

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 363/00-01

(These minutes have been seen  
by the Administration)

Ref: CB1/PL/HG/1

**LegCo Panel on Housing**

**Minutes of meeting held on  
Monday, 6 November 2000, at 2:30 pm  
in the Chamber of the Legislative Council Building**

**Members present** : Hon CHAN Kam-lam (Chairman)  
Hon Albert HO Chun-yan (Deputy Chairman)  
Hon David CHU Yu-lin  
Hon LEE Cheuk-yan  
Hon Fred LI Wah-ming, JP  
Hon NG Leung-sing  
Hon James TO Kun-sun  
Hon CHAN Yuen-han  
Hon LEUNG Yiu-chung  
Hon Howard YOUNG, JP  
Dr Hon YEUNG Sum  
Hon Andrew CHENG Kar-foo  
Hon SZETO Wah  
Hon Abraham SHEK Lai-him, JP  
Hon Albert CHAN Wai-yip  
Dr Hon LO Wing-lok  
Hon IP Kwok-him, JP

**Members absent** : Hon Andrew WONG Wang-fat, JP  
Hon Frederick FUNG Kin-kee  
Hon LAU Ping-cheung

**Public officers attending** : **For item IV**  
Housing Bureau

Mr Dominic WONG, GBS, JP  
Secretary for Housing

Ms Lorna WONG  
Principal Assistant Secretary for Housing (1)

**For item V**

Housing Bureau

Mr M L WAN  
Principal Assistant Secretary for Housing  
(Project Management)

Mr Enoch T S LAM  
Chief Assistant Secretary for Housing  
(Project Management) 2

Territory Development Department

Mrs Christina KWONG  
Chief Engineer/Kowloon West

Mr K T CHAU  
Senior Engineer/Project Management

Environmental Protection Department

Mr C C CHIU  
Senior Environmental Protection Officer

Housing Department

Mrs Angelica LAM  
Deputy Project Manager/Planning 3

**For item VI**

Housing Bureau

Ms Lorna WONG  
Principal Assistant Secretary for Housing

Rating and Valuation Department

Mr F G HEATH  
Assistant Commissioner for Rating and Valuation

Mr CHAN Kwok-fan  
Senior Rent Officer

- Attendance by invitation** : **For item IV**  
Hong Kong Housing Society  
Mrs Julia WONG  
Director (Estate Management) (Acting)
- Clerk in attendance** : Miss Odelia LEUNG  
Chief Assistant Secretary (1)1
- Staff in attendance** : Miss Becky YU  
Senior Assistant Secretary (1)3
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**I Confirmation of minutes of previous meeting**  
(LC Paper No. CB(1) 121/00-01)

The minutes of the meeting held on 17 October 2000 were confirmed.

**II Information paper issued since last meeting**

2. Members noted that no information paper had been issued since last meeting.

**III Date of next meeting and items for discussion**  
(LC Paper Nos. CB(1) 122/00-01(01) and (02))

3. The next regular meeting would be held on Monday, 4 December 2000, at 2:30 pm. Members proposed to discuss the following:
- (a) Maintenance and management of Tenants Purchase Scheme estates;
  - (b) Policy on rehousing upon redevelopment of public rental housing estates; and
  - (c) Review of policies on overcrowding relief, addition of family members and provision of converted one-person units to elderly singletons.

*(Post-meeting note: After seeking enquiries with the Administration and with the concurrence of Chairman, item (c) was not included in the agenda for the next meeting.)*

Overseas duty visit

4. The Chairman invited members' view on any proposal for overseas duty visit for the current legislative session. Members did not make any suggestion. The Chairman advised that members who later had any suggestion for overseas duty visit should contact the Clerk.

**IV Review of loan quotas for non-elderly singletons under Home Starter Loan Scheme**

(LC Paper No. CB(1) 122/00-01(03))

5. At the invitation of the Chairman, the Secretary for Housing (S for H) highlighted the salient points in the information paper. He said that the proposed adjustment in loan quota for non-elderly singletons under the Home Starter Loan Scheme (HSLs) would incur no additional financial resources. To put the proposal into effect, approval from the Finance Committee was necessary to accord S for H the authority and the flexibility to approve any adjustment of the loan quota for singletons until the expiry of the current HSLs in March 2002.

6. Referring to paragraph 12 of the information paper, Mr IP Kwok-him enquired about the total number of applications received from family applicants since the introduction of HSLs and their successful rate. The Principal Assistant Secretary for Housing (1) (PAS for H (1)) advised that for the year 1999/2000, the Housing Society (HS) had received about 10,000 applications from family applicants and had issued 6,200 certificates of eligibility. Of these 6,200 eligible family applicants, 4,300 had purchased their flats under HSLs.

7. Mr CHAN Wai-yip considered the resale restrictions under HSLs too rigid. By way of illustration, loan recipients were not allowed to sell their flats and purchase another one even if they had genuine reasons for so doing. Moreover, loan recipients who failed to make repayment due to financial difficulties could not sell their flats in the open market. The properties concerned had to be put up for sale by the mortgage banks. Given the high administrative fees charged by the banks and their lack of enthusiasm to fetch an optimal price for the properties, the proceed of the sale might not be sufficient to enable the loan recipients to cover the outstanding loan owed to HS and the banks.

8. The Director (Estate Management) (Acting)/HS responded that detailed resale conditions for HSLs had yet to be worked out. Loan recipients who had genuine need for change of flats could bring their cases to HS for consideration. Up till now, HS had not received any requests in this respect. PAS for H (1) said that the first batch of recipients were still enjoying the three-year loan holiday and would start repaying HS in the fourth year after drawdown of the loan. HS might consider adopting the procedures under the Sandwich Class Housing Loan Scheme (SCHLS) to recover the loan by phases instead of requiring the repayment of the outstanding loan in one go. PAS for H(1) agreed to explore this with the Treasury.

9. As the issues raised by Mr Albert CHAN regarding resale conditions and repayment arrangements were technical in nature and were not related to the current proposal of adjusting the loan quota for non-elderly singletons, PAS for H (1) suggested and members agreed that the Housing Bureau would consider arranging separate discussions with Mr CHAN and the concerned departments to follow up the issues. As the issues raised were of concern to other members as well, the Administration was requested to provide a paper to explain how the technical problems would be dealt with.

## **V Noise mitigation measures for housing sites 6 and 10 at West Kowloon Reclamation**

(LC Paper No. CB(1) 122/00-01(04))

10. Mr NG Leung-sing considered the construction cost of \$207.9 million too high for the proposed noise barriers alongside the section of the Airport Railway (AR) tracks adjacent to Housing Sites Nos. 6 and 10 at West Kowloon Reclamation (WKR). He enquired about the difference in cost between ordinary noise barriers and the proposed semi-enclosed noise barriers and cantilever noise barriers. The Principal Assistant Secretary for Housing (Project Management) (PAS for H (PM)) advised that the construction costs of semi-enclosed noise barriers and cantilever noise barriers were estimated to be some 10 to 20% higher than those of ordinary noise barriers.

11. Noting that the Administration would entrust the construction of the proposed noise barriers to the Mass Transit Railway Corporation Limited (MTRCL), the Chairman questioned the rationale behind such an arrangement. He also asked if the Administration had considered contracting out the construction works through open tender. The Chief Engineer/Kowloon West explained that the proposed noise barriers would fall within the boundary of AR. As MTRCL had programmed to lay two dedicated tracks for the Tung Chung Line (TCL) of AR in March 2001, the Administration decided to take advantage of this window since it would be practically impossible to construct the proposed noise barriers after the dedicated tracks of TCL had come in operation. The entrustment of the construction works to MTRCL would save the preliminary costs on the one hand and ensure timely delivery of the noise barriers to tie in with the operation of TCL on the other. Besides, the small size of the construction site for the noise barriers and TCL rendered it not feasible to allow two different contractors to work on it at the same time.

12. Mr NG Leung-sing expressed concern about the long construction time of two years for the proposed noise barriers. He asked if this was due to the need to carry out the construction works at specified hours. PAS for H (PM) explained that a longer construction time was necessary as the two existing tracks had already been in operation. To avoid disruption to the train service, the construction machinery had to be removed from the site each day after work which would result in a longer construction time and higher building cost.

13. Mr Abraham SHEK Lai-him did not agree that public funds should be used to build the noise barriers. He held the view that as the noise was generated by AR, MTRCL should be responsible for funding the construction of the proposed noise barriers. PAS for H (PM) explained that the need for noise barriers arose as a result of the change in land use of Sites Nos. 6 and 10 from industrial to residential purpose. Legal advice from the Department of Justice (D of J) confirmed that MTRCL should not be held responsible for the construction of the noise barriers as this had not been included in the Financial Support Agreement of AR (the Agreement). Dr LO Wing-lok asked why noise barriers were only applicable to residential sites but not industrial sites. The Senior Environmental Protection Officer (SEPO) explained that under the Noise Control Ordinance (Cap. 400), industrial sites were not regarded as sensitive receivers and were not protected against rail noise.

14. Mr SHEK pointed out that the Kowloon-Canton Railway Corporation (KCRC) should not have been obliged to carry out noise mitigation measures for its Mong Kok Station if the reasons advanced by the Administration were valid. PAS for H (PM) explained that as Mong Kok was a residential area long before the operation of the train service, KCRC was responsible for protecting the residents from excessive noise generated by the trains. The case of WKR was however different as AR came into operation before the decision on the change of land use for Sites Nos. 6 and 10 was made. It would not be fair to require MTRCL to fund the construction of the noise barriers.

15. Mr SHEK and Mr Albert CHAN Wai-yip were not convinced that the responsibility for the construction of the noise barriers should be so determined. Mr CHAN expressed concern that this would set a bad precedent for the numerous impending housing projects in Tung Chung, Tai Ho Wan, Siu Ho Wan and Yam O which were adjacent to railway links. He urged the Administration to review the planning of the projects to avoid a recurrence of the WKR incident. The Chairman also asked if there were other sites apart from Sites Nos. 6 and 10 which required the construction of noise barriers by the Government. PAS for H (PM) clarified that the WKR case was an individual case since the construction of the noise barriers was not included in the Agreement. The Administration had undergone protracted negotiation with MTRCL and accepted its responsibility for the construction of the noise barriers after seeking legal advice. He said that as far as he knew, there was no other case similar to the WKR case.

16. Mr CHAN pointed out that the Agreement was signed before the change of sovereignty. The imposition of various financial provisions were made to ensure the construction of the Airport was in accordance with prudent financial principles. He considered that following the establishment of the Special Administrative Region Government in 1997, the Administration should amend the Agreement, particularly in the light of the WKR case. PAS for H (PM) advised that it was not possible to amend the Agreement which had already been completed. Noting that the dedicated tracks for TCL were new works, the Chairman queried whether MTRCL should be responsible for building the proposed noise barriers to mitigate noise generated from these tracks. PAS for H (PM) advised that legal advice had also been sought in this respect. According to the environmental impact assessments (EIAs), the construction

of additional tracks would not significantly increase the noise level of the two existing tracks. The legal advice confirmed that the Government should be responsible for funding the construction of the proposed noise barriers. Mr Abraham SHEK Lai-him was not convinced that the noise generated by four tracks or two tracks would be similar.

17. As regards maintenance of the proposed noise barriers, PAS for H (PM) advised that the annual recurrent cost for routine maintenance was estimated to be \$1.1 million. However, the question of whether maintenance fee should be paid to MTRCL on a need basis or a regular basis had yet to be decided. The Chairman asked if the Administration would consider transferring the proposed noise barriers to MTRCL as they were within the AR boundary. PAS for H (PM) responded that the Administration had considered a similar proposal but the legal advice confirmed that the Government should be responsible for maintaining the proposed noise barriers.

18. Referring to the location plan at Annex A to LC Paper No. CB(1) 122/00-01(04), the Chairman asked if noise barriers would be provided for the sections of AR adjacent to Lai Chi Kok Park, Mei Foo Sun Chuen and Nam Cheong Estate. SEPO advised that AR EIA had already confirmed the provision of noise barriers in these areas.

19. Mr Albert CHAN Wai-yip was skeptical that the funding proposal for the noise barrier should come right after the privatization of MTRCL. He found it difficult to support the proposal. At members' request, the Administration undertook to provide the following information:

- (a) existing and future noise impact on Housing Sites No. 6 and 10 from AR;
- (b) the legal opinion on the funding responsibility for erecting and maintaining the proposed noise barriers; and
- (c) an assessment of possible future cases along the airport railway lines which were similar to the WKR case.

## **VI Review of statutory procedures for repossession of domestic premises and recovery of rents**

(LC Paper No. CB(1) 122/00-01(05), (06) and (07))

20. At the invitation of the Chairman, PAS for H (1) briefed members on the information paper. She said that the Working Group on review of statutory procedures for repossession of domestic premises and recovery of rent had identified and proposed improvements to a number of areas in the repossession procedures. Subject to members' views, the Administration would incorporate the relevant proposals into the impending Landlord and Tenant (Consolidation) (Amendment) Bill.

21. Mr James TO Kun-sun appreciated the prompt action taken by the Administration to address the difficulties experienced by landlords in recovering possession of leased premises on grounds of non-payment or arrears of rent since he raised an oral question in the Council on this issue. He asked if the Administration would also consider making distress for rent a cause for repossession of domestic premises. The Senior Rent Officer explained that at present, a quick process existed under Part III of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (the Ordinance) for repossession where the tenant owed rent and deserted the premises. To enable more landlords to make use of the process, the Bill would propose to raise the rateable value limit which restricted the application of the procedure. PAS for H (1) took note of Mr TO's view and said that the Administration would consider how distress for rent could be factored in the process for repossession of premises. As regards members' concern on the possible delay of 42 days in the process of repossession if tenants concerned applied for legal aid, PAS for H (1) advised that this had not been discussed by the Working Group. She nevertheless undertook to consider the issue in the light of members' concern..

22. Mr Albert HO Chun-yan supported the proposed improvements to the process of repossession, and that default on payment of rent should not be made a criminal offence. He however considered the proposed mandatory forfeiture relief period of seven days too short, particularly for those tenants with temporary financial difficulties. He also called on further improvements in the following areas:

- (a) publicity should be stepped up to enhance landlords' understanding on how to file applications for repossession of premises. This would obviate the need for landlords to engage legal representation and reduce the processing time, particularly for cases involving small amount of rents in arrears;
- (b) efforts should be made to shorten the waiting time for the execution of orders by bailiffs; and
- (c) efforts should be made to streamline the court proceedings.

The Assistant Commissioner for Rating and Valuation advised that the Working Group had made a number of proposals on the provision of administrative assistance to landlords. These included the stationing of a rent officer from the Rating and Valuation Department at the Registry of Lands Tribunal (LT) to assist landlords to fill in the application forms which were quite complicated to complete without the help of legal representation. He agreed that it would be useful if the Judiciary could improve the relevant explanatory pamphlet.

23. Mr Albert CHAN Wai-yip opined that instead of requiring landlords to apply to LT for repossession of premises, a fast-track process, similar to that of the Small Claims Tribunal, should be adopted for cases involving rents in arrears not exceeding a prescribed amount. This would save the time and cost incurred from legal proceedings of LT. PAS for H (1) advised that at present, Part VI of the Ordinance provided for fast-track application for repossession of small tenements of rateable

value not exceeding \$30,000 in District Court. After the originating summons was served on the tenant, the Court would issue a warrant for execution by the bailiff if the tenant did not attend the hearing or if the Court was not satisfied with his defence. No relief period would be provided. It was also not necessary to apply for execution of the warrant. The Administration was considering increasing the limit of rateable value to \$100,000 so that more landlords could be benefited from the fast-track procedures. As tenants in tenements of low rateable value usually came from the low-income group and had little knowledge of their right of tenure, Mr Albert HO Chun-yan expressed concern that they would be vulnerable to eviction as a result of the proposed fast-track procedures. PAS for H (1) took note of Mr HO's concern.

24. As regards "professional tenants", Mr Albert CHAN Wai-yip was disappointed that the Working Group had not put forward any concrete proposal to tackle the problem. He urged the Administration to set up a data bank of the names of habitual defaulters to facilitate checking by landlords. In reply, PAS for H (1) stressed that the objective of the Bill was to strike a balance of interest between landlords and tenants. The proposed data bank would cause undue inconvenience to persons who had the same names as those habitual defaulters. Mr James TO Kun-sun said that to create deterrence effect, the police should follow up some blatant "professional tenants" cases. PAS for H (1) noted the view.

25. As regards the legislative time-table for the Bill, PAS for H (1) advised that the Administration intended to introduce the Bill into the Legislative Council in January or February 2001.

## **VII Any other business**

### Discussion on the proposed terms of reference of the Panel (LC Paper No. CB(1) 122/00-01(08))

26. Members endorsed the proposed terms of reference of the Panel.

27. The meeting ended at 4:15 pm.