

立法會
Legislative Council

立法會 CB(3)287/07-08 號文件

2008 年 1 月 11 日內務委員會會議文件

定於 2008 年 1 月 16 日立法會會議上提出的質詢

提問者：

| | | |
|------|-------|-------------------------------|
| (1) | 劉江華議員 | (口頭答覆) |
| (2) | 陳婉嫻議員 | (口頭答覆) |
| (3) | 劉慧卿議員 | (口頭答覆) |
| (4) | 鄭經翰議員 | (口頭答覆) |
| (5) | 田北俊議員 | (口頭答覆) |
| (6) | 譚香文議員 | (口頭答覆) |
| (7) | 鄺志堅議員 | (書面答覆) |
| (8) | 譚耀宗議員 | (書面答覆) |
| (9) | 涂謹申議員 | (書面答覆) (新的質詢) (取代其原先提出的質詢) |
| (10) | 楊森議員 | (書面答覆) |
| (11) | 李鳳英議員 | (書面答覆) |
| (12) | 李華明議員 | (書面答覆) |
| (13) | 蔡素玉議員 | (書面答覆) |
| (14) | 李永達議員 | (書面答覆) |
| (15) | 曾鈺成議員 | (書面答覆) |
| (16) | 單仲偕議員 | (書面答覆) |
| (17) | 李永達議員 | (書面答覆) |
| (18) | 馮檢基議員 | (書面答覆) |
| (19) | 林偉強議員 | (書面答覆) |
| (20) | 李華明議員 | (書面答覆) |

註 ：

NOTE ：

議員將採用這種語言提出質詢

Member will ask the question in this language

公屋租戶向香港房屋委員會索償

#(9) 涂謹申議員 (書面答覆)

有市民向本人求助，指早前他租住的公屋單位內的公共鹹水喉爆裂而令他蒙受損失。當他向香港房屋委員會（“房委會”）索償時，房委會的代表表示，該公屋單位的租約第 IV(4) 條訂明：“倘因該樓宇所在建築物任何部份之食水或渠水溢流而引致承租人、其家人、僱工或獲准居住人士的身體或財物受損，業主概不負責。”因此，“房委會在事故上無合約的責任”。就此，政府可否告知本會：

- (一) 過去 3 年，房委會接獲租客的索償個案的數目及相關的索償金額，並按個案性質（包括鹹水喉爆裂、火警及在警方調查案件的過程中引致損失等）及有關公屋的樓齡（10 年以下、10 至 20 年，21 至 30 年及 31 年或以上）列出分項數字；
- (二) 在第(一)項的個案中，房委會有否接納有關的索償並作出賠償；若有，該等個案的數目及每宗個案的最終賠償金額；以及有關租客有否就房委會的決定提出上訴；若有，上訴個案的數目，以及當中上訴得直的個案數目；及
- (三) 除上述的條款外，在房委會的租約或香港法例中有否其他類似的免責條款？

Public housing tenants' claims for compensation
from the Hong Kong Housing Authority

(9) Hon James TO (Written Reply)

A member of the public has approached me for assistance, saying that he had suffered losses earlier due to the bursting of communal flushing water pipes in his public rental housing ("PRH") unit. When he claimed compensation from the Hong Kong Housing Authority ("HA"), the HA's representative indicated that under clause IV(4) of the Tenancy Agreement for his PRH unit, "the landlord shall not be under any liability whatsoever to the Tenant or any member of the Tenant's family or any servant or licensee of his in respect of any damage sustained to the person or property of the Tenant or such other person caused by or through or in any way due to the overflow of water or drainage from any part of the building of which the said flat forms part." Therefore, "HA does not have any contractual liabilities in the incident". In this connection, will the Government inform this Council:

- (a) of the number of tenants' claims received by HA in the past three years and the relevant amount of claims, broken down by the nature of the cases (including losses arising from the bursting of flushing water pipes, fire and Police investigation, etc.) and age of the PRH building concerned (less than 10 years, 10 to 20 years, 21 to 30 years and 31 years or above);
- (b) among the cases in (a), whether HA had accepted the claims concerned and awarded compensation; if it had, of the number of such cases and the ultimate amount of compensation awarded in each case; and whether the tenants concerned had lodged appeals against HA's decisions; if they had, of the number of appeals and among them, the number of those allowed; and
- (c) apart from the above clause, whether there are other similar exemption clauses in HA's Tenancy Agreements or the laws of Hong Kong?