

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 1236/03-04  
(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 sixth meeting  
held on Monday, 16 February 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 James TO Kun-sun  
Hon HUI Cheung-ching, JP  
Hon CHAN Yuen-han, JP  
Hon Howard YOUNG, SBS, JP
- Members absent** : Hon CHAN Kam-lam, JP  
Hon Andrew WONG Wang-fat, JP  
Hon Abraham SHEK Lai-him, JP  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung
- 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

**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

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**I. Confirmation of minutes**

(LC Paper No. CB(1) 914/03-04

-- Minutes of the meeting held  
on 19 January 2004

LC Paper No. CB(1) 979/03-04

-- Minutes of the meeting held  
on 2 February 2004)

The minutes of the meetings held on 19 January and 2 February 2004 were confirmed.

## II. Meeting with the Administration

- (LC Paper No. CB(1) 901/03-04(01) -- Information paper on “Transitional arrangements for removing security of tenure”
- LC Paper No. CB(1) 983/03-04(01) -- Views of individual District Council members
- LC Paper No. CB(1) 983/03-04(02) -- Submission from a member of public as referred by Duty Roster Members
- LC Paper No. CB(1) 983/03-04(03) -- List of follow-up actions arising from the discussion on 2 February 2004
- LC Paper No. CB(1) 983/03-04(04) -- Administration’s response to items 1 and 2 of LC Paper No. CB(1) 983/03-04(03)
- LC Paper No. CB(1) 983/03-04(05) -- Consolidated list of follow-up actions arising from previous meetings (as at 13 February 2004)
- LC Paper No. CB(1) 993/03-04(01) -- Urban Renewal Authority’s response to concerns raised at the meeting on 19 January 2004)
2. The Committee deliberated (Index of proceedings attached at **Annex A**).
3. The Administration was requested to -
- (a) review the proposed transitional arrangements for tenancies which were too complicated. Consideration could be given for the provisions in relation to removal of security of tenure to take effect after expiry of the 12-month termination period. To also advise the legal effect of the termination period and the application (in different scenarios) of the common law after the removal of security of tenure;
  - (b) consider retaining the specific grounds for repossession of premises by landlords under the existing Part IV of Landlord and Tenant (Consolidation) Ordinance (Cap. 7) during the proposed 12-month termination period; and
  - (c) advise the time frames for repossession procedures after the implementation of the new “callover” arrangement by the Lands Tribunal and the proposed reduction of the “opposition period” from 14 days to seven days. To follow up with the Judiciary Administration the feasibility of extending such callover hearings to every day of the week rather than just once a week. To also consider whether the repossession process could be further expedited if the tenants had agreed to return the premises or had already left Hong Kong.

4. Members agreed that the ninth and tenth meetings would be scheduled as follows -

(a) Thursday, 15 April 2004 at 10:45 am; and

(b) Wednesday, 21 April 2004 at 10:45 am.

5. The meeting ended at 10:35 am.

Council Business Division 1  
Legislative Council Secretariat  
9 March 2004

**Proceedings of the meeting of the  
Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2003  
Meeting on Monday, 16 February 2004, at 8:30 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000316	Chairman	Introductory remarks and confirmation of minutes of the meetings held on 19 January and 2 February 2004 (LC Paper Nos. CB(1) 914 and 979/03-04 respectively)	
000317 - 003340	Administration Chairman ALA1 Mr James TIEN	<p>Discussion on the proposed 12-month termination notice requirement as set out in the Administration's paper on "Transitional arrangements for removing security of tenure" (CB(1) 901/03-04(01)) -</p> <p>(a) instead of giving termination notice, landlords might allow the tenancies to expire and continue as month-to-month tenancies so that a one-month notice under common law would suffice to repossess the premises after the 12-month period; and</p> <p>(b) transitional arrangements were too complicated and difficult for the public to comprehend</p>	<p>The Administration to-</p> <p>(a) review the proposed transitional arrangements which were too complicated;</p> <p>(b) consider allowing the provisions in relation to removal of security of tenure to take effect after expiry of the 12-month termination notice period; and</p> <p>(c) advise the legal effect of the termination period and the application (in different scenarios) of common law after the removal of security of tenure</p>

Time marker	Speaker	Subject(s)	Action required
003341 - 003645	Mr Howard YOUNG Administration Chairman	Application of the 12-month termination notice requirement to fixed term tenancies and non-fixed-term tenancies which were subject to termination by giving three months' notice under standard tenancy agreements	
003646 - 004632	Mr Albert HO Administration Chairman	Consideration should be given to freezing the application for repossession of premises for 12 months which would be simpler and more acceptable than the proposed transitional arrangements	
004633 - 004700	Mr HUI Cheung-ching Administration ALA1 Chairman	A simpler mechanism would be for provisions relating to removal of security of tenure to take effect after a specified date; concern about upsurge in tenancy renewal applications to Lands Tribunal (LT) upon the coming into effect of the removal of security of tenure	
004701 - 005501	Chairman Administration	Need for retention of specific grounds for repossession of premises by landlords such as redevelopment and self-occupation so that such repossession cases would not be bound by the 12-month termination notice requirement	The Administration to consider retaining the specific grounds for repossession of premises by landlords under the existing Part IV of Landlord and Tenant (Consolidation) Ordinance (Cap. 7) during the proposed 12-month termination period

Time marker	Speaker	Subject(s)	Action required
005502 - 011653	Mr James TIEN Chairman Administration	<p>(a) Liberal Party’s in-principle support for the proposed 12-month termination period; need to further streamline repossession procedure for tenancies which had run their course or where tenants had already left the premises and could not be contacted; consideration should be given to amending legislation to further streamline the repossession procedures; and need to explain the application of common law in repossession process;</p> <p>(b) Administration’s explanation that the new “callover” arrangement of LT and the proposed reduction of “opposition period” from 14 days to seven days would help expedite the repossession procedure for tenancies which had run their course;</p> <p>(c) Repossession procedures could not be dispensed with as an appeal channel was necessary to avoid conflict with human rights; and</p> <p>(d) Changes in repossession procedures might be beyond the scope of the Bill which was aimed at providing for removal of security of tenure</p>	<p>The Administration to advise the time frames for repossession procedures after the implementation of the new “callover” arrangement by LT and the proposed reduction of the “opposition period” from 14 days to seven days. To follow up with the Judiciary Administration the feasibility of extending such callover hearings to every day of the week rather than just once a week. To also consider whether the repossession process could be further expedited if the tenants had agreed to return the premises or had already left Hong Kong</p>

Time marker	Speaker	Subject(s)	Action required
011654 - 012629	Mr Albert HO Chairman Administration	Administration's confirmation that specific grounds for repossession would not be required upon removal of security of tenure; and that the existing rent level would remain during the 12-month termination period	
012630 - 013417	Mr James TIEN Administration Chairman	(a) Member's request for separate repossession procedures for tenancies which had run their course as tenants had no legitimate grounds to stay in the premises; and  (b) Administration's response to the need for court proceedings for tenants to settle disputes	
013418 - 013716	Mr James TO	Support for the need of repossession procedures but further streamlining was required	
013717 - 013905	Chairman Administration Mr James TO	Urban Renewal Authority's (URA) response (LC Paper No. CB(1) 993/03-04(01)) to be discussed at the next meeting during which URA representatives would be invited to attend	
013906 - 014710	Mr James TO Chairman Administration	Compensation to be provided by URA and developers upon redevelopment	



Time marker	Speaker	Subject(s)	Action required
014711 - 020003	Mr Albert HO Chairman Administration	<p>(a) Concerns of Members of Democratic Party (DP) on removing security of tenure at one go and the lack of public consultation on abolition of statutory compensation after the removal; Committee Stage amendments contemplated by DP to remove security of tenure by phases to be delineated by rateable values (RV) of premises and to allow payment of compensation to evicted tenants if the premises were to be redeveloped within two years after repossession;</p> <p>(b) Administration's explanation that payment of statutory compensation after the removal of security not possible in the absence of legal grounds; difficult to delineate removal of security of tenure by RV which was subject to review every year</p>	
020004 - 020554	Mr James TIEN Mr Albert HO Administration	Removal of security of tenure meant to balance the interest of both landlords and tenants	
020555 - 021222	Chairman Mr Albert HO Mr James TIEN	Date of next meeting	