

立法會
Legislative Council

LC Paper No. CB(1) 914/03-04
(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 fourth meeting
held on Monday, 19 January 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon James TO Kun-sun
Hon HUI Cheung-ching, JP
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam, JP
Hon Howard YOUNG, SBS, JP
Hon IP Kwok-him, JP
Hon LAU Ping-cheung
- Members absent** : Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Hon Andrew WONG Wang-fat, JP
Hon Abraham SHEK Lai-him, JP
- Public officers attending** : Housing, Planning and Lands Bureau

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

Mr Gilbert KO
Assistant Director (Private Housing)

Mr Donald NG
Senior Administrative Officer (Private Housing)

Housing Department

Mr SHEK Siu-fung
Senior Housing Manager/Applications (1)

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

- Attendance by invitation** : Urban Renewal Authority
- Mr Billy LAM
Managing Director
- Mr Trevor KEEN
Coordinator (Corporate Strategy)
- Mr Ian WONG
General Manager (Property and Land)
- Clerk in attendance** : Miss Becky YU
Chief Council Secretary (1)1
- Staff in attendance** : Mr KAU Kin-wah
Assistant Legal Adviser 6
- Mrs Mary TANG
Senior Council Secretary (1)2
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I. Confirmation of minutes

(LC Paper No. CB(1) 790/03-04 -- Minutes of the meeting held on 9 January 2004)

The minutes of the meeting held on 9 January 2004 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1) 585/03-04(07) <i>(issued for the meeting on 18 December 2003)</i>	--	List of follow-up actions arising from the discussion on 20 November 2003
LC Paper No. CB(1) 585/03-04(08) <i>(issued for the meeting on 18 December 2003)</i>	--	Administration's response to LC Paper No. CB(1) 585/03-04(07) (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(04) <i>(issued for the meeting on 9 January 2004)</i>	--	List of follow-up actions arising from the discussion on 18 December 2003
LC Paper No. CB(1) 792/03-04(01)	--	Information paper provided by Urban Renewal Authority in response to LC Paper No. CB(1) 708/03-04(04)
LC Paper No. CB(1) 792/03-04(02)	--	Letter from Hong Kong Bar Association (English version only)
LC Paper No. CB(1) 792/03-04(03)	--	List of follow-up actions arising from the discussion on 9 January 2004
LC Paper No. CB(1) 792/03-04(04)	--	Administration's response to items (3) and (6) of LC Paper No. CB(1) 792/03-04(03))

2. The Committee deliberated (Index of proceedings attached at **Annex A**).

3. The Administration was requested to -

- (a) ask Urban Renewal Authority (URA) to consider offering clearerees of the remaining 12 projects of the former Land Development Council (LDC) compensation similar to their counterparts of the previous 13 completed or announced LDC projects, or at least better terms than other future URA projects to ensure impartiality;

- (b) provide details of each of the completed LDC projects, including the number of clearees, their choice between re-housing and ex gratia payment, problems encountered such as human problems;
- (c) ascertain the adequacy of the level of assistance to be offered to clearees who were not eligible for re-housing to public housing after the enactment of the Bill; and
- (d) consider extending the restriction periods for compensation and application for public housing for clearees who had already received compensation in a redevelopment exercise, to avoid possible abuse.

4. The meeting ended at 12:45 pm.

Council Business Division 1
Legislative Council Secretariat
6 February 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 - 000734	Chairman	Introductory remarks and confirmation of minutes of the meeting held on 9 January 2004 (LC Paper No. CB(1) 790/03-04)	
000735 - 003016	Mr Billy LAM, Urban Renewal Authority (URA) Chairman Mr IP Kwok-him Mr Ian WONG, URA Chairman	Discussion on LC Paper No. CB(1) 792/03-04(01)	
003017 - 003101	Mr IP Kwok-him Chairman	The prevailing statutory compensation under the Landlord and Tenant (Consolidation) Ordinance (LTO) would lapse after the enactment of the Bill	
003102 - 003799	Mr James TO	<p>Discussion on the following concerns -</p> <p>(a) While there was room for reduction in the existing compensation which was overly generous, it was unacceptable that tenants affected by redevelopment projects to be implemented after the enactment of the Bill would receive no statutory compensation;</p> <p>(b) URA might procrastinate the implementation of redevelopment projects pending the enactment of the Bill in an attempt to save costs; and</p> <p>(c) Compensation for tenants affected by redevelopment would be at the mercy of URA</p>	

Time marker	Speaker	Subject(s)	Action required
003800 - 004301	Chairman Administration	The material dates on which statutory compensation would still apply	
004302 - 005530	Mr Billy LAM, URA Mr James TO Administration	<p>Response to Mr James TO -</p> <p>(a) URA would not delay the implementation of redevelopment projects;</p> <p>(b) There was sufficient supply of public and private housing in the property market for clearances;</p> <p>(c) Need to balance the interest of both landlords and tenants;</p> <p>(d) URA confirmed in its earlier submissions that it envisaged that cash payments would continue; and</p> <p>(e) The proposed option was better than that under the LTO before the amendment in 1996.</p>	
005531 - 005954	Mr HUI Cheung-ching Mr Billy LAM, URA Administration	Criteria to determine whether an owner-occupied premises was the owner's sole residence	

Time marker	Speaker	Subject(s)	Action required
005955 - 010620	Chairman Mr Billy LAM, URA	Possible re-housing and compensation options for future URA redevelopment projects - (a) Details of arrangements yet to be determined by URA Board after the enactment of the Bill, taking into account the prevailing market conditions; and (b) Special consideration on compassionate grounds would be given on a case-by-case basis	
010621 - 010838	Mr LAU Ping-cheung Chairman Mr Trevor KEEN, URA	Disputes over compensation arising from non-domestic tenancies	
010839 - 010200	Mr James TO Chairman	Concern about the differential treatment of clearerees of the remaining 12 former Land Development Council (LDC) projects who would not be entitled to statutory compensation as their counterparts of the previous 13 completed or announced LDC projects	The Administration to request URA to consider offering clearerees of the remaining 12 projects of the former LDC compensation similar to their counterparts of the previous 13 completed or announced LDC projects, or at least better terms than other future URA projects to ensure impartiality

Time marker	Speaker	Subject(s)	Action required
010201 - 011200	Mr Billy LAM and Mr Trevor KEEN, URA	<p>Response to Mr James TO</p> <p>(a) No question of delay for the 25 former LDC projects which had been included in URA's first five-year corporate plan;</p> <p>(b) Current compensation was set at a time when rentals were very high, supply of private rental accommodation was tight and more significantly, LDC had no access to public housing for re-housing the affected tenants;</p> <p>(c) URA was now able to offer re-housing to affected tenants; and</p> <p>(d) Physical re-housing should be the primary means of addressing clearerees' housing needs while ex gratia allowances should be set at a level to address the needs of clearerees but not be so high as to discourage people from opting for re-housing</p>	
011201 - 012100	Chairman	Breakdown on percentage of tenants who opted for cash compensation despite their eligibility for re-housing to ascertain whether the cash compensation was more generous and therefore more attractive to tenants	

Time marker	Speaker	Subject(s)	Action required
012101 - 012200	Mr Trevor KEEN and Mr Ian WONG, URA	Inability to provide the required breakdown as tenants would not be assessed on their eligibility for public housing once they had opted for cash compensation in lieu of re-housing	
012201 - 012919	Mr James TO	Affected tenants would have to opt for cash compensation if they were not able to meet the stringent eligibility criteria for public housing. To avoid possible abuse, consideration could be given to extending the restriction periods for compensation and application for public housing for clearerees who had already received compensation in a redevelopment exercise	The Administration to consider extending the restriction periods for compensation and application for public housing for clearerees who had already received compensation in a redevelopment exercise, to avoid possible abuse
012920 - 013750	Miss CHAN Yuen-han Mr Billy LAM, URA Chairman	Information on the completed LDC projects	<p>The Administration to</p> <p>(a) provide details of each of the completed LDC project, including the number of clearerees, their choice between re-housing and ex gratia payment, problems encountered such as human problems; and</p> <p>(b) ascertain the adequacy of the level of assistance to be offered to clearerees who were not eligible for re-housing to public housing after the enactment of the Bill</p>
013751 - 014005	Mr Howard YOUNG	Consideration be given to using overhung Home Ownership Scheme flats to re-house affected tenants	

Time marker	Speaker	Subject(s)	Action required
014006 - 014300	Mr CHAN Kam-lam	Need for URA to take into account public interest in re-housing affected tenants	
014301 - 014738	Administration Chairman Mr Howard YOUNG	Item 7 of LC Paper No. CB(1) 585/03-04(08) and item 6 of LC Paper No. CB(1) 792/03-04(04)	
014739 - 014909	Chairman Administration	Item 8 of LC Paper No. CB(1) 585/03-04(08)	
014910 - 015022	Chairman Administration	Item 3 of LC Paper No. CB(1) 792/03-04(04)	
015023 - 015140	Chairman	Letter from the Hong Kong Bar Association	
015141- 015154	Chairman	Date of next meeting	