

LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 2003

COMMITTEE STAGE

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

Clause

Amendment Proposed

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(a) In subclause (1) —

- (i) by deleting "appointed day" whenever it appears and substituting "commencement date";
- (ii) by deleting "之前已存在的屬" and substituting "的前一天屬存在的"

(b) By deleting subclause (2) and substituting —
" (2) On and after the commencement date , a tenancy to which Part IV applies and which is in existence on the day before the commencement date, but in respect of which no notice or request has been given or made before the commencement date under section 119 or 119A of the principal Ordinance, may, subject to subsections (2A) and (2B), only be terminated by a transitional termination notice as provided for by

section 5A. ";

(c) By adding -

" (2A) The requirement in subsection (2) for a transitional termination notice in respect of a tenancy, and any such notice that has been issued in respect of a tenancy, ceases to apply if, on or after the commencement date –

- (a) the parties to the tenancy -
 - (i) agree to some other period for notice of termination; or
 - (ii) alter any other term of the tenancy; or
- (b) the tenancy is assigned to a new tenant.

(2B) Subsection (2) is without prejudice to –

- (a) section 5B(1) as to the making of an order for possession;
- (b) any right of forfeiture conferred on a landlord;
- (c) any right of surrender or early termination conferred on a tenant.

(2C) (a) The benefits and protection afforded by

this Part shall, in any
tenancy to which it
applies, be available to
the widow, widower, mother,
father or any sister, brother,
daughter or son over the age of 18
years of the tenant where
she or he was residing
with the tenant at the
time of the tenant's death, or
to a personal representative over
the age of 18 years not being a
person mentioned above where she
or he was residing with the tenant at
the time of the tenant's death;
and, for the purposes of
this Part, references to a
tenant shall except in
this subsection include a
reference to such widow,
widower, mother, father,
sister, brother, daughter or
son or personal representative.

(b) Only one person mentioned
in paragraph (a) shall be
entitled to the benefits
and protection of this
Part at one time and, in
default of agreement by
those persons, the
Tribunal shall nominate

that person on such grounds as appears to it to be just and equitable.

- (c) The benefits and protection afforded by this Part shall not be available to a personal representative not residing with the tenant at the time of tenant's death or, notwithstanding any will or the law of succession on intestacy, any other person who is not a person mentioned in paragraph (a) as entitled to those benefits and that protection.

(2D) On and after the commencement date, a tenancy which would have terminated, but for the requirement in subsection (2) for a transitional termination notice, shall, until terminated by such a notice, but subject to section 5B, continue at the same rent and upon the same covenants, conditions and other terms of the original tenancy as are appropriate to a month to month tenancy."

- (d) In subclause (3) -

- (i) by deleting "appointed day" and

substituting "commencement date";

- (ii) by deleting "that day" and
substituting "that day".

(e) In subclause (4) -

- (i) by deleting "appointed day" and
substituting "commencement date";
- (ii) by deleting "that day" and
substituting "that date".

(f) In subclause (5) –

- (i) by deleting "appointed day" where it
twice appears and substituting
"commencement date";
- (ii) by deleting "that day" and
substituting "that date".

- (g) In subclause (6), by deleting "appointed day"
and substituting "commencement date".