

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 1740/03-04  
(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 tenth meeting  
held on Friday, 23 April 2004, at 8:30 am  
in Conference Room B 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 Howard YOUNG, SBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung
- Members absent** : Hon HUI Cheung-ching, JP  
Hon Andrew WONG Wang-fat, 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)

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. Meeting with the Administration**

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|------------------------------------|----|--|
| (LC Paper No. CB(1) 1498/03-04(08) | -- | Second batch of draft Committee Stage amendments (CSAs) proposed by the Administration |
| LC Paper No. CB(1) 1498/03-04(10)  | -- | Marked-up copy of the Bill incorporating the draft CSAs received so far                |
| LC Paper No. CB(1) 1594/03-04(01)  | -- | List of follow-up actions arising from the discussion on 15 April 2004                 |
| LC Paper No. CB(1) 1594/03-04(02)  | -- | Draft CSAs to be moved by Hon Albert HO Chun-yan                                       |

LC Paper No. CB(1) 1594/03-04(03) -- Administration's response to item 1 of the list of follow-up actions arising from the discussion on 26 March 2004 regarding the provision of standardized transitional termination notice)

2. The Committee deliberated (Index of proceedings attached at **Annex A**).
3. The Administration was requested to -
  - (a) review clause 5(2) in the light of common law in respect of change in the parties to the tenancy, particularly in the event of change of tenant;
  - (b) advise whether the delivery of transitional termination notice to the mailbox of tenant by landlord in person complied with the requirements under clause 5A(4) and whether this was acceptable in other legislation. To also consider replacing the phrase "posted for 3 successive days" in clause 5A(5)(b) with "posted on 3 successive days";
  - (c) consider placing clause 5B(1) under clause 5 for the sake of clarity; and
  - (d) make it clear that the provisions in proposed Rule 69(2) of the Lands Tribunal Rules only applied to applications filed on or after the commencement date.
4. The meeting ended at 10:20 am.

Council Business Division 1  
Legislative Council Secretariat  
7 May 2004

**Proceedings of the meeting of the  
Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2003  
Meeting on Friday, 23 April 2004, at 8:30 am  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000156	Chairman	Introductory remarks	
000157 - 000441	Administration Chairman	<p>List of follow-up actions arising from the discussion at the meeting on 15 April 2004 -</p> <p>(a) Administration's stance on the use of administrative measures to retain the prevailing statutory compensation for tenants of the remaining 13 former Land Development Corporation (LDC) projects but such measures had to be worked out by URA; and</p> <p>(b) members' request for relaxation of eligibility criteria for public rental housing for tenants of the remaining 13 former LDC projects had been referred to the Housing Planning and Lands Bureau and URA for consideration</p> <p>Letter to the Chairman from the Urban Renewal Authority (URA) regarding compensation for tenants affected by URA projects was tabled at the meeting (the letter was subsequently circulated to members vide LC Paper No. CB(1) 1614/03-04(01))</p>	

Time marker	Speaker	Subject(s)	Action required
000442 - 000736	Mr IP Kwok-him Administration	<p>Discussion on administrative measures to retain the statutory compensation for the remaining 13 former LDC projects -</p> <p>(a) Administrations' explanation that the purpose of the Bill was not to govern compensation made by URA; and</p> <p>(b) URA was expected to work out compensation arrangement for affected tenants</p>	
000737 - 000832	Chairman Administration	Examination of Committee Stage amendments (CSAs) proposed by the Administration	
000833 - 002609	Administration Chairman Mr Howard YOUNG	<p>Clauses 1 and 2</p> <p>Clause 5 - Discussion on whether alteration of tenancy would include change of parties to a tenancy -</p> <p>(a) the terms and conditions of an existing tenancy, including any transitional termination notice (TTN) given to the tenant, would remain valid in the case where a tenanted property had changed ownership; and</p> <p>(b) a new tenancy would have to be signed if there was a change of tenant since this was not normally allowed unless previously agreed</p>	

Time marker	Speaker	Subject(s)	Action required
002610- 003105	Mr LAU Ping-cheung Administration	Discussion on complications arising from company leases as there might be frequent changes of occupants -  (a) terms of the lease should prevail; and  (b) landlords would still be required to serve TTN to the party who signed the company leases	
003106 - 004047	Chairman Mr IP Kwok-him Administration ALA1	(a) situation where landlord would wish to continue existing tenancy despite change of tenants; and  (b) whether a change of tenant would be regarded as a change in tenancy and whether such a change would need to have the consent of the landlord	The Administration to review clause 5(2) in the light of common law in respect of change in the party to a tenancy, particularly in the event of change of tenant
004048 - 004201	ALA1	Savings provisions should be reproduced in the loose-leaf edition by virtue of the power vested in the Secretary for Justice by the Laws (Loose-leaf Publication) Ordinance 1990 since the saving clauses would not be express provisions added to the principal Ordinance	

Time marker	Speaker	Subject(s)	Action required
004202 - 005440	Chairman Mr IP Kwok-him Administration	Clause 5A - Transitional termination notice  (a) need to be clear about the means for serving TTN and how to ensure that TTN had been posted for three successive days; and  (b) more appropriate to replace the phrase “posted for 3 successive days” in clause 5A(5)(b) with “posted on 3 successive days”	The Administration to advise whether the delivery of TTN to the mailbox of tenant by landlord in person complied with the requirements under clause 5A(4) and whether this was acceptable in other legislation. To also consider replacing the phrase “posted for 3 successive days” in clause 5A(5)(b) with “posted on 3 successive days”
005441 - 010754	Chairman Administration	Illustration of the application of clauses 5A(3)(a) and (b)	
010755 - 011522	Chairman Administration ALA1	Clause 5B - Other transitional provisions	The Administration to consider placing clause 5B(1) under clause 5 for the sake of clarity
011523 - 011817	Administration Chairman	Clause 7 - Savings in respect of Part V	
011818 - 011720	Chairman Administration	Clause 14 - Provisions transitional, etc to the enactment of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002	
011721 - 012915	Chairman ALA1 Mr James TIEN	Schedule - Consequential amendments Lands Tribunal Ordinance Lands Tribunal Rules	The Administration to make it clear that the provisions in proposed Rule 69(2) of the Lands Tribunal Rules only applied to applications filed on or after the commencement date

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
012916 - 013520	Mr James TO	Concern about the shortening of the period from 14 days to 7 days under section 69(2) of the Lands Tribunal Rules in respect of notice of opposition as this would leave insufficient time for respondents to prepare their case	
013521 - 013737	Administration Chairman	Streamlining of the repossession procedure had all along been members' concern and improvements were made possible after prolonged negotiation with the Judiciary Administration	
013738 - 014100	Chairman Mr Albert HO	Outstanding actions -  (a) Administration to explain the administrative measures for retention of the compensation arrangements for tenants of the remaining 13 former LDC projects and whether the eligibility criteria for public rental housing in respect of these tenants would be relaxed; and  (b) examination of CSAs proposed by Mr Albert HO	
014101 - 014318	Chairman Administration Mr James TO Mr Albert HO	Members' views on the propriety of holding press briefing on the Bill by the Administration at this stage	
014319 - 014350	Chairman	Legislative timetable	
014351 - 014400	Mr CHAN Kam-lam	Amendments to be made to the Chinese version of the standardized TTN at the Annex to LC Paper No. CB(1) 1594/03-04(03)	
014401 - 014432	Chairman	Date of next meeting	