

LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 2003

COMMITTEE STAGE

Amendments to be moved by the Honourable Albert HO Chun-yan

Clause

Amendment Proposed

New (a) By adding immediately before Part 3—

"5C. Tenancies not affected by repeal

(1) Nothing in this Part shall affect a tenancy or sub-tenancy of premises of which the rateable value on the commencement date is less than \$60,000, and on and after that date—

- (a) the provisions repealed by section 3 of this Ordinance shall continue to apply to such a tenancy or sub-tenancy as if they were not repealed;
- (b) the enactments amended by sections 8 to 15 and the Schedule to this Ordinance shall, if applicable, apply to such a tenancy or sub-tenancy as if they were not amended.

(2) For the purposes of subsection (1), the rateable value of any premises shall be—

- (a) in the case of premises included in the valuation list declared under section 13 of the Rating Ordinance

(Cap. 116), the rateable value contained in that list on the commencement date;

- (b) in any other case, the rateable value which would have been contained in the list referred to in paragraph (a) on the commencement date had the premises been included in that list, as certified by the Commissioner of Rating and Valuation.

(3) If any part of premises is let or sublet—

- (a) "premises" in subsection (1) refers to that part of the premises which—
 - (i) in the case of the tenant, is the subject of the tenancy and not the subject of the sub-tenancy;
 - (ii) in the case of the sub-tenant, is the subject of the sub-tenancy and not the subject of any other sub-tenancy;
- (b) The rateable value of part of the premises that is let or sublet shall be the amount of rateable value of the premises attributable to that part, as certified by the Commissioner of Rating and Valuation."