

立法會
Legislative Council

LC Paper No. CB(1) 2111/03-04
(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 eleventh meeting
held on Monday, 10 May 2004, at 2:30 pm
in the Chamber 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 Kam-lam, JP
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, SBS, JP
Hon IP Kwok-him, JP
Hon LAU Ping-cheung
- Members absent** : Hon HUI Cheung-ching, JP
Hon CHAN Yuen-han, 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)

Ms Ivy LAW
Principal Assistant Secretary (Planning and Lands)

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

- Attendance by invitation** : Urban Renewal Authority
- Mr Trevor KEEN
Coordinator (Corporate Strategy)
- Mr Ian WONG
General Manager (Property and Land)
- Mr Eddie SO
General Manager, External Relations
- 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) 1739/03-04 -- Minutes of the meeting held on 15 April 2004
- LC Paper No. CB(1) 1740/03-04 -- Minutes of the meeting held on 23 April 2004)

The minutes of the meetings held on 15 and 23 April 2004 were confirmed.

II. Meeting with deputation and the Administration

Meeting with Urban Renewal Authority (URA)

- (LC Paper No. CB(1) 1742/03-04(01) -- URA's response to the list of follow-up actions arising from the discussion on 15 April 2004)

Meeting with the Administration

- (LC Paper No. CB(1) 1594/03-04(02) -- Draft Committee Stage amendments (CSAs) to be moved by Hon Albert HO Chun-yan
- LC Paper No. CB(1) 1742/03-04(02) -- List of follow-up actions arising from the discussion on 23 April 2004
- LC Paper No. CB(1) 1742/03-04(03) -- Administration's response to items 1 and 2 of LC Paper No. CB(1) 1742/03-04(02)
- LC Paper No. CB(1) 1742/03-04(04) -- Administration's letter to the Chairman regarding Hon Albert HO's proposed CSAs to the Bill
- LC Paper No. CB(1) 1742/03-04(05) -- Information paper on "Ex gratia cash payments to domestic tenants in the remaining projects of the former Land Development Corporation"
- LC Paper No. CB(1) 1742/03-04(06) -- Third batch of draft CSAs proposed by the Administration
- LC Paper No. CB(1) 1742/03-04(07) -- Consolidated list of follow-up actions arising from previous meetings (as at 7 May 2004))

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

3. The Administration was requested to -

- (a) include in the speech to be delivered by the Secretary for Housing, Planning and Lands at the resumption of the Second Reading debate of the Bill URA's undertaking, inter alia, that eligible domestic tenants affected by the remaining 12 projects announced by the former Land Development Corporation would continue to receive compensation calculated in accordance with the compensation

formula adopted before the enactment of the Bill, and confirmation that URA had accorded priority to these remaining projects by including them in its latest approved Corporate Plan;

- (b) refine the drafting of the Chinese version of clause 5(2);
- (c) advise the application of clause 5(2A)(c) having regard to the prevailing provisions under section 116(5) of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7); and
- (d) include “sub-tenant” under respondent’s name in Forms 22A and 22B.

4. The meeting ended at 4:30 pm.

Council Business Division 1
Legislative Council Secretariat
10 June 2004

**Proceedings of the meeting of the
Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2003
Meeting on Monday, 10 May 2004, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000402	Chairman	Introductory remarks and confirmation of minutes held on 15 and 23 April 2004 (LC Paper Nos. CB(1) 1739 and 1740/03-04 respectively)	
000403 - 000453	Mr Trevor KEEN, Urban Renewal Authority (URA)	URA's latest position on compensation for tenants affected by former Land Development Corporation (LDC) projects (LC Paper Nos. CB(1) 1742/03-04(01) and (05))	
000454 - 000655	Chairman Administration	Administration's support for URA's decision (LC Paper No. CB(1) 1742/03-04(05))	
000656 - 000810	Chairman Mr James TO	(a) support for the proposed retention of statutory compensation for affected tenants of the remaining projects announced by former LDC; (b) concerned that URA would not proceed with the projects as a result of the proposed retention; and (c) request for URA to accord priority to redevelop the remaining former LDC projects	
000811 - 001052	Mr Trevor KEEN, URA Chairman	URA's response that of the 13 remaining former LDC projects, four were launched by the Housing Society, one did not affect domestic properties while the rest had been included in the URA's third corporate plan, which had recently been approved by the Financial Secretary	

Time marker	Speaker	Subject(s)	Action required
001053 - 001203	Mr James TO Chairman Administration Mr Trevor KEEN, URA	Administration's confirmation that it would support URA's proposed retention of statutory compensation for affected tenants of the remaining former LDC projects	The Administration to include in the speech to be delivered by the Secretary for Housing, Planning and Lands at the resumption of the Second Reading debate of the Bill URA's undertaking, inter alia, that eligible domestic tenants affected by the remaining 12 projects announced by the former LDC would continue to receive compensation calculated in accordance with the compensation formula adopted before the enactment of the Bill, and confirmation that URA has accorded priority to these remaining projects by including them in its latest approved Corporate Plan
001204 - 001252	Mr IP Kwok-him Chairman Mr Trevor KEEN, URA	<p>Member's support for URA's proposed retention of statutory compensation, but whether URA's decision could be made available in writing, such as minutes of meetings of URA Board</p> <p>URA's response that the minutes of URA Board meeting would not be circulated but its position had already been set out in the Annex to the Administration's paper, which was prepared by the URA</p>	

Time marker	Speaker	Subject(s)	Action required
001253 - 001755	Mr James TO Chairman Mr Trevor KEEN, URA	<p>Member's concerns -</p> <p>(a) the means to overcome the difficulty in delineating the boundaries of the remaining former LDC projects; and</p> <p>(b) collusion between URA and private developers to reduce the boundaries of redevelopment</p> <p>URA's explanation -</p> <p>(a) delineation of the boundaries by statute might not be possible as a result of the changes over the years; and</p> <p>(b) no question of collusion with private developers to reduce the boundaries of redevelopment</p>	
001756 - 002150	Chairman	Reference to deputations' submissions (LC Paper Nos. CB(1) 1757/03-04(01) and 1778/03-04(01))	
002151 - 003110	Mr IP Kwok-him Administration	Discussion on LC Paper No. CB(1) 1742/03-04(03) on changes in parties to the tenancy and delivery of notices	

Time marker	Speaker	Subject(s)	Action required
003111 - 005950	Chairman Administration	<p>Examination of Committee Stage amendments (CSAs) proposed by the Administration (LC Paper No. CB(1) 1778/03-04(03))</p> <p>Clause 5</p> <p>(a) need to review the drafting of Chinese version of CSAs to make it easier to comprehend;</p> <p>(b) explanation on “tenancy is replaced by a new tenancy” under clause 5(2A)(b); and</p> <p>(c) need to set out in clause 5(2A) the applicability of the transitional termination notice to family members residing with the tenant at the time of his/her death, having regard to the provision under section 116(5) of the Landlord and Tenant (Consolidation) Ordinance (Cap.7) (LTO)</p>	<p>The Administration to</p> <p>(a) refine the drafting of the Chinese version of clause 5(2); and</p> <p>(b) advise the application of 5(2A)(c) having regard to the prevailing provisions under section 116(5) of LTO</p>

Time marker	Speaker	Subject(s)	Action required
005951 - 011424	Chairman Mr Albert HO ALA1 Administration	<p>Examination of clauses 5A and 5B, proposed sections 3A, 3B, 4, 29 and 30 to the Schedule, and Forms 22A and 22B</p> <p>Member's concerns -</p> <p>(a) whether the seven-day opposition period under rule 69 of the Lands Tribunal Rules (LTR) could be extended; and</p> <p>(b) whether a company would need to be represented by counsel in its dealings with the Lands Tribunal</p> <p>Administration's explanation</p> <p>(a) rule 32 of LTR provided for the enlargement or abridgement of time by the Tribunal; and</p> <p>(b) rule 26 of LTR provided that parties might appear and be heard personally or by counsel or solicitor or any person allowed by the Tribunal</p>	The Administration to include "sub-tenant" under respondent's name in Forms 22A and 22B
011425 - 011656	Chairman Mr Albert HO Administration	<p>Mr Albert HO's introduction on his proposed CSA to retain security of tenure restrictions for tenements with rateable values (RV) below \$60,000 (CSA at LC Paper No. CB(1) 1594/03-04(02) and the Administration's response at LC Paper No CB(1) 1742/03-04(04))</p> <p>(a) removal of security of tenure provisions should be by phases subject to reviews after each phase; and</p> <p>(b) proposed CSA to be revised to cater for valuation of sub-tenancies</p>	

Time marker	Speaker	Subject(s)	Action required
011657 - 012636	Administration	Administration objected to Mr Albert HO's CSA on various policy and operational grounds as highlighted in its previous paper (LC Paper No. CB(1) 1742/03-04(04))	
012637 - 013600	Mr James TIEN Administration Chairman	<p>Member's views -</p> <ul style="list-style-type: none"> (a) high vacancy rate for tenements with RV below \$60,000; (b) need to protect landlords at the lower-end market; and (c) request for breakdown on the number of tenements as against their respective RVs <p>Administration's response -</p> <ul style="list-style-type: none"> (a) it was Government's responsibility to take care of the housing needs of the underprivileged and this responsibility should not be imposed upon private landlords; and (b) reference table on the number of tenements as against their respective RVs tabled at meeting (LC Paper No. CB(1) 1778/03-04(02)) 	

Time marker	Speaker	Subject(s)	Action required
013601 - 014048	Mr Albert HO Administration	<p>Member's views -</p> <p>(a) security of tenure had been maintained for decades and should not be removed in one go; and</p> <p>(b) housing needs of the underprivileged were not properly addressed as the Housing Authority was not prepared to relax the eligibility criteria for public housing for clearerees</p> <p>Administration's response</p> <p>(a) those who met eligibility criteria were offered public housing; and</p> <p>(b) compassionate rehousing offered in deserving cases</p>	
014049 - 014251	Mr IP Kwok-him	<p>Members of the Democratic Alliance for Betterment of Hong Kong's reservation on Mr HO's CSA -</p> <p>(a) need to balance interest of both landlords and tenants; and</p> <p>(b) query on the basis upon which the RV threshold of \$60,000 was arrived at</p>	
014252 - 014652	Mr CHAN Kam-lam	<p>Objection against Mr HO's CSA -</p> <p>(a) removal of security of tenure would help address the problem of rogue tenants; and</p> <p>(b) setting of RV threshold at \$60,000 was not appropriate as it would include tenements which were not at the low-end market</p>	

Time marker	Speaker	Subject(s)	Action required
014653 - 014952	Mr Andrew WONG	Members of the Democratic Party (DP) should rethink its amendment and propose a time table for relaxation of security of tenure	
014953 - 015735	Mr James TIEN Chairman Administration	<p>Member's views -</p> <p>(a) support removal of security of tenure; and</p> <p>(b) request for profiles of landlords of properties at the low-end market</p> <p>Administration's response -</p> <p>(a) statistics showed that tenants at the low-end market did not heavily rely on security of tenure protection since most of tenancies lasted for less than four years;</p> <p>(b) there was already an adequate supply of low-value rental units in the market; and</p> <p>(c) there were practical difficulties in implementing partial retention of security of tenure in particular for new tenements when RV had yet to be assessed</p>	
015736 - 020143	Mr CHAN Kam-lam	Discussion on the effect of the Bill on rogue tenants	

Time marker	Speaker	Subject(s)	Action required
020144 - 020244	Mr Albert HO	Mr HO's response - (a) need for retention of security of tenure as the housing needs of the underprivileged had not been well taken care of; and (b) setting of RV threshold at \$60,000 was a decision taken by DP Members after a lengthy deliberation and was meant to reduce the impact on low income families	
020245 - 020403	Chairman Mr Andrew WONG	Date of next meeting	