



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China
立法會 LEGISLATIVE COUNCIL



石禮謙 議員 The Honourable Abraham Shek Lai Him GBS, JP

7 September 2021

The Honourable Vincent Cheng
Chairman
Bills Committee on Landlord and Tenant
(Consolidation) (Amendment) Bill 2021
The Legislative Council
Hong Kong

Honourable Chairman,

Revised Committee Stage Amendments for
Landlord and Tenant (Consolidation) (Amendment) Bill 2021

I would like to submit my revised Committee Stage Amendments to Landlord and Tenant (Consolidation) (Amendment) Bill 2021 for the deliberation of the Bills Committee as per my presentation at the Bills Committee meeting on 6 September 2021. Please find the attached Committee Stage Amendments for your consideration.

Yours faithfully,

Abraham Shek Lai Him

c.c. Clerk to Bills Committee on Landlord and Tenant (Consolidation)
(Amendment) Bill 2021

Encl.

Landlord and Tenant (Consolidation)(Amendment) Bill 2021
Committee Stage Amendment

Clause 4 Proposed Amendment

- Add sub-section (4) in section 120AAR.

[120AAR] (4) This Section does not apply to the tenancies specified in Schedule 8.

- Add immediately after section 120AAY.

[120AAY(B)] **Application of this Subdivision 2**

(1) This Subdivision 2 does not apply to the tenancies specified in Schedule 8.

Clause 8 Proposed Amendment

- Add Schedule 8.

“Schedule 8

**Tenancies Excluded from Application of Section 120AAR and
Subdivision 2 of Division 3 of Part IVA**

1. Excluded tenancies

- (I) Section 120AAR and Subdivision 2 of Division 3 of Part IVA do not apply to any of the tenancies under the following situations –
- (a) a person has made an application to the Lands Tribunal for an order to sell all the undivided shares in the lot for the purposes of the redevelopment of the lot pursuant to the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545) (the “**Compulsory Sale Ordinance**”) and that -
- (i) at any time before the Lands Tribunal made an order for sale under the Compulsory Sale Ordinance, that person becomes the owner of the lot; and

(ii) there is/are subdivided unit(s) in the building(s) which is/are subject to tenancy(ies); or

(b) a person who becomes the owner of a lot (as referred to in the approved plans or approval letter for demolition works mentioned in this sub-section (b)) without making an application for an order to sell under the Compulsory Sale Ordinance has obtained approval of plans for demolition works of the building(s) within the lot from the Building Authority and there is/are subdivided unit(s) in the building(s) which is/are subject to tenancy(ies).

(II) Unless otherwise agreed between the person referred to in subsection (a) or (b) of subsection (I) above (as the case may be) and the tenant, under the situations specified in subsection (I) above -

(a) immediately upon the expiration of 6 months immediately following the day on which the person referred to in subsection (a) or (b) (as the case may be) becomes the owner of the lot; or

(b) immediately upon the expiration of the respective tenancy(ies) of the subdivided unit(s) of the building(s),

whichever is the later, the person referred to in subsection (a) or (b) (as the case may be) is entitled to, and the respective tenant is required to deliver up, vacant possession of his subdivided unit.

(III) If a tenant has lost his entitlement to the second term tenancy for his subdivided unit as a result of any of the events mentioned in subsection (I) above, the person referred to in subsection (a) or (b) of subsection (I) above (as the case may be) shall, upon delivery of vacant possession of the subdivided unit by the tenant, pay to the tenant a sum equivalent to twelve (12) months' rent (calculated based on the rent subsisting immediately before the day of delivery of vacant possession of his subdivided unit to the person referred to in subsection (a) or (b) of subsection (I) above (as the case may be)) as compensation for damage, loss or inconvenience suffered by the tenant."

《2021 年業主與租客(綜合)(修訂)條例草案》

委員會審議階段

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|-------------|---|
| 條次 4 | 建議的修正案 |
| | <ul style="list-style-type: none">• <u>在第 120AAR 條加入第(4)款</u> |
| [120AAR] | (4) 本部不適用於附表 8 指明的租賃。 |
| | <ul style="list-style-type: none">• <u>在第 120AAY 條後加入</u> |
| [120AAY(B)] | 第 2 次分部的適用範圍 |
| | (1) 本第 2 次分部不適用於附表 8 指明的租賃。 |
| 條次 8 | 建議的修正案 |
| | <ul style="list-style-type: none">• <u>加入附表 8</u> |

“附表 8

獲豁免而不屬第 120AAR 條及第 IVA 部第 3 分部

第 2 次分部的租賃

1. 獲豁免的租賃

- (I) 第 120AAR 條及第 IVA 部第 3 分部第 2 次分部不適用於以下情況的任何租賃 –

- (a) 該人士已依據《土地(為重新發展而強制售賣)條例》(第 545 章)(“強制售賣條例”)向土地審裁處提出申請作出一項為重新發展該地段而強制售賣該地段所有不分割份數的命令及-
- (i) 在土地審裁處發出售賣令之前的任何時間，該人士成為該地段的擁有人；及
 - (ii) 該建築物內有有受租賃規限的分間單位；或
- (b) 該人士為該地段(即本(b)款中提及之拆卸工程的經批准圖則或施工同意書內所指的地段)之擁有人，惟沒有根據強制售賣條例申請售賣令，並已獲得建築事務監督發出就該地段上建築物之拆卸工程圖則的同意書，而該地段上的建築物內有受租賃規限的分間單位。
- (II) 除非在上述(I)款(a)款或(b)款(視屬何情況而定)指明的該人士與租客另有協議外，在(I)款說明的情況下-
- (a) 在(a)款或(b)款(視屬何情況而定)指明的該人士成為該地段的擁有人之後的 6 個月屆滿後；或
 - (b) 該地段上建築物的分間單位的租賃屆滿之後，
- 以較後的日期為準，(a)款或(b)款(視屬何情況而定)指明之人士有權取回有關分間單位在空置情況下的管有，而有關租客必須交回有關分間單位在空置情況下的管有。
- (III) 如因為發生上述(I)款說明的任何情況而導致租客失去就其分間單位次期租賃的權利，在上述(I)款的(a)款或(b)款(視屬何情況而定)指明的該人士須於租客交回其分間單位在空置情況下的管有時，向租客支付一筆相等於 12 個月租金(以租客向在上述(I)款的(a)款或(b)款(視屬何情況而定)指明的該人士交回有

關分間單位在空置情況下的管有的日期的前一日的租金計算)的款項,以作為對該租客蒙受的損害、損失或不便的賠償。 ”