

立法會
Legislative Council

LC Paper No. CB(1) 979/03-04
(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 fifth meeting
held on Monday, 2 February 2004, at 4:30 pm
in Conference Room A of the Legislative Council Building**

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

Hong Kong Police Force

Mr WONG Pak-nin
CSP Crime HQ

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. Meeting with the Administration

- | | | |
|---|----|---|
| (LC Paper No. CB(1) 792/03-04(03)
<i>(issued for the meeting on
19 January 2004)</i> | -- | List of follow-up actions arising
from the discussion on
9 January 2004 |
| LC Paper No. CB(1) 886/03-04(01)
<i>(issued on 28 January 2004)</i> | -- | Administration's response to
item (5) of LC Paper No.
CB(1) 792/03-04(03) |
| LC Paper No. CB(1) 901/03-04(01) | -- | Administration's response to
item (2) of LC Paper No.
CB(1) 792/03-04(03) |

- LC Paper No. CB(1) 901/03-04(02) -- Administration's response to item (4) of LC Paper No. CB(1) 792/03-04(03)
- LC Paper No. CB(1) 901/03-04(03) -- Consolidated list of follow-up actions arising from previous meetings)

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

2. The Administration was requested to -

- (a) provide the number of applications for public rental housing (PRH) on compassionate ground and from past beneficiaries of subsidized home ownership schemes as well as the number of successful applications over the past three years;
- (b) advise the considerations which the Administration would take into account in offering transit centre or interim housing to evicted tenants who were not able to meet the eligibility criteria for PRH, such as the seven-year residence rule;
- (c) include in the Administration's paper regarding the "appointed date for implementation of the Bill" transitional arrangements for sub-tenants of domestic premises after the proposed removal of security of tenure. The paper should also include transitional arrangements for tenants of non-domestic premises after the proposed removal of the minimum notice requirement on termination of non-domestic tenancies; and
- (d) relay to the Police the need to include in its internal guidelines specifications to deal with offences relating to the provision of false information by both landlords and tenants.

3. The meeting ended at 6:25 pm.

**Proceedings of the meeting of the
Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2003
Meeting on Monday, 2 February 2004, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000623	Chairman	Introductory remarks	
000624 - 001440	Administration Chairman ALA1	<p>Discussion on the feasibility of further streamlining the repossession procedure after the removal of security of tenure provisions (LC Paper No. CB(1) 886/03-04) -</p> <p>(a) The Chairman's report on the discussions at the meeting of the Panel on Administration of Justice and Legal Services on 29 January 2004. These included the enhancement of baliff services and the assignment of one day in a week to exclusively deal with repossession cases, with the hearing in the form of a callover hearing;</p> <p>(b) ALA's enquiry on whether, upon the proposed removal of security of tenure provisions, the Lands Tribunal (LT) would have jurisdiction over tenancies which had run their course; and</p> <p>(c) The Administration to work out with the Judiciary measures to address the impact of the appointed date of the Bill</p>	

Time marker	Speaker	Subject(s)	Action required
001441 - 002804	Chairman Administration Mr Albert HO	<p>Discussion on the reports of offences emanating from tenancy disputes and actions taken by the Police (LC Paper No. CB(1) 901/03-04(02)) -</p> <p>(a) Police to provide the outstanding information on prosecution against the provision of false information by landlords and tenants under the Theft Ordinance and the Crimes Ordinance in two months' time; and</p> <p>(b) Prosecution statistics necessary to ascertain the need for separate offences against provision of false information by landlords and tenants</p>	The Administration to relay to the Police the need to include in its internal guidelines specifications to deal with offences relating to the provision of false information by both landlords and tenants
002805 - 003044	Chairman Mr Albert HO Administration	Mr Albert HO's intention to move Committee Stage amendments to allow for the retention of security of tenure for premises with a low rateable value	
003045 - 003255	Mr Albert HO Administration	Measures to assist past beneficiaries of subsidized home ownership schemes (LC Paper No. CB(1) 792/03-04(04)) and need to balance the interest of both landlords and tenants of premises with low rateable values	
003256 - 003600	Mr Albert HO	Concern about the difficulties in meeting the eligibility criteria for public rental housing (PRH), in particular, the seven years' residence rule	

Time marker	Speaker	Subject(s)	Action required
003601 - 004020	Chairman Administration	Provision of interim housing and transit centre for those who failed to meet eligibility criteria for PRH	The Administration to advise the considerations which the Administration would take into account in offering transit centre or interim housing to evicted tenants who were not able to meet the eligibility criteria for PRH, such as the seven-year residence rule
004021 - 004444	Chairman Mr Albert HO Administration	Discretion to allocate PRH units to those who were in genuine hardship	The Administration to provide the number of applications for PRH on compassionate ground and from past beneficiaries of subsidized home ownership schemes as well as the number of successful applications over the past three years
004445 - 004811	Chairman ALA1	<p>Clause-by-clause examination (LC Paper No. CB(1) 357/03-04(02))</p> <p>Part I</p> <p>Clause 1 - Short title and commencement The appointed date and the transitional arrangements to be discussed upon receipt of the Administration's paper on the subject</p> <p>Clause 2 - Interpretation</p>	

Time marker	Speaker	Subject(s)	Action required
004812 - 011929	Chairman Administration	<p>Clause 3 - Provisions repealed</p> <p>(a) Repeal of the statutory compensation under section 119F(4)(a) had not undergone public consultation. Hence, the public might not be aware that the removal of security of tenure would imply that statutory compensation would no longer apply to tenancies which had run their course and compensation could not be awarded by the courts;</p> <p>(b) Concern about the transitional arrangements for sub-tenants of domestic premises after the proposed removal of security of tenure;</p> <p>(c) Review of LT's decision had to be made before lodging of appeal; and</p> <p>(d) Provisions which would remain under Part IV of the Ordinance</p>	The Administration to include in its paper regarding the "appointed date for implementation of the Bill" transitional arrangements for sub-tenants of domestic premises after the proposed removal of security of tenure
011930 - 012020	Chairman Administration	<p>Clause 4 - Endorsement of tenancy agreement</p> <p>Provisions meant to facilitate electronic submission</p>	
012021 - 012840	Chairman Administration Mr Albert HO ALA1	<p>Clause 5 - Savings in respect of Part IV</p> <p>To be discussed upon receipt of the Administration's paper on "Appointed date for implementation of the Bill" and together with item 8 of LC Paper No. CB(1) 585/03-04(08)</p>	

Time marker	Speaker	Subject(s)	Action required
012841 - 013810	Chairman Administration Mr Howard YOUNG Mr Albert HO	Clause 6 - Sections repealed Section 122 - Minimum length of notice to determine tenancy	The Administration to also include in its paper transitional arrangements for tenants of non- domestic premises after the proposed removal of the minimum notice requirement on termination of non- domestic tenancies
013811 - 013841	Chairman	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
12 February 2004