

Items 1 to 3, 5 & 6

The Administration is consulting the concerned departments about the captioned items. Response would be provided to the Bills Committee once available.

Item 4

To re-consider the feasibility of imposing criminal liability on the provision of false information by tenants and seek legal advice on whether such a Committee Stage Amendment falls outside the scope of the Bill.

The Bills Committee has requested the Administration to re-consider the feasibility of imposing criminal liability on tenants who provide false personal particulars, such as name, salaries and occupation, to landlords without mandating the tenants to provide such information.

According to the Department of Justice, it would be unusual to provide in legislation that a tenant who gives false information shall be guilty of an offence without requiring him to give the information. If a tenant is not obliged to give the information, it is unlikely for the tenant to render any information voluntarily to the landlord due to the fear of any subsequent criminal liability.

The proposal might also catch those tenants who, though having provided false information, have duly complied with the terms of the contract including the payment of rent.

The Administration understands and appreciates the reasons behind the member's proposal, but the Department of Justice advises that in their view, a Committee Stage Amendment to effect the proposal is outside the scope of the Landlord and Tenant (Consolidation) (Amendment) Bill 2001, though the proposal bears no charging effect.