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11 January 2008

Mrs Eleanor Chow
Clerk to the Panel on
Administration of Justice and Legal Services
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong
(By Fax & By Post: 2509 9055)

Dear Eleanor,

**Panel on Administration of Justice and Legal Services
Minutes of meeting on 22 October 2007**

Thank you for your letter of 12 December 2007.

On the suggestion that a Building Affairs Tribunal (BAT) should be set up to deal with building dispute management (paragraph 10-13 of the minutes), you may wish to note that in the context of its public engagement exercises on the proposed Mandatory Building Inspection Scheme, the Development Bureau (DEVB) has consulted widely on a public request to establish an alternative dispute resolution mechanism for building management and maintenance disputes. Views are divided on whether it is preferable to establish a new BAT or to improve the existing Lands Tribunal operation. One of the key features of the proposed BAT is to dispense with legal representation in order to achieve savings in costs and time. This calls into question possible constitutional and human right implications. Creating a new BAT may also risk duplicating the roles and duties of the existing judicial courts and tribunals. DEVB indicated that they would continue to study the feasibility of the BAT, having regard to the various implications.

Separately, we understand that the Judiciary has introduced a Pilot Scheme for Building Management cases in the Lands Tribunal to take effect as from 1 January 2008. One aspect of the Pilot Scheme is to encourage parties to building management disputes to resolve their cases by alternative dispute resolution, such as mediation, before or after they issue proceedings in the Lands Tribunal.

Yours sincerely,



(Susie Ho)
Director of Administration and Development
Department of Justice