

LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 2003

COMMITTEE STAGE

Amendments to be moved by the Honourable Howard YOUNG

5A. Transitional termination notice

- (1) For the purpose of section 5(2), a “transitional termination notice” (過渡性終止通知書) means a written notice of termination of a tenancy served on or after the commencement date in accordance with this section.
- (2) A transitional termination notice must be served-
 - (a) by a landlord, not less than 12 months, and in the case of premises of which the rateable value is less than 36,000, not less than 36 months, or
 - (b) by a tenant, not less than one month, before the day on which it is to take effect.
- (3) A transitional termination notice may be served at any time on or after the commencement date, but-
 - (a) in respect of a fixed term tenancy which was in existence on the day before the commencement date, may not be served earlier than the last day of the term;
 - (b) in respect of a periodic tenancy which was in existence on the day before the commencement date,

may not be served earlier than the last day of the period of the tenancy current at the commencement date.

4). A transitional termination notice may be served in any of the ways specified in section 119y(1) of the principal Ordinance and subsection (2) of that section applies to such service.

5). Where a transitional termination notice is served on a tenant, if-

(a) the notice is in both Chinese and English; and

(b) the notice is posted on 3 successive days upon the main door or entrance of the premises affected,

The notice shall take effect terminating also any sub-tenancies created out of the tenancy to which it relates.

6). Subject to section 5 (2B), a transitional termination notice duly served in respect of a tenancy in accordance with this section takes effect according to its terms, notwithstanding –

a) a change of landlord that does not create a new tenancy;

b) any express or implied provision in the tenancy regarding the giving of notice of termination (subject to section (2C)(c) as to early termination;

or

c) any other rule of law regarding the date on which

a termination notice takes effect.