

LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 2003

COMMITTEE STAGE

Amendments to be moved by the Honourable Howard YOUNG

Clause

Amendment Proposed

New

By adding immediately before Part 3—

**"5C. Tenancies not affected by repeal**

(1) Nothing in this Part shall affect a tenancy -

(a) of premises of which the rateable value is less than \$36,000;

(b) to which Part IV applies and which is in existence on the day before the commencement date,

and on and after the commencement date for a period of 3 years —

(a) the provisions repealed by section 3 of this Ordinance shall continue to apply to such a tenancy as if they were not repealed;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 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 in October 2003 under section 13 of the Rating Ordinance (Cap. 116), the rateable value contained in that list;

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

(3) The rateable value of part of the premises that is let shall be the amount of rateable value of the premises attributable to that part, as certified by the Commissioner of Rating and Valuation.

#### **5D. Savings**

(1) In the case of a tenancy to which Part IV applies by virtue of section 5C of this Ordinance and which is in existence on the day before the expiration date, if---

(a) the landlord has before the expiration date given notice under and in accordance with section 119 of the principal Ordinance to terminate the tenancy; or

(b) the tenant has before the expiration date made a request for a new tenancy under and in accordance with section 119A of the principal Ordinance,

then on and after the expiration date---

(c) the provisions repealed by section 3 of this Ordinance shall continue to apply to the tenancy as if they were not repealed; and

(d) the enactments amended by sections 8 to 15 of and the Schedule to this Ordinance shall, if applicable, apply to the tenancy as if they were not amended.

(2) On and after the expiration date, a tenancy to which Part IV applies by virtue of section 5C of this Ordinance and which is in existence on the day before the expiration date, but in respect of which no notice or request has been given or made before the expiration date under section 119 or 119A of the principal Ordinance---

(a) may be terminated in accordance with its terms or as otherwise agreed between the parties; or

(b) if it is a tenancy which was continued by virtue of section 117 of that Ordinance, may be terminated either as a month to month tenancy or as agreed between the parties.

(3) If, before the expiration date, a landlord has successfully opposed the grant of a new tenancy on a ground specified in paragraph (b) or (c) of section 119E(1) of the principal Ordinance, the provisions of sections 119F and 119H of that Ordinance and of any condition imposed or order made under either of those sections apply in respect of the landlord as if those sections were not repealed on that date.

(4) If, on the expiration date, a tenant is in possession of premises in the circumstances described in section 119NA(1) of the principal Ordinance, the provisions of section 119NA of that Ordinance apply in respect of the tenant as if that section was not repealed on that date.

(5) Proceedings relating to Part IV which are pending in the Tribunal on the expiration date, and decisions of the Tribunal relating to that Part which have not been given effect to on that date, may respectively continue and be given effect to on and after the expiration date notwithstanding the repeal of certain provisions of that Part by section 3 of this Ordinance.

(6) Proceedings relating to provisions of Part IV saved by this section may be commenced in the Tribunal on or after the expiration date.

(7) For the purposes of this section, "expiration date" means the date on which the period of 3 years from the commencement date expires."