

## **LEGISLATIVE COUNCIL BRIEF**

Landlord and Tenant (Consolidation) Ordinance  
(Chapter 7)

### **Landlord and Tenant (Consolidation) (Amendment) Bill 2003**

#### **INTRODUCTION**

A At the meeting of the Executive Council on 20 May 2003, the Council ADVISED and the Chief Executive ORDERED that the Landlord and Tenant (Consolidation) (Amendment) Bill 2003 (“the Bill”), at Annex A, should be introduced into the Legislative Council (“LegCo”).

#### **JUSTIFICATIONS**

2. The Bill seeks to, *inter alia*, remove security of tenure provisions for domestic tenancies under Part IV of the Landlord and Tenant (Consolidation) Ordinance (“LTO”), and to remove the minimum notice requirement for terminating non-domestic tenancies under Part V.

##### **Security of Tenure for Domestic Tenancies**

3. Security of tenure was introduced in 1981 when there was a serious shortfall of domestic accommodation leading to significant rental increases upon renewal of tenancies. It was introduced to protect the interest of tenants, whose bargaining powers were weak at the time.

4. Under the security of tenure provisions in Part IV of LTO, if a tenant seeks to renew the tenancy and is willing to pay the prevailing market rent, the landlord would have to agree to the tenancy renewal. Only on certain statutory grounds stipulated under LTO (e.g. the tenant fails to pay rent or causes unnecessary inconvenience and annoyance; the landlord needs the premises for self-occupation or redevelopment) can the landlord refuse to renew the tenancy.

5. A tenant who wants to renew a tenancy must serve a notice of renewal on the landlord no more than four months but no less than three months before the commencement date of the new tenancy which the tenant has specified on the notice.

6. If the landlord does not want to renew the tenancy, he must serve a notice of termination on the tenant no more than four months but no less than three months before the date of termination he has specified on the notice. A tenancy will continue automatically if the landlord does not initiate any action to seek termination.

7. These restrictions discourage property investors from leasing their residential properties and impede the free operation of the private rental market. Removing the restrictions will help restore the free operation of the private rental market. It will encourage more owners of residential properties to let out their properties as they know they will have the option of repossessing their properties if necessary upon the expiry of the tenancies. It may also be easier for negative equity property owners to obtain the consent of their mortgage bank to allow the owners to lease their residential properties as the banks will be able to sell the properties with vacant possession at the end of the tenancies in the event of mortgage default. The rental income will help ease the financial hardship of negative equity owners.

### **Minimum Notice Requirement for Non-Domestic Tenancies**

8. Under Part V of LTO, a non-domestic (e.g. office, industrial premises) tenancy would not end even after the expiry of the term specified in the tenancy agreement unless notice of termination has been served by the landlord on the tenant no less than six months, or by the tenant on the landlord no less than one month, before the end of the current tenancy.

9. This requirement restricts the freedom of private individuals in determining the terms of non-domestic tenancies. Lifting the requirement will restore their freedom to specify mutually agreed tenancy terms.

### **Outcome of Public Consultation**

10. From 22 January 2003 to 22 March 2003, we consulted the public and relevant organizations to seek their views on the following issues as set out in a Consultation Paper -

- (a) whether security of tenure for domestic tenancies should be relaxed, and if it should, which of the following approaches is preferred -
- (i) **Option A:** to remove the security of tenure for tenancies above a certain rental level only in Phase 1, and complete removal after a review in Phase 2;
  - (ii) **Option B:** to remove the security of tenure for new tenancies only from an appointed date of commencement;
  - (iii) **Option C:** to remove the security of tenure for all (i.e. both new and existing) tenancies from an appointed date of commencement; or
  - (iv) **Option D:** same as Option C but with a grace period. Existing tenancies which expire during the grace period would continue to enjoy the security of tenure;
- (b) whether the existing requirement to give notice (at least six months for landlords and at least one month for tenants) for terminating non-domestic tenancies should be abolished.

11. The overall results are as follows -

Views on Consultation Paper

- (a) The vast majority (about 90%) of the 360 respondents supported relaxation of security of tenure. Among the respondents supporting relaxation, about 70% favoured abolition of security of tenure in one go (Option C); about 22% would like to see a grace period introduced after abolition (Option D); about 2% preferred removal of security of tenure for new tenancies only (Option B); and about 1% preferred removing security of tenure only for tenancies above a certain rateable value (Option A);
- (b) Among the responses received from 56 professional bodies and interested organizations, about 90% supported relaxation of security of tenure. About 70% of the organizations in support of relaxation favoured abolition in one go (Option C); about 24% preferred a grace period approach (Option D); about 2% chose the rateable value approach (Option A) while no organization favoured removing security of tenure for new tenancies only (Option B);

- (c) Among the professional organizations which commented on the Consultation Paper, Hong Kong Bar Association is the only one which questioned the logic of relaxing security of tenure restrictions. The salient points made by the Bar Association are -
- (i) there is no evidence to suggest that protection of tenants has impeded the free operation of the private market and discouraged investors from renting out their properties;
  - (ii) it is not necessarily excessive to give well-behaved tenants longer stay in their homes if they wish and if the landlord has no need of the property for his own use or for redevelopment;
  - (iii) the social cost of absolving developers from paying statutory compensation is not addressed; and
  - (iv) all existing tenants should be given the right to one further renewal;

12. We also conducted a telephone survey to gauge views from the community at large. The results are as follows -

Views from telephone survey

- (a) Of the 2 006 respondents, about 63% supported relaxation of security of tenure; about 17% objected; and the rest had no views. Among the respondents who supported relaxation, about 82% favoured a grace period approach (Option D), and about 14% preferred abolition in one go (Option C); and
- (b) Among the respondents who supported relaxation on a selective basis, about 42% supported lifting security of tenure only for tenancies above a certain rental level (Option A), and about 23% preferred relaxation for new tenancies only (Option B).

13. About 74% of the 112 Consultation Paper respondents (including organizations) who expressed views on the existing notice requirement for terminating non-domestic tenancies were in favour of dispensing with the requirement.

### ***General Views of Respondents***

14. The consultation results indicate that the community and relevant organizations generally favour across-the-board abolition of security of tenure either in one go or with a grace period. Many of them consider that security of tenure protection for tenants is no longer necessary for various reasons, such as: ample supply of flats in the private rental market; drastic decrease in rentals in recent years and considerable strengthening of tenants' bargaining powers in general. There is also a widely shared view that entering into or renewing tenancies are contractual matters between private parties, and the market should be allowed to operate freely without undue government intervention.

15. On the minimum notice requirement for terminating non-domestic tenancies, the general view was that tenancy terms should be agreed between the landlord and the tenant, and a rigid notice requirement should not be necessary.

### **THE BILL**

#### ***Removal of Security of Tenure for Domestic Tenancies***

16. The Bill seeks to remove the existing security of tenure restrictions by a date to be appointed by the Secretary for Housing, Planning and Lands. We propose that the appointed date for commencement of the legislation should be two months after the passage of the Bill but, at the very latest, June 2004 (before the current LegCo is due to lapse). This would be tantamount to providing a transitional period covering the period from the passage of the Bill to the appointed date of commencement, so that both landlords and tenants are clear about the exact date on which the Bill is to come into force.

17. Under this proposal, the security of tenure provisions under LTO would, from the appointed commencement date onward, no longer be applicable to any tenancies, except tenancies which were in force immediately prior to the appointed date -

- (a) in respect of which the landlord has served a notice of tenancy termination on the tenant before the appointed date. If the tenant succeeds in opposing the landlord's request for termination, the tenant would be entitled to one more tenancy renewal (typically a two-year term); or
- (b) in respect of which the tenant has served a notice of tenancy renewal on the landlord before the appointed date.

If the tenant's request is successful, he would be entitled to one more tenancy renewal.

18. The proposed approach is administratively straightforward and is easy for the public to understand since security of tenure restrictions in general would cease from the appointed commencement date onwards. The time gap between the passage of the Bill and the appointed date of commencement would allow time for landlords and tenants to prepare for the change and would particularly be useful for tenancy renewal in the run-up to the appointed commencement date.

### ***Removal of Minimum Notice Requirement for Non-Domestic Tenancies***

19. In view of the public feedback largely in favour of removing the notice requirement and our policy objective to minimize intervention in the property market, we propose to remove the notice requirement for terminating non-domestic tenancies under Part V of LTO. With this requirement removed, landlords and tenants would be free to agree between themselves on the notice period for terminating non-domestic tenancies. This would not adversely affect the interest of non-domestic tenants because given the ample supply of non-domestic rental units in the market, tenants now have much greater bargaining powers than before to negotiate longer notice periods if they wish.

20. The main provisions of the Bill are -

- (a) **Clause 3** repeals the security of tenure provisions under Part IV of LTO (in respect of private residential tenancies);
- (b) **Clause 4** simplifies the procedure for notifying the Commissioner of Rating and Valuation (CRV) of private residential tenancies entered into or renewed after abolition of security of tenure;
- (c) **Clause 5** is the savings clause in respect of Clause 3 and provides for situations where security of tenure protection would continue to apply until a certain time (e.g. where the relevant tenancy renewal notices under the existing provisions have been served by the parties);
- (d) **Clause 6** repeals the minimum notice provisions under Part V of LTO (in respect of termination of non-domestic tenancies);
- (e) **Clause 7** is the savings clause in respect of Clause 6 and provides for situations where the notice requirement for

terminating non-domestic tenancies would continue to apply until a certain time; and

- (f) **Clauses 8 to 15 and the Schedule** make consequential amendments to LTO and other Ordinances.

B The existing provisions being amended are at Annex B.

### **LEGISLATIVE TIMETABLE**

21. The legislative timetable will be -
- |  |                |
|--|----------------|
| Publication in the Gazette   | 30 May 2003    |
| First Reading and commencement of Second Reading debate                | 11 June 2003   |
| Resumption of Second Reading debate, committee stage and Third Reading | to be notified |

### **IMPLICATIONS OF THE BILL**

22. The Bill is in conformity with the Basic Law, including the provisions concerning human rights. It has no productivity and environmental implications, but it has economic, financial and civil service implications.

### **ECONOMIC IMPLICATIONS**

23. Removal of security of tenure is conducive to the efficient operation of the private residential market.

### **FINANCIAL AND CIVIL SERVICE IMPLICATIONS**

24. Removing security of tenure for domestic tenancies and the minimum notice requirement for non-domestic tenancies will not incur additional expenditure. Upon complete removal of security of tenure, there will be an estimated loss of revenue of around \$1.5 million per year resulting from the consequential removal of the fee charging services on endorsement of short-term tenancy agreements under LTO. Currently, certain short-term tenancy agreements (e.g. service

apartment tenancies) may be excluded from security of tenure restrictions subject to CRV's endorsement (for a fee).

25. The removal of security of tenure will result in the deletion of 24 posts in the Landlord and Tenant Services Division of the Rating and Valuation Department with an annual staff cost saving of \$12.4 million.

## **PUBLIC CONSULTATION**

26. We issued a Consultation Paper on 22 January 2003 to invite views from the public and relevant professional bodies and organizations. During the two-month consultation period, we also organized a public forum (attended by over 100 persons) to explain the proposals to the public and to gather views. We also briefed political parties, interested organizations and resident groups on the proposals. A telephone survey was carried out to further gauge the views of the community at large on the proposals.

27. We consulted the LegCo Panel on Housing on the proposals on 14 February 2003 and on the results of consultation, on 7 April 2003. The Panel generally supported in principle the idea of relaxing security of tenure.

## **PUBLICITY**

28. A press release will be issued. A spokesman will be available to answer media enquiries.

29. After enactment of the Bill, intensive publicity will be launched to inform the public of the details of the new arrangement, particularly with regard to the option available to eligible existing tenants who may serve notice for tenancy renewal before the appointed commencement date and would be entitled to one more tenancy renewal if the request is successful.

## **ENQUIRIES**

30. For enquiries, please contact Mr Gilbert Ko, Assistant Director of Housing (Private Housing), at 2761 5039.

**Housing, Planning and Lands Bureau**  
**27 May 2003**



**LANDLORD AND TENANT (CONSOLIDATION)  
(AMENDMENT) BILL 2003**

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A BILL

To

Amend Parts IV and V of the Landlord and Tenant (Consolidation) Ordinance and to make consequential amendments.

Enacted by the Legislative Council.

PART 1

PRELIMINARY

**1. Short title and commencement**

(1) This Ordinance may be cited as the Landlord and Tenant (Consolidation)(Amendment) Ordinance 2003.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Housing, Planning and Lands by notice published in the Gazette.

**2. Interpretation**

In this Ordinance -

"appointed day" (指定日期) means the day appointed under section 1(2)

for the commencement of this Ordinance;

"Part IV" (第IV部) and "Part V" (第V部) mean respectively Part IV

and Part V of the principal Ordinance;

"principal Ordinance" (主體條例) means the Landlord and Tenant

(Consolidation) Ordinance (Cap. 7);

"Tribunal" (審裁處) means the Lands Tribunal established under the Lands Tribunal Ordinance (Cap. 17).

PART 2

AMENDMENTS TO PART IV

**3. Provisions repealed**

The following provisions of Part IV are repealed -

- (a) section 116(3), (4) and (4A) - Application of this Part;
- (b) section 117(1) and (2) - Continuation of tenancies and grant of new tenancies;
- (c) section 118 - Notices given before this Part applies;
- (d) section 119 - Termination of tenancy by the landlord;
- (e) section 119A - Tenant's request for a new tenancy;
- (f) section 119AA (as added by section 14 of the Landlord and Tenant (Consolidation)(Amendment) Ordinance 2002 (32 of 2002)) - Request to Commissioner for tenancy information;
- (g) section 119B - Termination by tenant of tenancy for fixed term;
- (h) section 119C - Renewal of tenancies by agreement;
- (i) section 119D - Order by Tribunal for grant of a new tenancy;

- (j) section 119E - Opposition by landlord to application for new tenancy;
- (k) section 119F - Additional provisions regarding opposition on ground of intention to rebuild;
- (l) section 119FA - New tenancy of part of premises;
- (m) section 119FB (as added by section 19 of the Landlord and Tenant (Consolidation)(Amendment) Ordinance 2002 (32 of 2002)) - Certificate stating rateable value and compensation payable under section 119F(4) in respect of premises;
- (n) section 119G - Dismissal of application for new tenancy where landlord successfully opposes;
- (o) section 119H - Penalties;
- (p) section 119I - Duration of new tenancy;
- (q) section 119J - Other terms of new tenancy;
- (r) section 119K - Rent under new tenancy;
- (s) section 119M - Carrying out of order for new tenancy;
- (t) section 119N - Interim continuation of tenancies pending determination by Tribunal;
- (u) section 119NA - Rent where new tenancy refused etc.;
- (v) section 119O - Short tenancies;
- (w) section 119P - Sub-tenancies;
- (x) section 119Q - Appeals.

**4. Endorsement of tenancy agreement**

Section 119L is amended by repealing subsection (1) and substituting -

"(1) Where the parties enter into or renew a tenancy to which this Part applies, the landlord shall lodge with the Commissioner a notice in the specified form, and the Commissioner shall -

- (a) endorse the notice with the date of its receipt; and
- (b) notify both parties of the receipt of the notice."

**5. Savings in respect of Part IV**

(1) In the case of a tenancy to which Part IV applies and which is in existence on the day before the appointed day, if -

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

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

then on and after the appointed day -

- (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 appointed day, a tenancy to which Part IV applies and which is in existence on the day before the appointed day, but in respect of which no notice or request has been given or made before the appointed day 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 appointed day, 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 day.

(4) If, on the appointed day, 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 day.

(5) Proceedings relating to Part IV which are pending in the Tribunal on the appointed day, and decisions of the Tribunal relating to that Part which have not been given effect to on that day, may respectively continue and be given effect to on and after the appointed day 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 appointed day.

### PART 3

#### AMENDMENTS TO PART V

#### **6. Sections repealed**

The following sections of Part V are repealed -

- (a) section 122 - Minimum length of notice to determine tenancy;
- (b) section 124 - Landlord may substitute notice;
- (c) section 127 - Saving of rights arising out of breach of tenancy.

#### **7. Savings in respect of Part V**

(1) Notwithstanding the repeal of section 122 of the principal Ordinance on the appointed day -

- (a) a notice of termination served under section 122(1) of that Ordinance before that day shall have effect in relation to the tenancy to which it applies; and



- (b) the definition of "notice of termination" in section 120A of that Ordinance shall continue to apply in relation to that tenancy.

(2) On and after the appointed day, a tenancy to which Part V applies and which is in existence on the day before the appointed day, but in respect of which no notice of termination has been served before the appointed day under section 122(1) 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 122(4) of that Ordinance, may be terminated either as a month to month tenancy or as agreed between the parties.

(3) Proceedings relating to Part V which are pending in the Tribunal on the appointed day, and decisions of the Tribunal relating to that Part which have not been given effect to on that day, may respectively continue and be given effect to on and after the appointed day notwithstanding the repeal of certain provisions of that Part by section 6 of this Ordinance.

(4) Proceedings relating to provisions of Part V saved by this section may be commenced in the Tribunal on or after the appointed day.

PART 4

CONSEQUENTIAL AMENDMENTS

**Consequential amendments to principal Ordinance**

**8. Interpretation**

Section 115 is amended -

- (a) by repealing the definitions "current tenancy", "date of termination" and "prevailing market rent";
- (b) in the definition of "tenancy" -
  - (i) in paragraph (a) by adding "and" at the end;
  - (ii) in paragraph (b) by repealing "and" at the end;
  - (iii) by repealing paragraph (c).

**9. Application of this Part**

Section 116 is amended -

- (a) in subsection (1) by repealing "subsections (2) and (3)" and substituting "subsection (2)";
- (b) in subsection (2)(d) by repealing "or an authority by the Commissioner under section 119H(2)(a)".

**10. Proceedings**

Section 119S is amended -

- (a) in subsection (2) by repealing ", 117(1) or 119F(5)";

- (b) in subsection (4) by repealing "Subject to section 119Q, any" and substituting "Any".

**11. Exercise of powers of Commissioner**

Section 119T(1B) is amended -

- (a) in paragraph (a) by adding "and" at the end;
- (b) in paragraph (b) by repealing "; or" and substituting a full stop;
- (c) by repealing paragraph (c).

**12. Interpretation**

Section 120A is amended by repealing the definition "notice of termination".

**13. Application**

Section 121(2) is amended -

- (a) in paragraph (h) by adding "and" at the end;
- (b) in paragraph (j) by repealing the semicolon at the end and substituting a full stop;
- (c) by repealing paragraphs (k) and (l).

**14. Provisions transitional, etc. to the enactment of the Landlord and Tenant (Consolidation)(Amendment) Ordinance 2002**

Section 144 is amended by repealing subsection (6)(a) and subsection (7)(a).

**Consequential amendments to other enactments**

**15. Consequential amendments to other enactments**

The enactments specified in the Schedule are amended as set out in that Schedule.

SCHEDULE

[s. 15]

CONSEQUENTIAL AMENDMENTS TO OTHER ENACTMENTS

**Lands Tribunal Ordinance**

**1. Jurisdiction of the Tribunal**

Section 8 of the Lands Tribunal Ordinance (Cap. 17) is amended by adding -

"(10) The jurisdiction conferred by subsections (6), (7) and (8) in respect of tenancies to which Part IV or V of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) applies is subject to the repeal of certain provisions of those Parts by the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2003 ( of 2003)."

**2. Practice and procedure of Tribunal**

Section 10(2) is amended -

- (a) in paragraph (c) by adding "and" at the end;
- (b) in paragraph (d)(iii) by repealing "; and" and substituting a full stop;

(c) by repealing paragraph (e).

**3. Review of decision**

Section 11A(6) is amended by repealing ", or under section 119F(2),".

**Lands Tribunal Rules**

**4. Forms**

The Schedule to the Lands Tribunal Rules (Cap. 17 sub. leg. A) is amended in Form 7 by repealing "or requiring to occupy the premises (if notice of opposition under section 119E(1)(b) of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7))".

**Rating Ordinance**

**5. General powers of Commissioner**

Section 5(1B) of the Rating Ordinance (Cap. 116) is amended -

- (a) in paragraph (a) by adding "or" at the end;
- (b) in paragraph (b) by repealing "; or" and substituting a full stop;
- (c) by repealing paragraph (c).

**Government Rent (Assessment and  
Collection) Ordinance**

**6. General powers of Commissioner**

Section 31(1B) of the Government Rent (Assessment and  
Collection) Ordinance (Cap. 515) is amended -

- (a) in paragraph (a) by adding "or" at the end;
- (b) in paragraph (b) by repealing "; or" and  
substituting a full stop;
- (c) by repealing paragraph (c).

**Electronic Transactions (Exclusion) Order**

**7. Provisions excluded from application  
of section 5 of Ordinance**

Schedule 1 to the Electronic Transactions (Exclusion) Order  
(Cap. 553 sub. leg. B) is amended by repealing item 1.

**Mass Transit Railway Ordinance**

**8. Interests in land**

Section 47(a) of the Mass Transit Railway Ordinance (Cap. 556)  
is amended by repealing ", 119E(2) or 119H(1)(a)".

**Hong Kong Red Cross Ordinance**

**9. Interests in land**

Section 12C(a) of the Hong Kong Red Cross Ordinance (Cap. 1129) is amended by repealing ", 119E(2) or 119H(1)(a)".

**Standard Chartered Asia Limited Ordinance**

**10. Vesting of interests in land**

Section 12(a) of the Standard Chartered Asia Limited Ordinance (Cap. 1136) is repealed.

**Lloyds Bank (Merger) Ordinance**

**11. Interests in land**

Section 12(a) of the Lloyds Bank (Merger) Ordinance (Cap. 1137) is repealed.

**Royal Bank of Scotland Ordinance**

**12. Transfer of interests in land  
and other property**

Section 16(a) of the Royal Bank of Scotland Ordinance (Cap. 1138) is amended by repealing "or a purchase or creation of an interest in land for the purposes of section 119E(2) of that Ordinance".

**Deutsche Bank (Merger) Ordinance**

**13. Interests in land**

Section 12(a) of the Deutsche Bank (Merger) Ordinance (Cap. 1142) is repealed.

**Rainier International Bank (Transfer of  
Hong Kong Undertaking) Ordinance**

**14. Interests in land**

Section 11(a) of the Rainier International Bank (Transfer of Hong Kong Undertaking) Ordinance (Cap. 1144) is repealed.

**First Pacific Bank Limited Ordinance**

**15. Interests in land**

Section 13(a) of the First Pacific Bank Limited Ordinance (Cap. 1146) is repealed.

**Dao Heng Bank Limited Ordinance**

**16. Interests in land**

Section 14(a) of the Dao Heng Bank Limited Ordinance (Cap. 1152) is amended by repealing ", 53(7)(a), 119E(2) or 119H(1)(a)" and substituting "or 53(7)(a)".



**Middle East Finance International Limited (Transfer  
of Undertaking) Ordinance**

**17. Interests in land**

Section 14(a) of the Middle East Finance International Limited (Transfer of Undertaking) Ordinance (Cap. 1154) is amended by repealing ", 53(7)(a), 119E(2) or 119H(1)(a)" and substituting "or 53(7)(a)".

**The Christian and Missionary Alliance (Transfer  
of Hong Kong Immovable Property) Ordinance**

**18. Interests in land**

Section 8(a) of The Christian and Missionary Alliance (Transfer of Hong Kong Immovable Property) Ordinance (Cap. 1155) is amended by repealing "section 119E(2) of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) or".

**Bank of Tokyo-Mitsubishi Ordinance**

**19. Interests in land**

Section 14(a) of the Bank of Tokyo-Mitsubishi Ordinance (Cap. 1160) is repealed.

**The Bank of Tokyo-Mitsubishi (Merger of  
Subsidiaries) Ordinance**

**20. Interests in land**

Section 16(a) of The Bank of Tokyo-Mitsubishi (Merger of Subsidiaries) Ordinance (Cap. 1161) is amended by repealing “, 119E(2) or 119H(a)”.

**Hong Kong St. John Ambulance Incorporation Ordinance**

**21. Vesting of property**

Section 6(4)(a) of the Hong Kong St. John Ambulance Incorporation Ordinance (Cap. 1164) is amended by repealing “, 119E(2) or 119H(1)(a)”.

**Bank of China (Hong Kong) Limited (Merger) Ordinance**

**22. Interests in land**

Section 18(1)(a) of the Bank of China (Hong Kong) Limited (Merger) Ordinance (Cap. 1167) is amended by repealing “, 119E(2) or 119H(1)(a)”.

**The Bank of East Asia, Limited Ordinance**

**23. Interests in land**

Section 15(1)(a) of The Bank of East Asia, Limited Ordinance (Cap. 1168) is amended by repealing “, 119E(2) or 119H(1)(a)”.

**Mizuho Corporate Bank, Ltd. (Hong Kong  
Consolidation) Ordinance**

**24. Interests in land**

Section 13(1)(a) of the Mizuho Corporate Bank, Ltd. (Hong Kong Consolidation) Ordinance (Cap. 1169) is amended by repealing ", 119E(2) or 119H(1)(a)".

**The Bank of East Asia, Limited (Merger) Ordinance**

**25. Interests in land**

Section 15(1)(a) of The Bank of East Asia, Limited (Merger) Ordinance (Cap. 1170) is amended by repealing ", 119E(2) or 119H(1)(a)".

**CITIC Ka Wah Bank Limited (Merger) Ordinance**

**26. Interests in land**

Section 16(1)(a) of the CITIC Ka Wah Bank Limited (Merger) Ordinance (Cap. 1171) is amended by repealing ", 119E(2) or 119H(1)(a)".

**Dao Heng Bank Limited (Merger) Ordinance**

**27. Interests in land**

Section 16(1)(a) of the Dao Heng Bank Limited (Merger) Ordinance (11 of 2003) is amended by repealing “, 119E(2) or 119H(1)(a)”.

**The Bank of East Asia, Limited (Merger  
of Subsidiaries) Ordinance**

**28. Interests in land**

Section 14(1)(a) of The Bank of East Asia, Limited (Merger of Subsidiaries) Ordinance (13 of 2003) is amended by repealing “, 119E(2) or 119H(1)(a)”.

**Explanatory Memorandum**

Part IV of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (“LTO”) provides security of tenure to most private domestic tenancies by entitling the tenant to apply for a new tenancy. Part V of the LTO imposes minimum notice requirements on the termination of non-domestic tenancies. The purpose of this Bill is to repeal the operative provisions of both Parts IV and V of the LTO in order to allow the rental market in both domestic and non-domestic tenancies to operate as freely as possible. The Bill also makes consequential amendments to certain other Ordinances.

2. Part 1 provides a short title, and empowers the Secretary for Housing, Planning and Lands to appoint a day for the commencement of the Ordinance if enacted. That day is defined as the "appointed day" in clause 2, which also defines "principal Ordinance" and certain other terms used in the Bill.

3. Part 2 repeals the provisions of Part IV of the LTO which deal with security of tenure (clause 3), but with savings in respect of notices given or requests made before the appointed day, tenancies which continue after the appointed day, and decisions of the Lands Tribunal extant on the appointed day (clause 5).

4. Clause 4 amends section 119L of the LTO to simplify the procedure for giving notice to the Commissioner of Rating and Valuation.

5. Part 3 repeals the sections of Part V of the LTO which deal with notice of termination (clause 6), but with savings in respect of notices served before the appointed day, tenancies which continue after the appointed day, and decisions of the Lands Tribunal extant on the appointed day (clause 7).

6. Part 4 makes consequential amendments to the LTO (clauses 8 to 14) and to other Ordinances (clause 15 and the Schedule). An amendment to section 8 of the Lands Tribunal Ordinance (Cap. 17) provides that the jurisdiction of the Lands Tribunal in respect of Parts IV and V of the LTO will be subject to the repeals effected by the Bill when enacted.

Chapter: 7 Title: LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE Gazette Number:

Section: 116 Heading: **Application of this Part** Version Date: 27/12/2002

- (1) Subject to subsections (2) and (3), this Part applies to any domestic tenancy-
  - (a) notwithstanding any provision in such tenancy, including any provision purporting generally or specifically to exclude this Part; and
  - (b) including any domestic tenancy to which Part I or Part II has ceased to apply. (Replaced 53 of 1993 s. 28)
- (1A)-(1B) (Repealed 53 of 1993 s. 28)
- (2) This Part shall not apply to any tenancy-
  - (a) to which Part I or Part II applies; or
  - (b) of land unbuilt on; or (Replaced 53 of 1993 s. 28)
  - (ba) of agricultural land, which expression shall have the meaning assigned to it by section 36 of the Rating Ordinance (Cap 116), including such a tenancy where there is on the land a dwelling house occupied by persons working the land; or (Added 53 of 1993 s. 28)
  - (bb) where the landlord is the employer and the tenant is the employee in possession of the premises in accordance with the terms and conditions of his employment, being terms and conditions which require him to vacate the accommodation on ceasing to be so employed; or (Added 53 of 1993 s. 28)
  - (bc) held from the Government, the Hong Kong Housing Authority, the Hong Kong Housing Society or the Hong Kong Settlers Housing Corporation Limited, or a sub-tenancy created out of such a tenancy; or (Added 53 of 1993 s. 28. Amended 29 of 1998 s. 105)
  - (bd) in writing created after 18 December 1981 for a fixed term of 5 years or longer which contains no provision-
    - (i) for earlier determination by the landlord otherwise than by forfeiture; and
    - (ii) for any premium or fine or for any increase in the rent during the fixed term; or (Added 53 of 1993 s. 28)
  - (c) of premises which is subsisting at the time an order under section 4 is made in respect of those premises; or (Added 29 of 1983 s. 30)
  - (d) which is entered into under an authority under section 53(7A)(a)(ii) or an authority by the Commissioner under section 119H (2)(a). (Added 29 of 1983 s. 30)
- (3) This Part shall not apply to a tenancy entered into in writing for a term not exceeding 1 year which is endorsed by the Commissioner under subsection (4).
- (4) When the Commissioner is satisfied that a tenancy mentioned in subsection (3)-
  - (a) has been entered into for a period during which, or for most of which, the landlord will be absent from Hong Kong or for any other special reason acceptable to the Commissioner, the landlord is unable to, or does not wish to, occupy the premises; or
  - (b) is a tenancy (which is not a sub-tenancy) of premises-

- (i) which are, in his opinion, fully furnished; and
- (ii) in respect of which the landlord is obliged by the terms of the tenancy to maintain and repair the premises, furnishings and fittings; or
- (c) is a sub-tenancy of premises which are-
  - (i) in his opinion, fully furnished and in respect of which the principal tenant is obliged by the terms of the sub-tenancy to maintain and repair the premises, furnishings and fittings; and
  - (ii) under a principal tenancy which is excluded under paragraph (b),

and that the tenant or sub-tenant understands the effect of excluding the tenancy or sub-tenancy from this Part, he may endorse the agreement to the effect that this Part does not apply to the tenancy or sub-tenancy. (Replaced 40 of 1984 s. 32. Amended 32 of 1985 s. 19)

(4A) An application to the Commissioner for his endorsement under subsection (4) shall be in the specified form and accompanied by such fee as may be determined by the Financial Secretary by notice published in the Gazette. (Added 32 of 1985 s.19. Amended 32 of 2002 s. 10)

- (5) (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 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; 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, daughter or son.
- (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. (Added 29 of 1983 s. 30)
- (c) The benefits and protection afforded by this Part shall not be available to a personal representative of a deceased tenant 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. (Added 40 of 1984 s. 32)
- (6) (Repealed 40 of 1984 s. 32)

Section: **117**      Heading: **Continuation of tenancies and grant of new tenancies**      Version: 27/12/2002  
 Date:

### **Continuation and Renewal of Tenancies**

- (1) A tenancy shall not come to an end unless terminated in accordance with this Part; and a tenant may apply to the Lands Tribunal for a new tenancy-
  - (a) if the landlord has given notice under section 119 to terminate the tenancy; or
  - (b) if the tenant has made a request for a new tenancy under section 119A.
- (2) Subsection (1) shall not prevent the coming to an end of a tenancy by notice to quit given by the tenant, by surrender or forfeiture or by the forfeiture of a principal tenancy unless-
  - (a) in case of a notice to quit, the notice was given before the tenant had been in occupation in right of the tenancy for 1 month; or
  - (b) in the case of an instrument of surrender, it was executed before, or was executed in pursuance of an agreement made before, the tenant had been in occupation in right of the tenancy for 1 month.

- (3) In the case of a tenancy entered into on or after the commencement of this subsection-
- (a) if the tenancy does not contain a covenant to pay the rent on the due date, then there shall be implied in the tenancy-
    - (i) a covenant to pay the rent on the due date; and
    - (ii) a condition for forfeiture if that implied covenant is broken by virtue of non-payment of the rent within 15 days of the due date;
  - (b) if the tenancy-
    - (i) does contain a covenant to pay the rent on the due date; but
    - (ii) does not contain a condition for forfeiture if that covenant is broken by virtue of non-payment of the rent,then there shall be implied in the tenancy a condition for forfeiture if that covenant is broken by virtue of non-payment of the rent within 15 days of the due date;
  - (c) if the tenancy does not contain a covenant substantially to the effect that the tenant not use, or suffer or permit the use of, the premises or any part thereof for an immoral or illegal purpose, then there shall be implied in the tenancy-
    - (i) a covenant that the tenant not use, or suffer or permit the use of, the premises or any part thereof for an immoral or illegal purpose; and
    - (ii) a condition for forfeiture if that implied covenant is broken;
  - (d) if the tenancy-
    - (i) does contain a covenant substantially to the effect that the tenant not use, or suffer or permit the use of, the premises or any part thereof for an immoral or illegal purpose; but
    - (ii) does not contain a condition for forfeiture if that covenant is broken,then there shall be implied in the tenancy a condition for forfeiture if that covenant is broken;
  - (e) if the tenancy does not contain a covenant substantially to the effect that the tenant not cause unnecessary annoyance, inconvenience or disturbance to the landlord or to any other person, then there shall be implied in the tenancy-
    - (i) a covenant that the tenant not cause unnecessary annoyance, inconvenience or disturbance to the landlord or to any other person; and
    - (ii) a condition for forfeiture if that implied covenant is broken;
  - (f) if the tenancy-
    - (i) does contain a covenant substantially to the effect that the tenant not cause unnecessary annoyance, inconvenience or disturbance to the landlord or to any other person; but
    - (ii) does not contain a condition for forfeiture if that covenant is broken,then there shall be implied in the tenancy a condition for forfeiture if that covenant is broken;
  - (g) if the tenancy does not contain a covenant substantially to the effect that the tenant not make any structural alteration to, or suffer or permit any structural alteration to, the premises without the prior written consent of the landlord, then there shall be implied in the tenancy-
    - (i) a covenant that the tenant not make any structural alteration to, or suffer or permit any structural alteration to, the premises without the prior written consent of the landlord; and
    - (ii) a condition for forfeiture if that implied covenant is broken; and
  - (h) if the tenancy-
    - (i) does contain a covenant substantially to the effect that the tenant not make any structural alteration to, or suffer or permit any structural alteration to, the premises without the prior written consent of the landlord; but
    - (ii) does not contain a condition for forfeiture if that covenant is broken,



then there shall be implied in the tenancy a condition for forfeiture if that covenant is broken. (Added 32 of 2002 s. 11)

(4) For the avoidance of doubt, it is hereby declared that, for the purposes of subsection (3)(b)(ii), (d)(ii), (f)(ii) or (h)(ii), a tenancy mentioned in that subsection which contains a condition for forfeiture which may not be exercised solely on the ground mentioned in that subsection is, notwithstanding that, still a tenancy which contains a condition for forfeiture mentioned in that subsection. (Added 32 of 2002 s. 11)

(5) It is hereby declared that-

- (a) subsection (3)(a) and (b) shall have effect subject to section 58(4) and (10) of the Conveyancing and Property Ordinance (Cap 219) (and notwithstanding subsection (14) of that section);
- (b) subsection (3)(c), (d), (e), (f), (g) and (h) shall have effect subject to section 58(1) to (13) of the Conveyancing and Property Ordinance (Cap 219) (and notwithstanding subsection (14) of that section);
- (c) for the purposes of subsection (3)(e) and (f), the persistent delay of payment of rent is unnecessary annoyance, inconvenience or disturbance. (Added 32 of 2002 s. 11)

[cf. 1954 c. 56 s. 24 U.K.]

Section: **118**      Heading: **Notices given before  
this Part applies**      Version      30/06/1997  
Date:

(1) Where, at a time when a tenancy is not one to which this Part applies, the landlord gives notice to quit or of termination under Part V or otherwise and the notice expires when the tenancy is one to which this Part applies, the notice shall have no effect.

(2) This section shall not apply to re-entry where the tenant has given cause for forfeiture.

(3) This section shall apply to notices given before 19 December 1981 as well as after that date.

Section: **119**      Heading: **Termination of  
tenancy by the  
landlord**      Version      27/12/2002  
Date:

(1) Subject to section 119N, the landlord may terminate a tenancy by a notice given to the tenant in the specified form stating the date of termination. (See Form CR 101 in G.N. 3919 in Gazette No. 53 of 1981)

(2) Subject to subsection (3), a notice under this section shall not have effect unless it is given not more than 4 nor less than 3 months before the date of termination. (Amended 32 of 2002 s. 12)

(3) (a) In the case of a tenancy which, apart from this Part, could have been brought to an end by notice to quit given by the landlord, the date of termination shall not be earlier than the earliest date on which, apart from this Part, the tenancy could have been brought to an end by notice to quit given by the landlord on the date of the giving of the notice under this section.

(b) In the case of any other tenancy, a notice under this section shall not specify a date of termination earlier than the date on which apart from this Part the tenancy would have come to an end by effluxion of time.

(4) A notice under this section shall not have effect unless it requires the tenant, within 1 month after the giving of the notice, to notify the landlord in the specified form whether or not, at the date of termination, the tenant will be willing to give up possession of the premises comprised in the tenancy. (See Form CR 102) (Amended 32 of 2002 s. 12)

(5) A notice under this section shall not have effect unless it states whether the landlord would oppose an application to the Tribunal under this Part for the grant of a new tenancy and, if so, also states on which of the grounds mentioned in section 119E he would do so.

[cf. 1954 c. 56 s. 25 U.K.]

Section: **119A** Heading: **Tenant's request for a new tenancy** Version 27/12/2002  
Date:

(1) A tenant under a current tenancy may make a request to the landlord for a new tenancy. (See Form CR 103 in G.N. 3919 in Gazette No. 53 of 1981)

(2) A tenant's request for a new tenancy shall be for a tenancy beginning with such date, not more than 4 nor less than 3 months after the making of the request, as may be specified therein: (Amended 32 of 2002 s. 13)

Provided that the date shall not be earlier than the date on which, apart from this Part, the current tenancy would come to an end by effluxion of time or could be brought to an end by notice to quit given by the tenant.

(3) A tenant's request for a new tenancy shall not have effect unless it is made by notice in the specified form given to the landlord.

(4) A tenant's request for a new tenancy shall not be made if the landlord has already given notice under section 119 to terminate the current tenancy, or if the tenant has already given notice to quit or notice under section 119B; and no notice under section 119 shall be given after the making by the tenant of a request for a new tenancy. (Amended 29 of 1983 s. 31)

(5) Where the tenant makes a request for a new tenancy in accordance with this section, the current tenancy shall, subject to sections 119M(2) and 119N, terminate immediately before the date specified in the request for the beginning of the new tenancy.

(6) Within 1 month of the making of a tenant's request for a new tenancy, the landlord may give notice in the specified form to the tenant that he will oppose an application to the Tribunal for the grant of a new tenancy; and any such notice shall state on which of the grounds mentioned in section 119E the landlord will oppose the application. (See Form CR 104) (Amended 32 of 2002 s. 13)

[cf. 1954 c. 56 s. 26 U.K.]

Section: **119B** Heading: **Termination by tenant of tenancy for fixed term** Version 30/06/1997  
Date:

(1) Where the tenant under a current tenancy gives to the landlord, not later than 1 month before the date on which, apart from this Part, the tenancy would come to an end by effluxion of time, a notice in writing that the tenant does not desire the tenancy to be continued, section 117 shall not have effect in relation to the tenancy, unless the notice is given before the tenant has been in occupation in right of the tenancy for 1 month.

(2) A tenancy which is continuing by virtue of section 117 may be brought to an end by not less than 1 month's notice in writing given by the tenant to the landlord, whether the notice is given after the date on which, apart from this Part, the tenancy would have come to an end or before that date, but not before the tenant has been in occupation in right of the tenancy for 1 month.

[cf. 1954 c. 56 s. 27 U.K.]

Section: **119C** Heading: **Renewal of tenancies by agreement** Version: 27/02/2002  
Date:

(1) Where the landlord and tenant agree for the grant to the tenant of a future tenancy of the premises on terms and from a date specified in the agreement, the current tenancy shall continue until that date but no longer and shall not be a tenancy to which this Part applies:

Provided that an agreement for the grant of a future tenancy before the tenant has been in occupation in right of the current tenancy for 1 month shall not be enforceable by the landlord.

(2) Where the landlord and tenant agree for the grant to the tenant of a future tenancy but are unable to agree-

- (a) only on the rent payable; or
- (b) on the terms of the future tenancy (which may include the rent payable),

then-

- (i) where paragraph (a) is applicable, the parties may refer the rent for determination by the Tribunal or by a valuation surveyor appointed by the Tribunal under section 119K and that section shall apply accordingly (except that the tenant may, within 1 month of the determination, serve a notice on the landlord declining to accept the future tenancy, in which case the current tenancy shall continue for such period, not exceeding 2 months from the date of delivery of the notice to the landlord, as the tenant shall state in the notice);
- (ii) where paragraph (b) is applicable, the parties may refer the terms for determination by the Tribunal which, in determining those terms, shall have regard to the terms of the current tenancy and to all relevant circumstances (except that the tenant may, within 1 month of the determination, serve a notice on the landlord declining to accept the future tenancy, in which case the current tenancy shall continue for such period, not exceeding 2 months from the date of delivery of the notice to the landlord, as the tenant shall state in the notice). (Replaced 32 of 2002 s. 15)

[cf. 1954 c. 56 s. 28 U.K.]

Section: **119D** Heading: **Order by Tribunal for grant of a new tenancy** Version 27/12/2002  
Date:

### **Application to Tribunal for new tenancy**

- (1) Subject to section 119G, on an application under section 117(1) the Tribunal shall make an order for the grant of a new tenancy.
- (2) Subject to subsection (4), where an application under section 117(1) is made in consequence of a notice given by the landlord under section 119, the application shall not be entertained unless the tenant has notified the landlord in accordance with that notice that he will not be willing at the date of termination to give up possession of the premises comprised in the tenancy. (Amended 32 of 2002 s. 16)
- (3) (a) Subject to subsection (4), no application under section 117(1) shall be entertained if it is made- (Amended 32 of 2002 s. 16)
- (i) less than 1 month after, either, the giving of the landlord's notice under section 119 or, as the case may be, the making of the tenant's request for a new tenancy under section 119A; or (Amended 32 of 2002 s. 16)
  - (ii) (Repealed 32 of 2002 s. 16)
  - (iii) after the current tenancy has terminated in accordance with this Part.
- (b) (Repealed 32 of 2002 s. 16)
- (4) The Tribunal may for good cause entertain an application under section 117(1) notwithstanding that subsection (2) or (3) has not been complied with in respect of the application. (Added 32 of 2002 s. 16)

[cf. 1954 c. 56 s. 29 U.K.]

Section: **119E** Heading: **Opposition by landlord to application for new tenancy** Version 27/12/2002  
Date:

- (1) The grounds on which a landlord may oppose an application under section 117(1) are any of the following grounds, whether or not they were stated in the landlord's notice under section 119, or, as the case may be, the notice under section 119A(6)- (Amended 32 of 2002 s. 17)
- (a) any rent lawfully due from the tenant has not been paid or, where any covenant or condition of the tenancy has been broken or not performed, such breach or non-performance is, under the current tenancy, a cause of forfeiture;
  - (b) the premises or any part thereof are reasonably required by the landlord for occupation as a residence for himself, his father, his mother or any son or daughter of his over the age of 18: (Amended 29 of 1983 s. 33)
- Provided that the Tribunal shall not refuse to grant a new tenancy by reason only of this ground if-
- (i) in the case of a tenancy, the tenant satisfies the Tribunal that in all the circumstances

of the case, it would manifestly not be just and equitable to refuse to grant a new tenancy; or

- (ii) in the case of a sub-tenancy, the Tribunal is satisfied, in all the circumstances of the case, including the question whether other accommodation is available for the principal tenant or the sub-tenant, greater hardship would be caused by refusing to grant a new tenancy than by granting one;
- (c) the landlord intends to rebuild the premises;
- (d) the tenant has caused unnecessary annoyance, inconvenience or disturbance to the landlord or to any other person:

Provided that no ground shall be established under this paragraph unless the Tribunal is satisfied that the annoyance, inconvenience or disturbance had continued after a warning in writing had been served by the landlord on the tenant causing the same;

- (e) the tenant has used, or has suffered or permitted the use of, the premises of which he is the tenant or any part thereof, for an immoral or illegal purpose;
- (f) the tenant has sublet the whole or any part of the premises of which he is tenant and does not occupy any part of the premises as his dwelling. (Added 29 of 1983 s. 33)

(2) The landlord shall not be entitled to oppose an application on the ground specified in paragraph (b) of subsection (1) if the interest of the landlord, or an interest which has merged in that interest and but for the merger would be the interest of the landlord, was acquired after the beginning of the period of 12 months which ends with the termination of the current tenancy, and at all times since the acquisition thereof the premises have been comprised in a tenancy or successive tenancies of the description specified in section 116(1).

(2A) For the purposes of subsection (1)(b)-

"landlord" (業主) includes one or more landlords, holding the premises jointly or in common, with the other landlord or landlords so holding assenting to the opposition to an application under section 117(1); and

"his father, his mother or any son or daughter of his" (其父親、母親、兒子或女兒) includes the father, mother, son or daughter of one or more landlords, holding the premises jointly or in common, with other landlord or landlords so holding assenting to the opposition to an application under section 117(1). (Added 29 of 1983 s. 33)

(3) For the purpose of subsection (1)(d), a tenant who persistently fails to pay rent as and when it falls due may be regarded as causing unnecessary inconvenience to the landlord.

[cf. 1954 c. 56 s. 30 U.K.]

Section: **119F**    Heading: **Additional provisions regarding opposition on ground of intention to rebuild**    Version: 27/12/2002    Date:

(1) The Tribunal shall not decline to make an order for the grant of a new tenancy on the ground mentioned in paragraph (c) of section 119E(1) unless, in addition, the landlord establishes that-

- (a) the rebuilding will result in an increase in the number of dwellings or in accommodation for domestic use or in accommodation for other than domestic use; and, if for other than domestic use, the site of the premises is suitable for the intended use; or

- (b) the rebuilding is in the public interest; or
- (c) the expenditure required to restore or repair the premises would not be economically reasonable,

and, where the approval or authority of any person is required in respect of the rebuilding, the Tribunal may-

- (i) state that the landlord has established the ground mentioned in paragraph (c) of section 119E(1) and one of the matters mentioned in paragraphs (a), (b) and (c) of this subsection;
- (ii) postpone the hearing of the application to enable the landlord to apply for that approval or authority; and
- (iii) if that approval or authority is obtained, but not otherwise, decline to make an order for the grant of a new tenancy.

(2) Where a landlord successfully opposes the grant of a new tenancy on the ground mentioned in paragraph (c) of section 119E(1), the Tribunal may impose any reasonable condition on the landlord in relation to his intention to rebuild the premises and shall order that compensation be paid to the tenant and-

- (a) that plans of the new building showing the number and size of any dwellings and other accommodation to be erected be lodged with the Tribunal and that the new building be erected to provide that number of dwellings and other accommodation; and (Amended 32 of 2002 s. 18)
- (b) that the rebuilding work (including any demolition that is required) be commenced, and the new building be ready for occupation, on the dates ordered. (Amended 29 of 1983 s. 34; 32 of 1985 s. 20)

(2A) For the purposes of any review under section 11A of the Lands Tribunal Ordinance (Cap 17), the time limit mentioned in that section shall not apply to a decision, other than in relation to the payment of compensation, under subsection (2). (Added 29 of 1983 s. 34)

(3) The Commissioner shall cause an order of the Tribunal made under this section to be registered by memorial in the Land Registry against the premises affected and the conditions imposed under subsection (2) shall be binding on and enforceable against any successors in title to the landlord. (Amended 8 of 1993 s. 2)

(4) (a) The compensation ordered by the Tribunal under subsection (2) shall be-

- (i) where the rateable value of the premises does not exceed \$30000, an amount equal to 7 times the rateable value;
- (ii) where the rateable value of the premises exceeds \$30000 and does not exceed \$60000, \$210000 plus 5 times the amount by which the rateable value exceeds \$30000;
- (iii) where the rateable value of the premises exceeds \$60000 and does not exceed \$90000, \$360000 plus 3 times the amount by which the rateable value exceeds \$60000;
- (iv) where the rateable value of the premises exceeds \$90000, \$450000 plus the amount equivalent to that by which the rateable value exceeds \$90000. (Replaced L.N. 153 of 1996)

(b) Where any part of premises (including all the premises) is let or sublet, compensation payable under this subsection to the tenant or sub-tenant shall be calculated on the same basis as is specified in paragraph (a) as if any reference in that paragraph to "premises" were a reference 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. (Replaced 32 of 2002 s. 18)

(c) Where it appears that any part of premises (including all the premises) is let or sublet, the Tribunal may call upon the Commissioner for a certificate as to which part of the premises

is occupied by a tenant or sub-tenant, and to specify what amount of the rateable value of the premises is attributable to that part, and such a certificate purporting to be signed by or on behalf of the Commissioner shall be admissible in evidence for the purposes of paragraph (b) upon its mere production without further proof, subject to the right of any party, including any tenant or sub-tenant, to cross-examine the Commissioner or a public officer in his department nominated by the Commissioner for that purpose. (Amended 32 Of 2002 s. 18)

- (d) For the purposes of this subsection-
- "premises" (處所) means the subject of a tenancy (but without prejudice to the operation of paragraph (b)); (Added 32 of 2002 s. 18)
- "rateable value" (應課差餉租值) means (and without prejudice to the operation of paragraph (g))- (Amended 32 Of 2002 s. 18)
- (a) in the case of premises being a tenement that was, at the date of the landlord's submission to the Tribunal of his opposition to the grant of a new tenancy on the ground mentioned in section 119E(1)(c) pursuant to an application made under section 117(1), included in the valuation list in force under section 14 of the Rating Ordinance (Cap 116), the rateable value of those premises contained in that list on that date (disregarding any amendment or alteration to that list made after that date, even if retrospective); (Amended 22 of 1995 s. 36)
- (b) in any other case, the rateable value that would have been contained in that list on that date had the premises been included in that list, a certificate signed by the Commissioner as regards the premises for the purposes of this section being final and binding as to such value. (Replaced 53 of 1993 s. 29)
- (e) The method of calculating the compensation mentioned in paragraph (a) may be amended by resolution of the Legislative Council. (Replaced 40 of 1984 s. 33)
- (f) Where a landlord successfully opposes the grant of a new tenancy on the ground mentioned in section 119E(1)(c) pursuant to an application made under section 117(1) before the commencement of the Landlord and Tenant Consolidation) (Amendment Ordinance 1993 (53 of 1993), the definition of "rateable value" (應課差餉租值) in paragraph (d) shall be construed as if each reference to the date of the landlord's submission of his opposition were a reference to the date of that commencement. (Added 53 of 1993 s. 29)
- (g) Where-
- (i) any part of premises (including all the premises) is let or sublet; or
- (ii) a tenancy is of premises consisting of 2 or more dwellings,
- then the rateable value or values, as the case requires, of the premises may be determined by the apportionment (where subparagraph (i) is applicable) or aggregation (where subparagraph (ii) is applicable) of the rateable value or values concerned, or any combination thereof. (Added 32 of 2002 s. 18)
- (5) (a) Where there is a breach of a condition imposed under paragraph (a) of subsection (2) which results in fewer dwellings or less accommodation being erected than appeared in the plans lodged, the Tribunal may, on the application of the Commissioner, impose a penalty of a sum not exceeding what would have been the market value, at the time of the imposition, of the building if it had been erected in accordance with the plans.
- (b) Where there is a breach of a condition imposed under paragraph (b) of subsection (2), the Tribunal may, on the application of the Commissioner,-
- (i) where the landlord holds the premises under a Government lease or other tenancy from the Government, decree such breach to be a breach of covenant in the Government lease or of a condition or stipulation in the tenancy and a right of re-entry under the Government Rights (Re-entry and Vesting Remedies) Ordinance

- (Cap 126) shall accrue to the Government; or (Amended 29 of 1998 s. 5)
- (ii) in any case, impose a penalty not exceeding the market value of the premises at the time of the imposition of the penalty.
- (ba) In paragraph (b)(ii) (and without prejudice to the operation of paragraph (b)(i)), "premises" (處所) means the premises-
- (i) the subject of successful opposition to the grant of a new tenancy on the ground mentioned in paragraph (c) of section 119E(1); and
- (ii) in the state they were at the time of such opposition. (Added 32 of 2002 s. 18)
- (c) Where there is a breach of any other condition imposed under subsection (2), the Tribunal may, on the application of the Commissioner, impose a penalty payable to the general revenue of a sum not exceeding \$500000.
- (6) In this section, "dwelling" (住宅) means a building, or part of a building, which is designed and constructed for the purpose of separate occupation as a dwelling, whether or not it is subject to a separate tenancy. (Replaced 53 of 1993 s. 29)

Section: **119FA** Heading: **New tenancy of part of premises** Version: 30/06/1997  
Date:

Subject to section 119E(1)(b), where an application under section 117(1) is opposed on the ground mentioned in section 119E(1)(b) and the Tribunal is satisfied that only part of the premises is reasonably required, the Tribunal shall-

- (a) in a case where any tenant or sub-tenant is willing to accept such an order, make an order for the grant of a new tenancy or new tenancies in respect of such part or parts of the premises as the Tribunal thinks just and equitable having regard to those reasonable requirements and all the circumstances of the case; or
- (b) in any other case, decline to make an order for the grant of a new tenancy.
- (Added 29 of 1983 s. 35)

Section: **119G** Heading: **Dismissal of application for new tenancy where landlord successfully opposes** Version: 30/06/1997  
Date:

(1) If the landlord opposes an application under section 117(1) on grounds on which he is entitled to oppose it in accordance with section 119E and, subject to section 119F, establishes any of those grounds to the satisfaction of the Tribunal, the Tribunal shall not make an order for the grant of a new tenancy.

(2) Where the Tribunal does not make an order for the grant of a new tenancy on a ground specified in paragraph (b) of section 119E(1), it shall specify the name of the person for whose occupation it is satisfied the premises are required. (Added 29 of 1983 s. 36)



Section: **119H** Heading: **Penalties**

Version 27/12/2002

Date:

- (1) Subject to subsection (2), where the landlord successfully opposes the grant of a new tenancy-
  - (a) on a ground specified in paragraph (b) or (c) of section 119E(1), he shall not, for a period of 24 months after the decision of the Tribunal declining to make an order for the grant of a new tenancy-
    - (i) let the premises or any part thereof; or
    - (ii) assign, transfer or part with possession of the premises or any part thereof except, in a case specified in paragraph (c) of section 119E(1), where the assignment, transfer or parting with possession is solely to facilitate the rebuilding of the premises; and
  - (b) on a ground specified in paragraph (b) of section 119E(1), he shall not, for a period of 24 months after the decision of the Tribunal declining to make an order for the grant of a new tenancy, use, or allow the use of, the premises or any part thereof other than as a residence for the person for whose occupation the Tribunal was satisfied the premises were required under that subsection. (Replaced 29 of 1983 s. 37)
- (2) (a) Where a landlord successfully opposes the grant of a new tenancy on the ground specified in paragraph (b) or (c) of section 119E(1), the Tribunal may authorize the landlord to-
  - (i) let the premises or any part thereof; or
  - (ii) assign, transfer or part with possession of the premises or any part thereof; or
  - (iii) use, or allow the use of, the premises or any part thereof other than as a residence for the person for whose occupation the Tribunal was satisfied the premises were required under paragraph (b) of section 119E(1),and the Commissioner may, on an application accompanied by such fee as the Financial Secretary may determine by notice published in the Gazette, authorize the landlord to let, use or allow the use of the premises as mentioned in subparagraph (i) or (iii) for a term not exceeding 1 year. (Replaced 29 of 1983 s. 37. Amended 32 of 1985 s. 21; 32 of 2002 s. 20)
  - (b) The Tribunal or the Commissioner, when granting an authority under paragraph (a) to let, shall specify the terms, including the rent, on which the premises or the part are to be let:

Provided that the rent shall not be more than that payable by the tenant last in possession.
- (3) Without prejudice to subsection (9), a landlord who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine of \$500000 and in addition, on a second or subsequent conviction, to imprisonment for 12 months, and in any case to forfeit a sum not exceeding the equivalent of-
  - (a) in the case of a contravention of subsection (1)(a)(i), 2 years' rent calculated at the rate at which the premises were let without the authority of the Tribunal or the Commissioner; or
  - (b) in the case of a contravention of subsection (1)(a)(ii), the difference, at the date of the contravention, between the market value of the premises with vacant possession and the market value of the premises with the former tenant in possession. (Amended 29 of 1983 s. 37)
- (4) Any court which sentences a landlord for an offence under subsection (3) may, in addition to imposing a penalty under that subsection, make an order under subsection (9) after hearing the former

tenant and the defendant.

(5) (Repealed 29 of 1983 s. 37)

(6) A letting, assignment, transfer or parting with possession of premises or part thereof shall not be void, voidable or unenforceable by reason only of a contravention of subsection (1).

(7) (Repealed 32 of 2002 s. 20)

(8) A landlord who has successfully opposed the grant of a new tenancy on a ground specified in paragraph (b) or (c) of section 119E(1) shall be presumed, until the contrary is shown, to have knowledge of that opposition, of the application for a new tenancy, of the grounds alleged upon which the application was opposed, of the outcome of the application and of any consent given by the tenant or sub-tenant in connection with the delivery of vacant possession.

(9) Where a landlord successfully opposes the grant of a new tenancy under section 119E(1) and it is subsequently made to appear to the Tribunal that the opposition was successful by reason of the misrepresentation or concealment of material facts or where the landlord is shown to have acted in contravention of subsection (1), the Tribunal or, as the case may be, the court referred to in subsection (4) may order the landlord to pay to the former tenant such sum as it thinks fit by way of compensation for damage or loss sustained by that tenant as a result of that opposition. (Amended 32 of 1985 s. 21)

(10) Where a tenant obtains the grant of a new tenancy under section 119D and it is subsequently made to appear to the Tribunal that the grant was obtained by reason of the misrepresentation or concealment of material facts, the Tribunal may order the tenant to pay to the landlord such sum as it thinks fit by way of compensation for damage or loss sustained by the landlord as a result of that grant.

Section: **119I** Heading: **Duration of new tenancy** Version 30/06/1997  
Date:

Where on an application under this Part the Tribunal makes an order for the grant of a new tenancy, the new tenancy shall be such tenancy as may be agreed between the landlord and the tenant, or, in default of such an agreement, shall be such a tenancy as may be determined by the Tribunal to be reasonable in all the circumstances, being a tenancy for a term not exceeding 3 years, and shall begin on the coming to an end of the current tenancy or such other date as may be agreed between the landlord and the tenant or, in default of such agreement, as may be fixed by the Tribunal: (Amended 29 of 1983 s. 38)

Provided that, if there is a principal tenancy which comes to an end within a term of 3 years, the Tribunal shall not determine the duration of the tenancy to be longer than the term until the principal tenancy comes to an end, less 3 days.

[cf. 1954 c. 56 s. 33 U.K.]

Section: **119J** Heading: **Other terms of new tenancy** Version 30/06/1997  
Date:

The terms of a tenancy granted by order of the Tribunal under this Part (other than terms as to the duration thereof and as to the rent payable thereunder) shall be such as may be agreed between the landlord and the tenant or as, in default of such agreement, may be determined by the Tribunal; and in

determining those terms the Tribunal shall have regard to the terms of the current tenancy and to all relevant circumstances.

[cf. 1954 c. 56 s. 35 U.K.]

Section: **119K** Heading: **Rent under new tenancy** Version 30/06/1997  
Date:

(1) The rent payable under a new tenancy granted by order of the Tribunal shall be such as may be agreed between the landlord and tenant or as, in default of such agreement, may be determined by the Tribunal or by a valuation surveyor appointed by the Tribunal, to be a prevailing market rent. (Amended 29 of 1983 s. 46)

(2) The determination of the rent by the valuation surveyor shall, upon a copy of such determination being lodged with the Tribunal and the Commissioner, be binding on the parties.

(3) The valuation surveyor appointed under subsection (1) shall be paid such reasonable fee by the Registrar of the Tribunal as may be determined by the Tribunal from moneys provided by the Legislative Council.

[cf. 1954 c. 56 s. 34 U.K.]

Section: **119M** Heading: **Carrying out of order for new tenancy** Version 30/06/1997  
Date:

(1) Where under this Part, the Tribunal makes an order for the grant of a new tenancy, then, unless the tenant serves the notice mentioned in subsection (2), the landlord shall be bound to execute or make in favour of the tenant, and the tenant shall be bound to accept, a lease or agreement for a tenancy of the premises embodying the terms agreed between the landlord and the tenant or determined by the Tribunal or the valuation surveyor in accordance with this Part; and where the landlord executes or makes such a lease or agreement the tenant shall be bound, if so required by the landlord, to execute a counterpart or duplicate thereof.

(2) Where the tenant, within 1 month after the determination of the terms of the new tenancy, serves a notice in the specified form on the landlord and the Tribunal stating that he does not wish to accept the new tenancy, the order of the Tribunal shall have no effect and the current tenancy shall continue for such period, not exceeding 2 months from the date of delivery of the notice to the landlord, as the tenant shall state in the notice. (See Form CR 106 in G.N. 3919 in Gazette No. 53 of 1981)

(3) While the current tenancy continues under subsection (2), it shall not be a tenancy to which this Part applies.

(4) During the period from the date on which the current tenancy would, apart from section 119N, have come to an end by virtue of a notice given under section 119(1) or under section 119A(5) until-

(a) the date on which the new tenancy begins; or, as the case may be,

(b) the date on which the current tenancy comes to an end under subsection (2),

the tenant shall be liable to pay the rent fixed in respect of the new tenancy under section 119K:

Provided that, if the terms of the new tenancy, apart from rent, are materially different from the terms of the current tenancy, the Tribunal may, on the application of either party, order that the tenant shall be liable to pay a reasonable rent which may be lesser or greater than the rent fixed in respect of the new tenancy under section 119K.

[cf. 1954 c. 56 s. 36 U.K.]

Section: **119N** Heading: **Interim continuation of tenancies pending determination by Tribunal** Version 27/12/2002  
Date:

(1) Subject to sections 119B(2), 119I and 119M(2), in any case where- (Amended 29 of 1983 s. 40)

- (a) a notice to terminate a tenancy has been given under section 119 or a request for a new tenancy has been made under section 119A; and
- (b) an application to the Tribunal has been made under section 117(1); and
- (c) apart from this section, the effect of the notice or request would be to terminate the tenancy before the expiration of the period of 3 months beginning with the date on which the application is finally disposed of,

the effect of the notice or request shall be to terminate the tenancy at the expiration of the said period of 3 months and not at any other time.

(2) The reference in paragraph (c) of subsection (1) to the date on which an application is finally disposed of shall be construed as a reference to the earliest date by which the proceedings on the application (including any proceedings on or in consequence of an appeal) have been determined and any time for appealing has expired, except that if the application is withdrawn or any appeal is abandoned the reference shall be construed as a reference to the date of the withdrawal or abandonment.

(3) During the period from the date on which a tenancy referred to in subsection (1) would, but for that subsection as read with subsection (2), have come to an end until the termination of the tenancy at the expiration of the period of 3 months referred to in subsection (1), the tenant shall be liable to pay the rent-

- (a) agreed between the landlord and tenant; or
- (b) in default of such agreement, as determined by the Tribunal, or by a valuation surveyor appointed by the Tribunal, to be the prevailing market rent. (Added 32 of 2002 s. 22)

(4) Section 119K(2) and (3) shall, with all necessary modifications, apply to and in relation to subsection (3) as it applies to and in relation to section 119K(1). (Added 32 of 2002 s. 22)

[cf. 1954 c. 56 s. 64 U.K.]

Section: **119NA** Heading: **Rent where new tenancy refused etc.** Version 30/06/1997  
Date:

(1) Where a tenant remains in possession of any premises after the date on which the current tenancy would, apart from section 119N, have come to an end by virtue of a notice given under section

119(1) or under section 119A(5) and the Tribunal does not, for any reason, make an order for the grant of a new tenancy, the tenant shall be liable to pay rent, as determined by the Tribunal under subsection (2), for the period from that date until the tenant delivers up vacant possession to the landlord.

(2) The Tribunal may, on the application of the landlord or the tenant, determine the rent payable by the tenant under subsection (1) and the Tribunal shall determine that rent as the rent it would have determined if it had ordered the grant of a new tenancy of the premises for a term of 2 years and otherwise on the same terms as the terms of the current tenancy.

(3) This section shall have effect in any proceedings pending in the Tribunal on 10 June 1983.

(Added 29 of 1983 s. 41)

Section: **119O** Heading: **Short tenancies** Version 30/06/1997  
Date:

Where the duration of a current tenancy is such that the time limits fixed in this Part for the giving of notices are not appropriate, the Tribunal may, on application, fix different time limits.

Section: **119P** Heading: **Sub-tenancies** Version 27/12/2002  
Date:

(1) Where a tenant has, in breach of the current tenancy, sublet the whole or any part of the premises and the current tenancy is terminated under this Part, the sub-tenancy shall also terminate.

(2) Where a tenant has, without breach of the current tenancy, sublet the whole or any part of the premises and the sub-tenant has given notice in the specified form to the landlord of his interest in the premises, a copy of any notice or request given or made under sections 119, 119A, 119B and 119D and a copy of the application under section 117(1) shall be served on the sub-tenant; and-

(a) if the tenant fails to make a request for a new tenancy under section 119A, the sub-tenant may make a request for a new tenancy immediately from the landlord;

(b) if the tenant fails to apply for a new tenancy under section 117, the sub-tenant may apply for a new tenancy immediately from the landlord. (See Form CR 107 in G.N. 3919 in Gazette No. 53 of 1981)

(3) Where a sub-tenant makes a request for a new tenancy under section 119A and subsection (2), he may, in accordance with this Part, apply to the Tribunal for a new tenancy immediately from the landlord.

(4) In any application under section 117 by the tenant for a new tenancy, a sub-tenant to whom the premises or any part thereof has been let without breach of the current tenancy shall be entitled to be heard.

(5) Where, in an application under section 117 by the tenant for a new tenancy, the Tribunal does not make an order for the grant of a new tenancy to the tenant then-

(a) if the Tribunal does not make such an order because the landlord has, under this Part, established either of the grounds mentioned in paragraph (b) or (c) of section 119E(1), any sub-tenancy shall terminate; and

- (b) if the Tribunal does not make such an order other than because the landlord has established either of the grounds mentioned in paragraph (b) or (c) of section 119E(1), the Tribunal shall, on the application of a sub-tenant, make an order for the grant of a new tenancy immediately from the landlord to the sub-tenant unless, if the application had been made by the sub-tenant for a new tenancy from the tenant, the Tribunal would not, under section 119G, have made an order for the grant of a new tenancy:

Provided that, where a part only of the premises would remain in the possession of a sub-tenant or sub-tenants if an order were made under this paragraph, the Tribunal, on the application of the landlord, shall make an order for the grant of such a new tenancy to the sub-tenant, or the sub-tenants jointly, only of the whole premises. (Amended 32 of 1985 s. 22; 32 of 2002 s. 23)

(6) Where a sub-tenant applies, under section 117 and subsection (2) or (3), for an order for the grant of a new tenancy immediately from the landlord, the Tribunal shall make an order granting such a tenancy unless, if the application had been made by the sub-tenant for a new tenancy from the tenant, the Tribunal would not, under section 119G, have made an order for the grant of a new tenancy. (Amended 32 of 2002 s. 23)

(7) Where the Tribunal makes an order granting to a sub-tenant a new tenancy immediately from the landlord, the provisions of this Part shall apply as if the order was made under section 119D.

(8) Notwithstanding any termination of a tenancy, a sub-tenancy granted without breach of the current tenancy shall continue as between the landlord and sub-tenant on the same terms as the sub-tenant held from the tenant in the same way as a tenancy would continue under this Part. (Amended 29 of 1983 s. 42)

(8A) Where a sub-tenant becomes the tenant immediately from the landlord, either under a new tenancy or under subsection (8), any subletting on or after 10 June 1983 under that tenancy by that tenant, without the written permission of the landlord, shall be a breach of a condition of the tenancy which is a cause of forfeiture. (Added 29 of 1983 s. 42)

(9) Subject to this section, a sub-tenancy shall not subsist for longer than the tenancy under which it was granted.

Section: **119Q** Heading: **Appeals**

Version 30/06/1997  
Date:

(1) Any party may appeal to the Court of Appeal against a determination of the Tribunal on an application under section 117(1) or against an order under section 119F(5) or section 119H(9) or (10) on the ground that such determination is erroneous in point of law.

(2) An appeal under this section shall be subject to the provisions of, and any rules made under, the Lands Tribunal Ordinance (Cap 17).

Section: **119L** Heading: **Endorsement of tenancy agreement** Version 30/06/1997  
Date:

- (1) Where the parties-
- (a) on or after 10 June 1983, enter into a tenancy to which this Part applies;
  - (b) agree a renewal of a tenancy under section 119C;
  - (c) execute a lease or agreement for a new tenancy as determined by the Tribunal or agreed by them,

the landlord shall lodge with the Commissioner a notice in triplicate in the specified form signed by the landlord; and the Commissioner shall endorse the fact of receipt on 2 copies of the notice and return 1 copy to the landlord and 1 copy to the tenant. (Replaced 29 of 1983 s. 39) (See Form CR 109 in G.N. 2215 in Gazette No. 30 of 1984)

(1A) The notice mentioned in subsection (1) may be lodged-

- (a) without charge, within 1 month after the event notified; or
- (b) upon payment to the Commissioner of a fee of \$500, at any time. (Added 40 of 1984 s. 34)

(2) Subject to section 51A(6), a landlord shall not be entitled to maintain an action to recover rent under an agreement mentioned in subsection (1) unless a notice relating to that agreement is endorsed by the Commissioner under that subsection. (Amended 29 of 1983 s.39)

(Amended 40 of 1984 s. 34)

Section: **122** Heading: **Minimum length of notice to determine tenancy** Version 27/12/2002  
Date:

- (1) (a) Save where vacant possession is given up or where a tenant surrenders his tenancy in exchange for a new tenancy no tenancy, whether existing on 14 April 1962 or created thereafter, shall cease or be determined without a written notice of termination being served by the landlord or tenant on the other party. (Amended 39 of 1979 s. 21; 52 of 1981 s. 12)
- (b) The notice shall be served by the landlord, not less than 6 months, or by the tenant, not

less than 1 month, before the day on which it is to take effect. (Added 52 of 1981 s. 12)

- (c) A tenancy for a fixed term shall not cease at the end of that term unless notice is served by the landlord, not less than 6 months, or by the tenant, not less than 1 month, before that end. (Added 52 of 1981 s. 12)

(2) Nothing in this section shall be construed as permitting any tenancy to be determined earlier than would have been the case had this Part not been enacted or as affording any tenant any security of tenancy beyond the period of 6 months required for a notice of termination. (Amended 39 of 1979 s. 21; 52 of 1981 s. 12; 32 of 2002 s. 30)

(3) Where notice of termination in English and Chinese is served on a tenant and in addition is posted on 3 successive days upon the main door or entrance of the premises affected, such notice of termination shall take effect terminating also any sub-tenancies created under the tenancy to which it relates. (Amended 39 of 1979 s. 21; 44 of 2000 s. 3; 32 of 2002 s. 30)

(4) When but for subsection (1) a tenancy would have terminated, the tenancy shall continue at the same rent until a notice of termination expires upon such of the covenants, conditions and other terms of the original tenancy as are appropriate to a month to month tenancy, together with, in the absence of any express covenant for the payment of rent and condition of forfeiture, the covenant and condition implied in every tenancy by section 126. (Replaced 32 of 2002 s. 30)

(5) A notice of termination may be served in any manner which would constitute effective service of a notice to quit but shall not be valid if served in respect of any premises before they become subject to this Part. (Amended 39 of 1979 s. 21)

(6) (Repealed 76 of 1981 s. 54)

(7) Where a notice of termination served prior to 18 December 1979 is due to expire on or after that date, and before the expiration of the notice the tenancy becomes subject to Part II by virtue of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1980 (6 of 1980), the notice of termination shall cease to be of any effect. (Added 6 of 1980 s. 17)

(14 of 1962 s. 3 incorporated) (For savings and transitional provisions see Ord. No. 39 of 1979 s. 25(3))

Section: **124**      Heading: **Landlord may substitute notice**      Version: 30/06/1997  
Date:

Where subsequent to the giving of a notice by the landlord under section 122 the tenancy is excluded from the application of this Part, the landlord may thereupon substitute for such notice a notice to quit of such duration as would validly determine the tenancy but for the enactment of this Part. Such substituted notice shall take effect notwithstanding the existence of the notice given under section 122.

(14 of 1962 s. 5 incorporated)

Section: **127**      Heading: **Saving of rights arising out of breach of tenancy**      Version: 20/11/1998  
Date:



Nothing contained in this Part shall affect any right or remedy arising, either before or after 14 April 1962 out of any breach of condition or other term in any tenancy or out of any condition providing for a right of re-entry in the event of the tenant's business being wound up, the tenant suffering execution to be levied or a bankruptcy order to be made, assigning the lease for the benefit of creditors or entering any agreement or making any arrangement with creditors for the liquidation of debts by composition or otherwise:

Provided that a covenant to yield up possession on a specified date shall be construed as a covenant to yield up possession on such later date as may be necessary to permit the giving of notice of termination as required by this Part.

(14 of 1962 s. 6 incorporated. Amended 37 of 1998 s. 3)

Section: **115**      Heading: **Interpretation**      Version: 01/07/1997  
Date:

Remarks:

Adaptation amendments retroactively made - see 23 of 1998 s. 2; 29 of 1998 s. 105

#### PART IV

#### NEW TENANCIES OF DOMESTIC PREMISES

##### **Interpretation and Application**

(1) In this Part, unless the context otherwise requires-

"Commissioner" (署長) means the Commissioner of Rating and Valuation;

"current tenancy" (現行租賃) means a tenancy which is subsisting (whether or not continued by section 117) at the time when a notice is served under section 119(1) or a request made under section 119A(1);

"date of termination" (終止日期) means the date stated in a notice served under section 119(1) as the date at which the tenancy is to come to an end;

"domestic tenancy" (住宅租賃) means a tenancy of premises let as a dwelling; (Replaced 53 of 1993 s. 26)

"forfeiture" (沒收租賃權) means forfeiture-

(a) for breach of any provision of a tenancy; or

(b) under a provision of a tenancy allowing forfeiture or determination following the destruction, or partial destruction, of or damage to the premises; (Added 40 of 1984 s. 31)

"landlord" (業主) includes any person, other than the Government, who is, from time to time, entitled to receive rent in respect of any premises and, in relation to a particular tenant, means the person entitled to receive rent from that tenant; (Amended 29 of 1998 s. 105)

"notice to quit" (遷出通知書) means a notice to terminate a tenancy given in accordance with the express or implied provisions of that tenancy;

"premises" (處所) means the subject matter of any tenancy; (Added 29 of 1983 s. 29)

"prevailing market rent" (市值租金) means the rent, exclusive of rates at which premises the subject matter of a tenancy to which this Part applies might reasonably be expected to be let, at the date on which the current tenancy would, apart from section 119N, have come to an end under section 119(1) or section 119A(5), on the terms of the new tenancy granted under this Part, but disregarding the effect of this Ordinance; (Amended 29 of 1983 ss. 29 & 46)

"tenancy" (租賃) means a tenancy entered into orally or in writing and includes-

- (a) an agreement for a tenancy;
- (b) a sub-tenancy; and
- (c) a tenancy continued or granted under this Part;

"tenant" (租客) does not include a Government lessee but includes- (Amended 29 of 1998 s. 105)

- (a) a sub-tenant; and
- (b) any government other than the Government of the Hong Kong Special Administrative Region, or a public body, corporation, partnership or firm which is the tenant of premises which is the subject matter of a tenancy to which this Part applies; (Amended 23 of 1998 s. 2)

"Tribunal" (審裁處) means the Lands Tribunal established under the Lands Tribunal Ordinance (Cap 17).

- (2) (Repealed 53 of 1993 s. 26)
- (3) No notice or application under this Part shall, for the purposes of the Land Registration Ordinance (Cap 128), be regarded as an instrument in writing by which any parcel of ground, tenement or premises may be affected or as creating a lis pendens. (Added 29 of 1983 s. 29)

[cf. 1954 c. 56 s. 46 U.K.]

Section: **116** Heading: **Application of this Part** Version: 27/12/2002  
Date:

- (1) Subject to subsections (2) and (3), this Part applies to any domestic tenancy-
  - (a) notwithstanding any provision in such tenancy, including any provision purporting generally or specifically to exclude this Part; and
  - (b) including any domestic tenancy to which Part I or Part II has ceased to apply. (Replaced 53 of 1993 s. 28)
- (1A)-(1B) (Repealed 53 of 1993 s. 28)
- (2) This Part shall not apply to any tenancy-
  - (a) to which Part I or Part II applies; or
  - (b) of land unbuilt on; or (Replaced 53 of 1993 s. 28)
  - (ba) of agricultural land, which expression shall have the meaning assigned to it by section 36 of the Rating Ordinance (Cap 116), including such a tenancy where there is on the land a dwelling house occupied by persons working the land; or (Added 53 of 1993 s. 28)

- (bb) where the landlord is the employer and the tenant is the employee in possession of the premises in accordance with the terms and conditions of his employment, being terms and conditions which require him to vacate the accommodation on ceasing to be so employed; or (Added 53 of 1993 s. 28)
  - (bc) held from the Government, the Hong Kong Housing Authority, the Hong Kong Housing Society or the Hong Kong Settlers Housing Corporation Limited, or a sub-tenancy created out of such a tenancy; or (Added 53 of 1993 s. 28. Amended 29 of 1998 s. 105)
  - (bd) in writing created after 18 December 1981 for a fixed term of 5 years or longer which contains no provision-
    - (i) for earlier determination by the landlord otherwise than by forfeiture; and
    - (ii) for any premium or fine or for any increase in the rent during the fixed term; or (Added 53 of 1993 s. 28)
  - (c) of premises which is subsisting at the time an order under section 4 is made in respect of those premises; or (Added 29 of 1983 s. 30)
  - (d) which is entered into under an authority under section 53(7A)(a)(ii) or an authority by the Commissioner under section 119H (2)(a). (Added 29 of 1983 s. 30)
- (3) This Part shall not apply to a tenancy entered into in writing for a term not exceeding 1 year which is endorsed by the Commissioner under subsection (4).
- (4) When the Commissioner is satisfied that a tenancy mentioned in subsection (3)-
- (a) has been entered into for a period during which, or for most of which, the landlord will be absent from Hong Kong or for any other special reason acceptable to the Commissioner, the landlord is unable to, or does not wish to, occupy the premises; or
  - (b) is a tenancy (which is not a sub-tenancy) of premises-
    - (i) which are, in his opinion, fully furnished; and
    - (ii) in respect of which the landlord is obliged by the terms of the tenancy to maintain and repair the premises, furnishings and fittings; or
  - (c) is a sub-tenancy of premises which are-
    - (i) in his opinion, fully furnished and in respect of which the principal tenant is obliged by the terms of the sub-tenancy to maintain and repair the premises, furnishings and fittings; and
    - (ii) under a principal tenancy which is excluded under paragraph (b),
- and that the tenant or sub-tenant understands the effect of excluding the tenancy or sub-tenancy from this Part, he may endorse the agreement to the effect that this Part does not apply to the tenancy or sub-tenancy. (Replaced 40 of 1984 s. 32. Amended 32 of 1985 s. 19)
- (4A) An application to the Commissioner for his endorsement under subsection (4) shall be in the specified form and accompanied by such fee as may be determined by the Financial Secretary by notice published in the Gazette. (Added 32 of 1985 s.19. Amended 32 of 2002 s. 10)
- (5) (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 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; 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, daughter or son.
- (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. (Added 29 of 1983 s. 30)
- (c) The benefits and protection afforded by this Part shall not be available to a personal representative of a deceased tenant 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. (Added 40 of 1984 s. 32)
- (6) (Repealed 40 of 1984 s. 32)

Section: **119S** Heading: **Proceedings** Version 27/12/2002  
Date:

(1) Subject to subsection (2), neither the Commissioner nor any public officer employed in the Rating and Valuation Department shall be called to give evidence in proceedings before the Tribunal and no subpoena shall be issued against the Commissioner or such public officer.

(2) The Commissioner or any public officer employed in the Rating and Valuation Department may be called to give evidence in any proceedings under section 115A(10), 117(1) or 119F(5). (Amended 32 of 2002 s. 24)

(3) (Repealed 32 of 2002 s. 24)

(4) Subject to section 119Q, any determination or order of the Tribunal under this Part shall be final.

Section: **119T** Heading: **Exercise of powers of Commissioner** Version 27/12/2002  
Date:

(1A) The Commissioner may disclose any information obtained under this Part to any specified person where in his opinion the disclosure will enable or assist the person to perform a function or exercise a power (including a right) imposed or conferred on the person by-

(a) this Ordinance;

(b) the Rating Ordinance (Cap 116); or

(c) the Government Rent (Assessment and Collection) Ordinance (Cap 515). (Added 32 of 2002 s. 25)

(1B) In subsection (1A), "specified person" (指明人士) means-

(a) the Tribunal or a court or magistrate;

(b) a public officer acting in his capacity as a public officer; or

(c) a landlord or tenant acting in his capacity as a landlord or tenant, as the case may be, under section 119AA. (Added 32 of 2002 s. 25)

(1) The Commissioner may, for the purposes of this Part-

(a) serve on any person a requisition in the specified form requiring him to furnish to the Commissioner, within such reasonable period as the Commissioner may specify in the form, the particulars reasonably required by the Commissioner by the requisition;

(b) require the landlord or tenant or former landlord or tenant of any premises to exhibit to him all documents relating to the tenancy and user of the premises, including leases, receipts for rent, rent-books and accounts, and the Commissioner may take copies of those documents;

(c) at any reasonable time, with the consent of the occupier, enter and inspect any premises and take such measurements and other particulars as he thinks fit;

(d) require the occupier or other person in control of the premises, following not less than 24 hours notice in writing delivered at the premises, to allow the Commissioner to enter and

inspect those premises at any reasonable time and take such measurements and other particulars as he thinks fit;

- (e) after the expiry of not less than 24 hours notice in writing to the occupier of the premises or, if the occupier cannot be found, to the landlord or other person in control of the premises, enter at any reasonable time during daylight (using such force as may be necessary) and inspect any premises and take such measurements and other particulars as he thinks fit.

(2) Any public officer or class of public officer employed in the Rating and Valuation Department and authorized in writing in that behalf by the Commissioner may exercise any of the powers and perform any of the duties conferred or imposed on the Commissioner by this Part.

(Added 53 of 1993 s. 30)

Section: **120A** Heading: **Interpretation** Version 27/12/2002  
Date:

## PART V

### TENANCY (NOTICE OF TERMINATION)

In this Part, unless the context otherwise requires-

"Commissioner" (署長) means the Commissioner of Rating and Valuation; (Added 39 of 1979 s. 20)

"landlord" (業主) includes any person, other than the Government, who is from time to time entitled to receive rent in respect of any premises and, in relation to a particular tenant, means a person entitled to receive rent from such a tenant; (Added 39 of 1979 s. 20. Amended 29 of 1998 s. 105)

"notice of termination" (終止租賃通知書) means a notice served under section 122(1); (Added 39 of 1979 s. 20)

"premises" (處所) means the subject matter of any tenancy; (Added 39 of 1979 s. 20)

"principal tenant" (主租客) means a tenant of premises other than a Government lessee, who has or shall sublet any part or parts thereof as a separate holding or holdings; (Added 39 of 1979 s. 20. Amended 29 of 1998 s. 105)

"Tribunal" (審裁處) means the Lands Tribunal established under the Lands Tribunal Ordinance (Cap 17). (Added 76 of 1981 s. 53)

(Added 39 of 1979 s. 19. Amended 32 of 2002 s. 28)

Section: **121** Heading: **Application** Version 27/12/2002  
Date:

- (1) Save as otherwise provided in this section, this Part shall apply to every tenancy (which

expression shall wherever it occurs in this Part include sub-tenancies unless the context otherwise requires) whether the same be effected orally or in writing and notwithstanding any provision in such tenancy, including any provision purporting specifically to exclude the provisions of this Part.

- (2) This Part shall not apply to the following-
  - (a) a tenancy for a fixed term of 3 years or more the agreement for which contains no provision for earlier determination of the same other than for breach of any of the provisions of the agreement or under a provision of the tenancy allowing forfeiture or determination following the destruction, or partial destruction, of or damage to the premises; (Amended 40 of 1984 s. 36)
  - (b) a tenancy-
    - (i) of premises to which Part I applies; or
    - (ii) of premises in respect of which there is in existence an order under section 4; (Replaced 24 of 1980 s. 4. Amended 29 of 1983 s. 45)
  - (ba) a tenancy to which Part II applies; (Added 6 of 1980 s. 16)
  - (c) a tenancy to which Part IV applies;
  - (d) a tenancy in respect of which a valid notice to quit was given prior to 14 April 1962, including a tenancy arising by reason of a tenant holding over in such circumstances;
  - (e) a tenancy of land unbuilt on, but such a tenancy shall cease to be excluded so soon as there is built on the land in accordance with the provisions of the agreement for the tenancy any building of a permanent nature;
  - (f) a tenancy of agricultural land, which expression shall have the meaning assigned to it by the Rating Ordinance (Cap 116), including such a tenancy where there exists on the land any dwelling house occupied by persons working the land;
  - (g) a tenancy where the landlord is the employer and the tenant is the employee in possession of the premises in accordance with the terms and conditions of his employment where such terms and conditions require him to vacate the accommodation upon ceasing to be so employed;
  - (h) a tenancy held from the Government; (Amended 29 of 1998 s. 105)
  - (i) (Repealed 29 of 1983 s. 45)
  - (j) a tenancy authorized by the Commissioner under section 53(7A)(a)(ii); (Added 29 of 1983 s. 45)
  - (k) a tenancy in respect of which the agreement has been endorsed by the Commissioner under section 116(4); and (Added 29 of 1983 s. 45)
  - (l) a tenancy authorized by the Commissioner under section 119H(2)(a). (Added 29 of 1983 s. 45)
- (3) This Part shall not apply to a tenancy in writing-
  - (a) for a fixed term not exceeding 1 year; and
  - (b) which-
    - (i) has been entered into for a period during which, or for most of which, the landlord will be absent from Hong Kong; or
    - (ii) is in respect of premises which the landlord intends to rebuild and is for a period pending that rebuilding; or
    - (iii) is in respect of premises normally occupied or intended to be occupied by the landlord but is temporarily surplus to his requirements; or
    - (iv) is entered into in circumstances which are special having regard to the particular purposes of the landlord and the particular needs of the tenant. (Replaced 40 of 1984 s. 36)
- (4) A dispute as to whether a tenancy is excluded under subsection (3) shall be determined by the Commissioner in a summary manner on application in writing to him and the Commissioner shall cause notice of the determination to be served on the person who made the application. (Replaced 32 of 2002 s. 29)

(5) Any public officer or class of public officer employed in the Rating and Valuation Department and authorized in writing in that behalf by the Commissioner may exercise the powers of the Commissioner under subsection (4). (Added 40 of 1984 s. 36)

(6) Any person aggrieved by a determination under subsection (4) may, within 1 month of the service of the notice of the determination, appeal to the Tribunal against the determination and the Tribunal may make such order thereon as it thinks fit. (Added 32 of 2002 s. 29)

(14 of 1962 s. 2 incorporated)

Section: 144      Heading: **Provisions**      Version: 27/12/2002  
Date:  
**transitional, etc. to**  
**the enactment of the**  
**Landlord and Tenant**  
**(Consolidation)**  
**(Amendment)**  
**Ordinance 2002**

**Remarks:**

\* Provisions marked with the asterisk have not yet come into operation.

\*[(1) *A person may apply to the Commissioner for a certificate under section 50(10) or 53A(4)(d) as in force before the expiry of Part II.*

(2) *An application under subsection (1) shall-*

(a) *be made by sending a notice in the specified form to the Commissioner; and*

(b) *be accompanied by such fee as may be determined by the Financial Secretary by notice published in the Gazette.*

(3) *The Commissioner shall comply with an application under subsection (1).]*

(4) Section 119 shall apply to a notice given under that section before the commencement of section 12 of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002 (32 of 2002) as if that section 12 had never commenced.

(5) Section 119A shall apply to a request for a new tenancy in accordance with that section made before the commencement of section 13 of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002 (32 of 2002) as if that section 13 had never commenced.

(6) Section 119F(4)-

(a) as amended by the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002 (32 of 2002) shall apply in the case of a landlord who opposes, in accordance with rule 69 of the Lands Tribunal Rules (Cap 17 sub. leg.), the grant of a new tenancy on or after the commencement of section 18(c) of that Ordinance;

(b) as in force before that commencement shall apply in the case of a landlord who so opposes the grant of a new tenancy before that commencement.

(7) Notwithstanding section 74B as in force before the expiry of Part II, section 119F(4)-

(a) as amended by the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002 (32 of 2002) shall apply in the case of a landlord who has applied, in accordance with rule 68 of the Lands Tribunal Rules (Cap 17 sub. leg.), for an order for possession of premises on the ground specified in section 53(2)(c), as in force before that expiry, on or after the commencement of section 18(c) of that Ordinance;

(b) as in force before that commencement shall apply in the case of a landlord who so applies for an order for possession of premises on the ground specified in section 53(2)(c), as in force before that expiry, before that commencement.

(8) For the avoidance of doubt, it is hereby declared that, subject to the other provisions of this section, section 23 of the Interpretation and General Clauses Ordinance (Cap 1) applies to the expiry of any Part of this Ordinance (including the expiry of any provision or provisions of any such Part) as it applies to the repeal in whole or in part of any Ordinance.

(Added 32 of 2002 s. 39)

Chapter:	17	Title:	LANDS TRIBUNAL ORDINANCE	Gazette Number:	32 of 2002
Section:	8	Heading:	<b>Jurisdiction of the Tribunal</b>	Version Date:	27/12/2002

(1) The Tribunal shall have jurisdiction to determine the amount of compensation (if any) payable by the Government in respect of any claim submitted to it under any Ordinance specified in the Schedule.

(2) The Tribunal shall have jurisdiction to determine the amount of compensation (if any) payable by the Government in respect of any claim submitted to it under an Ordinance other than an Ordinance specified in the Schedule if-

(a) the claim arises from any action taken by or on behalf of the Government in connexion with-

- (i) the compulsory acquisition of land or any interest therein;
- (ii) the extinguishment or variation of any rights pertaining to land;
- (iii) the creation of any easements in, over or under any land; or
- (iv) the authorization of any undertaking affecting any land or any interest therein; and

(b) the claim is submitted to the Tribunal for determination by agreement by or on behalf of both the Government and the claimant.

(3) Subsection (2) shall apply notwithstanding any other provision made in any such Ordinance for the determination of any such claim.

(4) The Tribunal shall have jurisdiction to determine any appeal submitted to it for determination under any Ordinance specified in the Schedule.

(5) The Tribunal shall have such other jurisdiction as may be vested in it under any Ordinance including any Ordinance specified in the Schedule. (Amended 27 of 1993 s. 43)

(6) The Tribunal shall have jurisdiction to make orders for possession under the Landlord and Tenant (Consolidation) Ordinance (Cap 7), including an order for possession to take effect on termination of the current tenancy where it does not make an order for the grant of a new tenancy under section 119G of that Ordinance. (Added 49 of 1982 s. 8. Amended 30 of 1983 s. 2)

(7) The Tribunal shall have jurisdiction to make orders for possession or for ejection in relation to premises to which Part I, or tenancies or sub-tenancies to which Part II, Part IV or Part V of the Landlord and Tenant (Consolidation) Ordinance (Cap 7) applies where the contractual period of a tenancy or sub-tenancy has been terminated by forfeiture, by surrender (including surrender under the former section 52A, or under section 117, of that Ordinance), by notice of termination within the meaning of Part IV or Part V of that Ordinance or by notice to quit given by the landlord to the tenant, the tenant to the landlord, the principal tenant to the sub-tenant or the sub-tenant to the principal tenant. (Added 30 of 1983 s. 2. Amended 32 of 1985 s. 27; 102 of 1995 s. 2; 32 of 2002 s. 40)

(8) The Tribunal shall have jurisdiction, in any application for possession or for ejection, under the Landlord and Tenant (Consolidation) Ordinance (Cap 7) or otherwise, and in any application for a new tenancy under Part IV of that Ordinance, whether or not it grants any such application, to make



orders for the payment of rent, mesne profits, including interim payments of rent and mesne profits, for the payment of any other money which is due under the tenancy or sub-tenancy, and for the disposal of any property left in the premises concerned by the tenant or sub-tenant. (Added 30 of 1983 s. 2. Amended 32 of 2002 s. 40)

(8A) The Tribunal shall have jurisdiction to determine any claim or counterclaim or set-off and counterclaim transferred to it under section 7 or 10 of the Small Claims Tribunal Ordinance (Cap 338). (Added 28 of 1999 s. 18)

(9) In the exercise of its jurisdiction, the Tribunal shall have the same jurisdiction to grant remedies and reliefs, equitable or legal, as the Court of First Instance. (Added 30 of 1983 s. 2. Amended 27 of 1993 s. 43; 25 of 1998 s. 2)

Section: **10** Heading: **Practice and procedure of Tribunal** Version 27/12/2002  
Date:

(1) The Tribunal shall have the powers which are vested in the Court of First Instance in the exercise of its civil jurisdiction in respect of the following matters-

- (a) the attendance, examination and payment of witnesses;
- (b) the hearing of any matter with the assistance of an assessor or assessors;
- (c) the consolidation or hearing of any matters;
- (d) the punishment of persons guilty of contempt;
- (e) the ordering of inspection of any premises or place;
- (f) the entering and viewing of any premises or place;
- (g) the enforcement of decisions, judgments and orders;
- (h) the making of orders as to interim payments;
- (i) the making of orders in default of any action by a party,

and, so far as it thinks fit, may follow the practice and procedure of the Court of First Instance in the exercise of its civil jurisdiction. (Amended 49 of 1982 s. 10; 30 of 1983 s. 3; 25 of 1998 s. 2)

(2) Without prejudice to the generality of the powers vested in it under subsection (1), the Tribunal may-

- (a) on the application of any party to any proceedings before it, or of its own motion, order any party to the proceedings to disclose to the Tribunal the existence of any document which is in the power of such party to produce and which the Tribunal considers is or may be material to the determination of the matter being heard by the Tribunal;
- (b) order any party to any proceedings before it-
  - (i) to produce to the Tribunal any document which it may require and which is in the power of such party to produce; and
  - (ii) to afford to any other party to the proceedings an opportunity to examine any such document or copy thereof and to take copies thereof;
- (c) together with the parties to any proceedings before it and any expert witness of any such party, enter on and inspect any land, premises or place which relates to the proceedings before the Tribunal or any land, premises or place contiguous or adjacent thereto; (Amended 32 of 2002 s. 40)
- (d) for good cause, enlarge the time, whether or not that time has already expired, fixed by any Ordinance-



and on notice to all other parties to the proceedings. (Replaced 49 of 1982 s. 12)

(3) If the Tribunal shall have decided, within 1 month from the date of any decision, to exercise its power of review in respect thereof, such power may be exercised at any time thereafter whether within such period of 1 month or otherwise.

(4) The Tribunal may, in any review, hear and receive any evidence it thinks fit for the purpose of determining the issue between the parties. (Added 41 of 1984 s. 2)

(5) The Tribunal shall not exercise its power of review in respect of a decision-

(a) subject to subsection (6), if the decision has already been the subject of a review or the decision is a decision setting aside, reversing, varying or confirming under this section another decision of the Tribunal; or

(b) subsequent to the commencement of proceedings by any party with a view to questioning the decision, by way of appeal or otherwise, unless such proceedings have been abandoned. (Added 32 of 2002 s. 40)

(6) Subsection (5)(a) shall not apply in the case of a decision of the Tribunal under the former section 4(7)(a) or 53A(2), or under section 119F(2), of the Landlord and Tenant (Consolidation) Ordinance (Cap 7). (Added 32 of 2002 s. 40)

(Added 80 of 1978 s. 5)

Chapter: 17A Title: LANDS TRIBUNAL Gazette 32 of 2002  
Rules Number:

Schedule: Heading: SCHEDULE Version 27/12/2002  
Date:

[rule 1]

FORMS  
FORM 1

[rule 4(1)]

#### INTERLOCUTORY APPLICATION

(Heading)

Lands Tribunal  
Application No. ....

TO

of

YOU ARE HEREBY SUMMONED to appear before His Honour ..... Presiding  
Officer at his Chambers at the Lands Tribunal at ..... on .....

day the ..... day of ..... 19 ..... at ..... o'clock in the ..... noon on the hearing of an application on the part of the Applicant/Respondent\* for an order to be made that (1)-

And you are to take notice that if you do not appear the Tribunal may consider and deal with the application in a summary way.

Dated this ..... day of ..... 19 .....

The address of the Applicant/Respondent\* is

The address of the Applicant/Respondent solicitor\* is

.....+  
Seal of the Tribunal

.....  
Applicant/Respondent\*

(1) State the object of the application.

\* Delete whichever is inapplicable.

+ Name of the Registrar.

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FORM 1

INTERLOCUTORY APPLICATION

(reverse)

Affidavit/Affirmation\* of Service

Bailiff's Notes

I, ..... make oath/do solemnly, sincerely and truly declare and affirm\* and say that the within application was served by me on the said Applicant/Respondent\* .....

..... on the ..... day of ..... 19 ..... by delivering a copy thereof to .....

Sworn/Affirmed\* at the courts of Justice/Lands Tribunal Registry\*, ..... Hong Kong, the ..... day of ..... 19 .....

Before me,

A Commissioner etc.

\*Delete whichever is inapplicable.

(L.N. 417 of 1995)

FORM 2

[rule 16]

NOTICE OF HEARING

Lands Tribunal Application No. ....

These proceedings have been set down for hearing before the Lands Tribunal at ..... in the Fixture/Floating List on ..... day the ..... day of ..... 19 ..... at ..... a.m./p.m., or in the Running List.

Dated this ..... day of ..... 19 .....

..... (Deputy Registrar, Lands Tribunal)

To .....

(L.N. 417 of 1995)

FORM 3

[rule 22]

APPLICATION FOR SUMMONS TO A WITNESS

Lands Tribunal  
Application No. ....

To: The Registrar, Lands Tribunal

Whereas ..... of ..... is likely to give material evidence on behalf of the Applicant/Respondent, I ..... apply for a summons to be issued to the said ..... requiring him to appear at the Tribunal sitting at ..... on ..... day the ..... day of ..... 19 .... at ..... a.m./p.m. to give evidence on behalf of the Applicant/Respondent.

Dated this ..... day of ..... 19 .....

.....  
(Solicitors for the) Applicant/Respondent  
(L.N. 417 of 1995)

FORM 4

[rule 22]

SUMMONS TO WITNESS TO APPEAR (AND TO PRODUCE DOCUMENTS)

Lands Tribunal  
Application No. ....

To [Name, address and occupation]

You are hereby summoned to attend at a sitting of the Lands Tribunal to be held at ..... on ..... day the ..... day of ..... 19 ..... at ..... a.m./p.m. to give evidence in the above proceedings (and also to bring with you and produce [State particulars of documents required]).

This summons was issued on behalf of Applicant/Respondent .....

Dated this ..... day of ..... 19 .....

.....  
Registrar, Lands Tribunal  
(L.N. 417 of 1995)

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE COMPENSATION FOR LAND RESUMED UNDER LANDS RESUMPTION ORDINANCE

Pursuant to section 6(2)/8(2)\*

\*I/We ..... of ..... (address)

or

\*The Director of Lands require(s) the Lands Tribunal to determine the amount of compensation to be paid in respect of the resumption of .....

(describe the estate or interest in land resumed)

formerly owned by \*me/us

or

\*by ..... (name(s))

because

\*an offer made under section 6(1)(a) of the Ordinance has been rejected. (Attach a statement of particulars required by rule 34(3).)

\*a claim submitted under section \*6(2)/8(1) of the Ordinance has not been agreed. (Attach a copy of the claim.)

\*no claim has been submitted under section 6(2) of the Ordinance. (Attach a statement of the particulars required by rule 34(3).)

Dated this ..... day of ..... 19 .....

..... (to be signed by or on behalf of the Applicant)

- To: 1. The Registrar, Lands Tribunal. 2.

Address for service of the Applicant:

\*Delete whichever does not apply.

\_\_\_\_\_

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE COMPENSATION FOR ENTRY UNDER LANDS RESUMPTION ORDINANCE

Pursuant to section 7(3)

\*I/We ..... of ..... (address)

as \*owner(s)/occupier(s) of ..... (describe the land)

or

\*The Director of Lands

require(s) the Lands Tribunal to determine the amount of compensation to be paid in respect of damage caused by reason of-

+entry upon ..... (describe the land)

and/or works performed thereon,

under section 7(1) of the Ordinance.

A claim for compensation (copy attached) was made pursuant to section 7(2) of the ordinance but no agreement has been reached by way of settlement or compromise.

Dated this ..... day of ..... 19 .....

..... (to be signed by or on behalf of the Applicant)

- To: 1. The Registrar, Lands Tribunal. 2.

Address for service of the Applicant:

- \* Delete whichever does not apply. + Amend to suit the nature of the claim.



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Lands Tribunal  
Application No. ....

FORM 7

[rules 36, 39, 40, 45, 49,  
51, 54, 57, 58, 59, 61,  
69, 73, 75, 78, 78I]

NOTICE OF OPPOSITION TO APPLICATION/APPEAL  
TO LANDS TRIBUNAL UNDER LANDLORD AND  
TENANT (CONSOLIDATION) ORDINANCE

\*or ..... ORDINANCE

Pursuant to section .....

+Name, address and status of applicant:

Name, address and status of respondent:

Address and description of premises:

Names, ages and relationship to respondent of persons occupying premises (if application under section 53(2)(b) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7)) or requiring to occupy the premises (if notice of opposition under section 119E(1)(b) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7)):

Grounds and particulars:

I do/do not wish to be heard.

Dated this ..... day of ..... 19 .....

.....  
(Respondent)

Address for service of the Respondent:

- To: 1. The Registrar, Lands Tribunal.  
2. The Applicant.

(Please add such other persons as may be required to be served)

- \* Delete whichever is inapplicable and if necessary add title of relevant Ordinance.  
+ State in relation to applications under the Landlord and Tenant (Consolidation) Ordinance

(Cap 7) whether status of party is landlord, principal tenant, tenant or sub-tenant.  
(L.N. 417 of 1995; 25 of 1998 s. 2; L.N. 78 of 2002)

FORM 8

[rule 38(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE COMPENSATION  
UNDER MASS TRANSIT RAILWAY (LAND  
RESUMPTION AND RELATED PROVISIONS) ORDINANCE

Pursuant to section .....

\*I/We ..... of .....  
..... (Address)

or

The Director of Lands

require(s) the Lands Tribunal to determine the amount of compensation to be paid in respect of  
a claim (copy attached) for compensation under item(s) .....

(specify the items)

of Part I of the First Schedule to the Ordinance. The Director has rejected the claim and now  
commences these proceedings pursuant to section \*21(6)(b)/21(6)(c) of the Ordinance. [To be  
completed only where the Director is applying.]

or

4 months have expired since the claim was received by the Director and these proceedings are  
commenced pursuant to section 21(7) of the Ordinance.

+The reasons given by the Director, under section 21(5) of the Ordinance for rejecting the  
claim were-

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1. The Registrar, Lands Tribunal.  
2.

Address for service of the Applicant:

- \* Delete whichever does not apply.
- + Complete where applicable.

(L.N. 417 of 1995)

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FORM 9

[rule 40(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO REVIEW DECISION OF  
CHIEF EXECUTIVE REFUSING TO RESUME CONTIGUOUS OR ADJACENT  
LAND UNDER MASS TRANSIT RAILWAY (LAND RESUMPTION  
AND RELATED PROVISIONS) ORDINANCE

Pursuant to section 8(2)

I/We ..... of ..... (address)

.....  
as former owner(s)/occupier(s) of-

(a) the resumed land being .....  
..... ;  
(describe the resumed land)

and

(b) the contiguous or adjacent land being .....  
.....  
(describe the contiguous or adjacent land)

apply to the Lands Tribunal to review the decision of the Chief Executive made under section 8(1) of the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap 276) that the resumed land is not reasonably necessary to the use and enjoyment of the contiguous or adjacent land so that such contiguous or adjacent land cannot itself be put to any profitable use.

A copy of the application made to the Chief Executive pursuant to section 8(1) of the Ordinance is attached.

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

- To: 1. The Registrar, Lands Tribunal.  
2. Director of Lands.

Address for service of the Applicant:

(L.N. 417 of 1995; 25 of 1998 s. 2)

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NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE COMPENSATION UNDER ROADS (WORKS, USE AND COMPENSATION) ORDINANCE

Pursuant to section .....

\* I/We ..... of .....  
.....

\* The Secretary for the Environment, Transport and Works

\* require(s) the Lands Tribunal to extend pursuant to section 28(2) of the Ordinance the period(s) specified by section 28(1) of the Ordinance.

or

\* require(s) the Lands Tribunal to review pursuant to section 23(2) of the Ordinance a decision of the Chief Executive made under section 23(1) of the Ordinance.

or

\* require(s) the Lands Tribunal to determine the amount of compensation to be paid in respect of a claim (copy attached) for compensation under item(s) ..... of Part II of the Schedule to the Ordinance.

\* The Secretary has rejected the claim and commences these proceedings pursuant to section 29(6)(b)/29(6)(c) of the Ordinance. (To be completed only where the Secretary is applying).

or

7 months have expired since the claim was received by the Secretary and these proceedings are commenced pursuant to section 29(7) of the Ordinance.

The reasons given by the Secretary under section 29(5) of the Ordinance, for rejecting the claim were- (Complete where applicable)

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1. The Registrar, Lands Tribunal.  
2.

Address for service of the applicant:

\*Delete whichever is inapplicable.

(L.N. 417 of 1995; 25 of 1998 s. 2; L.N. 106 of 2002)

FORM 11

[rule 46(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO REVIEW DECISION OF CHIEF EXECUTIVE REFUSING TO RESUME CONTIGUOUS OR ADJACENT LAND UNDER ROADS (WORKS, USE AND COMPENSATION) ORDINANCE

Pursuant to section 23(2)

I/We ..... of ..... have a compensatable interest (address) in the undermentioned contiguous or adjacent land and-

(a) being the former owner(s)/occupier(s) of ..... (describe the resumed land)

\*OR

(a) being aggrieved by the closing of the road or extinguishment, modification or restriction of the private right, namely- ..... (describe the road or private right)

(b) the contiguous or adjacent land being ..... (describe the contiguous or adjacent land)

apply to the Lands Tribunal to review the decision of the Chief Executive made under section 23(1) of the Ordinance that the resumed land/road/right is not reasonably necessary to the use and enjoyment of the contiguous or adjacent land.

A copy of the application made to the Chief Executive pursuant to section 23(1) of the Ordinance is attached.

Dated this ..... day of ..... 19 .....

..... (to be signed by or on behalf of the Applicant)

- To: 1 The Registrar, Lands Tribunal.  
 2. Secretary for the Environment, Transport and Works.

Address for service of the applicant:

\*Delete whichever does not apply.

(L.N. 417 of 1995; 25 of 1998 s. 2; L.N. 106 of 2002)

FORM 12

[rule 48(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE  
 COMPENSATION UNDER FORESHORE AND SEA-BED  
 (RECLAMATIONS) ORDINANCE

Pursuant to section

I/We ..... of ..... (address)

.....  
 or

\*The Director of Lands

require(s) the Lands Tribunal to determine under section 13 of the Ordinance, the amount of compensation payable in respect of a claim (copy attached) made under section 12 of the Ordinance by .....  
 .....  
 .....  
 (person affected)

Authorization of the proposal under section 3 of the Ordinance to which the claim relates, became effective under section 7 of the Ordinance.

or

Authorization of the proposal under section 3 of the Ordinance to which the claim relates, has been given (in part) by the Chief Executive in Council under section \*8(1)(b)/8(1)(c) of the Ordinance.

It is certified that notice under section 13(5) of the Ordinance of reference of the claim to the Lands Tribunal was served on the other party to the claim on the ..... day of ..... 19 .....

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: The Registrar, Lands Tribunal.

Address for service of the Applicant:

\*Delete whichever is inapplicable.

(L.N. 417 of 1995; 25 of 1998 s. 2)

FORM 13

[rule 50]

NOTICE TO LANDS TRIBUNAL UNDER HONG KONG AIRPORT (CONTROL OF OBSTRUCTIONS) ORDINANCE

Pursuant to section 25(2)

\*I/We ..... of ..... (address)

.....

or

\*The Director of Lands

require(s) the Lands Tribunal to determine a dispute under section 25 of the Ordinance as to the compensation to be paid for .....  
(describe the loss, damage or expense for which compensation .....  
has been claimed and attach copy of claim made under section 23 of the Ordinance)

The Tribunal is also required to determine the person or persons to whom compensation is payable. The names and addresses of the persons claiming entitlement to the compensation are- (set out names and address)

It is certified that notice, under section 25(2) of the Ordinance, of intention to refer this dispute to the Tribunal was served on the following parties to the dispute on the ..... day of ..... 19 .....-(set out names and addresses)

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: The Registrar, Lands Tribunal.

Address for service of the applicant:

\*Delete whichever inapplicable.

(L.N. 417 of 1995)

\_\_\_\_\_

FORM 14

[rule 53(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE  
COMPENSATION UNDER ELECTRICITY NETWORKS  
(STATUTORY EASEMENTS) ORDINANCE

Pursuant to section 10(3)

I/We ..... of .....

.....  
require the Lands Tribunal to determine the amount of compensation in a claim (copy attached)  
for compensation under section 10(1) of the Ordinance.

Particulars of the application are-

1. Land affected by the registration of the statutory order:
2. Nature of the estate or interest of the applicant in the land:
3. Amount of compensation claimed:
4. Grounds and facts relied upon by applicant:

28 days have expired since the claim was delivered to the power company but the applicant and the power company have failed to reach agreement in respect of the power company's liability, if any, under section 10 of the Ordinance. This application is being submitted to the Tribunal not later than 60 days after the expiration of the said 28 days.

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1. The Registrar, Lands Tribunal.



2. (Power company).

Address for service of the applicant:

(L.N. 417 of 1995)

\_\_\_\_\_

FORM 15

[rule 56(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE COMPENSATION UNDER BUILDINGS ORDINANCE

Pursuant to section 18A

\*I/We ..... of .....

.....  
require the Lands Tribunal to determine the compensation to be paid by the respondent(s) in respect of a shoring claim the particulars of which are as follows-

\*1. I am the occupier of a building for which shoring is erected  
or I am a person other than the occupier of a building for which shoring is erected.

The building is situate at .....

- 2. Name and address of respondent(s).
- 3. Address of respondent(s) building works/proposed building works which necessitate the erection of shoring-  
.....
- 4. No agreement in writing has been entered into with the respondent(s) for payment of compensation. If I do so, I will inform you in writing.
- 5. Particulars of loss or damage suffered by applicant by reason of the erection, maintenance or dismantling of the shoring:

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

- To:
- 1. The Registrar, Lands Tribunal.
  - 2. Respondent(s).

Address for service of the applicant:

\* Delete whichever inapplicable.

(L.N. 417 of 1995)

\_\_\_\_\_

NOTICE OF APPEAL TO LANDS TRIBUNAL UNDER DEMOLISHED BUILDINGS  
(RE-DEVELOPMENT OF SITES) ORDINANCE

Pursuant to section 4(1)

I/We ..... of ..... (address)

.....  
as owner(s) of .....  
(describe the property)

.....  
require the Lands Tribunal to hear an appeal against a re-development order in respect of such  
property made by the Director of Buildings pursuant to section 4(1) of the Ordinance and  
served on \*me/us on the ..... day of ..... 19 .....

The appeal is against .....  
(here state whether the appeal is  
.....  
against the entire order or specify the part or parts objected to)  
.....

The grounds of appeal are .....  
.....  
.....

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the appellant(s))

- To: 1. The Registrar, Lands Tribunal.  
2. The Director of Buildings.

Address for service of the Appellant(s): ..... (L.N. 417 of 1995)

NOTICE OF APPEAL TO LANDS TRIBUNAL UNDER DEMOLISHED BUILDINGS  
(RE-DEVELOPMENT OF SITES) ORDINANCE

Pursuant to section 6(3)

I/We ..... of ..... (address)

.....  
as \*owner(s)/mortgagee(s) of ..... (describe the property)

.....  
require the Lands Tribunal to hear an appeal against assessment of incremental value in respect of such property made by the Director of Lands pursuant to section 6(1) of the Ordinance and notified to \*me/us on the ..... day of ..... 19.....

The grounds of appeal are .....  
.....  
.....

Dated this ..... day of ..... 19 .....

.....  
(to be signed or on behalf of the appellant(s))

- To: 1. The Registrar, Lands Tribunal.  
2. The Director of Lands.

Address for service of the Appellant(s):

\*Delete whichever does not apply.

(L.N. 417 of 1995)

\_\_\_\_\_

FORM 18

[rule 59]

NOTICE OF APPLICATION TO LANDS TRIBUNAL UNDER DEMOLISHED BUILDINGS (RE-DEVELOPMENT OF SITES) ORDINANCE

Pursuant to section 7(2)

Name and address of applicant:

Name and address of respondent:

Address and description of premises:

Term of tenancy:

Rent:

(1) On the ..... day of ..... 19 ..... I vacated the premises which were

the subject of a Closure Order.

(2) In the premises I had occupied (insert details of accommodation):

(3) I apply that the compensation to which I may be entitled be determined.

(4) I have not entered into any agreement with my landlord or principal tenant as regards payment of compensation. If I do so, I will inform you in writing.

Dated this ..... day of ..... 19 .....

.....  
Applicant

Address for service of the Applicant:

- To: 1. The Registrar, Lands Tribunal.
- 2. Respondent.

(L.N. 417 of 1995)

\_\_\_\_\_

FORM 19

[rule 60]

Rating Appeal No.      of 19

NOTICE OF APPEAL TO LANDS TRIBUNAL UNDER RATING ORDINANCE

Pursuant to section 42(1)

\*I/We ..... of .....  
.....  
as \*owner(s)/occupier(s)/ .....

(specify any other capacity)

require the Lands Tribunal to hear an appeal against the decision of the Commissioner of Rating and Valuation that .....

.....  
(describe the tenement and summarize the decision affecting it)

The decision was served on \*me/us by the Commissioner pursuant to section \*39/40(2) of the Ordinance on the ..... day of ..... 19 .....

+The grounds of the appeal and the facts on which they are based are .....  
.....  
.....

The Tribunal is requested to make an order under section 44(1) of the Ordinance that .....

.....  
.....

(set out the remedy sought)

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Appellant)

Address for service of the Appellant(s):

- To:
1. The Registrar, Lands Tribunal.
  2. Commissioner of Rating and Valuation.
  3. (Please add such other person as may be required to be served).

- \* Delete whichever is inapplicable.
- + Note section 42(2) of the Ordinance.

(L.N. 417 of 1995)

\_\_\_\_\_

FORM 20

[rule 65(1)]

NOTICE OF APPEAL TO LANDS TRIBUNAL UNDER  
HOUSING ORDINANCE

Pursuant to the Schedule

I/We ..... of .....

.....

as the purchaser(s) of .....

.....

.....

(describe the property)

require the Lands Tribunal to hear an appeal against the assessment of the Prevailing Market Value in respect of the property described made by the Director of Housing and notified to me/us on the ..... day of ..... 19 .....

The grounds of appeal are .....

.....

.....

Dated this ..... day of ..... 19 .....

.....  
Appellant

- To: 1. The Registrar, Lands Tribunal.  
2. The Director of Housing.

Address for service of the Appellant:

(L.N. 417 of 1995)

\_\_\_\_\_

FORM 21

[rule 66(3)]

NOTICE OF OPPOSITION TO AN APPEAL UNDER HOUSING ORDINANCE

Pursuant to the Schedule

The Director of Housing gives notice that he opposes the appeal by .....  
..... the appellant purchaser(s) of  
.....  
.....  
(describe the property)

filed with the Lands Tribunal against the assessment made by me of the Prevailing Market Value in respect of the property described.

A copy of the assessment made by me on the ..... day of ..... 19 ....., against which the appeal has been made, is annexed.

Dated this ..... day of ..... 19 .....

.....  
for and on behalf of the Director of Housing

- To: 1. The Registrar, Lands Tribunal.  
2. The Appellant(s).

Address for service of the Director of Housing:

(L.N. 417 of 1995)

\_\_\_\_\_

NOTICE OF APPLICATION UNDER LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE

Pursuant to section .....

LD

No. ....

Applicant's Name: ..... \* (Landlord/Tenant/Sub-tenant)

and Address: .....

Respondent's Name: ..... \* (Landlord/Tenant/Sub-tenant)

and Address: .....

Address of premises: .....

User of premises: ..... \* (Residential/Business)

Duration of tenancy: From ..... To ..... Existing rent: \$ ..... /month

Nature and particulars of application:

\* Application for new tenancy. / \*Application for determination of prevailing market rent.

\* Application for recovery of possession of the suit premises and rent as the respondent has failed to pay rent from the day of ..... and application for order for mesne profits, ..... costs, ..... \*interest, ..... \*management fees, \*rates/Government rent, ..... \*water/electricity/gas charges and \*other utility charges.

\* Application for disposal of properties left in the premises by the respondent.

Dated this ..... day of .....

.....+
(Signature of \*the authorized representative of Applicant)
Full name of authorized representative: .....

To: 1. The Registrar, Lands Tribunal.
2. The Respondent.

Address for service of the applicant: .....

.....  
+ If the applicant is a company/incorporation, please affix the company seal and write down the full name of the signatory.

\* Delete whichever is inapplicable.

**Note:** If the respondent intends to oppose this application, he must personally attend at the Lands Tribunal Registry within 14 days of the date of service of this notice, and file a notice of opposition (Form 7).

(Replaced 32 of 2002 s. 40)

\_\_\_\_\_  
FORM 23

[rule 72(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL FOR ORDER CANCELLING OR  
REDUCING INCREASE OF RENT ON ACCOUNT OF IMPROVEMENTS UNDER  
LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE

Pursuant to section 55A(8)

Name and address of applicant:  
(tenant/sub-tenant)

Name and address of respondent:  
(landlord/principal tenant)

The applicant hereby applies for an order cancelling or reducing the increase in rent as specified in the Notice of Increase served on the applicant by the respondent on .....

(date of service)

of the premises known as .....

(description of premises)

on the ground that-

\*(a) the improvement was unnecessary.

\*(b) a greater amount was expended on the improvement than was reasonable.

\*(c) the apportionment of the increase of rent resulting from improvement among the tenants was unreasonable.

The applicant also applies for an order for costs.

Address for service of applicant:

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)



To: 1. The Registrar, Lands Tribunal.  
2. The Respondent.

**Note:** If you intend to oppose this application, you must personally attend at the Lands Tribunal Registry within 14 days of the day of service of this notice, and file a notice of opposition by means of Form 7.

\*Delete whichever inapplicable.

(L.N. 417 of 1995)

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FORM 24

[rule 74(1)]

NOTICE OF APPEAL TO LANDS TRIBUNAL AGAINST DECISION OF  
COMMISSIONER OF RATING AND VALUATION ON APPLICATION  
FOR TRANSFER OF TENANCY FROM PART II TO PART IV OF  
THE LANDLORD AND TENANT (CONSOLIDATION)  
ORDINANCE

Pursuant to section 51D

Name, address and status of appellant:

Name, address and status of respondent:

The appellant hereby appeals against the decision of the Commissioner of Rating and Valuation upon an application pursuant to section 51A/51B (delete whichever inapplicable) to exclude from Part II and thereby transfer to Part IV the tenancy in respect of the premises known as .....

(description of premises)

A copy of the certificate issued by the Commissioner of Rating and Valuation setting out the decision appealed against is attached.

The grounds of appeal are: (here state briefly the grounds of appeal)

The appellant also applies for an order for costs.

Address for the service of the appellant:

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Appellant)

- To:
1. The Registrar, Lands Tribunal.
  2. The Respondent.
  3. Commissioner of Rating and Valuation.
  4. (Please add such other person as may be required to be served)

**Note:** If you intend to oppose this appeal, you must personally attend at the Lands Tribunal Registry within 14 days of the day of service of this notice, and file a notice of opposition by means of Form 7.

(L.N. 417 of 1995)

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FOR M 25

[rule 74(2)]

NOTICE OF APPEAL TO LANDS TRIBUNAL AGAINST DECISION OF  
COMMISSIONER OF RATING AND VALUATION ON REVIEW OF  
CERTIFICATE OF INCREASE IN RENT UNDER LANDLORD  
AND TENANT (CONSOLIDATION) ORDINANCE

Pursuant to section 60

Name, address and status of appellant:

Name, address and status of respondent:

The appellant hereby appeals against the decision of review of certificate of increase in rent of the Commissioner of Rating and Valuation in respect of the premises known as

.....  
(description of premises)

A copy of the certificate issued by the Commissioner of Rating and Valuation setting out the decision appealed against is attached.

The grounds of appeal are: (here state briefly the grounds of appeal)

The appellant also applies for an order for costs.

Address for service of the appellant:

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Appellant)

- To:
1. The Registrar, Lands Tribunal.
  2. The Respondent.
  3. Commissioner of Rating and Valuation.
  4. (Please add such other persons as may be required to be served).

**Note:** If you intend to oppose this appeal, you must personally attend at the Lands Tribunal Registry within 14 days of the day of service of this notice, and file a notice of opposition by means of Form 7.

(L.N. 417 of 1995)

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FORM 26

[rule 74(3)]

NOTICE OF APPEAL TO LANDS TRIBUNAL AGAINST A DETERMINATION OF THE  
COMMISSIONER OF RATING AND VALUATION ON THE INCREASE IN  
RENT OF SUB-TENANCY ON ACCOUNT OF IMPROVEMENTS UNDER  
THE LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE

Pursuant to section 63A(6)

Name and address of appellant(s):  
(sub-tenant)

Name and address of respondent(s):  
(principal tenant)

The appellant(s) hereby appeal(s) against the determination by the Commissioner of Rating and Valuation of the amount by which the rent payable by the sub-tenant is to be increased on account of improvements effected by the landlord and resulting in an increase of rent payable by the principal tenant to the landlord pursuant to section 55A for such improvements.

A copy of the notice of the Commissioner of Rating and Valuation setting out the determination appealed against is attached.

The grounds of appeal are: (here state briefly the grounds of appeal)

The appellant(s) also apply(ies) for an order for costs.

Address for service of appellant:

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Appellant(s))

- To:
1. The Registrar, Lands Tribunal.
  2. The Respondent(s).
  3. Commissioner of Rating and Valuation.
  4. (Please add such other persons as may be required to be served)

**Note:** If you intend to oppose this appeal, you must personally attend at the Lands Tribunal Registry within 14 days of the day of service of this notice, and file a notice of opposition by means of Form 7.

(L.N. 417 of 1995)

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FORM 27

[rule 77(a)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL UNDER BUILDING  
MANAGEMENT ORDINANCE

Building Management  
Application No. ....

Pursuant to section 4

\*Name, address and status of applicant(s):

Name and address of respondent(s):  
(other owners)

Address of building:

+(Where the applicant(s) is/are owners in terms of section 4(1)(a))-  
The total number of shares for the purposes of section 39:

+The percentage of shares held by the applicants are:

The applicant(s) apply for an order that a meeting of owners to appoint a Management Committee be convened by the applicant(s) or by such owner as the Tribunal may direct and for

an order for the costs of this application.

Address for service of the applicant(s):

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant(s))

To: 1. The Registrar, Lands Tribunal.  
2. The Respondent(s).

**Note:** If you intend to oppose this application, you must personally attend at the Lands Tribunal Registry within 21 days of the day of service of this notice and file a notice of opposition by means of Form 7.

- \* State whether applicants are the owners of not less than 20% of the shares in the building or whether the applicant is the Secretary for Justice.
- + Delete if the applicant is the Secretary for Justice.

(L.N. 417 of 1995; L.N. 362 of 1997)

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FORM 28

[rule 77(b)]

NOTICE OF APPLICATION TO DISSOLVE MANAGEMENT COMMITTEE AND  
APPOINT AN ADMINISTRATOR OR NOTICE OF APPLICATION TO  
REMOVE AND REPLACE AN ADMINISTRATOR UNDER  
THE BUILDING MANAGEMENT ORDINANCE

Building Management  
Application No. ....

Pursuant to section 31

\*Name, address and status of applicant(s):

+Name and address of respondent(s):

Name and address of Owners' Corporation:

Address of building:

The applicant(s) apply(ies) for an order that a meeting of owners to appoint a Management Committee be convened by the applicant(s) or by such owner as the Tribunal may direct and for an order for the costs of this application.

Address for service of the applicant(s):

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant(s))

- To: 1. The Registrar, Lands Tribunal.  
2. The Respondent(s).

**Note:** If you intend to oppose this application, you must personally attend at the Lands Tribunal Registry within 21 days of the day of service of this notice and file a notice of opposition by means of Form 7.

- \* State whether applicant(s) is/are the owners of not less than 20% of the shares in the building or whether the applicant(s) is/are the Secretary for Justice.
- + Delete if the applicant is the Secretary for Justice.

(L.N. 417 of 1995; L.N. 362 of 1997)

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FORM 29

[rule 77(c)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL UNDER  
BUILDING MANAGEMENT ORDINANCE

Building Management  
Application No. ....

Pursuant to Tenth Schedule, paragraph .....

Name, address and status of applicant(s):

Name, address and status of respondent(s):

Address of building:

1. The applicant(s) apply(ies) for an order relating to .....  
.....  
(specify the particular issue under the appropriate paragraph of the Tenth Schedule  
.....  
pursuant to which application brought)

+2. The question of law, interpretation and enforcement or other issue to be determined is:

**or** Particulars of the sums or other amounts to be calculated or apportioned are:

Address for service of the applicant(s):

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the applicant(s))

To: 1 The Registrar, Lands Tribunal.  
2 The Respondent(s).

**Note:** If you intend to oppose this application, you must personally attend at the Lands Tribunal Registry within 21 days of the day of service of this notice and file a notice of opposition by means of Form 7.

+ Delete whichever inapplicable and otherwise amend as necessary.

(L.N. 417 of 1995)

---

FORM 30

[rule 10]

AFFIDAVIT/AFFIRMATION OF SERVICE

Lands Tribunal  
Application No. ....

Pursuant to section .....

I, ....., of .....  
.....  
make oath and say as follows:

OR

hereby sincerely and truly affirm and say as follows:

1. I did on ..... day the ..... day of ..... 19 .....  
at .....  
personally serve ..... the person named as the respondent in the  
abovementioned application with a true copy of the application of which the document  
now shown to me and marked ..... is also a true copy.

OR

1. (a) I did on ..... day the ..... day of ..... 19 .....  
serve ..... the person named as the respondent in the  
abovementioned application with a true copy of the application of which the  
document now shown to me and marked ..... is also a true copy by  
sending the same to him by ordinary post addressed to him  
at .....  
..... his address for service OR  
at .....  
his last known or usual place of abode or business in Hong Kong OR  
at ..... its  
registered office.

OR

1. (a) I did on ..... day the ..... day of ..... 19 ..... post up at the  
entry if the premises known as ..... a notice of  
intention to apply pursuant to section 4 of the Landlord and Tenant (Consolidation)  
Ordinance (Cap 7) that the said premises be exempt from the provisions of the said  
Ordinance of which notice the document now shown to me and  
marked ..... is a true copy.

[1.] I also did on ..... day the ..... day of ..... 19..... serve a  
duplicate of such notice on ..... who  
is ..... \*tenant/landlord of the said premises.

OR (in the case of substituted service give precise details and exhibit appropriate proofs that  
service has been effected in terms of the order for substituted service)

+ AND I solemnly sincerely and truly affirm and say that the contents of this my affirmation  
are true.

\*SWORN/AFFIRMED at .....  
..... Hong Kong  
this ..... day of ..... 19 .....

.....

Before me:

}



- \* Strike out inapplicable words.
- + For affirmations only.

(L.N. 650 of 1994; L.N. 417 of 1995; 25 of 1998 s. 2)

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FORM 31

[rule 14]

APPLICATION OF LIST FOR HEARING

Lands Tribunal  
Application No.: .....

Pursuant to rule 14

- To: The Registrar, Lands Tribunal.
1. Application is hereby made for the hearing of this application.
  2. It is estimated that the hearing will last ..... days.
  3. The number of witnesses to be called is .....
  4. Notice of Opposition was filed on the ..... day of ..... 19 .....

OR

No Notice of Opposition has been filed and the time limited for filing such notice expired on the ..... day of ..... 19 .....

Dated this ..... day of ..... 19 .....

.....  
Applicant/Respondent

AND To: The Respondent/Applicant.

(L.N. 417 of 1995)

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FORM 32

[rule 78B]

Application No. ....



Other grounds and particulars:

Dated this ..... day of ..... 19 .....

.....  
(Applicant)

Address for service of the Applicant:

- To: 1. The Registrar, Lands Tribunal.  
2. The Respondent.  
3. (Please add such other persons as may be required to be served)

**Note:** If you intend to oppose this application, you must personally attend at the Lands Tribunal Registry within 21 days of service of this notice and file a notice of opposition by means of Form 33.

(L.N. 100 of 1999)

\_\_\_\_\_

FORM 33

[rule 78C]

Application No. ....

NOTICE OF OPPOSITION TO APPLICATION FOR AN ORDER FOR SALE  
UNDER LAND (COMPULSORY SALE FOR REDEVELOPMENT) ORDINANCE

Pursuant to section 4(2)

Name and address of applicant (the majority owner):

Name, address and status of respondent (the minority owner):

Address and description of premises:

1. Application for an order to sell all the undivided shares in the lot for the purposes of the redevelopment of the lot is opposed on the following grounds:
  - (a) The value of some or all units of property as assessed in the application is disputed for the following reasons:
  
  - (b) Other reasons (if any):
  
2. The proposed amount of compensation to be paid by the said respondent (minority owner) to his own tenants is opposed for the following reasons:
  
3. I/We do/do not wish to be heard.

Dated this ..... day of ..... 19 .....

.....  
(Name and No. of the Respondent)

Address for service of the Respondent:

- To:
1. The Registrar, Lands Tribunal.
  2. The Applicant (majority owner).
  3. (Please add such other persons as may be required to be served)

(L.N. 100 of 1999)

\_\_\_\_\_

FORM 34

[rule 78E]

Application No. ....  
(related to Main Application No. ....)

NOTICE OF APPLICATION FOR DETERMINATION OF COMPENSATION  
UNDER LAND (COMPULSORY SALE FOR  
REDEVELOPMENT) ORDINANCE

Pursuant to sections 4(6) and 8(3) and (4)

- (a) Name, address and status of applicant (tenant/principal tenant/sub-tenant):
- (b) Name, address and status of respondent (majority/minority owner):
- (c) Address and user of premises:
- (d) Duration of tenancy:
- (e) Rent:
- (f) The main application no. under which an order to sell all the undivided shares of the lot inclusive of the premises herein being sought by the majority owner is: .....
- (g) The proposed maximum amount of compensation payable to the applicant herein as set out in the said main application is: .....

The applicant hereby applies for a determination of the amount of compensation to be paid in the event of termination of the tenancy herein under section 8(1)(b) following the making of an order for sale by the Tribunal pursuant to section 4(6) of the Ordinance. The amount of compensation claimed by the applicant herein is ..... , and the grounds and facts relied upon by the applicant are:

Dated this ..... day of ..... 19 .....

.....  
(Applicant Tenant)

Address for service of the Applicant:

- To:
1. The Registrar, Lands Tribunal.
  2. The Respondent.
  3. The Applicant (majority owner) in the main application.
  4. (Please add such other persons as may be required to be served)

- Note:**
- (a) If you wish to oppose this application, you must personally attend at the Lands Tribunal Registry within 21 days of service of this notice, and file a notice of opposition by means of Form 35.
  - (b) Neither the applicant nor the respondent needs to take active steps to set a date for the determination of the compensation. Parties herein will receive a notice of hearing of the main application and that they may attend the Tribunal if they so wish. If an order for sale is made by the Tribunal, either party may apply to the Tribunal to review the amount of compensation determined within one month of the making of the order, if either party is not satisfied with the amount of compensation determined, pursuant to section 11A of the Lands Tribunal Ordinance (Cap 17).

(L.N. 100 of 1999)

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FORM 35

[rule 78F]

Application No. ....  
(related to Main Application No. ....)

NOTICE OF OPPOSITION TO APPLICATION FOR DETERMINATION OF  
COMPENSATION UNDER LAND (COMPULSORY SALE  
FOR REDEVELOPMENT) ORDINANCE

Pursuant to sections 4(6) and 8(3)

- (a) Name, address and status of applicant (tenant/principal tenant/sub-tenant):
  
- (b) Name, address and status of respondent (majority/minority owner):
  
- (c) Address and description of premises:

I am/We are a party to the Main Application No. .... My/Our/applicant's/respondent's no. is .....

2. I/We oppose to the amount of compensation claimed by the applicant tenant/principal tenant/sub-tenant to the following extent:

- (a) No compensation should be payable to the applicant for the following reasons

(please state the facts relied upon in sufficient detail to enable the applicant to know the case he has to meet):

- (b) The amount of compensation payable to the applicant should be ..... for the following reasons (state the facts relied upon in sufficient detail to enable the applicant to know the case he has to meet):

3. I/We do/do not wish to be heard.

Dated this ..... day of ..... 19 .....

.....  
(Name of the Respondent Owner)

Address for service of the Respondent:

- To: 1. The Registrar, Lands Tribunal.
2. The Applicant tenant/Principal tenant/Sub-tenant.
3. The Applicant (majority owner) in the main application.
4. (Please add such other persons as may be required to be served)

(L.N. 100 of 1999)

FORM 36

[rule 78H]

Appeal No. .... of .....

NOTICE OF APPEAL TO LANDS TRIBUNAL UNDER GOVERNMENT RENT (ASSESSMENT AND COLLECTION) ORDINANCE

Pursuant to section 26(1)

\*I/We ..... of .....
as \*owner(s)/lessee(s)/occupier(s)/other(s)/ .....
(require the Lands Tribunal to hear an appeal against the decision of \*the Director of Lands/the Commissioner of Rating and Valuation that .....
(describe the tenement and summarize the decision affecting it)

The decision was \*made known to/served on \*me/us by \*the Director of Lands/the Commissioner of Rating and Valuation pursuant to section \*4(11)/21(1)/25(3) of the Ordinance on the ..... day of .....

+The grounds of the appeal and the facts on which they are based are .....  
.....  
.....

The Tribunal is requested to make an order under section 27 of the Ordinance that .....  
.....  
.....

(set out the remedy sought)

Dated this ..... day of .....

.....  
(to be signed by or on behalf of the Appellant(s))

Address for service of the Appellant(s):

- To: 1. The Registrar, Lands Tribunal.  
2. \*Director of Lands/Commissioner of Rating and Valuation.  
3. (Please add such other persons as may be required to be served).

\* Delete whichever is inapplicable.

+ Note section 26(2) of the Ordinance-

- (a) for an appeal under section 4(11) of the Ordinance, the grounds of the appeal are confined to the question of whether the interest held under an applicable lease or the tenement is entitled to an exemption from liability to pay Government rent;  
(b) for an appeal under section 21(1) or 25(3) of the Ordinance, the grounds of the appeal are confined to those of the proposal or objection, as the case may be. \_.

(L.N. 78 of 2002)

FORM 36

[rule 74(3A)]

NOTICE OF APPEAL TO LANDS TRIBUNAL AGAINST DETERMINATION  
OF COMMISSIONER OF RATING AND VALUATION ON WHETHER A  
TENANCY IS EXCLUDED FROM PART V OF THE LANDLORD  
AND TENANT (CONSOLIDATION) ORDINANCE

Pursuant to section 121(6)

Name, address and status of appellant:



Name, address and status of respondent:

The appellant hereby appeals against the determination of the Commissioner of Rating and Valuation upon an application pursuant to section 121(4) to determine whether a tenancy is excluded from Part V under section 121(3). The tenancy concerned is in respect of the premises known as .....  
(description of premises)

A copy of the notice issued by the Commissioner of Rating and Valuation setting out the determination appealed against is attached.

The grounds of appeal are: (here state briefly the grounds of appeal)

The appellant also applies for an order for costs.

Address for the service of the appellant:

Dated this ..... day of .....

.....  
(to be signed by or on behalf  
of the Appellant)

- To:
1. The Registrar, Lands Tribunal.
  2. The Respondent.
  3. Commissioner of Rating and Valuation.
  4. (Please add such other persons as may be required to be served)

**Note:** If you intend to oppose this appeal, you must personally attend at the Lands Tribunal Registry within 14 days of the day of service of this notice, and file a notice of opposition by means of Form 7.

(Enacted 1994. 32 of 2002 s. 40)

Chapter:	116	Title:	RATING ORDINANCE	Gazette Number:	32 of 2002
Section:	5	Heading:	<b>General powers of Commissioner</b>	Version Date:	27/12/2002

(1A) The Commissioner may disclose any information obtained under this Ordinance to any specified person where in his opinion the disclosure will enable or assist the person to perform a function or exercise a power (including a right) imposed or conferred on the person by-

- (a) this Ordinance;

- (b) the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (c) the Government Rent (Assessment and Collection) Ordinance (Cap 515). (Added 32 of 2002 s. 40)

(1B) In subsection (1A), "specified person" (指明人士) means-

- (a) the Lands Tribunal established under the Lands Tribunal Ordinance (Cap 17) or a court or magistrate;
- (b) a public officer acting in his capacity as a public officer; or
- (c) a landlord or tenant acting in his capacity as a landlord or tenant, as the case may be, under section 119AA of the Landlord and Tenant (Consolidation) Ordinance (Cap 7). (Added 32 of 2002 s. 40)

(1) The Commissioner, or any person authorized by him in writing, may-

- (a) serve on the owner or occupier of any tenement a requisition in the specified form, requiring him to furnish to the Commissioner, within such period of time as the Commissioner may specify in the form, the particulars required by the requisition; (Amended 54 of 1990 s. 4)
- (b) require the owner or occupier of any tenement to produce to him for inspection all receipts for rent, rent-books, accounts or other documents whatsoever connected with the rent or value of the tenement; (Replaced 54 of 1990 s. 4)
- (ba) take away for the purpose of making copies any receipts for rent, rent-books, accounts or other documents whatsoever connected with the rent or value of the tenement, produced for inspection under paragraph (b); (Added 54 of 1990 s. 4)
- (c) at any reasonable time, with the consent of the occupier thereof, or of the owner thereof if there is no occupier or if the occupier cannot be found, enter and inspect any tenement and take such measurements and other particulars as he thinks fit for all or any of the following purposes- (Amended 54 of 1990 s. 4)
  - (i) ascertaining the rateable value of the tenement;
  - (ii) ascertaining whether any amount paid in respect of rates is refundable;
  - (iii) ascertaining whether the tenement is qualified to be exempted;
  - (iv) ascertaining whether the tenement is unoccupied; and
  - (v) for any other purpose connected with the valuation of the tenement; and
- (d) where he is unable to effect an entry into the tenement in accordance with paragraph (c), serve on the owner and occupier of the tenement notice in writing requiring permission to enter and inspect the tenement for all or any of the purposes specified in paragraph (c), and after the expiry of 24 hours from the service of the notice may, at any reasonable time during day-light, enter (using such force as is necessary therefor) and inspect the tenement and take such measurements and other particulars as he thinks fit for any such purposes.

(2) Where receipts for rent, rent-books, accounts or other documents are taken away under subsection (1), the Commissioner or any person authorized by him shall return such documents to the owner or occupier of the tenement within a reasonable period of time. (Added 54 of 1990 s. 4)

Chapter:	515	Title:	GOVERNMENT RENT (ASSESSMENT AND COLLECTION) ORDINANCE	Gazette Number:	32 of 2002
Section:	31	Heading:	<b>General powers of Commissioner</b>	Version Date:	27/12/2002

## PART V

### GENERAL POWERS, ETC.

- (1) The Commissioner, or any person authorized by him in writing, may-
- (a) serve on the lessee of an applicable lease or owner or occupier of a tenement comprised in land leased under the applicable lease a requisition, requiring him to give the Commissioner the particulars required by the requisition within the time the Commissioner specifies;
  - (b) require the lessee of an applicable lease or owner or occupier of a tenement comprised in land leased under the applicable lease to produce to the Commissioner for inspection all receipts for rent, rent-books, accounts or other documents connected with the rent or value of the interest held under the applicable lease or the tenement, as the case may be;
  - (c) take away for making copies any receipts for rent, rent-books, accounts or other documents connected with the rent or value of the interest held under the applicable lease or the tenement, which have been produced for inspection under paragraph (b);
  - (d) at any reasonable time, with the consent of the occupier, or of the owner of a tenement comprised in land leased under an applicable lease or of the lessee of the applicable lease if there is no occupier or if the occupier cannot be found, enter and inspect the tenement and take the measurements and other particulars he thinks fit for the following purposes-
    - (i) ascertaining the rateable value of the interest held under the applicable lease or tenement;
    - (ii) ascertaining whether any amount paid for Government rent is refundable;
    - (iii) ascertaining whether the tenement is unoccupied; and
    - (iv) for any other purpose connected with the valuation of the interest held under the applicable lease or tenement.

(1A) The Commissioner may disclose any information obtained under this Ordinance to any specified person where in his opinion the disclosure will enable or assist the person to perform a function or exercise a power (including a right) imposed or conferred on the person by-

- (a) this Ordinance;
  - (b) the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
  - (c) the Rating Ordinance (Cap 116). (Added 32 of 2002 s. 40)
- (1B) In subsection (1A), "specified person" (指明人士) means-
- (a) the Lands Tribunal established under the Lands Tribunal Ordinance (Cap 17) or a court or magistrate;
  - (b) a public officer acting in his capacity as a public officer; or
  - (c) a landlord or tenant acting in his capacity as a landlord or tenant, as the case may be, under section 119AA of the Landlord and Tenant (Consolidation) Ordinance (Cap 7). (Added 32 of 2002 s. 40)

(2) Where the Commissioner or a person authorized in writing by him is unable to enter land held under an applicable lease or a tenement under subsection (1)(d), he may serve on the lessee of the applicable lease, or the owner or occupier of the tenement notice in writing requiring permission to enter and inspect the land or the tenement, as the case may be, for the purposes specified in that paragraph. After the expiry of 24 hours from the service of the notice, the Commissioner or a person authorized in writing by him may, at any reasonable time, enter (using such force as may be necessary) and inspect the land or the tenement, as the case may be, and take the measurements and other particulars he thinks fit for any of those purposes.

(3) The Commissioner or any person authorized in writing by him is required to return receipts for rent, rent-books, accounts or other documents taken away under subsection (1) to the lessee of the applicable lease, or the owner or occupier of the tenement, as the case may be, within a reasonable period of time.

Chapter:	553B	Title:	ELECTRONIC TRANSACTIONS (EXCLUSION) ORDER	Gazette Number:	L.N. 36 of 2003
Schedule:	1	Heading:	<b>PROVISIONS EXCLUDED FROM APPLICATION OF SECTION 5 OF ORDINANCE</b>	Version Date:	11/04/2003

[section 2]

Item	Enactment	Provision
1.	Landlord and Tenant (Consolidation) Ordinance (Cap 7)	Section 116(4A)
2-4.	(Repealed L.N. 36 of 2003)	
5.	Contracts for Employment Outside Hong Kong Ordinance (Cap 78)	Sections 5(1), 6 and 8(a) and (b)
6.	(Repealed L.N. 36 of 2003)	
7.	Dutiable Commodities (Liquor) Regulations (Cap 109 sub. leg. B)	Regulations 15 and 26
8.	Immigration Ordinance (Cap 115)	Sections 2AB(2)(a), 2AC(2)(a), 5(6) and (7) and 6(1) and (2) (L.N. 36 of 2003)
9.	Buildings Ordinance (Cap 123)	Sections 8B(1), 8C(2), 8D(2), 17(1) (Column B), 19(1) and (4), 20(2), 21(2), 25(1) and 42(2)
10.	Building (Administration) Regulations (Cap 123 sub. leg. A)	Regulations 6(1), 11, 18(1), 18A, 23(1A) and (2), 29(1), 31(1), 33(1), 38 and 47
11.	Building (Planning) Regulations (Cap 123 sub. leg. F)	Regulations 51(1), 53(1) and 64(1) and (2)
12.	Building (Private Streets and Access Roads) Regulations (Cap 123 sub. leg. G)	Regulation 28
13.	Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg. I)	Regulations 62(1) and 73(1)
14.	Building (Oil Storage Installations) Regulations (Cap 123 sub. leg. K)	Regulations 6(1) and 10(2)
15.	Lands Resumption Ordinance (Cap 124)	Sections 6(2) and 8(1)
16.	Foreshore and Sea-bed (Reclamations) Ordinance (Cap 127)	Sections 6(1) and 12(1)
17.	Land Acquisition (Possessory Title) Ordinance (Cap 130)	Section 6(1)
18.	Town Planning Ordinance (Cap 131)	Sections 16(2), 17(1) and 24(1)
19.	Commercial Bathhouses Regulation (Cap 132 sub. leg. I)	Section 5(1)
20.	Food Business Regulation (Cap 132 sub. leg. X)	Section 32(1)
21.	Frozen Confections Regulation (Cap 132 sub. leg. AC)	Section 18(1)
22.	Milk Regulation (Cap 132 sub. leg. AQ)	Section 15(1)
23.	Offensive Trades Regulation (Cap 132 sub. leg. AX)	Section 9(2)
24.	Places of Amusement Regulation (Cap 132 sub. leg. BA)	Section 5(1)
25.	Public Cemeteries Regulation (Cap 132 sub. leg. BI)	Section 5(a)

26.	Slaughterhouses Regulation (Cap 132 sub. leg. BU)	Section 10(1)
27.	Swimming Pools Regulation (Cap 132 sub. leg. CA)	Section 5(1)
28.	Places of Public Entertainment Regulations (Cap 172 sub. leg. A)	Regulations 3(1), 5(1) and (2) and 162(1), (3), (4) and (5)
29.	Births and Deaths Registration Ordinance (Cap 174)	Sections 8(1), 12(2)(b)(i) and (c)(i) and 12A(b)(i) and (c)(i)
30.	Registration of Persons Regulations (Cap 177 sub. leg. A)	Regulation 4(1) and (1B)(a)
31.	Marriage Reform Ordinance (Cap 178)	Section 9(4)(a)
32.	Marriage Ordinance (Cap 181)	Section 14(1)
33.	Aerial Ropeways (Safety) Ordinance (Cap 211)	Section 7
34.	Aerial Ropeways (Operation and Maintenance) Regulations (Cap 211 sub. leg. A)	Regulations 6(1) and 20(5)
35.	Peak Tramway (Safety) Regulations (Cap 265 sub. leg. A)	Regulation 30
36.	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap 276)	Section 21(1)
37.	(Repealed L.N. 36 of 2003)	
38.	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap 296 sub. leg. A)	Regulations 11(2) and 12(2)
39.	Reserved Commodities (Control of Sales by Wholesale) Regulations (Cap 296 sub. leg. B)	Regulation 3(2)
40.	Lifts and Escalators (Safety) Ordinance (Cap 327)	Section 6(1)
41.	Hotel and Guesthouse Accommodation Ordinance (Cap 349)	Sections 6(1) and (4), 7(2), 8(1), 9(2) and 12(2)
42.	Water Pollution Control (Sewerage) Regulation (Cap 358 sub. leg. AL)	Sections 14(1) and 16(1)
43.	Roads (Works, Use and Compensation) Ordinance (Cap 370)	Sections 10(1) and (3) and 29(1) and (4)
44.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)	Regulations 5(1), 17(2) and 20(1) and (3)
45.	Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap 384 sub. leg. A)	Regulation 6(1)(b)
46.	Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)	Sections 3(1) and (2) and 4
47.	Amusement Rides (Safety) Ordinance (Cap 449)	Sections 5 and 39
48.	Amusement Rides (Safety) (Operation and Maintenance) Regulation (Cap 449 sub. leg. B)	Section 6(1)
49.	Builders' Lifts and Tower Working	Sections 12(3) and 15(a)

	Platforms (Safety) Ordinance (Cap 470)	
50.	Land Survey Ordinance (Cap 473)	Section 30(4) and (6)
51.	New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap 495)	Section 5(1), (2), (4) and (5)
52.	Environmental Impact Assessment Ordinance (Cap 499)	Sections 4(5), 5(1), (2) and (4), 6(2), 7(1)(a), 8(1), 10(1)(a), 12(1) and (2) and 13(1)
53.	Railways Ordinance (Cap 519)	Sections 10(1) and (4) and 34(1)
54.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A)	Section 5(2) (L.N. 261 of 2000)
55.	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B)	Section 21(2) (L.N. 261 of 2000; L.N. 268 of 2001)
56.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg. C)	Sections 5(13) and 8(2)
57.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D)	Sections 23(8) and (12), 25(6) and (15), 42(11) and (13) and 66(7) and (10) (L.N. 268 of 2001)
58.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E)	Sections 5(8) and 8(2)
59.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541 sub. leg. F)	Sections 26(5) and (9), 28(3), (9) and (12), 45(8) and (10), 66(6) and (9) and 102(4)
59A.	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H)	Sections 6(13) and 9(2) (L.N. 268 of 2001)
59B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I)	Sections 23(5) and (9), 25(2), 42(8) and (10) and 64(8) and (10) (L.N. 268 of 2001)
59C.	Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J)	Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6), 80(2) and 81(1)(b) (L.N. 282 of 2001)
60.	Legislative Council Ordinance (Cap 542)	Sections 13(1), 14(1), 26(6), 38(3), 40(1)(b) and 42(2) (21 of 2001 s.75)

61.	Registration of Electors (Appeals) Regulation (Cap 542 sub. leg. B)	Section 2(1) and (2)(c)
62.	(Repealed L.N. 268 of 2001)	
63.	District Councils Ordinance (Cap 547)	Sections 15(1), 23(1), 25(1), 34(1)(b), 35(2) and 63(1) and Schedule 5, section 2
64.	Election (Corrupt and Illegal Conduct) Ordinance (Cap 554)	Section 37(1) and (2) (L.N. 167 of 2000)
65.	Chief Executive Election Ordinance (Cap 569)	Sections 16(2) and (7), 31(1), 33(1) and 34(2) and the Schedule, sections 3(3), 13(6) and 21(2) (21 of 2001 s. 75)
66.	Election Committee (Appeals) Regulation (Cap 569 sub. leg. A)	Sections 4(1) and 5(1) and (2)(c) (L.N. 268 of 2001)
67.	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap 569 sub. leg. B)	Section 3(1) and (2)(c) (L.N. 268 of 2001)
68.	Village Representative Election Ordinance (Cap 576)	Sections 8(1), 10(1), 24 and 26(2) (2 of 2003 s. 68)
69.	Antibiotics Ordinance (Cap 137)	Section 4(1)(c) (L.N. 36 of 2003)
70.	Pharmacy and Poisons Regulations (Cap 138 sub. leg. A)	Regulation 9(3)(a) (L.N. 36 of 2003)
71.	Traffic Accident Victims (Assistance Fund) Ordinance (Cap 229)	Section 9(1) (L.N. 36 of 2003)

Chapter:	556	Title:	MASS TRANSIT RAILWAY ORDINANCE	Gazette Number:	L.N. 136 of 2000
Section:	<b>47</b>	Heading:	<b>Interests in land</b>	Version Date:	30/06/2000

#### Miscellaneous

The vesting in the Corporation of an interest in land by virtue of this Part does not-

- (a) constitute an acquisition, disposal, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a) or (7)(a), 119E(2) or 119H(1)(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7);
- (b) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any instrument concerning or affecting that interest;
- (c) operate as a breach of covenant or condition against alienation;



- (d) give rise to any right of pre-emption, right of forfeiture, right of re-entry, option, damages or other right of action affecting land;
- (e) invalidate or discharge any contract or security;
- (f) operate so as to merge any leasehold interest in the reversion expectant on it;
- (g) extinguish, affect, vary, diminish or postpone any priority of that interest, whether under the Land Registration Ordinance (Cap 128), at law or in equity.

Chapter:	1129	Title:	HONG KONG RED CROSS ORDINANCE	Gazette Number:	
Section:	<b>12C</b>	Heading:	<b>Interests in land</b>	Version Date:	30/06/1997

The vesting in the Hong Kong Red Cross of an interest in land by virtue of this Ordinance shall not-

- (a) constitute the acquisition, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a) or (7)(a), 119E(2) or 119H(1)(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) operate so as to merge any leasehold interest in the reversion expectant on it; or
- (c) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or
- (d) operate as a breach of covenant or condition against alienation; or
- (e) give rise to any forfeiture, damages or other right of action;
- (f) invalidate or discharge any contract or security.

(Added 55 of 1995 s. 16)

Chapter:	1136	Title:	STANDARD CHARTERED ASIA LIMITED ORDINANCE	Gazette Number:	
Section:	<b>12</b>	Heading:	<b>Vesting of interests in land</b>	Version Date:	30/06/1997

The vesting in SC Asia of an interest in land by virtue of this Ordinance shall not-

- (a) constitute a purchase or creation of that interest for the purposes of section 119E(2) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or

- (b) constitute an assignment, transfer, devolution, parting with possession or other disposition of that interest for the purposes of any provision relating to assignment, transfer, devolution, parting with possession or other disposition contained in any instrument concerning that interest; or
- (c) give rise to any forfeiture; or
- (d) invalidate or discharge any contract or security; or
- (e) operate so as to merge any leasehold interest in the reversion expectant on it.

Chapter:	1137	Title:	LLOYDS BANK (MERGER) ORDINANCE	Gazette Number:	
Section:	12	Heading:	<b>Interests in land</b>	Version	30/06/1997
				Date:	

The deemed vesting of an interest in land by or under this Ordinance shall not-

- (a) constitute a purchase or creation of that interest for the purposes of section 119E(2) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7);
- (b) constitute an assignment, transfer, devolution, alienation, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning that interest;
- (c) give rise to any forfeiture;
- (d) invalidate or discharge any contract or security; or
- (e) operate so as to merge any leasehold interest in the reversion expectant on it.

(Enacted 1985)

Chapter:	1138	Title:	ROYAL BANK OF SCOTLAND ORDINANCE	Gazette Number:	
Section:	16	Heading:	<b>Transfer of interests in land and other property</b>	Version	30/06/1997
				Date:	

It is hereby declared that the transfer and vesting of any property to and in the Bank by virtue of this Ordinance shall not-

- (a) constitute an acquisition of a right to occupy premises for the purposes of section 53(4) of

- the Landlord and Tenant (Consolidation) Ordinance (Cap 7) or a purchase or creation of an interest in land for the purposes of section 119E(2) of that Ordinance; or
- (b) constitute an assignation, assignment, transfer, devolution, parting with possession or other disposition of property or of an interest in property for the purposes of any provision relating to assignation, assignment, transfer, devolution, parting with possession or other disposition contained in any deed or other instrument or document concerning that property or that interest; or
  - (c) operate as a breach of covenant or condition against alienation; or
  - (d) give rise to any forfeiture; or
  - (e) invalidate or discharge any contract or security; or
  - (f) operate so as to merge any leasehold interest in the reversion which is expectant thereon:

Provided that nothing in this section shall exempt Royal Bank of Scotland or the Bank from the provisions of the Stamp Duty Ordinance (Cap 117).

Chapter:	1142	Title:	DEUTSCHE BANK (MERGER) ORDINANCE	Gazette Number:	
Section:	12	Heading:	<b>Interests in land</b>	Version Date:	30/06/1997

The deemed vesting in Deutsche Bank of an interest in land by virtue of this Ordinance shall not-

- (a) constitute a purchase or creation of that interest for the purposes of section 119E(2) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning that interest; or
- (c) give rise to any forfeiture; or
- (d) invalidate or discharge any contract or security; or
- (e) operate so as to merge any leasehold interest in the reversion expectant on it.

(Enacted 1988)

Chapter:	1144	Title:	RAINIER INTERNATIONAL BANK (TRANSFER OF HONG KONG UNDERTAKING) ORDINANCE	Gazette Number:	
Section:	<b>11</b>	Heading:	<b>Interests in land</b>	Version Date:	30/06/1997

The deemed vesting in Daiwa of an interest in land by virtue of this Ordinance shall not-

- (a) constitute a purchase or creation of that interest for the purposes of section 119E(2) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning that interest; or
- (c) give rise to any forfeiture; or
- (d) invalidate or discharge any contract or security; or
- (e) operate so as to merge any leasehold interest in the reversion expectant on it.

(Enacted 1988)

Chapter:	1146	Title:	FIRST PACIFIC BANK LIMITED ORDINANCE	Gazette Number:	
Section:	<b>13</b>	Heading:	<b>Interests in land</b>	Version Date:	30/06/1997

The vesting in First Pacific Bank of an interest in land by virtue of this Ordinance shall not-

- (a) constitute a purchase or creation of that interest for the purposes of section 119E(2) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning that interest; or
- (c) give rise to any forfeiture; or
- (d) invalidate or discharge any contract or security; or
- (e) operate so as to merge any leasehold interest in the reversion expectant on it.

(Enacted 1989)

Chapter: 1152 Title: DAO HENG BANK  
LIMITED  
ORDINANCE Gazette  
Number:  
Section: 14 Heading: **Interests in land** Version 30/06/1997  
Date:

The vesting in Hang Lung Bank of an interest in land by virtue of this Ordinance shall not-

- (a) constitute the acquisition, assignment, transfer or parting with possession of that interest for the purposes of sections 53(4)(a), 53(7)(a), 119E(2) or 119H(1)(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) operate so as to merge any leasehold interest in the reversion expectant on it; or
- (c) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or
- (d) operate as a breach of covenant or condition against alienation; or
- (e) give rise to any forfeiture, damages or other right of action; or
- (f) invalidate or discharge any contract or security.

(Enacted 1990)

Chapter: 1154 Title: MIDDLE EAST  
FINANCE  
INTERNATIONAL  
LIMITED  
(TRANSFER OF  
UNDERTAKING)  
ORDINANCE Gazette  
Number:  
Section: 14 Heading: **Interests in land** Version 30/06/1997  
Date:

The vesting in Emirates Bank of an interest in land by virtue of this Ordinance shall not-

- (a) constitute the acquisition, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a), 53(7)(a), 119E(2) or 119H(1)(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) operate so as to merge any leasehold interest in the reversion expectant on it; or
- (c) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or

- (d) operate as a breach of covenant or condition against alienation; or
- (e) give rise to any forfeiture, damages or other right of action; or
- (f) invalidate or discharge any contract or security.

(Enacted 1992)

Chapter:	1155	Title:	THE CHRISTIAN AND MISSIONARY ALLIANCE (TRANSFER OF HONG KONG IMMOVABLE PROPERTY) ORDINANCE	Gazette Number:	
Section:	<b>8</b>	Heading:	<b>Interests in land</b>	Version Date:	30/06/1997

The deemed vesting in CMA, Colorado of an interest in immovable property by virtue of this Ordinance shall not-

- (a) constitute a purchase conveyance or creation of that interest for the purposes of section 119E(2) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7) or section 4(1) or 27(1) of the Stamp Duty Ordinance (Cap 117); or
- (b) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning that interest; or
- (c) give rise to any forfeiture; or
- (d) invalidate or discharge any contract or security; or
- (e) operate so as to merge any leasehold interest in the reversion expectant on it.

(Enacted 1994)

Chapter:	1160	Title:	BANK OF TOKYO-MITSUBIS HI ORDINANCE	Gazette Number:	
Section:	<b>14</b>	Heading:	<b>Interests in land</b>	Version Date:	30/06/1997

The deemed vesting in Bank of Tokyo-Mitsubishi of an interest in land by virtue of this Ordinance shall not-

- (a) constitute a purchase or creation of that interest for the purposes of section 119E(2) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning that interest; or
- (c) give rise to any forfeiture; or
- (d) invalidate or discharge any contract or security; or
- (e) operate so as to merge any leasehold interest in the reversion expectant on it.

(Enacted 1996)

Chapter:	1161	Title:	THE BANK OF TOKYO-MITSUBIS HI (MERGER OF SUBSIDIARIES) ORDINANCE	Gazette Number:	
Section:	<b>16</b>	Heading:	<b>Interests in land</b>	Version Date:	30/06/1997

The deemed vesting in BOT International of an interest in land by virtue of this Ordinance shall not-

- (a) constitute an acquisition, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a) or (7)(a), 119E(2) or 119H(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or
- (c) operate as a breach of covenant or condition against alienation; or
- (d) give rise to any forfeiture, damages or other right of action; or
- (e) invalidate or discharge any contract or security; or
- (f) operate so as to merge any leasehold interest in the reversion expectant on it.

(Enacted 1996)

Chapter: 1164 Title: HONG KONG ST. JOHN AMBULANCE INCORPORATION ORDINANCE Gazette Number:  
Section: 6 Heading: **Vesting of property** Version 30/06/1997 Date:

- (1) At and from the commencement of this Ordinance-
- (a) all those pieces or parcels of land specified in the Schedule and all other property and assets which immediately prior to the commencement of this Ordinance were vested in the Executive Officers of the old Council or the Institution together with all rights, easements and appurtenances thereto shall be vested in the Corporation and in respect of all those pieces or parcels of land specified in the Schedule, the same shall be vested in the Corporation for the unexpired residue of the respective terms of years created by the Crown Leases, Conditions of Grant or other documents specified opposite each such piece or parcel of land thereto and subject to the payment of rent and the performance and observance of the covenants and conditions reserved by and contained in the said Crown Leases, Conditions of Grant or other documents and subject to such leases, tenancies, easements and other rights as may be subsisting in relation to such lands upon the commencement of this Ordinance;
  - (b) all money and claims, liquidated and unliquidated, which immediately before the commencement of this Ordinance were payable to or recoverable by the Institution shall be money and claims payable to or recoverable by the Corporation;
  - (c) all legal and court proceedings commenced before the commencement of this Ordinance by or against the Institution and pending immediately before the commencement of this Ordinance shall be deemed to be proceedings commenced by or against the Corporation and the Corporation shall have the right to carry on the conduct of such proceedings in the name of the Corporation;
  - (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by the Institution and in force immediately before the commencement of this Ordinance shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by the Corporation;
  - (e) the Corporation may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this section and for the prosecution of actions and proceedings so referred to as the Institution might have done but for this Ordinance;
  - (f) the Corporation may enforce and realize any security or charge existing immediately before the commencement of this Ordinance in favour of the Institution and may exercise any powers thereby conferred on the Institution as if the security or charge were a security or charge in favour of the Corporation;
  - (g) all debts, money and claims, liquidated and unliquidated, which immediately before the commencement of this Ordinance were due or payable by, or recoverable against the Institution shall be debts due, money payable by and claims recoverable against the Corporation.
- (2) All property, investments and money vested in the Corporation shall be managed and controlled by the Council in accordance with the provisions of the Constitution.



- (3) (a) The production of a Government Printer's copy of this Ordinance shall, for all purposes, be conclusive evidence of the vesting and transfer of any property and liabilities of the Institution in the Corporation in accordance with the provisions of this Ordinance.
- (b) Without prejudice to the generality of paragraph (a)-
- (i) any deed or other document made or executed on or after the commencement of this Ordinance, whereby the Corporation or the Institution, whether alone or jointly with any other person, conveys or transfers, or purports to convey or transfer, to any person (whether for consideration or not), or applies to be registered as the holder or proprietor of, any property held by the Institution immediately before the commencement of this Ordinance, whether alone or jointly with any other person, shall be sufficient evidence that the interest of the Institution in that property is deemed to be vested in the Corporation under this Ordinance;
  - (ii) where there is any other transaction or purported transaction by the Institution or the Corporation on or after the commencement of this Ordinance in connection with, or in relation to, any property or liabilities which are the property or liabilities of the Institution immediately before that commencement, it shall be deemed in favour of any other party to the transaction, or any person claiming through or under him, that the Corporation has full power and authority for that transaction as if the property or liabilities were deemed to be vested in it under this Ordinance;
  - (iii) a certificate given by or on behalf of the Corporation at any time that any property or liability specified in the certificate (which property or liability immediately before the commencement of this Ordinance is the property or liability of the Institution) is or, as the case may be, is not, deemed to be vested in the Corporation under this Ordinance, shall be conclusive evidence for all purposes of the fact so certified;
  - (iv) in this paragraph "convey" includes mortgage, charge, lease, assent, vest by way of vesting declaration or vesting instrument, disclaim, release or otherwise assure.
- (c) The Corporation shall register or cause to be registered in the Land Registry a Government Printer's copy of this Ordinance in respect of the vesting of the properties of the Institution in the Corporation.
- (4) The vesting in the Corporation of an interest in land by virtue of this Ordinance shall not-
- (a) constitute the acquisition, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a) or (7)(a), 119E(2) or 119H(1)(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
  - (b) operate so as to merge any leasehold interest in the reversion expectant on it; or
  - (c) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or
  - (d) operate as a breach of covenant or condition against alienation; or
  - (e) give rise to any forfeiture, damages or other right of action; or
  - (f) invalidate or discharge any contract or security.

Chapter:	1167	Title:	BANK OF CHINA (HONG KONG) LIMITED (MERGER) ORDINANCE	Gazette Number:	25 of 2001
Section:	18	Heading:	<b>Interests in land</b>	Version Date:	20/07/2001

(1) The vesting and deemed vesting in Po Sang of an interest in land by virtue of this Ordinance shall not-

- (a) constitute an acquisition, disposal, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a) or (7)(a), 119E(2) or 119H(1)(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) constitute an assignment or underlease of, or an agreement to assign or underlet, that interest for the purposes of section 6(1)(b) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (c) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or
- (d) operate as a breach of covenant or condition against alienation; or
- (e) give rise to any forfeiture, damages or other right of action; or
- (f) invalidate or discharge any contract or security interest; or
- (g) operate so as to merge any leasehold interest in the reversion expectant on it; or
- (h) extinguish, affect, vary, diminish or postpone any priority of that interest, whether under the Land Registration Ordinance (Cap 128), at law or in equity.

(2) All existing registration of any interest in land in the name of a merging bank (whether alone or with any other person) shall be construed and have effect at and from the appointed time as if Po Sang had been entered on the land register instead of such bank.

Chapter:	1168	Title:	THE BANK OF EAST ASIA, LIMITED ORDINANCE	Gazette Number:	26 of 2001
Section:	15	Heading:	<b>Interests in land</b>	Version Date:	20/07/2001

(1) The vesting or deemed vesting in Bank of East Asia of an interest in land by virtue of this Ordinance shall not-

- (a) constitute an acquisition, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a) or (7)(a), 119E(2) or 119H(1)(a) of the Landlord and

- Tenant (Consolidation) Ordinance (Cap 7); or
- (b) operate so as to merge any leasehold interest in the reversion expectant on it; or
  - (c) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or
  - (d) operate as a breach of covenant or condition against alienation; or
  - (e) give rise to any forfeiture, damages or other right of action; or
  - (f) invalidate or discharge any contract or security.
- (2) All existing registration of any interest in land in the name of United Chinese Bank (whether alone or with any other person) shall be construed and have effect on and from the appointed day as if Bank of East Asia had been entered on the land register instead of United Chinese Bank.
- (3) To enable Bank of East Asia to complete a title, if thought fit, to any property transferred to it and vested or deemed to be vested in it by virtue of this Ordinance by notice of title, deed, instrument or otherwise, or to deduce title, this Ordinance shall be deemed to be, and may be used as an assignment, conveyance, transfer or, as the case may be, general disposition of such property in favour of Bank of East Asia.
- (4) Bank of East Asia shall register or cause to be registered in the Land Registry a Government Printer's copy of this Ordinance in respect of the vesting of the properties of United Chinese Bank in Bank of East Asia.

Chapter:	1169	Title:	MIZUHO CORPORATE BANK, LTD. (HONG KONG CONSOLIDATION) ORDINANCE	Gazette Number:	33 of 2001
Section:	13	Heading:	<b>Interests in land</b>	Version Date:	28/12/2001

- (1) The vesting and deemed vesting in Corporate Business Bank of an interest in land by virtue of this Ordinance shall not-
- (a) constitute an acquisition, disposal, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a) or (7)(a), 119E(2) or 119H(1)(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
  - (b) constitute an assignment or underlease of, or an agreement to assign or underlet, that interest for the purposes of section 6(1)(b) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
  - (c) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or
  - (d) operate as a breach of covenant or condition against alienation; or
  - (e) give rise to any forfeiture, damages or other right of action; or
  - (f) invalidate or discharge any contract or security interest; or
  - (g) operate so as to merge any leasehold interest in the reversion expectant on it; or
  - (h) extinguish, affect, vary, diminish or postpone any priority of that interest, whether under the Land Registration Ordinance (Cap 128), at law or in equity.
- (2) All existing registration of any interest in land in the name of a consolidating bank in Hong

Kong (whether alone or with any other person) shall be construed and have effect on and from the appointed day as if Corporate Business Bank had been entered on the land register instead of such consolidating bank.

Chapter:	1170	Title:	THE BANK OF EAST ASIA, LIMITED (MERGER) ORDINANCE	Gazette Number:	34 of 2001
Section:	15	Heading:	<b>Interests in land</b>	Version Date:	28/12/2001

(1) The vesting or deemed vesting in Bank of East Asia of an interest in land by virtue of this Ordinance shall not-

- (a) constitute an acquisition, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a) or (7)(a), 119E(2) or 119H(1)(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) constitute an assignment or underlease of, or an agreement to assign or underlet, that interest for the purposes of section 6(1)(b) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (c) operate so as to merge any leasehold interest in the reversion expectant on it; or
- (d) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or
- (e) operate as a breach of covenant or condition against alienation; or
- (f) give rise to any forfeiture, damages or other right of action; or
- (g) invalidate or discharge any contract or security interest; or
- (h) extinguish, affect, vary, diminish or postpone any priority of that interest, whether under the Land Registration Ordinance (Cap 128), at law or in equity.

(2) All existing registration of any interest in land in the name of First Pacific Bank (whether alone or with any other person) shall be construed and have effect on and from the appointed day as if Bank of East Asia had been entered on the land register instead of First Pacific Bank.

(3) To enable Bank of East Asia to complete title, if thought fit, to any property transferred to it and vested or deemed to be vested in it by virtue of this Ordinance by notice of title, deed, instrument or otherwise, or to deduce title, this Ordinance shall be deemed to be, and may be used as an assignment, conveyance, transfer or, as the case may be, general disposition of such property in favour of Bank of East Asia.

(4) Bank of East Asia shall register or cause to be registered in the Land Registry a Government Printer's copy of this Ordinance in respect of the vesting of the properties of First Pacific Bank in Bank of East Asia.

Chapter:	1171	Title:	CITIC KA WAH BANK LIMITED (MERGER) ORDINANCE	Gazette Number:	30 of 2002
Section:	16	Heading:	<b>Interests in land</b>	Version Date:	19/07/2002

(1) The vesting and deemed vesting in Hongkong Chinese Bank of an interest in land by virtue of this Ordinance shall not-

- (a) constitute an acquisition, disposal, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a) or (7)(a), 119E(2) or 119H(1)(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) constitute an assignment or underlease of, or an agreement to assign or underlet, that interest for the purposes of section 6(1)(b) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (c) operate so as to merge any leasehold interest in the reversion expectant on it; or
- (d) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or
- (e) operate as a breach of covenant or condition against alienation; or
- (f) give rise to any forfeiture, damages or other right of action; or
- (g) invalidate or discharge any contract or security interest; or
- (h) extinguish, affect, vary, diminish or postpone any priority of that interest, whether under the Land Registration Ordinance (Cap 128), at law or in equity.

(2) All existing registration of any interest in land in the name of CITIC Ka Wah Bank (whether alone or with any other person) vested in Hongkong Chinese Bank by virtue of this Ordinance and all existing registration of any interest in land in the name of Hongkong Chinese Bank (whether alone or with any other person) immediately before the appointed day shall be construed and have effect on and from the appointed day as if the name "CITIC Ka Wah Bank Limited 中信嘉華銀行有限公司" had been entered on the land register instead of the name of CITIC Ka Wah Bank or Hongkong Chinese Bank, as the case may be.

(3) All existing registration of any interest in land in the name of CITIC Ka Wah Bank (whether alone or with any other person) not vested in Hongkong Chinese Bank by virtue of this Ordinance shall be construed and have effect on and from the appointed day as if the name "CITIC International Financial Holdings Limited 中信國際金融控股有限公司" had been entered on the land register instead of the name of CITIC Ka Wah Bank.

(4) To enable Hongkong Chinese Bank to complete title, if thought fit, to any property transferred to it and vested or deemed to be vested in it by virtue of this Ordinance by notice of title, deed, instrument or otherwise, or to deduce title, this Ordinance shall be deemed to be, and may be used as an assignment, conveyance, transfer or, as the case may be, general disposition of such property in favour of Hongkong Chinese Bank.

(5) Hongkong Chinese Bank shall register or cause to be registered in the Land Registry a Government Printer's copy of this Ordinance against a property transferred to it and vested or deemed to be vested in it by virtue of this Ordinance in respect of the vesting of all the properties of CITIC Ka Wah Bank transferred to and vested or deemed to be vested in Hongkong Chinese Bank by virtue of this Ordinance.

(6) For the avoidance of doubt, nothing in this section shall exempt Hongkong Chinese Bank or CITIC Ka Wah Bank from the provisions of the Stamp Duty Ordinance (Cap 117).

Chapter:	1172	Title:	DAO HENG BANK LIMITED (MERGER) ORDINANCE	Gazette Number:	11 of 2003
Section:	16	Heading:	<b>Interests in land</b>	Version Date:	28/03/2003

(1) The vesting or deemed vesting in Dao Heng Bank of an interest in land by virtue of this Ordinance shall not-

- (a) constitute an acquisition, disposal, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a) or (7)(a), 119E(2) or 119H(1)(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) constitute an assignment or underlease of, or an agreement to assign or underlet, that interest for the purposes of section 6(1)(b) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (c) operate so as to merge any leasehold interest in the reversion expectant on it; or
- (d) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or
- (e) operate as a breach of covenant or condition against alienation; or
- (f) give rise to any forfeiture, damages or other right of action; or
- (g) invalidate or discharge any contract or security interest; or
- (h) extinguish, affect, vary, diminish or postpone any priority of that interest, whether under the Land Registration Ordinance (Cap 128), at law or in equity.

(2) All existing registration of any interest in land in the name of a transferring bank (whether alone or with any other person) immediately before the appointed day shall be construed and have effect on and from the appointed day as if the name "Dao Heng Bank Limited (道亨銀行有限公司)" had been entered on the land register instead of the name of such transferring bank.

(3) To enable Dao Heng Bank to complete title, if thought fit, to any property transferred to it and vested or deemed to be vested in it by virtue of this Ordinance by notice of title, deed, instrument or otherwise, or to deduce title, this Ordinance shall be deemed to be, and may be used as an assignment, conveyance, transfer or, as the case may be, general disposition of such property in favour of Dao Heng Bank.

(4) Dao Heng Bank shall register or cause to be registered in the Land Registry a Government Printer's copy of this Ordinance against a property transferred to it and vested or deemed to be vested in it by virtue of this Ordinance in respect of the vesting of all the properties of the transferring banks transferred to and vested or deemed to be vested in Dao Heng Bank by virtue of this Ordinance.

(5) For the avoidance of doubt, nothing in this section shall exempt Dao Heng Bank and the transferring banks from the provisions of the Stamp Duty Ordinance (Cap 117).

Chapter:	1173	Title:	THE BANK OF EAST ASIA, LIMITED (MERGER OF SUBSIDIARIES) ORDINANCE	Gazette Number:	13 of 2003
Section:	<b>14</b>	Heading:	<b>Interests in land</b>	Version Date:	17/04/2003

(1) The vesting and deemed vesting in Bank of East Asia of an interest in land by virtue of this Ordinance shall not-

- (a) constitute an acquisition, assignment, transfer or parting with possession of that interest for the purposes of section 53(4)(a) or (7)(a), 119E(2) or 119H(1)(a) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (b) constitute an assignment or underlease of, or an agreement to assign or underlet, that interest for the purposes of section 6(1)(b) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7); or
- (c) operate so as to merge any leasehold interest in the reversion expectant on it; or
- (d) constitute an assignment, transfer, devolution, parting with possession, dealing with or other disposition of that interest for the purposes of any provision contained in any instrument concerning or affecting that interest; or
- (e) operate as a breach of covenant or condition against alienation; or
- (f) give rise to any forfeiture, damages or other right of action; or
- (g) invalidate or discharge any contract or security interest; or
- (h) extinguish, affect, vary, diminish or postpone any priority of that interest, whether under the Land Registration Ordinance (Cap 128), at law or in equity.

(2) All existing registration of any interest in land in the name of EACredit or EAFinance (whether alone or with any other person) shall be construed and have effect on and from the appointed day as if Bank of East Asia had been entered on the land register instead of EACredit or EAFinance (as the case may be).

(3) To enable Bank of East Asia to complete title, if thought fit, to any property transferred to it and vested or deemed to be vested in it by virtue of this Ordinance by notice of title, deed, instrument or otherwise, or to deduce title, this Ordinance shall be deemed to be, and may be used as an assignment, conveyance, transfer or, as the case may be, general disposition of such property in favour of Bank of East Asia.

(4) Bank of East Asia shall register or cause to be registered in the Land Registry a Government Printer's copy of this Ordinance against a property transferred to it and vested or deemed to be vested in it by virtue of this Ordinance from EACredit in respect of the vesting of all the properties of EACredit transferred to and vested or deemed to be vested in Bank of East Asia by virtue of this Ordinance.

(5) Bank of East Asia shall register or cause to be registered in the Land Registry a Government Printer's copy of this Ordinance against a property transferred to it and vested or deemed to be vested in it by virtue of this Ordinance from EAFinance in respect of the vesting of all the properties of EAFinance transferred to and vested or deemed to be vested in Bank of East Asia by virtue of this Ordinance.

(6) For the avoidance of doubt, nothing in this section shall exempt EACredit, EAFinance or Bank of East Asia from the provisions of the Stamp Duty Ordinance (Cap 117).

(ii) 不包含假若該契諾遲延反即可沒收租賃權的條件，則該租賃須含有假若該契諾遲延反即可沒收租賃權的條件。

(4) 為免生疑問，現宣布就第 (3)(b)(ii)、(d)(ii)、(f)(ii) 或 (h)(ii) 款而言，如該款所述的租賃包含不可僅因該款所述理由而行使的沒收租賃權的條件，則儘管如此，該租賃依然是該款所述的包含沒收租賃權的條件的租賃。

(5) 現宣布——

- (a) 第 (3)(a) 及 (b) 款在《物業轉易及財產條例》(第 219 章) 第 58(4) 及 (10) 條的規限下具有效力(儘管有該條第 (14) 款的規定亦然)；
- (b) 第 (3)(c)、(d)、(e)、(f)、(g) 及 (h) 款在《物業轉易及財產條例》(第 219 章) 第 58(1) 至 (13) 條的規限下具有效力(儘管有該條第 (14) 款的規定亦然)；
- (c) 就第 (3)(e) 及 (f) 款而言，經常延遲繳交租金屬不必要的煩擾、不便或騷擾。”。

## 12. 業主終止租賃

第 119 條現予修訂——

- (a) 在第 (2) 款中，廢除“7 個月亦不遲於租賃終止前 6”而代以“4 個月亦不遲於租賃終止前 3”；
- (b) 在第 (4) 款中，廢除“2”而代以“1”。

## 13. 租客要求給予新租賃

第 119A 條現予修訂——

- (a) 在第 (2) 款中，廢除“7 個月，亦不早於提出要求後 6”而代以“4 個月，亦不早於提出要求後 3”；
- (b) 在第 (6) 款中，廢除“2”而代以“1”。

## 14. 加入條文

現加入——

(ii) does not contain a condition for forfeiture if that covenant is broken,

then there shall be implied in the tenancy a condition for forfeiture if that covenant is broken.

(4) For the avoidance of doubt, it is hereby declared that, for the purposes of subsection (3)(b)(ii), (d)(ii), (f)(ii) or (h)(ii), a tenancy mentioned in that subsection which contains a condition for forfeiture which may not be exercised solely on the ground mentioned in that subsection is, notwithstanding that, still a tenancy which contains a condition for forfeiture mentioned in that subsection.

(5) It is hereby declared that—

- (a) subsection (3)(a) and (b) shall have effect subject to section 58(4) and (10) of the Conveyancing and Property Ordinance (Cap. 219) (and notwithstanding subsection (14) of that section);
- (b) subsection (3)(c), (d), (e), (f), (g) and (h) shall have effect subject to section 58(1) to (13) of the Conveyancing and Property Ordinance (Cap. 219) (and notwithstanding subsection (14) of that section);
- (c) for the purposes of subsection (3)(e) and (f), the persistent delay of payment of rent is unnecessary annoyance, inconvenience or disturbance.”.

## 12. Termination of tenancy by the landlord

Section 119 is amended—

- (a) in subsection (2), by repealing “7 nor less than 6” and substituting “4 nor less than 3”;
- (b) in subsection (4), by repealing “2 months” and substituting “1 month”.

## 13. Tenant's request for a new tenancy

Section 119A is amended—

- (a) in subsection (2), by repealing “7 nor less than 6” and substituting “4 nor less than 3”;
- (b) in subsection (6), by repealing “2 months” and substituting “1 month”.

## 14. Section added

The following is added—



## "119AA. 要求署長提供租賃資料

## (1) 凡某處所的——

- (a) 業主已根據第 119 條發出通知以終止該處所租賃；或  
(b) 租客已根據第 119A 條要求就該處所給予新租賃。

則該業主及租客均可於繳付財政司司長藉憲報公告釐定的費用後，用符合指明格式申請書向署長提出申請，要求提供與該處所屬相同類別的處所的租賃資料。

- (2) 署長須根據第(1)款提出的申請提供租賃資料。

## (3) 在本條中——

“租賃資料”(tenancy information)就某一處所而言，包括在切實可行範圍內與該處所相若的任何其他處所的——

- (a) 地址、樓層及大小；  
(b) 租金；及  
(c) 租賃的條款(包括租賃的生效日期)。”

## 15. 協議重訂租賃

第 119C(2) 條現予廢除，代以——

“(2) 凡業主與租客議定授予租客將來的租賃，但——

- (a) 租金是唯一未能議定的項目；或  
(b) 未能議定該將來的租賃的條款(可包括租金)，

則——

- (i) 在(a)段所述的情況下，雙方可將租金事宜交由審裁處或由審裁處所委任的估價測量師根據第 119K 條釐定，而該條亦據此適用(但租客可在租金釐定後 1 個月內向業主送達通知書，拒絕接受該將來的租賃；假若如此，則現行租賃於租客在該通知書內述明的期間內繼續，但該期間不得超過自該通知書送達日期起計的 2 個月)；

"119AA. Request to Commissioner for  
tenancy information

## (1) Where—

- (a) a landlord has given notice under section 119 to terminate a tenancy; or  
(b) a tenant has made a request under section 119A for a new tenancy,

then, in either case, the landlord or tenant concerned may, upon payment of such fee as may be determined by the Financial Secretary by notice published in the Gazette, make an application in the specified form to the Commissioner to be supplied with tenancy information in relation to premises of the kind comprised in the tenancy.

(2) The Commissioner shall comply with an application made under subsection (1).

## (3) In this section—

“tenancy information”(租賃資料), in relation to any premises, includes—

- (a) the address, age and size of;  
(b) the rent payable for; and  
(c) the terms (including commencement date) of any tenancy in respect of,

any other premises which are comparable, so far as is practicable, to the first-mentioned premises.”

## 15. Renewal of tenancies by agreement

Section 119C(2) is repealed and the following substituted—

“(2) Where the landlord and tenant agree for the grant to the tenant of a future tenancy but are unable to agree—

- (a) only on the rent payable; or  
(b) on the terms of the future tenancy (which may include the rent payable),

then—

- (i) where paragraph (a) is applicable, the parties may refer the rent for determination by the Tribunal or by a valuation surveyor appointed by the Tribunal under section 119K and that section shall apply accordingly (except that the tenant may, within 1 month of the determination, serve a notice on the landlord declining to accept the future tenancy, in which case the current tenancy shall continue for such period, not exceeding 2 months from the date of delivery of the notice to the landlord, as the tenant shall state in the notice);

情況所需而定)，可在第(i)節所述的情況下以分攤或(在第(ii)節所述的情況下)以併合有關或該等有關的應課差餉租值的方式釐定，或以上述兩種方式的任何組合形式釐定。”；

(d) 在第(5)款中——

(i) 在(a)段中，廢除“用地安排”而代以“建立的地方”；

(ii) 加入——

“(ha) 在(b)(ii)段中，“處所”(premises)(在不影響(b)(i)段的實施的情況下)指符合以下說明的處所——

(i) 屬基於第119E(1)條(c)段所述理由而成功反對授予新租賃的個案中的標的；及

(ii) 是處於提出該反對時的狀況。”。

#### 19. 加入條文

現加入——

“119FB. 述明處所的應課差餉租值和根據第119F(4)條就處所應支付的賠償金的證明書

- (1) 任何人均可向署長申請一份述明以下事項的證明書——
  - (a) 任何處所的應課差餉租值；及
  - (b) (如基於第119E(1)條(c)段所述理由而成功反對授予新租賃)根據第119F(4)條須支付的賠償金。
- (2) 根據第(1)款提出的申請須——
  - (a) 以向署長送交符合指明格式的通知書的方式提出；及
  - (b) 附有財政司司長藉憲報公告釐定的費用。
- (3) 署長須應根據第(1)款提出的申請發出證明書。

then the rateable value or values, as the case requires, of the premises may be determined by the apportionment (where subparagraph (i) is applicable) or aggregation (where subparagraph (ii) is applicable) of the rateable value or values concerned, or any combination thereof.”;

(d) in subsection (5)—

(i) in paragraph (a), by repealing “用地安排” and substituting “建立的地方”;

(ii) by adding—

“(ba) In paragraph (b)(ii) (and without prejudice to the operation of paragraph (b)(i)), “premises” (處所) means the premises—

(i) the subject of successful opposition to the grant of a new tenancy on the ground mentioned in paragraph (c) of section 119E(1); and

(ii) in the state they were at the time of such opposition.”.

#### 19. Section added

The following is added—

“119FB. Certificate stating rateable value and compensation payable under section 119F(4) in respect of premises

- (1) A person may apply to the Commissioner for a certificate stating—
  - (a) the rateable value of any premises; and
  - (b) the compensation that would be payable under section 119F(4) if there were successful opposition to the grant of a new tenancy on the ground mentioned in paragraph (c) of section 119E(1).
- (2) An application under subsection (1) shall—
  - (a) be made by sending a notice in the specified form to the Commissioner; and
  - (b) be accompanied by such fee as may be determined by the Financial Secretary by notice published in the Gazette.
- (3) The Commissioner shall comply with an application under subsection (1).

## (4) 凡——

(a) 處所的全部或任何部分已予出租或分租；或

(b) 租賃所涉處所包含的住宅超過一個，

則該處所的應課差餉租值或處所的各项應課差餉租值(視情況所需而定)，可在(a)段所指的情況下以分離或在(b)段所指的情況下以併合有關或該等有關的應課差餉租值的方式釐定，或以上述兩種方式的任何組合形式釐定。

## (5) 就本條而言——

“住宅”(dwelling) 具有第 119F(6) 條給予該詞的涵義；

“處所”(premises) 具有第 119F(4)(d) 條給予該詞的涵義；

“應課差餉租值”(rateable value) (在不影響第(4)款的實施的情況下) 的定義如下——

## (a) 如處所在——

(i) 根據第 119E(1)(c) 條提出有關反對的當日(該日期在根據第(1)款提出的有關申請中述明)；

(ii) (如有關申請沒有述明該日期) 根據第(1)款提出有關申請的日期，

那根據《差餉條例》(第 116 章) 第 14 條正有效的差餉估價冊內所包括的物業單位，“應課差餉租值”指於當日載於該估價冊內的該處所的應課差餉租值(而無須顧及在該日之後對該估價冊作出的修訂或改動，即使該修訂或改動具追溯力亦然)；

(b) 如屬任何其他情況，則“應課差餉租值”指倘若該處所是包括在該估價冊內，在(a)段所述日期本應載於該估價冊內的應課差餉租值或各项應課差餉租值(視情況所需而定)，而署長為本條的施行而就該處所簽署的證明書，就該項或該等應課差餉租值而言，是最終和具約束力的。”

## 20. 罰則

第 119H 條現予修訂——

(a) 在第(2)(a)款中，廢除“長所”而代以“長篇憲報公告”；

(b) 廢除第(7)款。

## (4) Where—

(a) any part of premises (including all the premises) is let or sublet; or

(b) a tenancy is of premises consisting of 2 or more dwellings, then the rateable value or values, as the case requires, of the premises may be determined by the apportionment (where paragraph (a) is applicable) or aggregation (where paragraph (b) is applicable) of the rateable value or values concerned, or any combination thereof.

## (5) For the purposes of this section—

“dwelling” (住宅) has the same meaning it is assigned in section 119F(6); “premises” (處所) has the same meaning it is assigned in section 119F(4)(d);

“rateable value” (應課差餉租值) means (and without prejudice to the operation of subsection (4))—

(a) in the case of premises being a tenement that was—

(i) at the date of the opposition concerned under section 119E(1)(c) stated in the application under subsection (1) concerned;

(ii) if no such date is so stated, at the date of the application under subsection (1) concerned, included in the valuation list in force under section 14 of the Rating Ordinance (Cap. 116), the rateable value of those premises contained in that list on that date (disregarding any amendment or alteration to that list made after that date, even if retrospective);

(b) in any other case, the rateable value or values, as the case requires, that would have been contained in that list on that date had the premises been included in that list, a certificate signed by the Commissioner as regards the premises for the purposes of this section being final and binding as to such value or values.”

## 20. Penalties

Section 119H is amended—

(a) in subsection (2)(a), by adding “by notice published in the Gazette” after “determine”;

(b) by repealing subsection (7).

(ii) 不包含假若該契諾遭違反即可沒收租賃權的條件。

則該租賃契諾含有假若該契諾遭違反即可沒收租賃權的條件。

(4) 為免生疑問，現宣布就第(3)(b)(ii)、(d)(ii)、(f)(ii)或(h)(ii)款而言，如該款所述的租賃包含不可僅因該款所述理由而行使的沒收租賃權的條件，則儘管如此，該租賃依然是該款所述的包含沒收租賃權的條件的租賃。

(5) 現宣布——

- (a) 第(3)(a)及(b)款在《物業轉易及財產條例》(第219章)第58(4)及(10)條的規限下具有效力(儘管有該條第(14)款的規定亦然)；
- (b) 第(3)(c)、(d)、(e)、(f)、(g)及(h)款在《物業轉易及財產條例》(第219章)第58(1)至(13)條的規限下具有效力(儘管有該條第(14)款的規定亦然)；
- (c) 就第(3)(e)及(f)款而言，經常延遲繳交租金屬不必要的煩擾、不便或騷擾。”

## 12. 業主終止租賃

第119條現予修訂——

- (a) 在第(2)款中，廢除“7個月亦不遲於租賃終止前6”而代以“4個月亦不遲於租賃終止前3”；
- (b) 在第(4)款中，廢除“2”而代以“1”。

## 13. 租客要求給予新租賃

第119A條現予修訂——

- (a) 在第(2)款中，廢除“7個月，亦不早於提出要求後6”而代以“4個月，亦不早於提出要求後3”；
- (b) 在第(6)款中，廢除“2”而代以“1”。

14. 加入條文

現加入——

(ii) does not contain a condition for forfeiture if that covenant is broken,  
then there shall be implied in the tenancy a condition for forfeiture if that covenant is broken.

(4) For the avoidance of doubt, it is hereby declared that, for the purposes of subsection (3)(b)(ii), (d)(ii), (f)(ii) or (h)(ii), a tenancy mentioned in that subsection which contains a condition for forfeiture which may not be exercised solely on the ground mentioned in that subsection is, notwithstanding that, still a tenancy which contains a condition for forfeiture mentioned in that subsection.

(5) It is hereby declared that—

- (a) subsection (3)(a) and (b) shall have effect subject to section 58(4) and (10) of the Conveyancing and Property Ordinance (Cap. 219) (and notwithstanding subsection (14) of that section);
- (b) subsection (3)(c), (d), (e), (f), (g) and (h) shall have effect subject to section 58(1) to (13) of the Conveyancing and Property Ordinance (Cap. 219) (and notwithstanding subsection (14) of that section);
- (c) for the purposes of subsection (3)(e) and (f), the persistent delay of payment of rent is unnecessary annoyance, inconvenience or disturbance.”

## 12. Termination of tenancy by the landlord

Section 119 is amended—

- (a) in subsection (2), by repealing “7 nor less than 6” and substituting “4 nor less than 3”;
- (b) in subsection (4), by repealing “2 months” and substituting “1 month”.

## 13. Tenant's request for a new tenancy

Section 119A is amended—

- (a) in subsection (2), by repealing “7 nor less than 6” and substituting “4 nor less than 3”;
- (b) in subsection (6), by repealing “2 months” and substituting “1 month”.

## 14. Section added

The following is added—

## “119AA. 要求署長提供租賃資料

## (1) 凡某處所的——

(a) 業主已根據第 119 條發出通知以終止該處所租賃；或

(b) 租客已根據第 119A 條要求就該處所給予新租賃，

則該業主及租客均可於繳付財政司司長藉憲報公告釐定的費用後，用符合指明格式的申請書向署長提出申請，要求提供與該處所屬相同類別的處所的租賃資料。

(2) 署長須根據第 (1) 款提出的申請提供租賃資料。

(3) 在本條中——

“租賃資料”(tenancy information) 就某一處所而言，包括在切實可行範圍內與該處所相若的任何其他處所的——

(a) 地址、樓層及大小；

(b) 租金；及

(c) 租賃的條款(包括租賃的生效日期)。

## 15. 協議重訂租賃

第 119C(2) 條現予廢除，代以——

“(2) 凡業主與租客議定授予租客將來的租賃，但——

(a) 租金是唯一未能議定的項目；或

(b) 未能議定該將來的租賃的條款(可包括租金)，

則——

- (i) 在 (a) 段所述的情況下，雙方可將租金事宜交由審裁處或由審裁處所委任的估值測量師根據第 119K 條釐定，而該條亦據此適用(但租客可在租金釐定後 1 個月內向業主送達通知書，拒絕接受該將來的租賃；假若如此，則現行租賃於租客在該通知書內述明的期間內繼續，但該期間不得超過自該通知書送達日期起計的 2 個月)；

“119AA. Request to Commissioner for  
tenancy information

## (1) Where—

(a) a landlord has given notice under section 119 to terminate a tenancy; or

(b) a tenant has made a request under section 119A for a new tenancy,

then, in either case, the landlord or tenant concerned may, upon payment of such fee as may be determined by the Financial Secretary by notice published in the Gazette, make an application in the specified form to the Commissioner to be supplied with tenancy information in relation to premises of the kind comprised in the tenancy.

(2) The Commissioner shall comply with an application made under subsection (1).

(3) In this section—

“tenancy information”(租賃資料), in relation to any premises, includes—

(a) the address, age and size of;

(b) the rent payable for; and

(c) the terms (including commencement date) of any tenancy in respect of,

any other premises which are comparable, so far as is practicable, to the first-mentioned premises.”

## 15. Renewal of tenancies by agreement

Section 119C(2) is repealed and the following substituted—

“(2) Where the landlord and tenant agree for the grant to the tenant of a future tenancy but are unable to agree—

(a) only on the rent payable; or

(b) on the terms of the future tenancy (which may include the rent payable),

then—

- (i) where paragraph (a) is applicable, the parties may refer the rent for determination by the Tribunal or by a valuation surveyor appointed by the Tribunal under section 119K and that section shall apply accordingly (except that the tenant may, within 1 month of the determination, serve a notice on the landlord declining to accept the future tenancy, in which case the current tenancy shall continue for such period, not exceeding 2 months from the date of delivery of the notice to the landlord, as the tenant shall state in the notice);

情況所釐而定)·可(在第(i)節所述的情況下)以分攤或(在第(ii)節所述的情況下)以併合有關或該等有關的應課差餉租值的方式釐定·或(以上述兩種方式的任何組合形式釐定·”;

(d) 在第(5)款中——

(i) 在(a)段中·廢除“用地安排”而代以“建立的地方”;

(ii) 加入——

“(ba) 在(b)(ii)段中·“處所”(premises)(在不影響(b)(i)段的實施的情況下)指符合以下說明的處所——

- (i) 屬基於第119E(1)條(c)段所述理由而成功反對授予新租賃的個案中的標的;及
- (ii) 是處於提出該反對時的狀況·”。

19. 加入條文

現加入——

“119FB. 證明處所的應課差餉租值和根據第119F(4)條就處所應支付的賠償金的證明書

- (1) 任何人均可向署長申請一份證明以下事項的證明書——
  - (a) 任何處所的應課差餉租值;及
  - (b) (如基於第119E(1)條(c)段所述理由而成功反對授予新租賃)根據第119F(4)條須支付的賠償金。
- (2) 根據第(1)款提出的申請須——
  - (a) 以向署長送交符合指明格式的通知書的方式提出;及
  - (b) 附有財政司司長藉憲報公告釐定的費用。
- (3) 署長須應根據第(1)款提出的申請發出證明書。

then the rateable value or values, as the case requires, of the premises may be determined by the apportionment (where subparagraph (i) is applicable) or aggregation (where subparagraph (ii) is applicable) of the rateable value or values concerned, or any combination thereof.”;

(d) in subsection (5)—

(i) in paragraph (a), by repealing “用地安排” and substituting “建立的地方”;

(ii) by adding—

“(ba) In paragraph (b)(ii) (and without prejudice to the operation of paragraph (b)(i)), “premises” (處所) means the premises—

- (i) the subject of successful opposition to the grant of a new tenancy on the ground mentioned in paragraph (c) of section 119E(1); and
- (ii) in the state they were at the time of such opposition.”.

19. Section added

The following is added—

“119FB. Certificate stating rateable value and compensation payable under section 119F(4) in respect of premises

- (1) A person may apply to the Commissioner for a certificate stating—
  - (a) the rateable value of any premises; and
  - (b) the compensation that would be payable under section 119F(4) if there were successful opposition to the grant of a new tenancy on the ground mentioned in paragraph (c) of section 119E(1).
- (2) An application under subsection (1) shall—
  - (a) be made by sending a notice in the specified form to the Commissioner; and
  - (b) be accompanied by such fee as may be determined by the Financial Secretary by notice published in the Gazette.
- (3) The Commissioner shall comply with an application under subsection (1).

## (4) 凡——

- (a) 處所的全部或任何部分已予出租或分租；或  
(b) 租賃所涉處所包含的住宅超過一個，

則該處所的應課差餉租值或處所的各项應課差餉租值(視情況所需而定)，可在(a)段所指的情況下以分攤或(在(b)段所指的情況下)以併合有關或該等有關的應課差餉租值的方式釐定，或以上述兩種方式的任何組合形式釐定。

## (5) 就本條而言——

“住宅”(dwelling)具有第119F(6)條給予該詞的涵義；

“處所”(premises)具有第119F(4)(d)條給予該詞的涵義；

“應課差餉租值”(rateable value)(在不影響第(4)款的實施的情況下)的定義如下——

## (a) 如處所在——

- (i) 根據第119E(1)(c)條提出有關反對的當日(該日期在根據第(1)款提出的有關申請中述明)；  
(ii) (如有關申請沒有述明該日期)根據第(1)款提出有關申請的日期，

則根據《差餉條例》(第116章)第14條正有效的差餉估價冊內所包括的物業單位，“應課差餉租值”指於當日載於該估價冊內的該處所的應課差餉租值(而無須顧及在該日之後對該估價冊作出的修訂或改動，即使該修訂或改動具追溯力亦然)；

- (b) 如屬任何其他情況，則“應課差餉租值”指倘若該處所是包括在該估價冊內，在(a)段所述日期本應載於該估價冊內的應課差餉租值或各項應課差餉租值(視情況所需而定)，而署長為本條的施行而就該處所簽署的證明書，就該項或該等應課差餉租值而言，是最終和具約束力的。”。

## 20. 罰則

## 第119H條現予修訂——

- (a) 在第(2)(a)款中，廢除“長所”而代以“長藉憲報公告”；  
(b) 廢除第(7)款。

## (4) Where——

- (a) any part of premises (including all the premises) is let or sublet; or

(b) a tenancy is of premises consisting of 2 or more dwellings, then the rateable value or values, as the case requires, of the premises may be determined by the apportionment (where paragraph (a) is applicable) or aggregation (where paragraph (b) is applicable) of the rateable value or values concerned, or any combination thereof.

## (5) For the purposes of this section——

“dwelling”(住宅) has the same meaning it is assigned in section 119F(6);  
“premises”(處所) has the same meaning it is assigned in section 119F(4)(d);

“rateable value”(應課差餉租值) means (and without prejudice to the operation of subsection (4))——

## (a) in the case of premises being a tenement that was——

- (i) at the date of the opposition concerned under section 119E(1)(c) stated in the application under subsection (1) concerned;

(ii) if no such date is so stated, at the date of the application under subsection (1) concerned, included in the valuation list in force under section 14 of the Rating Ordinance (Cap. 116), the rateable value of those premises contained in that list on that date (disregarding any amendment or alteration to that list made after that date, even if retrospective);

- (b) in any other case, the rateable value or values, as the case requires, that would have been contained in that list on that date had the premises been included in that list, a certificate signed by the Commissioner as regards the premises for the purposes of this section being final and binding as to such value or values.”。

## 20. Penalties

## Section 119H is amended——

- (a) in subsection (2)(a), by adding “by notice published in the Gazette” after “determine”;

(b) by repealing subsection (7).