

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 2339/03-04  
(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 twelfth meeting  
held on Monday, 17 May 2004, at 10:45 am  
in Conference Room A of the Legislative Council Building**

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

- (LC Paper No. CB(1) 1833/03-04(01) -- List of follow-up actions arising from the discussion on 10 May 2004
- LC Paper No. CB(1) 1833/03-04(02) -- Revised version of draft Committee Stage amendments proposed by Mr Albert HO Chun-yan
- LC Paper No. CB(1) 1833/03-04(03) -- Marked-up copy of Committee Stage amendments proposed by the Administration incorporating the amendments suggested at the meeting on 10 May 2004)

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

2. The Administration was requested to -
  - (a) make it clear that renewal of tenancy by virtue of the savings provisions under clause 5(1)(c) was not perpetual and could only apply once; and
  - (b) advise the distribution of tenements of Rateable Value below \$36,000.
3. The meeting ended at 12:45 pm.

Council Business Division 1  
Legislative Council Secretariat  
8 July 2004

**Proceedings of the meeting of the  
Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2003  
Meeting on Monday, 17 May 2004, at 10:45 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 001076	Chairman	Introductory remarks	
001077 - 001376	Chairman Administration Mr James TO	Administration's response to the latest submission from 舊區重建租客大聯盟 tabled at meeting (circulated under LC Paper No. CB(1) 1849/03-04(01))	
001377 - 001938	Administration Mr James TO Chairman Mr Andrew WONG Mr Abraham SHEK	<p>Mr James TO's concern that, with the passage of the Bill, affected tenants in the remaining former Land Development Corporation (LDC) projects would only be entitled to the statutory compensation under Part IV of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) as if it had not been repealed but not to non-statutory compensation (such as incentive payments for early settlement) previously offered by the Urban Renewal Authority (URA)</p> <p>Administration's response -</p> <p>(a) URA had undertaken to provide affected tenants in the remaining former LDC projects with ex-gratia compensation calculated in accordance with the existing compensation formula under the LTO; and</p> <p>(b) it would be for URA to decide on the need for non-statutory compensation which should be pursued outside the context of the Bill by relevant Panel</p>	

Time marker	Speaker	Subject(s)	Action required
001939 - 003036	Chairman Administration Mr Andrew WONG Mr James TO	Discussion on the latest Committee Stage amendments (CSAs) proposed by the Administration (LC Paper No. CB(1) 1833/03-04(03))	
003037 - 003925	Chairman Administration Mr James TIEN	Concern that the provisions under clause 5(1)(c) might be misinterpreted as perpetual savings instead of an one-off arrangement	The Administration to make it clear that renewal of tenancy by virtue of savings provision under clause 5(1)(c) was not perpetual and could only apply once
003926 - 005840	Chairman Administration Mr James TO Mr James TIEN Mr Andrew WONG	<p>Discussion on new clause 5(2C)(a) on whether the benefits and protection provided in tenancies should be extended to siblings, personal representatives or any person residing with the tenant at the time of the tenant's death -</p> <p>(a) Administration would not consider introducing CSAs on the proposed extension as these were at variance with the existing protection under section 116(5) of the principal Ordinance which was confined to immediate family members. Besides, such an extension might have implications on other legislation; and</p> <p>(b) Mr James TO would consider moving CSAs to extend the protection to siblings and personal representatives or any person residing with the tenant at the time of the tenant's death</p>	
005841 - 010400	Chairman Administration	Examination of the remaining CSAs	

Time marker	Speaker	Subject(s)	Action required
010401 - 010851	Chairman Mr James TIEN	Mr James TIEN's explanation on his proposed CSA to retain the security of tenure for tenements with rateable values (RV) below \$36,000 for three years in view of the impact of the removal of security of tenure on low-income families	
010852 - 011439	Miss CHAN Yuen-han Chairman Administration	Concern about the rehousing problems faced by low-income families	
011440 - 011535	Chairman Administration	Administration's response to Mr James TIEN's CSA -  (a) not justified to lower the RV threshold to \$36,000 since landlords of low-RV tenements were more vulnerable to abuse by "problem" tenants; and  (b) proposed retention of security of tenure for three years was too long	

Time marker	Speaker	Subject(s)	Action required
011536 - 011840	Miss CHAN Yuen-han Administration Chairman	<p>Members' concern -</p> <p>(a) need to rehouse tenants affected by redevelopment projects within the same district; and</p> <p>(b) consideration should be given to relaxing the eligibility criteria for public housing for tenants affected by redevelopment projects</p> <p>Administration's response -</p> <p>(a) provision of a 12-month transitional termination notice (TTN) would allow sufficient time for clearers to find alternative accommodation;</p> <p>(b) rehousing within the same district was not practicable having regard to the fact that public housing units might not be available in certain redeveloped districts; and</p> <p>(c) eligibility criteria for public housing related to general housing policy, and would be outside the context of the Bill</p>	
011841 - 012905	Mr CHAN Kam-lam Administration Chairman	Discussion on the supply and distribution of tenements of RV below \$36,000	The Administration to advise the distribution of tenements of RV below \$36,000

Time marker	Speaker	Subject(s)	Action required
012906 - 014313	Mr James TIEN Administration Chairman	<p>Administration's explanation on the practical difficulties in retaining security of tenure for tenements of RV below \$36,000 for three years -</p> <p>(a) lack of justification for partial retention of security of tenure for tenements of RV below \$36,000 for three years;</p> <p>(b) anticipated surge in applications from landlords/tenants to contest RV assessments which were marginally higher or lower than \$36,000;</p> <p>(c) RVs were not readily known for new developments, part-let and sub-let units;</p> <p>(d) whether the 12-month TTN would still apply after the three-year retention period and how the latter should be determined;</p> <p>(e) 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, particularly those at the low-end market who would need to be protected too; and</p> <p>(f) the protection under Part II was based on a RV assessment on a fixed date, and was not applicable to new tenancies that came into force after the commencement date</p>	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
014314 - 014545	Mr Andrew WONG Administration Mr LAU Ping-cheung	Mechanism of RV assessment	
014546 - 015513	Mr CHAN Kam-lam Mr James TIEN Chairman Administration Mr Andrew WONG	Legislative timetable and agreement that a further meeting would not be required to discuss members' CSAs	

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