

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 1483/03-04  
(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 eighth meeting  
held on Friday, 26 March 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 CHAN Yuen-han, 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
- Members absent** : Hon HUI Cheung-ching, 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)

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 LO Hing-chung  
Assistant Commissioner

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) 1359/03-04 -- Minutes of the meeting held on  
10 March 2004)

The minutes of the meeting held on 10 March 2004 were confirmed.

**II. Meeting with the Administration**

(LC Paper No. CB(1) 1371/03-04(01) -- Papers relevant to the Urban  
Renewal Authority Bill passed in  
2000

LC Paper No. CB(1) 1371/03-04(02) -- List of follow-up actions arising  
from the discussion on  
10 March 2004

- LC Paper No. CB(1) 1371/03-04(03) -- Administration's paper on "Transitional arrangement for removing security of tenure for domestic tenancies" in response to item 1 of LC Paper No. CB(1) 1241/03-04(01)
- LC Paper No. CB(1) 1371/03-04(04) -- Consolidated list of follow-up actions arising from previous meetings (as at 24 March 2004)
- LC Paper No. CB(1) 1386/03-04(01) -- First batch of draft Committee Stage amendments proposed by the Administration)

2. The Committee deliberated (Index of proceedings attached at **Annex A**).
3. The Administration was requested to -
  - (a) consider drawing up a standardized transitional termination notice (in both Chinese and English) for reference of landlords; and
  - (b) advise the prevailing compensation package, including ex gratia removal allowance, to be offered to domestic tenants in the event of land resumption by the Government.
4. Members agreed to invite representatives of the Urban Renewal Authority (URA) and tenant associations to the next meeting scheduled for 15 April 2004 to exchange views on compensation for domestic tenants affected by redevelopment projects of URA.
5. The meeting ended at 10:20 am.

**Proceedings of the meeting of the  
Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2003  
Meeting on Friday, 26 March 2004, at 8:30 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000204	Chairman	Introductory remarks and confirmation of minutes of the meeting held on 10 March 2004 (LC Paper No. CB(1) 1359/03-04)	
000205 - 002459	Administration Chairman Mr Albert HO	<p>Discussion on Administration's paper on "Transitional arrangement for removing security of tenure for domestic tenancies" (LC Paper No. CB(1) 1371/03-04(03) -</p> <p>(a) an open-ended 12 months' transitional termination notice (TTN) would avoid sudden surge in applications for tenancy renewal at the Lands Tribunal (LT) and would allow enough time for tenants to find alternative accommodation;</p> <p>(b) landlords could still apply for repossession of premises during the 12-month TTN period on grounds of self occupation;</p> <p>(c) all existing terms, including the rental level, would continue during 12-month period;</p> <p>(d) tenancies entered into after commencement of the Bill would not be subject to the TTN requirement; and</p> <p>(e) any changes in the terms of the tenancy would be regarded as a new tenancy</p>	

Time marker	Speaker	Subject(s)	Action required
002500 - 002614	Chairman Administration Mr Howard YOUNG	Chairman's enquiry on the types of changes which would result in a new tenancy agreement  Administration's explanation that all changes would in principle lead to a new tenancy agreement as it would not be possible to define exhaustively major changes as opposed to minor ones. However, it would be up to the court to decide whether an amended tenancy should be regarded as a new one in case of dispute	
002615 - 003203	Chairman Administration Mr Albert HO	Date of issuance of TTN and termination arrangements for new tenancies	
003204 - 003740	Mr CHAN Kam-lam Chairman Administration	Arrangements for sub-tenancies and the need for bilingual termination notice	The Administration to consider drawing up a standardized TTN (in both Chinese and English) for reference of landlords
003741 - 004116	Chairman ALA1 Administration	Forfeiture of tenancies on grounds of non-payment of rent and illegal use of premises would remain. However, landlords would not be exempted from the TTN requirement on grounds of redevelopment	
004117 - 004719	Chairman Administration Mr IP Kwok-him	Letter from Miss CHAN Yuen-han expressing concern about compensation for domestic tenants affected by redevelopment projects of Urban Renewal Authority (URA)	Representatives of URA and tenant associations to be invited to the next meeting scheduled for 15 April 2004 to exchange views on compensation for domestic tenants affected by redevelopment projects of URA

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
004720 - 005111	Chairman Mr IP Kwok-him Administration	Prevailing compensation package to be offered to domestic tenants in the event of land resumption by the Government	The Administration to advise the prevailing compensation package, including ex gratia removal allowance, to be offered to domestic tenants in the event of land resumption by the Government
005112 - 005505	Chairman	Clause-by-clause examination of the Bill (LC Paper No. CB(1) 1386/03-04(01) Clauses 1, 2 and 5	
005506 - 010332	Chairman, ALA1 Administration Mr James TIEN	Administration's clarification that the existing legislative provisions would continue to apply to notices served before the commencement of the Bill	
010333 -010540	Chairman Miss CHAN Yuen-han	Invitation of URA and tenants' associations to the next meeting on 15 April 2004	
010541 -011925	Chairman Administration Mr James TIEN	Clause 5 Clause 5A (LC paper No. CB(1) 1386/03-04(01)) and the one-month TTN period by tenants	
011926 - 012200	Chairman Mr IP Kwok-him Mr Albert HO	Need for Chinese version of the draft Committee Stage amendments (CSAs) before commencing examination of relevant clauses	
012201 - 014907	Chairman Administration	Examination of the remaining clauses of the Bill (except clauses 5, 7, 14 and sections 1 to 4 of the Schedule to the Bill pending the Chinese version of draft CSAs to these clauses)	
014908 - 015010	Chairman	Date of next meeting	