

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

**Consolidated list of follow-up actions arising from previous meetings
(as at 7 May 2004)**

Date of meeting	List of follow-up actions	Response
20 November 2003	(a) To provide the Administration's response to concerns raised by the Hong Kong Bar Association on the proposed relaxation of security of tenure for domestic tenancies.	Administration's response issued for the meeting on 18 December 2003 (CB(1)585/03-04(08))
	(b) To provide information on tenancies of leased premises of different rateable values (RV), particularly those of lower RV which comprise major dwellings of low-income households.	- ditto -
	(c) To provide details of the respondents of the telephone survey, including their status (landlord/tenant) and monthly household income.	- ditto -
	(d) To advise the assumptions, including the forecast in flat supply (with figures), which the Administration has made in reaching the conclusion that the proposed relaxation of security of tenure is timely and has no significant implications on tenants, particularly those low-income households.	- ditto -
	(e) To provide a flow chart showing the time frames and the procedures through which a landlord can repossess his premises upon expiry of the tenancy agreement after enactment of the Bill as opposed to that under the prevailing repossession process. To also include in the paper the actions which the landlord may take if the tenant refuses to move out of the premises.	Administration's response issued for the meeting on 18 December 2003 (CB(1)602/03-04(05))

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20 November 2003	<p>(f) To relay to the Urban Renewal Authority (URA) members the concern that URA will not have to pay any statutory compensation upon redevelopment as a result of the relaxation of security of tenure provisions, which is at variance with its people-oriented approach and contrary to legitimate expectation. To also request URA to prepare a paper setting out the prevailing compensation mechanism in the event of redevelopment.</p> <p>(g) To seriously consider making it a standing arrangement so that past beneficiaries of subsidized home ownership schemes who could not afford private accommodation can be allowed to apply for public rental housing.</p> <p>(h) To provide an implementation time-table showing the time frames and sequence of events, including transitional arrangements, after all the proposals in the Bill come into full operation.</p>	<p>Administration's response issued for the meeting on 18 December 2003 (CB(1)585/03-04(08))</p> <p>- ditto -</p> <p>- ditto -</p>
18 December 2003	<p>(a) To provide a paper (with illustrations) explaining the prevailing compensation mechanism under which compensation, both statutory and ex gratia, is paid to tenants and landlords, including those of leased, vacant and self-occupied premises, in the event of redevelopment.</p> <p>(b) To include in the paper -</p> <p style="padding-left: 40px;">(i) measures which the URA adopts to assist those tenants who have been evicted before redevelopment commences; and</p> <p style="padding-left: 40px;">(ii) eligibility criteria for compensation for self-occupied premises.</p> <p>(c) To compare the existing compensation mechanism with that after the enactment of the Bill.</p>	<p>URA's paper issued for the meeting on 19 January 2004 (CB(1)792/03-04(01))</p> <p>- ditto -</p> <p>- ditto -</p>

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9 January 2004	<p>(a) To advise the share of tenancies to be affected by the urban renewal programme as opposed to that of the entire property rental market.</p> <p>(b) To critically examine the adequacy of leaving two months for the public to be informed of the legislative changes before the appointed date to implement the Bill taking into account the far-reaching implications of the removal of security of tenure on the existing some 260 000 tenants/sub-tenants. The sudden surge in applications for tenancy renewal within the two-month period will inevitably have an impact on the capacity of the Lands Tribunal (LT).</p> <p>(c) To provide a list of suggested information which a landlord may require a potential tenant to provide, on a voluntary basis and without contravening privacy protection, before deciding whether or not to let his property to the tenant.</p> <p>(d) To obtain from the Police the following information -</p> <ul style="list-style-type: none"> (i) number of reports of alleged offences which emanate from tenancy disputes between landlords and tenants, such as vandalization and default in rent payment, over the past five years; (ii) number of prosecution against the provision of false information by both landlords and tenants under the Theft Ordinance (Cap. 210) over the past five years; and (iii) revised internal guidelines on the procedures to be adopted in dealing with tenancy disputes in the light of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002. 	<p>Response awaited</p> <p>Information paper on “Transitional arrangements for removing security of tenure” issued for the meeting on 16 February 2004 (CB(1)901/03-04(01))</p> <p>Administration’s response issued for the meeting on 19 January 2004 (CB(1)792/03-04(04))</p> <p>Administration’s response issued for the meeting on 2 February 2004 ((CB(1)901/03-04(02))</p>

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9 January 2004	<p>(e) To provide, before 29 January 2004, a paper on the feasibility of further streamlining the repossession procedures after the removal of the security of tenure provisions.</p> <p>(f) To advise the prevailing eligibility criteria for public rental housing (PRH) and the assistance available, from both Government and non-government organizations, to those past beneficiaries of subsidized home ownership schemes who could not afford rented accommodation in the private sector. Consideration should also be given to offering PRH to tenants evicted as a result of the enactment of the Bill.</p>	<p>Administration's response issued for the meeting on 2 February 2004 ((CB(1)886/03-04(01))</p> <p>Administration's response issued for the meeting on 19 January 2004 (CB(1)792/03-04(04))</p>
19 January 2004	<p>(a) To ensure impartiality, consideration should be given to offering clearerees of the remaining 12 projects of the former Land Development Council (LDC) compensation similar to their counterparts of the previous 13 completed or announced LDC projects or at least give them better terms than other URA projects in future.</p> <p>(b) To provide details of each of the completed LDC projects, including the number of clearerees, their choice between rehousing and ex gratia payment, problems encountered such as human problems.</p> <p>(c) To ascertain the adequacy of the level of assistance to be offered to clearerees who are not eligible for rehousing to public housing after the enactment of the Bill.</p> <p>(d) To avoid possible abuse, consideration should be given to extending the restriction periods for compensation and application for public housing for clearerees who have already received compensation in a redevelopment exercise.</p>	<p>URA's response issued for the meeting on 16 February 2004 (CB(1)993/03-04(01))</p> <p>- ditto -</p> <p>- ditto -</p> <p>- ditto -</p>

Date of meeting	List of follow-up actions	Response
2 February 2004	<p>(a) To provide the number of applications for public rental housing (PRH) on compassionate ground and from past beneficiaries of subsidized home ownership schemes as well as the number of successful applications over the past three years.</p> <p>(b) To advise the considerations which the Administration will take into account in offering transit centre or interim housing to evicted tenants who are not able to meet the eligibility criteria for PRH, such as the seven-year residence rule.</p> <p>(c) To include in the Administration's paper on "Transitional arrangements for removing security of tenure" arrangements for sub-tenants of domestic premises. The paper should also include transitional arrangements for tenants of non-domestic premises after the proposed removal of the minimum notice requirement on termination of non-domestic tenancies.</p> <p>(d) To relay to the Police the need to include in its internal guidelines specifications to deal with offences relating to the provision of false information by both landlords and tenants.</p>	<p>Administration's response issued for the meeting on 16 February 2004 (CB(1)983/03-04(04))</p> <p>- ditto -</p> <p>Information paper on "Transitional arrangements for removing security of tenure" issued for the meeting on 16 February 2004 (CB(1)901/03-04(01))</p> <p>Response awaited</p>

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16 February 2004	<p>(a) To review the proposed transitional arrangements for tenancies which are too complicated. Consideration can be given for the provisions in relation to removal of security of tenure to take effect after expiry of the 12-month termination period. To also advise the legal effect of the termination period and the application (in different scenarios) of the common law after the removal of security of tenure.</p> <p>(b) To consider retaining the specific grounds for repossession of premises by landlords under the existing Part IV of Landlord and Tenant (Consolidation) Ordinance (the Ordinance) (Cap. 7) during the proposed 12-month termination period.</p> <p>(c) To advise the time frames for repossession procedures after the implementation of the new “callover” arrangement by the LT and the proposed reduction of the “opposition period” from 14 days to seven days. To follow up with the Judiciary Administration the feasibility of extending such callover hearings to every day of the week rather than just once a week. To also consider whether the repossession process can be further expedited if the tenants have agreed to return the premises or have already left Hong Kong.</p>	<p>Administration’s response issued for the meeting on 26 March 2004 (CB(1)1371/03-04(03))</p> <p>- ditto -</p> <p>Administration’s response issued for the meeting on 10 March 2004 (CB(1)1241/03-04(02))</p>
10 March 2004	<p>(a) To critically review the proposed compensation for domestic tenants after the removal of security of tenure, which in members' view is far less than the current statutory compensation and is at variance with the Administration's undertaking made when the Bill on Urban Renewal Authority was passed in 2000.</p> <p>(b) To advise how URA shall deal with the flow of tenants in project areas after the freezing survey conducted in 1997.</p> <p>(c) To liaise with the Judiciary Administration on the feasibility of further streamlining the repossession process.</p>	<p>URA’s response issued for the meeting on 15 April 2004 (CB(1)1498/03-04(01))</p> <p>- ditto -</p> <p>Judiciary Administrator’s response issued on 1 and 6 April 2004 (CB(1) 1439/03-04(01))</p>

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26 March 2004	<p>(a) To consider drawing up a standardized transitional termination notice (in both Chinese and English) for reference of landlords.</p> <p>(b) 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.</p>	<p>Administration's response issued for the meeting on 23 April 2004 (CB(1)1594/03-04(03))</p> <p>Administration's response issued for the meeting on 15 April 2004 (CB(1)1498/03-04(07))</p>
15 April 2004	<p>(a) To provide as far as practicable a comparison between the rentals of URA project areas with that of the neighboring areas.</p> <p>(b) To advise the cost difference if affected parties in the remaining 13 former LDC projects are offered the statutory compensation under the existing the Ordinance and compensation equivalent to 3.5 times of the Rateable Value under the new option proposed by URA.</p> <p>(c) To consider relaxing the eligibility criteria for public rental housing for tenants of the remaining 13 LDC projects.</p> <p>(d) To advise how the Administration shall deal with its undertaking made when the Urban Renewal Authority Bill was passed in 2000 that the amount of cash compensation for domestic tenants affected by URA projects will not be less than the statutory compensation under the Ordinance. To include in the paper the administrative measures which the Administration will adopt to enable tenants and subtenants of the remaining 13 former LDC projects to continue to be entitled to compensation as if the relevant provisions in Part IV of the Ordinance had not been repealed.. To also advise the Administration's stance on the proposed legislative amendment to retain the provisions on statutory compensation in the Ordinance in the event that the administration measures are not acceptable to the Bills Committee.</p>	<p>URA's paper issued for the meeting on 10 May 2004 (CB(1)1742/03-04(01))</p> <p>- ditto -</p> <p>Response awaited</p> <p>Information paper on "Ex gratia cash payments to domestic tenants in the remaining projects of the former Land Development Corporation" issued for the meeting on 10 May 2004 (CB(1)1742/03-04(05))</p>

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23 April 2004	<p>(a) To 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.</p> <p>(b) To advise whether the delivery of transitional termination notice to the mailbox of tenant by landlord in person complies with the requirements under clause 5A(4) and whether this is 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”.</p> <p>(c) To consider placing clause 5B(1) under clause 5 for the sake of clarity.</p> <p>(d) To make it clear that the provisions in proposed Rule 69(2) of the Lands Tribunal Rules only apply to applications filed on or after the commencement date.</p>	<p>Administration’s response issued for the meeting on 10 May 2004 (CB(1)1742/03-04(03))</p> <p>- ditto -</p> <p>Administration’s response issued for the meeting on 10 May 2004 (CB(1)1742/03-04(06))</p> <p>- ditto -</p>

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