

立法會
Legislative Council

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**Paper for the House Committee Meeting
of the Legislative Council
on 17 December 1999**

**Legal Service Division Report on
Landlord and Tenant (Consolidation)
(Amendment) Bill 1999**

Object of the Bill

To improve and update the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (the Ordinance).

LegCo Brief Reference

2. HB(CR) 7/5/1 issued by the Housing Bureau in December 1999.

Date of First Reading

3. 15 December 1999.

Comments

4. Proposals made in the Bill are the follow-up to a review of the Ordinance by the Administration. The amendments as proposed relate to 4 main areas -

(a) *Tenancy renewal procedures*

Notice of termination of tenancy on the tenant is shortened. Notice to the tenant requiring the tenant to make an application to the Lands Tribunal (the Tribunal) for granting a new

tenancy is removed. New provisions to allow the landlord and the tenant to apply to the Commissioner of Rating and Valuation (the Commissioner) for rental information of comparable premises are made. The landlord is allowed to change or add grounds of opposition to a tenancy renewal application. The Tribunal is empowered to hear cases in which the landlord or tenant fails to observe statutory time limits of various notices.

(b) *Compensation for tenant and sub-tenant upon redevelopment*

The method of calculating compensation will be improved in favour of sub-tenants vis-à-vis their principal tenants. For the purpose of private settlement in redevelopment cases, the Commissioner may issue upon application a certificate of the rateable value of the premises affected and the amount of statutory compensation payable.

(c) *Compliance with human rights provisions*

An avenue of appeal is provided from the determination of the Commissioner on whether a fixed term tenancy not exceeding one year should be excluded from Part V. The deeming provisions whereby under Part III a person is deemed to be guilty of fraudulently removing movable properties under distraint or liable for distress for rent and under Part IV, a landlord is deemed to be restricted from letting or assigning premises repossessed on the grounds of self-occupation or redevelopment even if the tenant does not proceed with the application for new tenancy and agrees to give up possession are removed.

(d) *Penalties for harassment and unlawful eviction*

Penalties for harassment of the tenant and unlawful eviction are increased from a fine of \$500,000 and on subsequent conviction 12 months imprisonment to a fine of \$500,000 and 12 months imprisonment on first conviction and \$1 million and 3 years imprisonment on subsequent conviction.

5. Apart from these more substantial amendments, some minor amendments are also included to repeal some obsolete transitional provisions, empower the Financial Secretary to determine various fees, increase the level of rateable value for determining the applicability of Parts III and VI etc.

Public Consultation

6. The only public consultation mentioned in the LegCo Brief is that of the LegCo Panel on Housing.

Consultation with LegCo Panel

7. The Panel on Housing was consulted in early November 1999 (LegCo Paper CB(1) 224/99-00(01)).

Recommendation

8. In view of the substantial amendments proposed in the Bill, it is recommended that a Bills Committee should be formed to study its proposals in detail.

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