

立法會
Legislative Council

LC Paper No. CB(1) 706/03-04

Ref: CB1/BC/15/02/2

**Bills Committee on
Landlord and Tenant (Consolidation) (Amendment) Bill 2003**

**Minutes of the second meeting
held on Thursday, 18 December 2003, at 8:30 am
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 HUI Cheung-ching, 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 James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon Andrew WONG Wang-fat, JP

Public officers attending : Housing Department

Mr TAM Wing-pong, JP
Deputy Director (Strategy)

Mr Gilbert KO
Assistant Director (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 SIU Kuen-sang
Acting Assistant Commissioner (Special Duties)

Mr CHAN Kwok-fan
Senior Rent Officer

**Attendance by
invitation**

: Chartered Institute of Housing Asian Pacific Branch

Mr Ricky YUEN
Chairman of Professional Practice Committee

The Hong Kong Institute of Housing

Mr YAU Man-fat
Chairman of Professional Practice Committee

The Hong Kong Institute of Surveyors

Mr LAU Chun-kong
Government Practice of Local Affairs Panel,
Convenors/GPD, Council member

Mr PANG Shiu-kee
Government Practice and Local Affairs Panel, member

Resident Association on (Kwun Tong) Old Urban Renewal

Mr FUNG Wun-yin
Chairman

Urban Renewal Authority

Mr Canice MAK Chun-fong
District Development Director

Mr Ian WONG Wai-kuen
General Manager (Property and Land)

Cooperative Social Service Centre

Mr LAI Siu-nin
Adviser

Mr LAM Ho-yeung
Social Worker

Hong Kong Real Estate Agencies General Association

Mr LUN Chi-yim
Chairman

Property Agencies Association Ltd

Mr CHENG Kwong-pun
Vice-Chairman

Mr LAU Heung-wing
Officer in Government Policy Research

Hong Kong Owners Club

Mr SHEA Hing-wan
President

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

I. Confirmation of minutes

(LC Paper No. CB(1) 509/03-04

-- Minutes of the meeting held on
20 November 2003)

The minutes of the meeting held on 20 November 2003 were confirmed.

II. Meeting with deputations and the Administration

Meeting with deputations

- (LC Paper No. CB(1) 1354/02-03(04) -- Result of Consultation Exercise)
- (a) *Chartered Institute of Housing Asian Pacific Branch*
(LC Paper No. CB(1) 585/03-04(01) -- Submission from the Institute (English version only))
- (b) *The Hong Kong Institute of Housing*
(LC Paper No. CB(1) 585/03-04(02) -- Submission from the Institute (English version only))
- (c) *The Hong Kong Institute of Surveyors*
(LC Paper No. CB(1) 585/03-04(03) -- Submission from the Institute (English version only))
- (d) *Urban Renewal Authority*
(LC Paper No. CB(1) 585/03-04(04) -- Submission from the Authority)
- (e) *Resident Association on (Kwun Tong) Old Urban Renewal*
(LC Paper No. CB(1) 585/03-04(05) -- Submission from the Association (Chinese version only))
- (f) *Cooperative Social Service Centre*
(LC Paper No. CB(1) 602/03-04(01) -- Submission from the Centre (Chinese version only))
- (g) *Hong Kong Real Estate Agencies General Association*
(LC Paper No. CB(1) 624/03-04(01) -- Submission from the Association (Chinese version only))
- (h) *Property Agencies Association Ltd*
(LC Paper No. CB(1) 602/03-04(02) -- Submission from the Association (Chinese version only))
- (i) *Hong Kong Owners Club*
(LC Paper No. CB(1) 602/03-04(03) -- Submission from the Hong Kong Owners Club (Chinese version only))

Submission from deputation not attending the meeting

- (LC Paper No. CB(1) 585/03-04(06) -- Submission from the Hong Kong Housing Society (English version only)
- LC Paper No. CB(1) 602/03-04(04) -- Submission from the Law Society of Hong Kong (English version only))

Meeting with the Administration

- (LC Paper No. CB(1) 585/03-04(07) -- List of follow-up actions arising from the discussion on 20 November 2003
- LC Paper No. CB(1) 585/03-04(08) -- Administration's response to LC Paper No. CB(1) 585/03-04(07) (except item 5)
- LC Paper No. CB(1) 585/03-04(09) -- Information paper provided by Urban Renewal Authority in response to item 6 of LC Paper No. CB(1) 585/03-04(07)
- LC Paper No. CB(1) 602/03-04(05) -- Administration's response to item 5 of LC Paper No. CB(1) 585/03-04(07))

2. The Committee deliberated (Index of proceedings attached at **Annex A**).
3. Mr James TIEN declared interest as the owner of a number of leased properties held by his companies. Mr CHAN Kam-lam and Mr LAU Ping-cheung declared interest as members of the Urban Renewal Authority (URA) Board.
4. Members requested the Administration to provide written responses to the views of deputations. Meanwhile, URA was requested to -
 - (a) provide a paper (with illustrations) explaining the prevailing compensation mechanism under which compensation, both statutory and ex gratia, was paid to tenants and landlords, including those of leased, vacant and self-occupied premises, in the event of redevelopment;
 - (b) include in the paper -
 - (i) measures which URA adopted to assist those tenants who had been evicted before redevelopment commenced; and
 - (ii) eligibility criteria for compensation for self-occupied premises.

- (c) compare the existing compensation mechanism with that after the enactment of the Bill.

5. The meeting ended at 10:45 am.

Council Business Division 1
Legislative Council Secretariat
7 January 2004

**Proceedings of the meeting of the
Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2003
Meeting on Thursday, 18 December 2003, at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000303	Chairman	Introductory remarks and confirmation of minutes of the meeting held on 20 November 2003 (LC Paper No. CB(1) 509/03-04)	
000304 - 000544	Mr Ricky YUEN, Chartered Institute of Housing Asian Pacific Branch (CIHAPB)	Expression of views (LC Paper No. CB(1) 585/03-04(01))	
000545 - 000824	Mr YAU Man-fat, Hong Kong Institute of Housing (HKIH)	Expression of views (LC Paper No. CB(1) 585/03-04(02))	
000825 - 001457	Mr LAU Chun-kong and Mr PANG Shiu-kee, Hong Kong Institute of Surveyors (HKIS)	Expression of views (LC Paper No. CB(1) 585/03-04(03))	
001458 - 001749	Mr FUNG Wun-yin, Resident Association on (Kwun Tong) Old Urban Renewal (RAOUR(KT))	Expression of views (LC Paper No. CB(1) 585/03-04(05))	
001750 - 002444	Mr Canice MAK, Urban Renewal Authority (URA)	Expression of views and explanation on URA's compensation arrangements (LC Paper Nos. CB(1) 585/03-04(04) and (09))	
002445 - 002934	Mr LAM Ho-yeung, Cooperative Social Service Centre (CSSC)	Expression of views (LC Paper No. CB(1) 602/03-04(01))	

Time marker	Speaker	Subject(s)	Action required
002935 - 003324	Mr LUN Chi-yim, Hong Kong Real Estate Agencies General Association (HKREAGA)	Expression of views (LC Paper No. CB(1) 624/03- 04(01))	
003325 - 003901	Mr LAU Heung-wing, Properties agencies Association (PAA)	Expression of views (LC Paper No. CB(1) 602/03- 04(02))	
003902 - 004340	Mr SHEA Hing-wan, Hong Kong Owners Club (HKOC)	Expression of views (LC Paper No. CB(1) 602/03- 04(03))	
004341 - 004522	Chairman	Views from District Councils (DC) to be sought after the formal appointment of DC members for the new term	
004523 - 004723	Mr James TIEN Chairman	Discussion on the effect of the Bill on URA's role and its compensation mechanism in implementing redevelopment projects	
004724 - 005046	Mr Canice MAK, URA	Explanation on URA's rehousing and compensation mechanism - (a) provision of rental units by the Housing Authority or the Housing Society for re- housing purpose; and (b) cash payments, including statutory compensation and ex gratia payments calculated having regard to prevailing market situation Mechanism to be further reviewed in the light of the Bill	

Time marker	Speaker	Subject(s)	Action required
005047 - 005259	Chairman Mr James TIEN	Concern about the impact of the Bill on URA's compensation mechanism	
005260 - 005554	Chairman Mr LAU Ping-cheung Mr Canice MAK, URA	Compensation for tenants affected by redevelopment under URA's existing compensation mechanism amounted to an average of 140 months' rent	
005555 - 005944	Mr CHAN Kam-lam	Whether it was justified for landlords to offer removal allowance to well-behaved tenants; and whether such a provision was fair to landlords	
005945 - 010933	Mr FUNG Wun-yin, RAOUR(KT)	Provision of removal allowance intended as a form of appeasement to tenants and would reduce undesirable tension between landlords and tenants	
010934 - 011455	Chairman Mr Albert HO	Need for further information on URA's prevailing compensation mechanism; whether an assessment had been made on the impact of the Bill on tenants affected by redevelopment; and measures which URA would adopt to assist those tenants who had been evicted before redevelopment commenced	URA to provide a paper (with illustrations) explaining the prevailing compensation mechanism under which compensation, both statutory and ex gratia, was paid to tenants and landlords, including those of leased, vacant and self-occupied premises, in the event of redevelopment

Time marker	Speaker	Subject(s)	Action required
011456 - 012119	Chairman Mr Canice MAK, URA	The effect of ample supply of rental units for rehousing; prevalence of tenants with alternative accommodation to claim compensation by retaining their tenancies in project areas of URA; the narrow difference between compensation payable to vacant and leased premises had dampened the incentive for owners to evict tenants; and need to prevent owners from evicting tenants in an attempt to obtain the much higher compensation for owner-occupiers	
012120 - 012502	Chairman Mr Albert HO	Difference in compensation between leased, vacant and self-occupied premises; whether URA would tighten the eligibility criteria for compensation for self-occupied premises; and dissatisfaction that the effect of the Bill on statutory compensation upon redevelopment had been left out in the LegCo Brief	
012503 - 013621	Chairman Mr Canice MAK and Mr Ian WONG, URA	Explanation on URA's compensation mechanism for leased, vacant and self-occupied premises; survey to be conducted to establish an owner's eligibility for compensation for self-occupied premises by confirming that the premises concerned was the owner's sole residence	URA to include in the paper the eligibility criteria for compensation for self-occupied premises
013622 - 014033	Chairman Mr Canice MAK, URA	Need for URA to explain and compare the existing compensation mechanism with that after the enactment of the Bill	URA to compare the existing compensation mechanism with that after the enactment of the Bill

Time marker	Speaker	Subject(s)	Action required
014034 - 014327	Chairman Mr Albert HO Mr Canice MAK, URA Mr Howard YOUNG	Measures which URA adopted to assist those tenants who had been evicted before redevelopment commenced	URA to include in the paper measures which URA adopted to assist those tenants who had been evicted before redevelopment commences
014328 - 014534	Chairman Mr Abraham SHEK	Compensation for those affected by redevelopment projects of URA should not be set at the minimum level given URA's power to resume land; and need for explanation on the changes brought about by the Bill	
014535 - 014823	Chairman Mr CHAN Kam-lam	Need for standardized tenancy agreement; and deputations' views on repossession procedures	
014824 - 015629	Chairman Mr Ricky YUEN, CIHAPB Mr LAU Man-fat, HKIS Mr SHEA Hing-wan, HKOC Mr YAU Man-fat, HKIH	Discussion on repossession procedures; and need for summary procedures to enable landlords to repossess premises in the event of default of payment of rents by tenants	
015730 - 015828	Chairman Mr FUNG Wun-yin, RAOUR(KT)	Provision of removal allowance	
015829 - 020134	Chairman Mr CHAN Kam-lam Mr LUN Chi-yim, HKREAGA	Need to deal with situations where tenants refused to move out after expiry of tenancies; and need to introduce standardized tenancy agreement	

Time marker	Speaker	Subject(s)	Action required
020135 - 020236	Chairman Mr LAU Ping-cheung	Concern about abuses of URA's compensation mechanism such as cases where tenants who had received compensation in one project moved into premises within another project area in order to claim compensation again	
020237 - 020323	Chairman Mr Canice MAK, URA	Claims for compensation by repeat clearerees and by those who retained several tenancies within the same project area	
020324 - 020455	Chairman Mr IP Kwok-him	Whether the requirement for provision of personal information would resolve the problem of rogue tenants	
020456 - 020837	Chairman Mr SHEA Hing-wan, HKOC	The anxiety faced by landlords in dealing with rogue tenants; need for tenants' statement; and imposition of criminal liability for provision of false information in securing tenancies	
020838 - 021252	Chairman Mr Albert HO Mr LAM Ho-yeung, CSSC Mr LAU Man-fat, HKIS	Impact of the Bill on low-income households not eligible for public housing	
021253 - 021344	Chairman Mr FUNG Wun-yin, RAOUR(KT)	Request for clarification on URA's compensation	
021345 - 021501	Chairman Mr LUN Chi-yim, HKREAGA	Inappropriate for estate agents to request tenants' personal information in the absence of statutory requirement	

Time marker	Speaker	Subject(s)	Action required
021502 - 021738	Chairman Mr Ian WONG, URA	Explanation on URA's compensation	
021739 - 022140	Chairman	Date of next meeting and request for the Administration's response to deputations' views	The Administration to provide written response to deputations' views

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Legislative Council Secretariat
7 January 2004