was nominated by Mr James TO and the nomination was seconded by Mr HUI Cheung-ching. Ms EU accepted the nomination. There being no other nominations, Mr TIEN declared that Ms EU was elected Chairman of the Bills Committee.

3. Ms EU took over the chair.

II Meeting with the Administration

(Legislative Council Brief (Ref: HB(CR)7/5/1), LC Paper Nos. LS 108/00-01 and CB(1)416/01-02)

4. The Committee deliberated (Index of proceedings attached at **Annex A**).
5. Members requested and the Administration undertook to -
 - (a) provide a table showing the views of consultees on the Bill and the justifications for the Administration to accept or reject such views;
 - (b) consider extending the scope of Part V of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (LTO) to cover leasing of commercial premises, including those of the Housing Authority run by single operators, on licence terms instead of tenancy agreements;
 - (c) consider including in Part IV of LTO provisions to enable landlords to repossess properties which have been used for illegal purposes, or on which the tenant has constructed unauthorized building works (UBWs);
 - (d) seek legal advice on whether a landlord can include provisions, such as suspension of water and electricity as well as changing of door lock, in the tenancy agreement for repossession of property in the event that the tenant fails to pay rent for a specified period of time;
 - (e) consider expediting the statutory procedures for repossession of premises, and review the need for a landlord to obtain a court order when the tenant has already vacated the premises;
 - (f) put down in the time charts on statutory procedures for repossession of premises (tabled at the meeting) references of the relevant ordinances, authorities and orders;
 - (g) respond to the submission of the Hong Kong Association of Landlords, particularly the case in which a landlord has to bear the dire consequences of UBWs erected by the principal tenant;
 - (h) consider whether landlords can be compensated by interest payments if the tenants pay up arrears of rent only when sued in court;
 - (i) consider measures to protect landlords when the tenants persistently delay payment of rent;
 - (j) consider whether there should be a criminal offence for tenants who provide false information to the landlords.

6. Members agreed that the date of the next meeting would be decided upon receipt of the Administration's response, and that the need for inviting public views on the Bill would be discussed at the next meeting.
7. There being no other business, the meeting ended at 6:05 pm.

Legislative Council Secretariat
2 January 2002

Annex A

**Proceedings of the meeting of the
Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2001
on Thursday, 29 November 2001, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
00:01 - 01:15	Mr James TIEN	Election of Chairman	
01:16 - 02:21	Chairman	Welcoming remarks	
02:22 - 04:51	Admin	Introduction on the Bill	
04:52 - 04:54	Chairman	Invitation of comments from members	
04:55 - 07:38	Mr Albert CHAN	Control of leasing of commercial premises, including those markets of the Housing Authority run by single-operators on licence terms instead of tenancy agreements	The Administration was requested to consider extending the scope of Part V of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) to cover these premises.
07:39 - 07:54	Chairman	-ditto-	
07:55 - 08:17	Admin	-ditto-	
08:18 - 08:22	Chairman	-ditto-	
08:23 - 08:29	Mr Albert CHAN	-ditto-	
08:30 - 09:14	Chairman	-ditto-	
09:15 - 09:29	Admin	-ditto-	
09:30 - 10:11	Mr Albert CHAN	-ditto-	
10:12 - 10:19	Admin	-ditto-	
10:20 - 11:19	Chairman	-ditto-	
11:20 - 11:29	Admin	-ditto-	
11:30 - 11:41	Chairman	-ditto-	

11:42 - 12:29	Mr Albert CHAN	Harassment of tenants by landlords	
12:30 - 13:24	Admin	-ditto-	
13:25 - 13:39	Chairman	Provisions in tenancy agreements to enable landlords to repossess leased premises in cases of non-payment of rent	The Administration was requested to seek legal advice on whether such provisions could be included in tenancy agreements.
13:40 - 14:09	Admin	-ditto-	
14:10 - 14:26	Chairman	-ditto-	
14:27 - 15:10	Admin	-ditto-	
15:11 - 15:24	Chairman	-ditto-	
15:25 - 15:39	Admin	-ditto-	
15:40 - 16:07	Mr Albert CHAN	-ditto-	
16:08 - 16:16	Chairman	-ditto-	
16:17 - 16:34	Admin	-ditto-	
16:35 - 16:53	Mr Albert CHAN	-ditto-	
16:54 - 16:59	Admin	-ditto-	
17:00 - 19:39	Mr James TIEN	Repossession of leased premises on the ground of non-payment of rent	
19:40 - 22:19	Admin	-ditto-	
22:20 - 23:45	Mr James TIEN	-ditto-	
23:46 - 24:46	Admin	-ditto-	
24:47 - 24:51	Chairman	-ditto-	
24:52 - 25:32	Mr James TIEN	-ditto-	
25:33 - 26:22	Admin	-ditto-	
26:23 - 26:59	Chairman	-ditto-	
27:00 - 27:18	Mr James TIEN	-ditto-	
27:19 - 27:34	Admin	-ditto-	
27:35 - 27:59	Chairman	-ditto-	
28:00 - 28:14	Mr James TIEN	-ditto-	

28:15 - 28:39	Chairman	-ditto-	
28:40 - 30:11	Mr James TIEN	-ditto-	
30:12 - 30:16	Chairman	-ditto-	
30:17 - 30:26	Mr James TIEN	-ditto-	
30:27 - 30:45	Admin	-ditto-	
30:46 - 31:45	Mr HUI Cheung-ching	Public consultation	
31:46 - 34:18	Administration	-ditto-	
34:19 - 34:43	Chairman	-ditto-	The Administration was requested to provide a table showing the views of consultees on the Bill and justifications for including/not including them in the Bill.
34:44 - 36:28	Mr Albert CHAN	Default on payment of rent by “professional tenants” and protection of landlords against habitual defaulters	
36:29 - 37:10	Admin	-ditto-	
37:11 - 37:41	Mr Albert CHAN	-ditto-	
37:42 - 37:45	Admin	-ditto-	
37:46 - 38:55	Mr Albert CHAN	-ditto-	
38:56 - 41:47	Admin	-ditto-	
41:48 - 42:14	Mr James TIEN	-ditto-	
42:15 - 44:07	Admin	-ditto-	
44:08 - 44:20	Chairman	-ditto-	
44:21 - 45:02	Admin	-ditto-	
45:03 - 46:13	Mr Albert CHAN	Provision of false information by tenants	
46:14 - 46:34	Admin	-ditto-	
46:35 - 47:01	Chairman	-ditto-	
47:02 - 47:37	Admin	-ditto-	

47:38 - 47:45	Chairman	-ditto-	
47:46 - 48:22	Admin	-ditto-	
48:23 - 49:18	Mr Albert CHAN	-ditto-	
49:19 - 49:41	Admin	-ditto-	
49:42 - 49:56	Chairman	-ditto-	The Administration was requested to consider making it a criminal offence for tenants to provide false information to the landlords.
49:57 - 50:43	Admin	Time charts illustrating the procedures for the repossession of leased premises	
50:44 - 51:11	Chairman	-ditto-	
51:12 - 51:19	Admin	-ditto-	
51:20 - 51:31	Chairman	-ditto-	
51:32 - 53:33	Admin	-ditto-	
53:34 - 54:00	Chairman	-ditto-	The Administration was requested to indicate the relevant ordinances and issuing authorities of orders/notices on the time charts for members' reference.
54:01 - 54:20	Mr James TIEN	-ditto-	
54:21 - 54:28	Chairman	-ditto-	
54:29 - 55:29	Admin	-ditto-	
55:30 - 56:06	Mr James TIEN	-ditto-	
56:07 - 56:30	Admin	-ditto-	
56:31 - 57:14	Mr James TIEN	-ditto-	
57:15 - 57:59	Admin	-ditto-	
58:00 - 58:14	Chairman	-ditto-	
58:15 - 58:49	Mr James TIEN	-ditto-	

58:50 - 59:39	Admin	-ditto-	
59:40 - 01:00:24	Mr James TIEN	-ditto-	
01:00:25 - 01:00:41	Chairman	-ditto-	
01:00:42 - 01:00:58	Admin	-ditto-	
01:00:59 - 01:01:27	Chairman	-ditto-	
01:01:28 - 01:01:49	Mr James TIEN	-ditto-	
01:01:50 - 01:02:14	Admin	-ditto-	
01:02:15 - 01:02:29	Mr James TIEN	-ditto-	
01:02:30 - 01:02:44	Admin	-ditto-	
01:02:45 - 01:03:00	Mr James TIEN	-ditto-	
01:03:01 - 01:03:21	Chairman	-ditto-	The Administration was requested to streamline and expedite the procedures for the repossession of leased premises on grounds of non-payment of rent, and to re-consider the need for the landlord to obtain a court order when the tenant had already vacated the premises.

01:03:22 - 01:04:00	Mr Albert CHAN	Repossession of leased premises which had been used for illegal purposes	The Administration was requested to consider including in Part IV of the Ordinance provisions to enable landlords to repossess such premises, and those on which the tenants had constructed unauthorized building works (UBWs)
01:04:01 - 01:05:01	Admin	-ditto-	
01:05:02 - 01:05:07	Mr Albert CHAN	-ditto-	
01:05:08 - 01:05:43	Chairman	-ditto-	
01:05:44 - 01:06:06	Mr Albert CHAN	-ditto-	
01:06:07 - 01:06:13	Chairman	-ditto-	
01:06:14 - 01:06:56	Admin	-ditto-	
01:06:57 - 01:07:29	Chairman	-ditto-	
01:07:30 - 01:08:12	Admin	-ditto-	
01:08:13 - 01:09:51	Mr HUI Cheung-ching	Referral from Duty Roster Members after meeting with the Hong Kong Association of Landlords on 13 July 2001 (Appendix VI to LC Paper No. CB(1) 416/01-02)	
01:09:52 - 01:10:19	Chairman	-ditto-	
01:10:20 - 01:12:44	Admin	-ditto-	
01:12:45 - 01:13:09	Mr HUI Cheung-ching	-ditto-	
01:13:10 - 01:13:14	Admin	-ditto-	
01:13:15 - 01:13:41	Chairman	-ditto-	
01:13:42 - 01:14:00	Admin	-ditto-	
01:14:01 - 01:14:12	Mr HUI Cheung-ching	-ditto-	

01:14:13 - 01:16:31	Admin	-ditto-	
01:16:32 - 01:16:50	Mr James TIEN	Working Group on the Review of Statutory Procedures for Repossession of Domestic Premises and Recovery of Rent	
01:16:51 - 01:17:31	Chairman	-ditto-	
01:17:32 - 01:18:30	Admin	-ditto-	
01:18:31 - 01:19:12	Mr James TIEN	-ditto-	
01:19:13 - 01:19:28	Admin	-ditto-	
01:19:29 - 01:19:37	Mr James TIEN	-ditto-	
01:19:38 - 01:20:35	Admin	-ditto-	
01:20:36 - 01:21:23	Chairman	-ditto-	
01:21:24 - 01:21:33	Admin	-ditto-	
01:21:34 - 01:21:45	Chairman	Recovery of arrears of rent together with interests	The Administration was requested to consider measures to protect landlords when the tenants persistently delayed payment of rent, and whether landlords could be compensated by interest payments if the tenants paid up arrears of rent only when sued in court
01:21:46 - 01:22:03	Mr HUI Cheung-ching	Referral from Duty Roster Members after meeting with the Hong Kong Association of Landlords on 13 July 2001 (Appendix VI to LC Paper No. CB(1) 416/01-02)	
01:22:04 - 01:23:20	Chairman	-ditto-	
01:23:21 - 01:24:03	Mr HUI Cheung-ching	-ditto-	

01:24:04 - 01:24:33	Chairman	-ditto-	The Administration was requested to respond to the submission from the Hong Kong Association of Landlords, particularly the case in which a landlord had to bear the dire consequences of UBWs erected by the principal tenant.
01:24:34 - 01:24:46	Mr HUI Cheung-ching	-ditto-	
01:24:47 - 01:25:56	Chairman	The need for inviting public submissions	
01:25:57 - 01:26:14	Mr James TIEN	-ditto-	
01:26:15 - 01:27:04	Chairman	-ditto-	
01:27:05 - 01:27:28	Admin	-ditto-	
01:27:29 - 01:27:37	Chairman	-ditto-	
01:27:38 - 01:27:49	Mr James TIEN	-ditto-	
01:27:50 - 01:28:18	Admin	-ditto-	
01:28:19 - 01:28:38	Mr James TIEN	-ditto-	
01:28:39 - 01:28:59	Chairman	-ditto-	
01:29:00 - 01:29:28	Mr James TIEN	-ditto-	
01:29:29 - 01:29:47	Chairman	Date of next meeting	
01:29:48 - 01:30:04	Admin	-ditto-	
01:30:05 - 01:30:49	Chairman	-ditto-	
01:30:50 - 01:31:39	Admin	-ditto-	
01:31:40 - 01:32:34	Mr HUI Cheung-ching	-ditto-	
01:32:35 - 01:32:58	Chairman	-ditto-	
01:32:59 - 01:34:12	Admin	-ditto-	
01:34:13 - 01:34:32	Chairman	-ditto-	

01:34:33 - 01:34:41	Admin	-ditto-	
01:34:42 - 01:35:00	Chairman	-ditto-	

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

Legislative Council Secretariat
2 January 2002