

**OFFICIAL REPORT OF PROCEEDINGS.****Meeting of 15th July 1953.****PRESENT:**

HIS EXCELLENCY THE GOVERNOR

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, G.C.M.G.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR TERENCE AIREY, K.C.M.G., C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY

MR. RONALD RUSKIN TODD (*Acting*).

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. BRIAN CHARLES KEITH HAWKINS, C.M.G., O.B.E. (*Acting*).

THE HONOURABLE THE FINANCIAL SECRETARY

MR. JOHN JAMES COWPERTHWAITTE (*Acting*).

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER

*(Director of Education)*.

THE HONOURABLE KENNETH MYER ARTHUR BARNETT, E.D.

*(Director of Urban Services)*.

THE HONOURABLE ALEXANDER PROVAN WEIR

*(Acting Director of Public Works)*.

DR. THE HONOURABLE JAMES MALCOLM LISTON

*(Acting Director of Medical and Health Services)*.

DR. THE HONOURABLE CHAU SIK-NIN, C.B.E.

THE HONOURABLE CEDRIC BLAKER, M.C., E.D.

THE HONOURABLE LO MAN WAI, O.B.E.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

THE HONOURABLE DHUN JEHangIR RUTTONJEE.

DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E

THE HONOURABLE KWOK CHAN, O.B.E.

MR. ROBERT WILLIAM PRIMROSE

*(Deputy Clerk of Councils)*.**ABSENT:**

THE HONOURABLE NGAN SHING-KWAN.

**MINUTES.**

The Minutes of the meeting of the Council held on 8th July, 1953, were confirmed.

**PAPERS.**

THE COLONIAL SECRETARY, by Command of His Excellency the Governor, laid upon the table the following papers:—

<i>Subject.</i>	<i>G.N.No.</i>
Telegram of 9th July, 1953 from Secretary of State.	
Sessional Papers, 1953:—	
No. 20—Annual Report by the Public Relations Officer for the year 1951-52.	
No. 21—Annual Report by the Commissioner of Labour for the year 1951-52.	
The Rating Ordinance, Chapter 116.	
Rating (University Residences) (Exemption) Order, 1953 .....	A. 98
The Emergency Regulations Ordinance, Chapter 241.	
Emergency (Importation and Importation Ordin- ance) (Amendment) Regulations, 1953 .....	A. 99

**SUMMER TIME BILL, 1953.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance to provide for the observance of summer time, and to fix a basis for the summer time period.”

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 4 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Summer Time Bill, 1953 had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

### **IMMIGRANTS CONTROL (AMENDMENT)**

#### **BILL, 1953.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Immigrants Control Ordinance, Chapter 243."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Immigrants Control (Amendment) Bill, 1953 had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

### **LANDLORD AND TENANT (AMENDMENT) BILL, 1953.**

H.E. THE GOVERNOR:—Resumption of the debate on the Landlord and Tenant Bill, 1953.

THE SECRETARY FOR CHINESE AFFAIRS:—Your Excellency: In paragraph I of the Objects and Reasons attached to the Bill now under debate the Honourable the Attorney General stated that this Council would be informed of the administrative action

which Government had planned to implement this legislation and to give effect to the recommendations of the Report of the Rent Control Committee. It is for this purpose that I now address the Council.

The McNeill Committee recommended that a special organization should be established to see to the enforcement of the penal sanctions of the Landlord and Tenant Ordinance and to advise the public on their rights and obligations in tenancy matters arising out of that Ordinance. Although they considered that the precise form of this organization should be determined by Government they expressed themselves as being in favour of strengthening the existing set-up in the Secretariat for Chinese Affairs for dealing with tenancy disputes in preference to transferring these problems to another department and so breaking the traditional ties between the Chinese people seeking help in their troubles and the department which they have so long been accustomed to consult.

Government has decided to accept these recommendations and to establish a special sub-department of the Secretariat for Chinese Affairs which will devote itself exclusively to advising those who seek its help on tenancy problems and to investigating breaches of the Ordinance which are brought to its notice.

The sub-department will have offices on both sides of the harbour. In Hong Kong it will be housed in the Secretariat for Chinese Affairs, while in Kowloon accommodation has been obtained on the second floor of the Princess Theatre building, Nathan Road, with an entrance in Kimberley Road.

The Kowloon office should be in operation on Monday, July 20.

This sub-department will be styled the S.C.A. Tenancy Inquiry Bureau. It will be under the immediate control of an administrative officer and each office will be run by an experienced Inspector of Police, assisted by a Chinese executive officer, an interpreter-translator, a clerk and four District Watchmen.

Hon. Members will realize that this sub-department is not an entirely new venture. There has always been in the Secretariat for Chinese Affairs an organization which under Sec. 25 of the Principal Ordinance, has taken an active part in the settlement of tenancy disputes, and which during the year ending the 31st of March, 1953, dealt with no fewer than 2,509 cases. The establishment

of the Tenancy Inquiry Bureau represents an extension and a strengthening of this organization to cope with the increased powers and responsibilities laid upon the Secretary for Chinese Affairs by Clause 29 of the Bill now before Council.

Government has not been able to give effect to the recommendation of the Rent Control Committee that an officer from the Legal Department should be seconded to the Secretariat for Chinese Affairs, but the officers of that department will, of course, have the advice and assistance of the Legal Department when required.

The success of this new sub-department will depend to a great extent on the willingness of the public to co-operate with the Government and to avail themselves of the facilities which are being offered to them to seek the protection of the law. It is of the greatest importance that members of the public, whether they be landlords or tenants, should have some knowledge of their rights and of their liabilities under the law, even if that knowledge amounts to no more than knowing where to go for advice.

To this end Government is preparing a pamphlet which it is hoped will serve as a simple guide to certain aspects of the Landlord and Tenant Ordinance. This pamphlet, which will be printed in both English and Chinese, will endeavour to set out, in the simplest colloquial language, questions and answers to the most common problems which are likely to confront landlords, principal tenants and sub-tenants as a result of this revision of the law. It is intended that the pamphlet should be distributed free of charge and arrangements are being made to give it a very wide distribution. Naturally, printing must await the passage of this Bill but I have every hope that the pamphlet will be ready for distribution in the very near future and I trust that it will be widely read and carefully studied.

THE COLONIAL SECRETARY:—Your Excellency: At the last meeting of this Council, when I moved the adjournment of the debate on the Second Reading, I said that the speeches made by all of the Unofficial Members had been listened to with great interest and that the points and the suggestions which they had made would receive the most careful and sympathetic consideration of Government. Now, to-day, when we are resuming the debate, I wish to add that Government is indeed grateful to the Unofficial Members for the thought which they have devoted to this subject and for the studied moderation with which they have put forward their own views and the gist of the representations

which have been made to them by many public bodies. These representations from public bodies—many of which have also been addressed directly to Government—are in the majority of cases based on insufficient knowledge of, or a misunderstanding of, the principal Landlord and Tenant Ordinance and the Amending Bill as it is now before us, and all the more credit is due to the Unofficial Members for the way in which they have sifted the grain from the chaff and for their refusal to be stampeded into deviation from principles which they know to be right.

If I may be allowed to attempt to summarize briefly the views of the Unofficial Members, with one exception, I would put it like this. The recommendations of the Rent Control Committee, as modified by Government in the Amending Bill, are, in the main, right in principle. But in the opinion of the Unofficial Members, the timing of the Bill in its present form is inappropriate because during the 18 months or so which have elapsed since the Committee was appointed there has been a marked and continuous change for the worse, owing to conditions completely beyond our control, in the general economic and business conditions of the Colony. The implementation of Government's proposals at the present time would, in the opinion of the Unofficial Members, have the most deleterious effects on the Colony's economy and it is necessary to lessen or "cushion" the impact of any increases in the rent of both business and domestic premises and to defer consideration of any increases beyond the year 1954. In the case of business premises, the Senior Unofficial Member recommends two increases of 25% of the standard rent to become effective on 1st September, 1953, and 1st March, 1954, instead of Government's proposal for a 50% increase on 1st September, 1953, and a further increase of 50% on 1st September, 1954. In this the Senior Unofficial Member has the support of five of his colleagues. In the case of domestic premises, the Senior Unofficial Member recommends that any increase in rents should be deferred for an indefinite period during which the Tenancy Inquiry Bureau which is to be established in the Secretariat for Chinese Affairs would have time to get into its stride in investigating tenancy cases and in educating the public in their rights and obligations under the Landlord and Tenant Ordinance. In this latter recommendation the Senior Unofficial Member has the support of only 2 of his colleagues. Three other Unofficial Members advise that a period of six months after the passing of the Bill should be sufficient to enable the S.C.A.'s organization to function properly and to allow landlords and tenants to see how they stand; accordingly, they favour only

one increase of 25% on the standard rent of domestic premises to be effective as from 1st March, 1954, the position to be reviewed again later when the effects of this initial increase have been assessed.

The very fact that the Unofficial Members do not see eye-to-eye in these matters only serves to emphasize the complexity of the problem. What then is Government's attitude in the light of the representations which have been made? As regards business premises, while Government does not consider that the increases specified in the Bill would have harmful effects on businesses, it is nevertheless prepared to bow to the unanimous opinion, with one dissentient, of the Unofficial Members. I shall accordingly move the necessary amendment at the Committee stage.

As regards the more difficult problem of domestic premises, Government does not find acceptable the proposal of the Senior Unofficial Member that an increase of rent should be postponed indefinitely. In view of the safeguards which have been incorporated in the Bill for the express purpose of protecting the interests of tenants and in particular of sub-tenants, Government does not agree with the contention of the Senior Unofficial Member that the bulk of the population will suffer if a reasonable increase in controlled rents is permitted in the fairly near future. In this connexion I make no apology for quoting the words of my Honourable friend, Mr. Terry, who said:—"To defer legislation which gives effect to principles, which are accepted as right and proper, merely because the population in general have not learned to avail themselves of the protection afforded by Law, is a course which cannot be countenanced by any responsible body". Mr. Terry went on to say;—"I conceive it to be Government's duty to remedy the state of affairs which exists". May I take this opportunity to make it quite clear that Government fully accepts this responsibility? Honourable Members have just heard from my colleague the Secretary for Chinese Affairs an outline of the steps which his department is going to take for the education of the public, for the protection of tenants and for the general implementation of the Ordinance. So far as controlled premises are concerned, unscrupulous landlords and principal tenants should heed my solemn warning that, with the passing of this Bill, the days are over when they could with impunity over-charge or in other ways oppress their long-suffering tenants or sub-tenants. Government agrees with the view of my Honourable Friends Mr. Blaker, Mr. Terry and Mr. Dhun Ruttonjee that, in all the circumstances, one increase

of 25% on the standard rent of domestic premises, to become effective in about six months' time, *i.e.* on 1st March, 1954, is reasonable. At the Committee stage I shall move an amendment accordingly.

I now turn to one or two points, raised by Honourable Members in their speeches at the last meeting of this Council, on which further clarification is desirable in order to eliminate any misunderstanding.

My Honourable friend the Senior Unofficial Member, in expressing his concern for sub-tenants who hitherto have been, or rather, I should say, have allowed themselves to be, so much at the mercy of unscrupulous principal tenants, gave the impression that there is no provision in the law for (a) the eviction of principal tenants who over-charge their sub-tenants and (b) the protection of sub-tenants against eviction by their principal tenants. In case there should be any misunderstanding on these two points I hasten to say that, as regards (a), Section 8 of the Principal Ordinance, which Section is now to be amended by Clause 8 of the Bill now before us, is very clear. Any principal tenant who demands or receives rent in excess of the lawfully permitted rent, may on conviction by a magistrate be fined up to \$4,000 and in addition may be ordered to be ejected. As regards (b), I would invite attention to Section 18 of the Principal Ordinance, which Section also is to be amended by Clause 14 of the Bill; it is quite clear from the provisions of this Section that no tenant or sub-tenant can be evicted except for reasonable causes. By reasonable causes are meant such things as failure to pay rent (by which I mean the permitted rent, not an extortionate rent) or using the premises for an immoral or illegal purpose, and so on. It will be one of the functions of the S.C.A.'s Tenancy Inquiry Bureau to protect sub-tenants from being over-charged and from unreasonable eviction, and any sub-tenant needing advice or protection should go at once to the S.C.A.

There is another matter on which I wish to comment. The Honourable Dhun Ruttonjee said:—" In supporting these proposed amendments to the Bill, I would particularly invite attention to the fact that the Bill authorizes principal tenants to levy a further increase of 30% from their sub-tenants, which levy will be paid by all but a negligible fraction of the Colony's 1½ million white collar and manual workers". Now this is a serious misstatement of the facts which needs correction. Under the Principal Ordinance a principal tenant is entitled to collect



in respect of dependent domestic premises (by which is meant cubicles, bed-spaces, etc. which are the subject of a separate letting and which are not self-contained in respect of ablution, privy and cooking facilities) an additional sum of 20% of the aggregate rent, that is, of the standard rent plus any permitted increases or, in other words, of the lawfully permitted rent. This additional sum is intended to provide the principal tenant with remuneration for his activities in connexion with the premises concerned. But in paragraph 154 of their Report the Rent Control Committee pointed out that, as the law stands at present, this means that a principal tenant's remuneration increases proportionately with each increase which is allowed on the standard rent. While the Committee came to the conclusion that the remuneration allowed to the principal tenant under the Principal Ordinance is adequate, the Committee also did not see any reason why, upon every further increase in the permitted rent, the principal tenant should receive more for the rendering of the same services while at the same time additional burdens are placed on sub-tenants who are the persons least able to bear them. The Committee accordingly recommended that the percentage allowed to the principal tenant should not be 20 per cent of the aggregate rent but should be 30 per cent of the *standard* rent; the principal tenant's remuneration would then remain constant whatever further increases in rent are allowed in the future. The new Section 6A to be enacted by Clause 7 of the Bill implements the Committee's recommendation. The practical application of this change is that a principal tenant of dependent domestic premises will receive a little more in actual dollars than he is entitled to at present under the Principal Ordinance, but *less than* what he would get if an increase on standard rent is allowed and if the basis for changing a principal tenant's remuneration were not altered to that proposed in the Bill. I should add that a principal tenant of business premises is *not* entitled to charge this additional sum by way of remuneration.

Clause 13 of the Bill (new Section 16A of the Ordinance) empowers a tenancy tribunal, on the application of a landlord, to increase the standard rent of any premises if the tribunal is satisfied that the standard rent is unreasonably low, having regard to the general level of rents in 1941, or if the amenities of the neighbourhood have been improved since 1941. My Honourable Friend, Mr. Terry, has suggested that provision should also be made for the converse situation, so that a tenant could apply to a tribunal for a reduction of the standard rent if there has been a deterioration in the amenities of the neighbourhood

or in the condition of the premises since 1941. Mr. Terry's point has been met by the addition of a new Section 16B, which will be found in the paper containing all the proposed amendments which are to be moved in Committee.

That paper also contains one or two other proposed amendments to which I should like, at this stage, to invite the attention of Honourable Members. The first is the proposed new Form 4 in Schedule B. Under Sub-section (1) of Section 11 of the Principal Ordinance, every principal tenant is required to post up, and keep posted up, on a conspicuous part of his premises, a notice stating the rent payable by him to his landlord. This notice is for the information of the sub-tenants and is intended to assist them in the calculation of the rents which they themselves should pay to the principal tenant and to protect them from overcharging. Hitherto this requirement has not been complied with by the vast majority of principal tenants and the absence of these notices has been one of the main factors contributing to the overcharging to which sub-tenants have submitted so meekly and so long. It is therefore considered desirable to lay down a standard form which can be used by all principal tenants and which will give the sub-tenants all the information they require. This standard form can easily be produced, in English and in Chinese, by any enterprising firm of printers and sold for a small charge. The use of this form should prove a great boon to all concerned.

The only other point to which I desire to draw attention now is Clause 34 of the Bill, which since our last Meeting it has been found necessary to re-draft. The re-draft will be found in the amendment paper. The Landlord and Tenant Ordinance (*i.e.* the Principal Ordinance) and the Amending Ordinance which we hope to enact to-day are of such importance to the general public and at the same time so complex that it is considered desirable, indeed essential, that a reprint of the Principal Ordinance incorporating all additions, omissions, substitutions and amendments effected by the Amending Ordinance should be published as early as possible. Your Excellency will, I understand, formally direct that such a reprint be prepared and published as soon as you have power to do so. In fact, the necessary preparatory work is already in hand and it is hoped to publish the reprint in a few days' time.

Lastly, I wish to reiterate that the complete decontrol of all premises, both business and domestic, still remains Government's ultimate aim, as and when circumstances permit.

The question that the Bill be read a Second time was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 10 were agreed to.

Clause 11.

THE COLONIAL SECRETARY:—Sir: I beg to move that in clause 11, the proposed section 12, that subsection (5) be deleted and substituted by a new subsection (5) as set out in the amendment paper.

Proposed new subsection (5):

(5) Where the principal tenant retains for his own occupation any part of the premises the subject of his tenancy from the immediate landlord, he shall be deemed to be the tenant of the immediate landlord in respect of the retained part and to hold the same upon a monthly tenancy. The rent of the retained part shall be the aggregate of the following sums—

- (a) such proportion of the standard rent of the whole of the premises previously held by him as principal tenant as is fairly attributable to the retained part; and
- (b) a sum equal to thirty per cent of that proportionate part of the standard rent; and
- (c) any increase of that proportionate part of the standard rent authorized under this or any other ordinance:

Provided that in the event of any dispute between the immediate landlord and the principal tenant as to the amount of the rent payable by such principal tenant, such dispute may be referred to and decided by a tenancy tribunal.

Clause 11, as amended, was agreed to.

Clause 12 was agreed to.

## Clause 13.

THE COLONIAL SECRETARY:—Sir: I beg to move that in clause 13 a new section 16B be added as set out in the amendment paper.

Tribunal  
may  
decrease  
standard  
rent if  
Unreason-  
ably high  
having  
regard to  
deteriora-  
tion in  
amenities  
of eigh-  
bourhood  
or in  
condition  
of  
premises.

## Proposed new section 16B:

**16B.** Notwithstanding anything contained in this Ordinance, a tenancy tribunal may, on the application of a tenant, decrease the standard rent of any premises by such amount as it considers reasonable, if the tribunal is satisfied that the standard rent of the premises ought to be decreased, having regard to any deterioration in the amenities of the neighbourhood, or in the condition of the premises, such deterioration having occurred after the 25th day of December, 1941.

Clause 13, as amended, was agreed to.

Clauses 14 to 23 were agreed to.

## Clause 24.

THE COLONIAL SECRETARY:—Sir: I beg to move that in clause 24, for the expression “fifty per cent” in paragraphs (a) and (b) of subsection (1), there be substituted the expression “twenty-five per cent”. Also that for the word “September” in paragraph (b) there be substituted the word “March”.

Clause 24, as amended, was agreed to.

## Clause 25.

DR. S. N. CHAU:—Sir: I rise to move that clause 25 be deleted. This is to remove from the Bill the proposed increases for domestic premises.

H.E. THE GOVERNOR:—In this clause we have two amendments: one that has just been moved by Dr. the Hon. S. N. Chau, which will delete this entirely. If this amendment is carried, then the proposed amendment by the Colonial Secretary will not be put. If this amendment by Dr. the Hon. S. N. Chau is lost, then the Colonial Secretary will put his amendment. I now put the amendment moved by Dr. the Hon. S. N. Chau.

The amendment was negatived.

THE COLONIAL SECRETARY:—I beg to move alternatively now an amendment as set out in the amendment paper, that is to say, delete sub-clause (1) and substitute the following sub-clause (1):

(1) Notwithstanding anything contained in the principal Ordinance, the landlord of domestic premises to which that Ordinance applies may, subject to the provisions of section 28, increase the rent lawfully chargeable therefor in respect of occupation on and after the 1st day of March, 1954, by a sum equal to twenty-five per cent of the standard rent of the premises.

Clause 25, as amended, was agreed to.

Clause 26.

THE COLONIAL SECRETARY:—Sir: I beg to move that clause 26 be deleted and a new clause 26 be substituted as set out in the amendment paper.

Proposed new clause 26:

Interpretation  
of “rent  
lawfully  
chargeable in  
sections 24  
and 25

**26.** For the purposes of sections 24 and 25, the expression “rent lawfully chargeable” means—

- (a) in relation to the first increase of rent authorized by section 24 and the increase authorized by section 25, the permitted rent chargeable under the principal Ordinance immediately before the provision authorizing such increase takes effect; and
- (b) in relation to the further increase of rent authorized by section 24, the permitted rent chargeable under this and the principal Ordinance immediately before the provision authorizing such further increase takes effect.

Clause 26, as amended, was agreed to.

Clauses 27 and 28 were agreed to.

Clause 29.

THE COLONIAL SECRETARY:—Sir: I beg to move that in subsection (2) of clause 29 the following amendment be made: in the seventh and eighth lines omit the words “and in accordance with section 6A of the principal Ordinance”.

Clause 29, as amended, was agreed to.

Clauses 30 to 33 were agreed to.

Clause 34.

THE COLONIAL SECRETARY:—Sir: I beg to move that clause 34 as it now stands be deleted and be substituted by a new clause as set out in the amendment paper.

Proposed new clause 34:

Provision  
for a reprint  
of the  
principal  
Ordinance  
as amended  
and of this  
Ordinance.

34. (1) The Government Printer shall, if directed by the Governor, cause to be prepared and published a reprint of the principal Ordinance incorporating therein all additions, omissions, substitutions and amendments effected by this Ordinance and by any other enactment amending the principal Ordinance, and shall, if so directed, print as part of such reprint and as an appendix thereto section 1 and sections 24 to 31 inclusive of this Ordinance together with this section and together with Schedule A to this Ordinance.

(2) The publication of such reprint and appendix shall be notified by the Colonial Secretary in the *Gazette* and, with effect from the date of such notification, such reprint and appendix shall be deemed authentic copies of the principal Ordinance as amended and of this Ordinance and shall be judicially noticed as such, and further shall be deemed to be official copies for the purposes of subsection (3) of section 7 of the Interpretation Ordinance.

(3) If any inconsistency is shown to exist between a provision of any enactment authorized to be published in such reprint and appendix and that provision as published in such reprint and appendix, the provision as enacted shall prevail.

Clause 34, as amended, was agreed to.

## Schedule A.

THE COLONIAL SECRETARY:—Sir: I beg to move that in Schedule A, Form i be amended as set out in the amendment paper.

## Proposed amendment:

In the particulars in the second paragraph substitute the expression “25%” for the expression “50%”; and in the first paragraph of the matter to be printed on the back of the notice substitute—

(a) the expression “1st March, 1954”, for the expression “1st September, 1954,”;  
and

(b) the expression “twenty-five per cent” for the expression “fifty per cent”.

The amendment was agreed to.

THE COLONIAL SECRETARY:—And that in Form 2 the amendments as set out in the amendment paper also be made.

## Proposed amendments:

Delete the first paragraph of the matter to be printed on the back of the notice and substitute—

Section 25 of the Landlord and Tenant (Amendment) Ordinance, 1953, provides for one increase of rent of domestic premises on the 1st March, 1954. This increase is at the rate of twenty-five per cent of the STANDARD RENT and can only be added to the RENT LAWFULLY CHARGEABLE.

In the third paragraph, for “first increase” substitute “increase”, and delete the last sentence.

The amendment was agreed to.

THE COLONIAL SECRETARY:—Similarly in Schedule A, after Form 3, a new Form 4 to be added as set out in the amendment paper.

## Proposed new Form 4:

FORM 4

[s. 29(1).

## NOTICE OF RENT INCREASE OF BUSINESS

## PREMISES

*(by a principal tenant to a sub-tenant).*

To (1).....

TAKE NOTICE that pursuant to the provisions of section 29(1) of the Landlord and Tenant (Amendment) Ordinance, 1953, the rent lawfully payable by you for (2) .....

.....at (3) .....

will be increased as shown hereunder.

(1) I certify that the standard rent of which notice has been given to me by my landlord is (5).....

per (4).....and that the standard

rent of the premises you occupy is (5).....

..... per (4).....

(2) The increases (if any) authorized by or under the principal Ordinance as at the date of this notice are as follows:—

(3) Twenty-five per cent of the standard rent of the premises you occupy, being the increase authorized by section 24 of the Landlord and Tenant (Amendment) Ordinance, 1953, equals (6) ..... per (4).....

The increase mentioned in paragraph (3) above will take effect from the (6)..... day of .....195.....

**BUT PLEASE READ WHAT IS PRINTED ON THE BACK OF THIS NOTICE.**

Dated the ..... day of ..... 195.....

*Principal Tenant.*

## NOTES.

(1) State full name of sub-tenant.

(2) State type of premises occupied, *i.e.* shop, office, godown, etc.

(3) State whereabouts of premises.

(4) State whether per week, month etc.

(5) State sum in dollars and cents (if necessary).

(6) This date must be the date on which increase of rent notified to the principal tenant takes effect.



*(Back of Notice)*

### NOTICE TO SUB-TENANTS

The scheme of section 29 of the Landlord and Tenant (Amendment) Ordinance, 1953, is as follows—

- (1) A principal tenant who receives a notice of increase of rent from his landlord, and who, in consequence, desires to increase the rent of his sub-tenants, must give due notice of the appropriate increase to his sub-tenants.
- (2) The increase so notified will take effect from the date on which the principal tenant's obligation to pay to his landlord an increase becomes effective (this date should be that mentioned in the last paragraph overleaf).
- (3) The first increase will only be payable on demand made by the principal tenant after service on you of a copy of a certificate of apportionment of rent obtained by your principal tenant from the Secretary for Chinese Affairs.
- (4) The rent you are notified to pay must be adjusted where the increase stated in the principal tenant's notice to you is different from that certified by the Secretary for Chinese Affairs.

*SUB-TENANTS PLEASE NOTE WELL.*

IF YOU FEEL YOU NEED ADVICE ABOUT ANYTHING TO DO WITH THIS NOTICE, DO NOT FAIL TO CONSULT A SOLICITOR OR THE SECRETARY FOR CHINESE AFFAIRS.

The amendment was agreed to.

THE COLONIAL SECRETARY:—Also in Schedule A that the existing Forms 4 and 5 be renumbered as Forms 5 and 6, and that to the heading of the renumbered Form 5 the words "OF DOMESTIC PREMISES" be added.

The amendment was agreed to.

Schedule A, as amended, was agreed to.

## Schedule B.

THE COLONIAL SECRETARY:—Sir: I rise to move that in Schedule B after Form 3 a new form 4 as set out in the amendment paper be added.

Proposed new Form 4:

FORM 4.

[s. 11(1).

NOTICE OF RENT PAYABLE BY PRINCIPAL  
TENANT TO LANDLORD.

To all tenants in

occupation of

(1).....

YOU ARE INFORMED, in accordance with section 11(1) of the Landlord and Tenant Ordinance, that the rent payable by me, to (2) .....

my landlord in respect of (1).....

is ..... dollars per (3).....

and is made up as follows—

(1) Standard rent is ..... dollar per

(3).....

(2) Permitted increase(s) is/are—

(4).....

.....

Dated the ..... day of ..... 105.....

*Principal Tenant.*

NOTES.

(1) Identify premises.

(2) Give full name and address of landlord.

(3) State whether per week, month, etc.

(4) Give particulars of any permitted increase and state authority for charging the same (*i.e.* section of Ordinance or date of decision of tribunal).

The amendment was agreed to.

THE COLONIAL SECRETARY:—And also that in Schedule B the existing Form 4 be renumbered as Form 5.

The amendment was agreed to.

Schedule B, as amended, was agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Landlord and Tenant (Amendment) Bill, 1953 had passed through Committee with amendments and moved the Third reading.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

MR. LO MAN WAI:—Sir: I rise to a point of order, and that is whether the amendments to this Bill are in your opinion material, because if so I think we have to postpone the Third reading until a subsequent meeting. If you consider that the Bill should be passed right away, we have to suspend the Standing Orders of the Council. It is a matter quite purely technical, but if your Excellency would consider—

H.E. THE GOVERNOR:—I think the amendments are not material.

### ADJOURNMENT.

H.E. THE GOVERNOR:—That concludes the business for to-day, gentlemen. When is it your pleasure we shall meet again?

THE ATTORNEY GENERAL:—May I suggest two weeks from to-day.

H.E. THE GOVERNOR:—Council will adjourn to this day fortnight.

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