

立法會
Legislative Council

LC Paper No. CB(1) 790/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/BC/15/02/2

**Bills Committee on
Landlord and Tenant (Consolidation) (Amendment) Bill 2003**

**Minutes of the third meeting
held on Friday, 9 January 2004, at 8:30 am
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 Albert HO Chun-yan
Hon HUI Cheung-ching, JP
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam, JP
Hon Howard YOUNG, SBS, JP
Hon Abraham SHEK Lai-him, JP
Hon IP Kwok-him, JP
- Members absent** : Hon James TO Kun-sun
Hon Andrew WONG Wang-fat, JP
Hon LAU Ping-cheung
- Public officers attending** : Housing Department

Mr TAM Wing-pong, JP
Deputy Director (Strategy)

Mr Gilbert KO
Assistant Director (Private Housing)

Mr Donald NG
Senior Administrative Officer (Private Housing)

Department of Justice

Mr John WILSON
Consultant Counsel

Ms Carmen CHU
Senior Government Counsel

Rating and Valuation Department

Mr WONG Chun-shiu, JP
Deputy Commissioner

Mr SIU Kuen-sang
Acting Assistant Commissioner (Special Duties)

Mr CHAN Kwok-fan
Senior Rent Officer

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

Staff in attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Mrs Mary TANG
Senior Council Secretary (1)2

I. Confirmation of minutes

(LC Paper No. CB(1) 706/03-04 -- Minutes of the meeting held on
18 December 2003)

The minutes of the meeting held on 18 December 2003 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1) 585/03-04(07) -- List of follow-up actions arising
(issued for the meeting on from the discussion on
18 December 2003) 20 November 2003

LC Paper No. CB(1) 585/03-04(08) -- Administration's response to LC
(issued for the meeting on Paper No. CB(1) 585/03-04(07)
18 December 2003) (except item 5)

LC Paper No. CB(1) 602/03-04(05) <i>(issued for the meeting on 18 December 2003)</i>	-- Administration's response to item 5 of LC Paper No. CB(1) 585/03-04(07)
LC Paper No. CB(1) 708/03-04(01)	-- Submission from the Real Estate Developers Association of Hong Kong (English version only)
LC Paper No. CB(1) 708/03-04(02)	-- Submission from Hong Kong Bar Association (English version only)
LC Paper No. CB(1) 708/03-04(03)	-- Summary of concerns (as at 6 January 2004)
LC Paper No. CB(1) 708/03-04(04)	-- List of follow-up actions arising from the discussion on 18 December 2003))

2. The Committee deliberated (Index of proceedings attached at **Annex A**).
3. The Administration was requested to -
 - (a) advise the share of tenancies to be affected by the urban renewal programme as opposed to that of the entire property rental market;
 - (b) critically examine the adequacy of leaving just two months for the public to be informed of the legislative changes before the appointed date to implement the Bill taking into account the far-reaching implications of the removal of security of tenure on the existing some 260 000 tenants/sub-tenants. The sudden surge in applications for tenancy renewal within the two-month period would inevitably have an impact on the capacity of the Lands Tribunal;
 - (c) provide a list of suggested information which a landlord might require a potential tenant to provide, on a voluntary basis and without contravening privacy protection, before deciding whether or not to let his property to the tenant;
 - (d) obtain from the Police the following information -
 - (i) number of reports of alleged offences which emanated from tenancy disputes between landlords and tenants, such as vandalization and default in rent payment, over the past five years;
 - (ii) number of prosecution against the provision of false information by both landlords and tenants under the Theft Ordinance (Cap. 210) over the past five years; and

- (iii) revised internal guidelines on the procedures to be adopted in dealing with tenancy disputes in the light of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002.
- (e) provide, before 29 January 2004, a paper on the feasibility of further streamlining the repossession procedures after the removal of the security of tenure provisions; and
- (f) advise the prevailing eligibility criteria for public rental housing (PRH) and the assistance available, from both Government and non-government organizations, to those past beneficiaries of subsidized home ownership schemes who could not afford rented accommodation in the private sector. Consideration should also be given to offering PRH to tenants evicted as a result of the enactment of the Bill.

4. The meeting ended at 10:35 am.

Council Business Division 1
Legislative Council Secretariat
15 January 2004

**Proceedings of the meeting of the
Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2003
Meeting on Friday, 9 January 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000148	Chairman	Introductory remarks and confirmation of minutes of the meeting held on 18 December 2003 (LC Paper No. CB(1) 708/03-04)	
000149 - 000500	Chairman Administration	Summary of concerns (LC Paper No. CB(1) 708/03-04(03))	
000501 - 001545	Mr James TIEN Chairman Administration	Removal of security of tenure for domestic tenancies (a) Hong Kong Institute of Surveyor's suggestion of imposing a 24-month grace period; (b) Administration's proposal of setting the appointed date at two months from the passage of the Bill; (c) Transitional arrangements; and (d) Adequacy of the proposed two-month period	
001546 - 001924	Chairman Administration Mr James TIEN	Views of the Urban Renewal Authority (URA) and the Resident Association on (Kwun Tong) Old Urban Renewal	The Clerk to extract concerns relating to the impact of the Bill on tenants affected by redevelopment projects of URA for discussion at the next meeting on 19 January 2004 The Administration to advise the share of tenancies to be affected by the urban renewal programme as opposed to that of the entire property rental market

Time marker	Speaker	Subject(s)	Action required
001925 - 002223	Chairman Administration	Minimum notice period for domestic and non-domestic tenancies	
002224 - 003535	Chairman Administration Mr James TIEN Mr HUI Cheung-ching Mr IP Kwok-him	Statutory requirement for provision of personal information (a) Imposition of criminal liability on provision of false information by tenants; (b) Information which could be provided by tenants; and (c) Concern about Police inaction against tenancy disputes	The Administration to - (a) obtain from the Police the number of prosecution against the provision of false information by both landlords and tenants under the Theft Ordinance (Cap. 210) over the past five years, and the revised internal guidelines on the procedures to be adopted in dealing with tenancy disputes in the light of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002; and (b) provide a list of suggested information which a landlord might require a potential tenant to provide, on a voluntary basis and without contravening privacy protection, before deciding whether or not to let his property to the tenant

Time marker	Speaker	Subject(s)	Action required
003536 - 004937	Mr Albert HO Chairman Mr James TIEN Administration	Imposition of criminal liability on the provision of false information in respect of private tenancy and need to differentiate between intentional and non-intentional provision of false information	<p>The Administration to obtain from the Police the number of reports of alleged offences which emanated from tenancy disputes between landlords and tenants, such as vandalism and default in rent payment, over the past five years</p> <p>The Clerk to obtain the same from the Hong Kong Owners Club and Hong Kong Real Estate Agencies General Association</p>
004938 - 010012	Chairman Administration Mr CHAN Kam-lam Mr Albert HO Mr James TIEN	<p>Streamlining of repossession procedures (LC Paper No. CB(1) 602/03-04(05))</p> <p>(a) Subject to be discussed by Panel on Administration of Justice and Legal Services at its meeting on 29 January 2004; and</p> <p>(b) Need to consider the feasibility of outsourcing bailiff services</p>	The Administration to provide, before 29 January 2004, a paper on the feasibility of further streamlining the repossession procedures after the removal of the security of tenure provisions
010013 - 010218	Chairman Administration	Other concerns raised by Property Agencies Association and the Law Society of Hong Kong	

Time marker	Speaker	Subject(s)	Action required
010219 - 010830	Mr Albert HO Administration Chairman	(a) Democratic Party's stance on the removal of security of tenure; and (b) Eligibility criteria for public rental housing (PRH) applicable to past beneficiaries of subsidized home ownership (SHO) schemes	The Administration to advise the prevailing eligibility criteria for PRH and the assistance available, from both Government and non-government organizations, to those past SHO beneficiaries who could not afford rented accommodation in the private sector. Consideration should also be given to offering PRH to tenants evicted as a result of the enactment of the Bill
010831 - 011221	Chairman Administration	Submissions from Real Estate Developers Association and Hong Kong Bar Association (BA) and the Administration's response	The Clerk to write to BA to see if it had further views on the drafting and content of the Bill
011222 - 011932	Chairman Administration	List of follow-up actions arising from the discussion at the meeting on 20 November 2003 (LC Paper No. CB(1) 585/03-04(08)) Item 1 - Administration's response to BA's concerns	
011933 - 014822	Chairman Administration Mr Albert HO Mr Howard YOUNG Mr Abraham SHEK Mr James TIEN	Item 2 - Information on tenancies (a) Means to publicize the legislative changes; and (b) Need to notify tenants and sub-tenants of such changes after enactment of the Bill (consideration could be given to mailing the publication pamphlet with the demand notes for rates/government rent or water supply service)	

Time marker	Speaker	Subject(s)	Action required
014823 - 015213	Mr Abraham SHEK Administration Mr Albert HO Mr James TIEN	<p>Adequacy of leaving just two months for the public to be informed of the legislative changes before the appointed date to implement the Bill</p> <p>(a) Democratic Party might move Committee Stage amendments to allow for a longer grace period and to draw a line on rateable values under which security of tenure would still apply;</p> <p>(b) Liberal Party's objection to an extended grace period of one to two years;</p> <p>(c) The Administration had reached the decision on the two-month period having regard to the outcome of public consultation and the need for early implementation of the Bill;</p> <p>(d) Outcome of public consultation and telephone survey and whether the two-month grace period had been supported; and</p> <p>(e) Need to address the implications of the passage of the Bill on the property market</p>	<p>The Administration to critically examine the adequacy of leaving just two months for the public to be informed of the legislative changes before the appointed date to implement the Bill, taking into account the far-reaching implications of the removal of security of tenure on the existing some 260 000 tenants/sub-tenants. The sudden surge in applications for tenancy renewal within the two-month period would inevitably have an impact on the capacity of the Lands Tribunal</p>

Time marker	Speaker	Subject(s)	Action required
015214 – 015551	ALA1 Mr Howard YOUNG	<p>Implications of delegating the Administration to appoint the commencement date and options for consideration -</p> <p>(a) Administration to undertake that the appointed date would be set at a date after the expiry of the period for scrutiny of the commencement notice;</p> <p>(b) Commencement notice to be subject to the approval of LegCo (positive vetting); and</p> <p>(c) Appointed date to be specified in the Bill</p>	
015552 – 020115	Chairman Administration Mr Abraham SHEK	Item 3 - Breakdown of the responses by status of the respondents and by monthly household income	
020116 - 020715	Chairman Administration Mr Abraham SHEK	Item 4 - Forecast in flat supply Sudden surge in applications for tenancy renewal within the two-month period would inevitably have an impact on the capacity of the Lands Tribunal	