

Housing (Amendment) Bill 2025

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A BILL

To

Amend the Housing Ordinance to criminalize the unauthorized letting, occupation, or use for trade or business, of rental residential flats of the Housing Authority's estates; to empower authorized officers to require persons believed to be trespassers or to contravene the Ordinance to furnish identity information; to extend an offence for the refusal to furnish information to cover the refusal by estate tenants or members of their households to furnish information regarding their total income and assets; to extend the limitation of time for prosecuting an offence relating to unlawful alienations of land; to empower the Director of Housing to specify certain forms of notices for the payment and recovery of fixed penalties for the contravention of bylaws relating to vehicles within the estates; and to make related and miscellaneous amendments to the Ordinance and the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Housing (Amendment) Ordinance 2025.
- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.
- (3) Sections 3, 4, 5, 6, 7, 8, 9 and 10 come into operation on 31 March 2026.

2. Enactments amended

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

Part 2

Amendments to Housing Ordinance (Cap. 283)

3. Section 16 amended (leases of land in estates)

Section 16(3)(b), Chinese text—

Repeal

“佔用任何部分土地的分租契或”

Substitute

“分租契或佔用該土地任何部分的”。

4. Section 22A added

After section 22—

Add

“22A. Power to require identification

- (1) This section applies to a person who is present on—
 - (a) any land in an estate let for residential purposes under section 16(1); or
 - (b) any land mentioned in section 22(b).
- (2) For performing a function under section 21, an authorized officer may exercise the power specified in subsection (4) if the officer has reasonable grounds to believe that a person to whom this section applies is a trespasser in an estate.

- (3) An authorized officer may also exercise the power specified in subsection (4) if, in conducting an inspection under section 22, the officer has reasonable grounds to believe that a person to whom this section applies has contravened, is contravening or is about to contravene this Ordinance.
- (4) The power is to, without warrant and on production of proof of the authorized officer's identity, require the person—
 - (a) to state the person's name, address and contact telephone number; and
 - (b) to produce for the officer's inspection the person's proof of identity (as defined by section 17B(1) of the Immigration Ordinance (Cap. 115)).”.

5. Section 25 amended (power to obtain information)

- (1) After section 25(3)—

Add

“(3A) Subsection (4) applies to a person who is—

- (a) a tenant of any land in an estate; or
- (b) another member of the tenant's household.”.

- (2) Section 25(4)—

Repeal

“tenant of any land in an estate”

Substitute

“person to whom this subsection applies”.

- (3) Section 25(4)—

Repeal

“him”

Substitute

“the person”.

(4) Section 25(4)—

Repeal

everything after “the requisition”

Substitute

“regarding—

(a) the person’s total income; or

(b) the person’s total income and assets.”.

6. Section 26C added

After section 26B—

Add

“26C. Failure to produce proof of identity for inspection etc.

A person who, without reasonable excuse, fails to comply with a requirement made under section 22A(4) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.”.

7. Section 27 amended (refusal to furnish information)

(1) Section 27(a), Chinese text—

Repeal

“或忽略”

Substitute

“提供或因忽略而沒有”.

- (2) Section 27(b)—

Repeal

“lease,”

Substitute

“lease; or”.

- (3) After section 27(b)—

Add

“(c) refuses or neglects to furnish any of the particulars specified in a requisition under section 25(4),”.

8. Section 28A added

After section 28—

Add

“28A. Unauthorized letting, occupation, or use for trade or businesses, of rental residential flats

- (1) A person commits an offence if the person—
- (a) lets, or agrees or offers to let, a rental residential flat to another person;
 - (b) occupies, or agrees to occupy, a rental residential flat let by another person; or
 - (c) otherwise uses, or allows the use by another person of, a rental residential flat for purposes relating to trade or business.
- (2) Subsection (1)(c) does not apply if—
- (a) the use is permitted under an authorized lease;
- or

- (b) at the time when the flat is used as described in that subsection, a tenant under an authorized lease in respect of the flat, or another member of the tenant's household, is residing in the flat.
- (3) A person who, without reasonable excuse, assists another person in doing an act mentioned in subsection (1)(a) or (b) for valuable consideration commits an offence.
- (4) A person who commits an offence under subsection (1) or (3) is liable on conviction to a fine of \$500,000 and to imprisonment for 1 year.
- (5) In this section, a reference to letting a rental residential flat to a person—
 - (a) is a reference to letting or subletting, for valuable consideration, the flat to the person;
 - (b) includes granting, for valuable consideration, a licence or sub-licence to the person for occupation of the flat; and
 - (c) does not include letting or subletting the flat, or granting a licence or sub-licence for occupation of the flat, under an authorized lease.
- (6) In this section—
 - authorized lease*** (獲授權租契)—
 - (a) means a lease granted under section 16(1); and
 - (b) includes a sublease or licence for occupation of land granted by virtue of and in accordance with such a lease;
 - rental residential flat*** (租住單位)—
 - (a) means any land in an estate let for residential purposes under section 16(1); and

(b) includes a part of such land;

valuable consideration (有值代價) means money or anything worth money.”.

9. Section 29A amended (limitation of time for prosecution of offences)

(1) Section 29A(1)(a), after “(2),”—

Add

“27(c), 27A or 28A(1) or (3),”.

(2) Section 29A(1)(b), after “(2)—

Add

“, 27(c), 27A or 28A(1) or (3)”.

(3) Section 29A—

Repeal subsection (2).

(4) At the end of section 29A—

Add

“(3) This section as in force immediately before 31 March 2026 applies to an offence committed before that day as if the Housing (Amendment) Ordinance 2025 (of 2025) had not been enacted.”.

10. Section 29B added

Part V, after section 29A—

Add

“29B. Reasonable excuse

(1) This section applies if a provision of this Part creating an offence makes a reference to a reasonable excuse for an act or omission.

- (2) The reference to a reasonable excuse is to be construed as providing for a defence to a charge in relation to the act or omission.
- (3) A person is taken to have established that the person had a reasonable excuse for the act or omission if—
 - (a) sufficient evidence is adduced to raise an issue that the person had such a reasonable excuse; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.”.

11. Section 30 amended (Authority may make bylaws)

- (1) Section 30—

Repeal subsection (3)

Substitute

- “(3) Bylaws made under subsection (1) may provide for—
- (a) a fixed penalty or an additional penalty to be payable in discharge of any liability for contravention of bylaws made under subsection (1)(g) or (ga); and
 - (b) the payment and recovery of the fixed penalty or additional penalty.”.

- (2) After section 30(3)—

Add

- “(4) A provision of bylaws made in reliance on subsection (3)(b) may empower the Director of Housing to specify by notice published in the Gazette (not being subsidiary legislation) the form of any notice for the payment or recovery of the fixed penalty or additional penalty (*penalty notice*).

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- (5) Subsection (4) does not prevent the bylaws from imposing any requirement on the content of a penalty notice.”.
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Part 3

Amendments to Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C)

12. Section 2 amended (interpretation)

- (1) Section 2, Chinese text, definition of 獲授權人員—

Repeal

“員。”

Substitute

“員；”.

- (2) Section 2—

Add in alphabetical order

“*demand notice* (繳款通知書) means a notice served under section 8(3);

fixed penalty notice (定額罰款通知書) means a notice given under section 8(1);”.

13. Section 8 amended (notice of fixed penalty)

- (1) Section 8, heading—

Repeal

“Notice of fixed penalty”

Substitute

“Fixed penalty notices and demand notices”.

- (2) Section 8(1), after “liable”—

Add

“a notice offering the owner or driver”.

- (3) Section 8(2)—

Repeal

“notice in accordance with Form 1 in Schedule 3”

Substitute

“a fixed penalty notice”.

- (4) After section 8(2)—

Add

“(2A) A fixed penalty notice must—

- (a) be in the form specified by the Director by notice published in the Gazette;
- (b) specify the manner in which the fixed penalty may be paid; and
- (c) contain the information set out in Part 1 of Schedule 4.”.

- (5) Section 8(3)—

Repeal

“a notice in accordance with Form 2 in Schedule 3”

Substitute

“, a notice”.

- (6) Section 8(4)—

Repeal

“notice shall be served under that subsection”

Substitute

“demand notice may be served”.

- (7) Section 8—

Repeal subsection (5).

- (8) Section 8(6)—

Repeal

“notice under subsection (3)”

Substitute

“demand notice”.

- (9) Section 8—

Repeal subsection (7)

Substitute

“(7) A demand notice must—

- (a) be in the form specified by the Director by notice published in the Gazette;
- (b) specify the manner in which the fixed penalty may be paid; and
- (c) contain the information set out in Part 2 of Schedule 4.”.

- (10) After section 8(7)—

Add

“(7A) A fixed penalty notice or demand notice is valid if the name of the Director, or a public officer authorized by the Director, is printed, signed or otherwise shown on the notice.

(7B) A notice published under subsection (2A)(a) or (7)(a) is not subsidiary legislation.”.

- (11) Section 8(8)(b)—

Repeal

“notice under subsection (3)”

Substitute

“demand notice”.

14. Section 9 amended (payment of fixed penalty)

- (1) Section 9(1)—

Repeal

everything after “receives a”

Substitute

“fixed penalty notice or demand notice may, in accordance with the notice, pay the fixed penalty within the period of time stated in the notice.”.

- (2) Section 9(2)—

Repeal

“(1)(a) or (b)”

Substitute

“(1)”.

- (3) Section 9—

Repeal subsection (6).

- (4) Section 9(7)—

Repeal

“notice served under section 8(3)”

Substitute

“demand notice”.

15. Section 10 amended (withdrawal of notice of fixed penalty)

- (1) Section 10, heading—

Repeal

“notice of fixed penalty”

Substitute

“demand notices”.

(2) Section 10(1) and (2)—

Repeal

“notice under section 8(3)”

Substitute

“demand notice”.

16. Section 11 amended (recovery of fixed penalty)

Section 11(1) and (2)—

Repeal

“notice under section 8(3)”

Substitute

“demand notice”.

17. Section 12 amended (review of proceedings)

Section 12(1)—

Repeal

“notice mentioned in section 8(3)”

Substitute

“demand notice”.

18. Section 15 amended (proof in proceedings under section 11 or 14)

Section 15—

Repeal paragraph (a)

Substitute

“(a) a copy of the demand notice together with a certificate of posting under section 8(8); and”.

19. Section 18 amended (payment of fixed penalty after issue of summons)

Section 18(1)—

Repeal

“who has notified the Director in accordance with the notice served on him under section 8(3), that he”

Substitute

“(defendant) who has notified the Director in accordance with the demand notice served on the defendant, that the defendant”.

20. Section 19 amended (evidence by certificate and presumptions)

Section 19(c)—

Repeal

“notice under section 8(3)”

Substitute

“demand notice”.

21. Section 23 added

After section 22—

Add

“23. Transitional provisions for Housing (Amendment) Ordinance 2025

(1) If—

- (a) a notice in Form 1 in Schedule 3 of the pre-amended Bylaw has been delivered or fixed on a vehicle under section 8(2) of the pre-amended Bylaw before the amendment date; or

(b) a notice in Form 2 in Schedule 3 of the pre-amended Bylaw has been served under section 8(3) of the pre-amended Bylaw before the amendment date,

the pre-amended Bylaw applies to the notice and the payment of the fixed penalty concerned as if the Amendment Ordinance had not been enacted.

(2) This section expires on the expiry of the period of 24 months beginning on the amendment date.

(3) In this section—

amendment date (修訂日) means the date on which Part 3 of the Amendment Ordinance comes into operation;

Amendment Ordinance (《修訂條例》) means the Housing (Amendment) Ordinance 2025 (of 2025);

pre-amended Bylaw (《原有附例》) means this Bylaw as in force immediately before the amendment date.”.

22. Schedule 3 amended (forms)

(1) Schedule 3—

Repeal

“[ss. 8, 9,”

Substitute

“[ss. 8,”.

(2) Schedule 3—

Repeal Forms 1 and 2.

23. Schedule 4 added

After Schedule 3—

Add

“Schedule 4

[s. 8]

Information to be Contained in Fixed Penalty Notices and Demand Notices

Part 1

Fixed Penalty Notices

1. The notice number
2. The registration mark of the motor vehicle concerned
3. The following information relating to the alleged contravention—
 - (a) the statutory provision contravened;
 - (b) the time, date and location of the contravention;
 - (c) the code number representing the contravention
4. The following information relating to the fixed penalty—
 - (a) the amount of the penalty;
 - (b) the e-payment number (if applicable) and bill type;
 - (c) the period for making the payment;
 - (d) the consequence for failing to make the payment within the period or to dispute liability for the alleged contravention
5. The method of enquiry

6. The warrant number or staff identification number (whichever is applicable) of the public officer authorized to give the fixed penalty notice
7. The date of the fixed penalty notice

Part 2

Demand Notices

1. The notice number
2. The following particulars of the person to whom the demand notice is addressed—
 - (a) the name;
 - (b) the number of the person's identity document (as defined by regulation 2(1) of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E))
3. The registration mark of the motor vehicle concerned
4. The following information relating to the alleged contravention—
 - (a) the statutory provision contravened;
 - (b) a description of the contravention;
 - (c) the time, date and location of the contravention
5. The requirement that the person must—
 - (a) pay the fixed penalty; or
 - (b) notify the Director that the person wishes to dispute liability for the alleged contravention

6. The following information relating to the fixed penalty required—
 - (a) the amount of the penalty;
 - (b) the e-payment number (if applicable) and bill type;
 - (c) the period for making the payment;
 - (d) the consequence for failing to make the payment within the period
 7. The following information relating to the notice to dispute liability for the alleged contravention—
 - (a) how to send the notice;
 - (b) the period for giving the notice;
 - (c) the consequence for failing to give the notice within the period
 8. The method of enquiry
 9. The name of the public officer authorized to serve the demand notice
 10. The date of the demand notice”.
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Explanatory Memorandum

The object of this Bill is to amend the Housing Ordinance (Cap. 283) (*principal Ordinance*)—

- (a) to criminalize the unauthorized letting, occupation, and use for trade or business, of rental residential flats of the Housing Authority's estates;
 - (b) to empower authorized officers to require persons believed to be trespassers or to contravene the principal Ordinance to furnish identity information;
 - (c) to extend an offence for the refusal to furnish information to cover the refusal by estate tenants or members of their households to furnish information regarding their total income and assets;
 - (d) to extend the limitation of time for prosecuting offences relating to unlawful alienations of land; and
 - (e) to empower the Director of Housing (*Director*) to specify certain forms of notices for the payment and recovery of fixed penalties for the contravention of bylaws relating to vehicles within estates.
2. The Bill also makes related and miscellaneous amendments to the principal Ordinance and the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C) (*Cap. 283C*).
3. The Bill is divided into 3 Parts.

Part 1—Preliminary

4. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments to Housing Ordinance

5. Clause 3 makes a minor textual amendment to the Chinese text of section 16(3)(b) of the principal Ordinance.
6. Part IV of the principal Ordinance contains provisions concerning the regulation of estates. Clause 4 adds a new section 22A to that Part to empower authorized officers to require persons believed to be trespassers in the Housing Authority's estates, or believed to contravene the principal Ordinance, to furnish identity information. Clause 6 adds a new section 26C to Part V of the principal Ordinance to provide for an offence for failing to comply with requirements made by authorized officers under the new section 22A.
7. Section 25(4) of the principal Ordinance empowers the Housing Authority and authorized officers to require estate tenants to furnish information regarding the tenants' total household income and assets. Clause 5 amends that section so that the Authority may also require other members of the tenants' households to furnish information regarding their total income and assets. Clause 7 amends section 27 of the principal Ordinance to provide for an offence for the tenants' or members' refusal to furnish the information.
8. Clause 8 adds a new section 28A to Part V of the principal Ordinance to create certain offences relating to the unauthorized letting, occupation, and use for trade or businesses, of rental residential flats of the Housing Authority's estates. The maximum penalty level for committing the offences is a fine of \$500,000 and imprisonment for 1 year.
9. Clause 9 amends section 29A of the principal Ordinance—

- (a) to extend the limitation of time for prosecuting the offence under section 27A of the principal Ordinance (unlawful alienations of land, etc.); and
 - (b) to set out the limitation of time for prosecuting the offences under the provisions added by clauses 7 and 8.
- 10. Clause 10 adds a new section 29B to the principal Ordinance to clarify that, for an offence under Part V of the principal Ordinance, a reasonable excuse is a defence, and that only an evidential burden of proof is required to establish the defence.
- 11. Clause 11 amends section 30 of the principal Ordinance to provide that the Housing Authority may make bylaws to empower the Director to specify certain forms of notices for the payment and recovery of fixed penalties for the contravention of bylaws relating to vehicles within the Housing Authority's estates.

Part 3—Amendments to Housing (Traffic Contraventions) (Fixed Penalty) Bylaw

- 12. Clause 12 amends section 2 of Cap. 283C to add new definitions of *demand notice* and *fixed penalty notice* for the interpretation of Cap. 283C as amended by the Bill.
- 13. Clause 13 amends section 8 of Cap. 283C—
 - (a) to require fixed penalty notices and demand notices to be in the form specified by the Director, to specify the manners in which fixed penalties may be paid and to require the notices to contain certain information set out in a new Schedule 4 (added by clause 23);

- (b) to provide that the notices are valid if the name of the Director, or a public officer authorized by the Director, is shown on the notices; and
 - (c) to make miscellaneous amendments to that section.
- 14. Clause 14 amends section 9 of Cap. 283C—
 - (a) to repeal the provisions concerning the payment methods of fixed penalties;
 - (b) to provide that the fixed penalties may be paid in accordance with the payment methods specified in the fixed penalty notices and demand notices; and
 - (c) to make miscellaneous amendments to that section.
- 15. Clauses 15, 16, 17, 18, 19 and 20 make related and miscellaneous amendments to sections 10, 11, 12, 15, 18 and 19 of Cap. 283C respectively.
- 16. Clause 21 adds a new section 23 to Cap. 283C to provide for the transitional arrangements relating to fixed penalty notices and demand notices.
- 17. Clause 22 amends Schedule 3 to Cap. 283C by repealing the existing forms of fixed penalty notices (Form 1) and demand notices (Form 2).