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**Panel on Housing
Meeting on 4 December 2006**

**Background brief on
Report on the review of rent policy for public rental housing**

Purpose

This paper provides an update on developments since late September 2006 on the review of rent policy for public rental housing (PRH) (the Review) conducted by the Housing Authority (HA).

Background

2. The background leading to the Review and major discussions on related issues are set out in the relevant background brief (LC Paper No. CB(1)2241/05-06(02)) submitted to the Panel on Housing (the Panel) at the meeting on 26 September 2006.

Public consultation on domestic rent policy

Findings and proposals of the Ad Hoc Committee on Review of Domestic Rent Policy

3. HA set up the Ad Hoc Committee on Review of Domestic Rent Policy (the CDRP) in March 2001 to take forward the task of reviewing the domestic rent policy and the mechanism of rent adjustment. The work of the CDRP was adjourned due to the judicial review (JR) in respect of the decisions of HA to defer rent reviews in 2001 and 2002. The CDRP resumed work in September 2003.

4. On 9 March 2006, the CDRP published a consultation paper on “Review of Domestic Rent Policy” (the Consultation Paper) and launched a three-month public consultation to invite views on proposals for changes and improvement of the PRH rent policy and rent adjustment mechanism. The key areas for consultation are set out in **Appendix I**.

5. The Panel was briefed on CDRP's initial findings and proposals at the meeting on 17 March 2006. It also held three special meetings on 19 April, 16 and 25 May 2006 to discuss and receive deputations' views on the subject. Public consultation on the Consultation Paper ended on 9 June 2006. Having carefully considered the public responses, the CDRP held two brainstorming sessions on 6 and 22 September 2006 to discuss with HA members on the initial recommendations of the Review. The Administration also briefed the Panel on these recommendations at the meeting on 26 September and 6 November 2006. The major views and concerns expressed by the Panel are set out in the ensuing paragraphs.

Rent adjustment mechanism and reduction of domestic rent

6. On the whole, the Panel considered that the proposal of introducing a rent adjustment mechanism with reference to movements in tenants' household income would better measure tenants' affordability. However, it also noted the grave concern expressed by a number of deputations that proposals in the Consultation Paper, such as measures to improve the compilation of the median rent-to-income ratio (MRIR) and introducing exclusive rents, were means to pave the way for HA to increase rents. Members urged the Administration to examine the proposals carefully to avoid creating unfairness to certain sectors of PRH tenants, such as those receiving Comprehensive Social Security Assistance. There was request for HA to reduce PRH rent first by 10% to 20% to keep in line the decline in tenants' household income in the past few years and to comply with the 10% MRIR¹ cap before reviewing the rent adjustment mechanism. The Administration reiterated the importance of establishing an objective, clear and viable mechanism that could better reflect tenants' affordability and allow both upward and downward rental adjustment alongside examining the issue of how the current rents should be adjusted. As the Administration did not undertake to reduce PRH rents, the Panel passed a motion at the meeting on 25 May 2006 requesting HA to introduce rent reduction immediately before reviewing the rent adjustment mechanism.

7. Among the most important initial recommendations of the CDRP is the development of an income index tracking the movement in PRH tenants' household income to determine future rent adjustment. For the proposed income-based rent adjustment mechanism to operate effectively and fairly, the CDRP accepts that the current PRH rent should be adjusted to provide a new starting point that is considered appropriate and acceptable to the community. To ensure coherence and consistency, the new rent level should be determined with reference to the proposed income index. In this regard, the CDRP has examined a number of options for adjusting the current rent: (a) maintaining the current rent level; (b) increasing rent by 2.8%, reducing rent by 5.2% and 11.6% for flats with rents last reviewed in 1995, 1996 and 1997 respectively; (c)

¹ The MRIRs from the first quarter of 1998 to the first quarter of 2006 are shown in **Appendix II**.

across the board rent reduction of 5.1%; (d) across the board rent reduction of 11.6%.

8. At the Panel meeting on 26 September 2006, some members reiterated the call for HA to reduce PRH rents immediately. On the adjustment of the current rent level, there were views that the median wage of 1998 should be used as the reference point in consideration of the then high rent-to-income ratio of PRH households and HA had not effected any rent adjustment since 1998. If this calculation method was adopted, PRH rent should be reduced by around 20%. If the proposed income index was adopted and 1998 was taken as the reference year, the current rent level should be reduced by 15%. Suggestion was also made for HA to introduce a tier system in adjusting PRH rents, under which the levels of rent payable by tenants would be determined according to their actual income and affordability, so that less well-off tenants would pay lower rent, whereas higher-income tenants would pay higher rent. The Administration stressed that it would be highly imprudent for HA to introduce long-term rent reduction and decide on such extent without first agreeing on the new rent adjustment mechanism. Nonetheless, the Administration took note of members' suggestion of introducing interim rent remission measures, such as rent waiver of one or two months, prior to putting in place the new rent adjustment mechanism and agreed to reflect the suggestion to HA for consideration.

Legislative amendments to effect the new rent adjustment mechanism

9. The Administration held the view that the existing statutory 10% MRIR cap effectively meant that, regardless of the string of extraneous factors accounting for the changes in the MRIR, PRH rent could only go down once the cap was exceeded. To allow for the proper operation of the new rent adjustment mechanism, it was necessary to amend the Housing Ordinance (Cap.283) (HO) to remove the statutory MRIR cap. Subject to HA's approval of CDRP's recommendations, it was the Administration's intention to introduce an amendment bill to the Legislative Council (LegCo) in the first quarter of 2007 with a view to effecting the new rent adjustment mechanism. The new rental level would be implemented upon the introduction of the new mechanism. While Panel members called upon the Administration to make suitable amendments to the HO for establishing a rational and sustainable rent adjustment mechanism, they expressed grave concern about the parallel introduction of a new rent adjustment mechanism and a new rental level. In particular, as LegCo would take time to scrutinize the amendment bill, there was concern that the "bundling" approach of the Administration would further delay reduction in PRH rents. The "bundling" arrangement was in effect a means adopted by the Administration to secure support for the amendment bill. Some members had raised opposition to the "bundling" approach and cautioned about the negative impact on the relationship between the legislature and the executive authorities.

The proposal on differential rents

10. The proposal of implementing differential rents in PRH flats taking into account factors such as floor level, views and orientation had sparked off wide public concern. Whilst the proposal aimed at better reflecting the rental value of different units and providing greater choice to tenants, deputations and members did not support the proposal due to concerns about its labelling effect on poor tenants, the negative impact on social stability, and the high administrative costs involved. There was also reservation about the suitability of introducing market principles in determining PRH rents. The Panel noted that the Administration would consider all the concerns before making a decision on the matter including the suggestion of providing incentives, such as reducing rents for flats in unpopular locations or vacated for a long time, to enhance the occupancy rate of the flats.

Latest development

11. The CDRP submitted its report on the Review (the Report) to HA on 21 November 2006. On the future rent adjustment mechanism, the CDRP proposes to adopt an income index tracking the movement in PRH tenants' household income to guide future rent adjustments and implement an across the board rent reduction of 11.6%. HA endorsed the Report at the meeting on 27 November 2006 and also agreed to grant a one-off rent remission for the month of February 2007 to PRH tenants². The Administration will brief the Panel on the Report and the way forward at the coming meeting on 4 December 2006.

12. The relevant papers concerning the subject of review of PRH rents with their hyperlinks are in **Appendix III**.

Council Business Division 1
Legislative Council Secretariat
1 December 2006

² The rent remission will be granted to PRH tenants and Interim Housing licensees with the exception of those paying additional rent or licence fees.

The key areas for consultation in the “Review of Domestic Rent Policy” Consultation Paper published in March 2006

- (a) Alternative options for measuring affordability

The Ad Hoc Committee on Review of Domestic Rent Policy (CDRP) has considered a number of alternative options for measuring affordability apart from the MRIR, including adopting different MRIRs for different groups of households or types of estates, setting rents based on a fixed RIR and the so-called “residual income approach”.
- (b) Improvements to the assessment of MRIR

Should MRIR be retained as a measure of affordability in the absence of other better and operationally viable alternatives, the CDRP has identified possible measures to improve the methodology for its assessment, including collecting more reliable income data by way of a declaration system, excluding CSSA recipients and tenants paying additional rents from the calculation of MRIR; and compiling MRIR based on net rents, i.e. excluding rates and management expenses.
- (c) Proposed rent adjustment reference index

The statutory MRIR cap of 10% has confused an affordability indicator with a rent adjustment mechanism. The CDRP proposes to replace the present system with a more transparent and well-defined index-linked mechanism to guide rent adjustment, both upwards and downwards, based on movements in consumer price or tenants’ household income.
- (d) Differential rents

To better reflect the rental values of different units and provide greater choice to tenants, the Consultation Paper sets out two models of differential rents for public consultation, i.e. the “moderate model” taking into account of internal factors (such as floor level, proximity to unwelcome facilities), and the “comprehensive model” taking into account of both internal and external factors (such as views and orientation) for rent adjustment.

(e) Exclusive rents

The Consultation Paper proposes a more practical alternative to continue to charge all-inclusive rents but separately set out the amount of rates and management fees in a statement to be issued to individual tenants annually to enhance transparency.

(f) Fixed-term tenancy

The CDRP is not in favour of replacing the current monthly tenancy by fixed-term tenancy and considers that the problem of tenants' perpetual stay in PRH, which fixed-term tenancy is thought to be able to help resolve, should best be addressed through a proper review of the relevant policies such as the Housing Subsidy Policy and Policy on Safeguarding Rational Allocation of Public Housing Resources.

(g) Rent fixing and review cycles

The CDRP is of the view that the current arrangements of having two rent fixing exercises each year for newly completed estates should be maintained. It also favours a biennial rent review cycle to provide for timely implementation of any rent adjustments. Instead of dividing PRH estates into batches for rent review, it will be more equitable to cover all PRH estates in any rent review exercise.

Appendix II

Median Rent-to-Income Ratio for Housing Authority Public Rental Housing (excluding Interim Housing)

Year /Qtr	MRIR (%)
1998 Q1	8.8
1998 Q2	8.9
1998 Q3	9.3
1998 Q4*	8.6
1999 Q1*	9.4
1999 Q2	9.8
1999 Q3	9.6
1999 Q4	10.0
2000 Q1	9.9
2000 Q2	10.2
2000 Q3	10.2
2000 Q4	10.3
2001 Q1	10.4
2001 Q2	10.7
2001 Q3	11.5
2001 Q4 [#]	7.6
2002 Q1*	11.2
2002 Q2*	11.7
2002 Q3*	12.0
2002 Q4*	12.1
2003 Q1	13.8
2003 Q2	14.2
2003 Q3*	12.8
2003 Q4	14.2
2004 Q1	14.5
2004 Q2	14.4
2004 Q3	14.7
2004 Q4	14.7
2005 Q1	14.6
2005 Q2	14.5
2005 Q3	14.6
2005 Q4	14.5
2006 Q1	14.4

Notes:

The figure has reflected the rent waiver for public rental housing units for December 2001.

* The figures have reflected the rates rebates taken place during the respective periods.

Review of rent policy of public rental housing

List of references

Council/Committee	Date of meeting	Paper
Council Meeting	27 June 1997	Hansard (http://www.legco.gov.hk/yr96-97/english/lc_sitg/hansard/970627fb.doc)
Bills Committee	6 February 1998	PLC Paper No. CB(2) 1126 (http://www.legco.gov.hk/yr97-98/english/bc/bc57/minutes/bc570602.htm)
Council Meeting	25 February 1998	Hansard (http://www.legco.gov.hk/yr97-98/english/counmtg/hansard/980225fa.doc)
Housing Panel	3 May 1999	LC Paper No. CB(1)1235/98-99(06) (English version only) (http://www.legco.gov.hk/yr98-99/english/panels/hg/papers/hg03056a.htm) LC Paper No. CB(1)1235/98-99(07) (http://www.legco.gov.hk/yr98-99/english/panels/hg/papers/hg03056b.htm) LC Paper No. CB(1)1235/98-99(08) (http://www.legco.gov.hk/yr98-99/english/panels/hg/papers/hg03056c.htm) LC Paper No. CB(1)1796/98-99 (http://www.legco.gov.hk/yr98-99/english/panels/hg/minutes/hg030599.htm)
Council Meeting	20 October 1999	Hansard (http://www.legco.gov.hk/yr99-00/english/counmtg/hansard/991020fe.pdf)

Council/Committee	Date of meeting	Paper
Council Meeting	31 May 2000	Hansard (http://www.legco.gov.hk/yr99-00/english/counmtg/hansard/000531fe.pdf)
Council Meeting	10 January 2001	Hansard (http://www.legco.gov.hk/yr00-01/english/counmtg/hansard/010110fe.pdf)
Housing Panel	5 February 2001	LC Paper No. CB(1)525/00-01(06) (http://www.legco.gov.hk/yr00-01/english/panels/hg/papers/a525e06.pdf) LC Paper No. CB(1)525/00-01(07) (http://www.legco.gov.hk/yr00-01/english/panels/hg/papers/a525e07.pdf) LC Paper No. CB(1)1742/00-01 (http://www.legco.gov.hk/yr00-01/english/panels/hg/minutes/hg050201.pdf)
Housing Panel	16 July 2003	LC Paper No. CB(1)2217/02-03(01) (http://www.legco.gov.hk/yr02-03/english/panels/hg/papers/hg0716cb1-2217-1e.pdf) LC Paper No. CB(1)2217/02-03(02) (English version only) (http://www.legco.gov.hk/yr02-03/english/panels/hg/papers/hg0716cb1-2217-2e-scan.pdf) LC Paper No. CB(1)2459/02-03 (http://www.legco.gov.hk/yr02-03/english/panels/hg/minutes/hg030716.pdf)
Housing Panel	25 March 2004	LC Paper No. CB(1)1361/03-04(01) (http://www.legco.gov.hk/yr03-04/english/panels/hg/papers/hg0325cb1-1361-1e.pdf) LC Paper No. CB(1)1399/03-04(02) (http://www.legco.gov.hk/yr03-04/english/panels/hg/papers/hg0325cb1-1399-2e.pdf)

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		LC Paper No. CB(1)2029/03-04 http://www.legco.gov.hk/yr03-04/english/panels/hg/minutes/hg040325.pdf
Council meeting	10 November 2004	Hansard http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm1110ti-translate-e.pdf
Housing Panel	29 November 2004	LC Paper No. CB(1)118/04-05(02) http://www.legco.gov.hk/yr04-05/english/panels/hg/papers/hg1101cb1-118-2e.pdf LC Paper No. CB(1)118/04-05(03) http://www.legco.gov.hk/yr04-05/english/panels/hg/papers/hg1101cb1-118-3e.pdf LC Paper No. CB(1)328/04-05(01) (Chinese version only) http://www.legco.gov.hk/yr04-05/chinese/panels/hg/papers/hg1129cb1-328-1c-scan.pdf LC Paper No. CB(1)328/04-05(02) (Chinese version only) http://www.legco.gov.hk/yr04-05/chinese/panels/hg/papers/hg1129cb1-328-2c.pdf LC Paper No. CB(1)328/04-05(03) http://www.legco.gov.hk/yr04-05/chinese/panels/hg/papers/hg1129cb1-328-3c-scan.pdf LC Paper No. CB(1)328/04-05(04) http://www.legco.gov.hk/yr04-05/english/panels/hg/papers/hg1129cb1-328-4e.pdf LC Paper No. CB(1)357/04-05(01) (Chinese version only) http://www.legco.gov.hk/yr04-05/chinese/panels/hg/papers/hg1129cb1-357-1c.pdf LC Paper No. CB(1)357/04-05(02) (Chinese version only) http://www.legco.gov.hk/yr04-05/chinese/panels/hg/papers/hg1129cb1-357-2c.pdf

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Council meeting	1 June 2005	<p>Hansard http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm0601ti-translate-e.pdf</p>

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Housing Panel	21 October 2005	LC Paper No. CB(1)26/05-06(01) http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg1021cb1-26-1-e.pdf LC Paper No. CB(1)399/05-06 http://www.legco.gov.hk/yr05-06/english/panels/hg/minutes/hg051021.pdf
Council meeting	8 February 2006	Hansard http://www.legco.gov.hk/yr05-06/english/counmtg/hansard/cm0208ti-translate-e.pdf
Housing Panel	17 March 2006	Consultation Paper on Review of Domestic Rent Policy and its Executive Summary (LC Paper No. CB(1)1045/05-06) http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg0317cb1-1045-e.pdf Information paper provided by the Administration (LC Paper No. CB(1)1060/05-06(03)) http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg0317cb1-1060-3-e.pdf Background brief on “Review of rent policy of public rental housing” prepared by the Legislative Council Secretariat (LC Paper No. CB(1)1060/05-06(04)) http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg0317cb1-1060-4-e.pdf LC Paper No. CB(1)1108/05-06(01) http://www.legco.gov.hk/yr05-06/chinese/panels/hg/papers/hg0317cb1-1108-1c.pdf LC Paper No. CB(1)1108/05-06(02) http://www.legco.gov.hk/yr05-06/chinese/panels/hg/papers/hg0317cb1-1108-2c.pdf LC Paper No. CB(1)1277/05-06(01) http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg0317cb1-1277-1e.pdf LC Paper No. CB(1)1406/05-06 http://www.legco.gov.hk/yr05-06/english/panels/hg/minutes/hg060317.pdf

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Housing Panel	19 April 2006	<p>Consultation Paper on Review of Domestic Rent Policy and its Executive Summary (LC Paper No. CB(1)1045/05-06) (http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg0317cb1-1045-e.pdf) </p> <p>Information paper provided by the Administration (LC Paper No. CB(1)1060/05-06(03)) (http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg0317cb1-1060-3-e.pdf) </p> <p><u>Submissions</u></p> <p>LC Paper No. CB(1)1286/05-06(01) (http://www.legco.gov.hk/yr05-06/chinese/panels/hg/papers/hg0419cb1-1286-1-c.pdf) </p> <p>LC Paper No. CB(1)1314/05-06(01) (http://www.legco.gov.hk/yr05-06/chinese/panels/hg/papers/hg0419cb1-1314-1-c.pdf) </p> <p>LC Paper No. CB(1)1286/05-06(02) (http://www.legco.gov.hk/yr05-06/chinese/panels/hg/papers/hg0419cb1-1286-2-c.pdf) </p> <p>LC Paper No. CB(1)1286/05-06(03) (http://www.legco.gov.hk/yr05-06/chinese/panels/hg/papers/hg0419cb1-1286-3-c.pdf) </p> <p>LC Paper No. CB(1)1293/05-06(01) (http://www.legco.gov.hk/yr05-06/chinese/panels/hg/papers/hg0419cb1-1293-1-c.pdf) </p> <p>LC Paper No. CB(1)1286/05-06(04) (http://www.legco.gov.hk/yr05-06/chinese/panels/hg/papers/hg0419cb1-1286-4-c.pdf) </p>

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Housing Panel	25 May 2006	<p>Consultation Paper on Review of Domestic Rent Policy and its Executive Summary (LC Paper No. CB(1)1045/05-06) (http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg0317cb1-1045-e.pdf)</p> <p>Information paper provided by the Administration (LC Paper No. CB(1)1060/05-06(03)) (http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg0317cb1-1060-3-e.pdf)</p> <p>Summary of views presented to the Panel prepared by the Legislative Council Secretariat (LC Paper No. CB(1)1571/05-06(01)) (http://www.legco.gov.hk/yr05-06/chinese/panels/hg/papers/hg0525cb1-1571-1-c.pdf)</p> <p>Administration's response to the summary of views presented to the Panel prepared by the Legislative Council Secretariat (LC Paper No. CB(1)1571/05-06(02)) http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg0525cb1-1571-2-e.pdf</p> <p>LC Paper No. CB(1)1596/05-06(01) (http://www.legco.gov.hk/yr05-06/chinese/panels/hg/papers/hg0525cb1-1596-1c.pdf)</p> <p>Minutes (http://www.legco.gov.hk/yr05-06/english/panels/hg/minutes/hg060525.pdf)</p>
Council meeting	14 June 2006	<p>Hansard (http://www.legco.gov.hk/yr05-06/chinese/counmtg/floor/cm0614ti-confirm-c.pdf)</p>
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Council/Committee	Date of meeting	Paper
		Minutes
Housing Panel	6 November 2006	LC Paper No. CB(1)144/06-07(01) (http://www.legco.gov.hk/yr05-06/english/panels/hg/papers/hg0926cb1-144-1-e.pdf)

Council Business Division 1
Legislative Council Secretariat
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