

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

政府總部  
房屋及規劃地政局

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10 January 2004

Mrs Percy Ma  
Clerk to Panel on Administration of Justice and Legal Services  
Legislative Council  
Legislative Council Building  
8, Jackson Road, Central  
Hong Kong

Dear Mrs Ma,

**LegCo Panel on Administration of Justice and Legal Services  
Meeting on 29 January 2004**

I refer to your letter of 19 December 2003 inviting us to attend the above meeting and to provide a paper on "Court Procedure for Repossession of Premises". I understand you have extended a similar invitation to the Judiciary Administrator.


I would like to point out that matters relating to court procedure are beyond the purview of our policy bureau. As highlighted in your letter of 20 November 2003, Members of the Bills Committee for the Landlord and Tenant (Consolidation) (Amendment) Bill 2002 had previously put forward three proposals to further streamline the repossession procedure. The proposals were at the time not considered feasible or necessary on the advice of JA, having regard to the implications on the judicial process and the courts. Members subsequently asked the Panel on Administration of Justice and Legal

Services (AJLS) to further examine the proposals. We too believe that JA is the competent authority to explain to the AJLS Panel the Judiciary's considerations regarding these suggestions, in addition to informing Panel Members of JA's review of the effectiveness of the previous amendments in the light of the Judiciary's operational experience since the enactment of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002 (this review being an outstanding AJLS Panel item as referred to in your letter of 24 September 2003).

While our bureau is prepared to be represented at the coming AJLS Panel meeting for this item if necessary, we are not in a position to provide a meaningful paper for the Panel meeting.

On a related issue, I would like to take this opportunity to inform you that a number of deputations have made suggestions to further streamline the courts' repossession procedures when they were invited to offer their views on the Landlord and Tenant (Consolidation) (Amendment) Bill 2003 by the Bills Committee. As review of court procedure is outside the scope of this Bill and since the deputations' suggestions may have resource and procedural implications on the courts, we have referred their views to JA for consideration. You may wish to check with JA as to whether the Judiciary's views on the deputations' suggestions will be covered in JA's paper.

Yours sincerely,



(Gilbert Ko)

for Secretary for Housing, Planning and Lands

cc Director of Administration (Attn: Mr James Chan Yum-min)  
Judiciary Administrator (Attn: Mr Augustine Cheng)  
Commissioner of Rating and Valuation (Attn: Mr C S Wong)