

政府總部
房屋及規劃地政局
香港九龍何文田佛光街33號



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(Attn.: Ms Becky Yu)

Dear

Landlord and Tenant (Consolidation) (Amendment) Bill 2003

**Follow-up action arising from the discussion
at the Bills Committee meeting on 2 February 2004**

At the meeting on 2 February, the Police undertook to revise its internal guidelines on handling tenancy disputes by including guidelines on dealing with cases relating to the provision of false information by landlords and tenants. The Police also undertook to provide the relevant prosecution figures.

The relevant sections of the revised guidelines are attached at **Annex A**, and the prosecution figures are at **Annex B** and **Annex C**.

Yours sincerely,

(Gilbert Ko)
for Secretary for Housing, Planning and Lands

C.C.
C of P

(Attn.: Mr Philip Wong)

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Annex A(iii) Other Offences

17. Whilst handling tenancy disputes, officers should also consider, if evidence suggests, whether the following offences have been committed by the landlord, tenant or any other person:-

- Criminal Intimidation, Section 24, Crimes Ordinance, Cap 200
- Assaults with intent to cause certain acts to be done or omitted, Section 25, Crimes Ordinance, Cap. 200
- Criminal Damage, Section 60, Crimes Ordinance, Cap 200
- Fraud, Section 16A, Theft Ordinance, Cap 210
- Obtaining pecuniary advantage by deception, Section 18, Theft Ordinance, Cap. 210
- Evasion of a liability by Deception, Section 18B, Theft Ordinance, Cap. 210
- Using a False Instrument, Section 73, Crimes Ordinance, Cap. 200
- Blackmail, Section 23, Theft Ordinance, Cap 210
- Assault Occasioning Actual Bodily Harm, Section 39, Offences Against The Person Ordinance, Cap 212
- Common Assault, Section 40, Offences Against The Person Ordinance, Cap 212
- Disorderly Conduct, Section 17B, Public Order Ordinance, Cap 245
- Offences in connection with telephone calls or messages or telegrams, Section 20, Summary Offences Ordinance, Cap. 228.

(Note: There is always a possibility that prospective tenants may give false information to landlords in order to secure the lease of a premises. For example, tenants claim to have steady employment, but are in fact unemployed, and then provide false documents to back up their claims in order to convince the landlords into believing that they are reliable tenants who have no difficulties in paying the rent. Officers should not overlook the fact that landlords may also commit criminal offences in the course of sale and lease of property. In any event, officers should carefully examine the facts to determine whether any criminal offence(s) under the Crimes Ordinance Cap 200, Theft Ordinance Cap 210 and/or any other Ordinance have been committed.)

PROCESSING TENANCY DISPUTE CASES

18. All reports received of disputes arising from occupation, possession of premises or rent arrears between landlord and tenant will in the first instance be examined by the Duty officer of the Police Station to which the report is made. The following steps should be taken:-

- (a) Where the Duty Officer is satisfied that no offence is disclosed, he/she will refer the dispute to the Commissioner of Rating and Valuation for mediation by using the memo format at Annex A through fax;
- (b) In cases where it is reasonably believed that an offence has been committed, the case will be referred to the Divisional Crime Formation or a UB Unit as appropriate;
- (c) The OC Case will ascertain whether sufficient evidence exists of any offence(s), such as those mentioned in para. 17, and/or the offence of harassment under Section 119V of Cap. 7.

Forgery Cases where Tenants Provided False Information / Documents

	2002		2003	
	No. of Cases	Outcome	No. of Cases	Outcome
I. Tendering document containing false information to Housing Authority	1	Released without charge	-	
II. Tendering document containing false information to sublet the flat	1	Charged but not convicted	-	
III. Using forged identity cards by illegal immigrants to rent a flat	2	Sentenced to 1 year immediate imprisonment in one case, and sentenced to 1 year and 3 months immediate imprisonment in the other case	-	
IV. Falsification of signature on renewing rental contract	1	Released without charge	1	Released without charge
V. Forgery of documents in court / tribunal proceedings	1	Released without charge	2	Released in one case and not detected in the other case
VI. Forged / bounced cheque	1	Released without charge	1	Released without charge
Total Cases		7		4

Note: -

(a) Released without charge: Suspect was arrested by released after investigation due to insufficient evidence.

(b) Not detected: No Arrest

Forgery Cases where Landlords Provided False Information / Documents

	2002		2003	
	No. of Cases	Outcome	No. of Cases	Outcome
Forgery of documents in court / tribunal proceedings	1	Released without charge	1	Not detected
Total Cases		1		1

Note: -

(a) Released without charge: Suspect was arrested by released after investigation due to insufficient evidence.

(b) Not detected: No Arrest