CONTENTS

Table of Cases		AV
Table of Legislation		
	INTRODUCTION	
Section 1	Short title	11
PART	PROTECTED TENANCIES AND PERMITTED RENTS	
Section 2	Interpretation	15
Section 3	Application of this Part	19
Section 4	Power to exclude application of this Part	21
Section 5	(Repealed 76 of 1981 s.5)	23
Section 6	Re-entry by Government	23
Section 7	Registration in Land Registry forder under	
	section 4	25
Section 7A	(Repealed 40 of 1984 s.3)	26
Section 8	Assessment of standard rent	26
Section 9	(Repealed 53 of 1993 s.4)	27
Section 9A	Relevance of prevailing market rent	27
Section 9B	Alterations in rent by agreement	27
Section 10	Permitted increases and adjustments	29
Section 10A	Certificates of prevailing market rent	32
Section 10AA	Increase in rent on account of rates	34
Section 10B	Increase in rent following apportionment	34
Section 10C	Increase in rent of sub-tenancy on account of rates	35
Section 10D	Application for certificate of increase in rent	37
Section 10E	Certificates of increase in rent	37
Section 10F	Review	38
Section 10G	Notices of increases	39
Section 10H	Effective date for increases	40
Section 11	Rent of premises conditionally excluded	40
Section 12	(Repealed 53 of 1993 s.10)	41

(

ontents

Section 13	Statement to be supplied as to standard rent	41		Section 38	Apparent change in occupancy shifts onus of proof	66
Section 14	Postponement of permitted increase where repairs			-	to tenant	66
12 V VERNI	effected by tenant	42		Section 39	A tenant about to absent himself from Hong Kong for certain periods may sublet under conditions	67
Section 15	Offences	42		2 : 10		68
Section 16	Recovery of excessive payments by civil action	43		Section 40	Power to adjourn, etc.	69
Section 17	Restriction on recovery of possession and effect of			Section 41	(Repealed 76 of 1981 s.27)	
	retention of possession	44		Section 42	(Repealed 76 of 1981 s.27)	69
Section 18	No surrender etc. of tenancy without approval	45		Section 43	Appeal to Court of Appeal	69
Section 19	Duties of principal tenant	47		Section 43A	Costs	69
Section 19A	Provision of rent receipts	49		Section 43B	Enlargement of time	71
Section 20	(Repealed 40 of 1984 s.8)	49		Section 44	Service of notice	71
Section 21	Termination of principal tenancy	49		Section 44A	Exercise of powers of Commissioner	73
Section 22	Saving as to new agreements to vacate	51		Section 4.12	Refusal to furnish information and obstruction	74
Section 23	Saving for unexpired term	53		Section 45	Prohibition of acts done mala fide with intent	
Section 24	Landlord may enter and effect necessary repairs	53		6	to induce a lessee to quit	75
Section 25	(Repealed 76 of 1981 s.15)	55		Section 46	Collection of rates not to be affected	76
Section 26	(Repealed 76 of 1981 s.15)			Section 47	Forms	76
Section 27	(Repealed 76 of 1981 s.15)	55	200	Section 48	Expiry of this Part	77
Section 28		55	O			
	Commissioner may approve contracting out in certain circumstances	55		PART II	TENURE AND RENT OF DOMESTIC PREMISES	C
Section 29	Commissioner may revise rent in certain cases	57				-
Section 30	Commissioner may increase standard rent if	\ '		Section 49	Interpretation	81
a v 223	unreasonably low	57		Section 50	Application	83
Section 31	Commissioner may decrease standard rent if			Section 50A	Block lettings	87
e : 22	unreasonably high	58		Section 50B	Continuation of tenancies in block lettings	88
Section 32	Tribunal may hear appeals and, in certain cases, fix or apportion rent, etc.	50		Section 50C	Interpretation	89
Section 33	Order for ejectment of tenant	58		Section 51	Meaning of "domestic tenancy" (住宅租賃)	89
Section 34	Management of the state of the	60		Section 51A	Transfer of tenancy to Part IV on joint application	93
	Order for ejectment of principal tenant not to operate against sub-tenants	63		Section 51B	Transfer of tenancy to Part IV on unilateral application	95
Section 35	Order for recovery where domestic premises	Ju.		Section 51C	Review of decisions under sections 51A and 51B	97
27	are required for occupation by landlord, etc.	63		Section 51D	Appeal	98
Section 36	Order where subletting is made without landlord's consent	C 5		Section 52	Continuation of tenancies	98
Section 37		65		Section 52A	Surrender by tenant	100
Jecuon 37	Tenant if a party to an application under section 36 shall be bound by an order made thereunder	66		Section 53	Termination of tenancies	101
	an order made dicreminer	00		occuon oo	remination of tenancies	101

Section 53A	Restriction on order for possession for rebuilding	112
Section 54	(Repealed 40 of 1984 s.21)	116
Section 55	Alterations in rent by agreement	116
Section 55A	Increase in rent on account of improvements	117
Section 56	Increase in rent on account of rates	119
Section 56A	Increase in rent following apportionment	120
Section 57	Application for certificate of increase in rent	121
Section 58	Certificates of increase in rent	122
Section 59	Review	124
Section 60	Appeal	125
Section 61	Notices of increases	125
Section 62	Application of certain sections to sub-tenancies	126
Section 63	Increase in rent of sub-tenancy on account of rates	127
Section 63A	Increase in rent of sub-tenancy on account of	
	improvements	128
Section 64	Effective date for increases	129
Section 65	Provision of rent receipts	130
Section 66	Obligation to notify subletting of premises	131
Section 67	(Repealed 29 of 1983 s.23)	131
Section 68	Proceedings in, and jurisdiction of, court or Tribunal	132
Section 68A	Appeal on point of law	133
Section 68B	Costs	134
Section 69	(Repealed 76 of 1981 s.49)	134
Section 70	Exercise of powers of Commissioner	134
Section 70A	Refusal to furnish information and obstruction	135
Section 70B	Harassment	136
Section 70C	False statement	138
Section 71	Forms	138
Section 72	Enlargement of time	138
Section 73	(Repealed 76 of 1981 s.50)	139
Section 74	Service of notice	139
Section 74A	Saving	140
Section 74B	Expiry of this Part	140
		1000 AND

Section 74C	Provisions transitional to the enactment of the	
,000	Landlord and Tenant (Consolidation) (Amendment)	
	Ordinance 1980	142

PART III DISTRESS FOR RENT

Section 75	Interpretation	146
Section 75A	Certificate as to rateable value	149
Section 76	Application of this Part	150
Section 77	Issuing of warrants of distress	150
Section 78	Penalty for unauthorized distress	152
Section 79	Limitation of time for issue of warrant	153
Section 80	Fees	153
Section 81	Application for warrant	153
Section 82	Form of affidavit	155
Section 83	Issue of warrant	156
Section 84	Refusal of warrant	156
Section 85	Appeal from refusal	157
Section 86	Time for making distress	158
Section 87	Property liable to seizure	159
Section 88	Property not liable to seizure	160
Section 89	Making of inventory on seizure	161
Section 90	Filing of inventory, etc.	161
Section 91	Entry, and forcible entry	162
Section 92	Impounding of property seized	163
Section 93	Discharge or suspension of warrant or release of distress	163
Section 94	Costs of application	164
Section 95	Wrongful distress	164
Section 96	Adjudication in case of wrongful distress	165
Section 97	Compensation for wrongful distress	166
Section 98	Power to allow time for payment of rent	167
Section 99	Mode of sale of distress	167
Section 100	Right of debtor as to manner of sale	168
Section 101	Case of deserted premises, where no distress left	168

S	Contents			Contents	
Section 102	Distress for arrears of rent on determination		Section 119I	I (Repealed 16 of 2004 s.3)	216
	of lease	170	Section 119I	(Repealed 16 of 2004 s.3)	216
Section 103	Priority of landlord's right	171	Section 119J	(Repealed 16 of 2004 s.3)	216
Section 104	Property seized under writ or warrant of Court of First Instance or the District Court	172	Section 1191	VM (100 0 1 € 100 0 100	216
Section 105	Distraint after satisfaction of execution		Section 1191	Endorsement of tenancy agreement	216
Section 106		173	Section 1191	M (Repealed 16 of 2004 s.3)	217
Section 100	Persons who may apply for warrant	174	Section 1191	N (Repealed 16 of 2004 s.3)	217
Section 107	Right of one of several parties interested to institute proceedings	175	Section 1191	NA (Repealed 16 of 2004 s.3)	217
Section 108	Removal of property under distraint	176	Section 1190	(Repealed 16 of 2004 s.3)	217
Section 109	Following property liable to seizure and removed	177	Section 1191	P (Repealed 16 of 2004 s.3)	217
Section 110	Restoration of property removed but bona fide sold	178	Section 1190	Q (Repealed 16 of 2004 s.3)	217
Section 111	Fraudulent removal of property by tenant	178	Section 1191	Costs	217
Section 112	Protection against irregularity in proceedings	179	Section (191	RA Provision of rent receipts	218
Section 113	Exclusion of Government rents	180	Section 1198	S Proceedings	218
Section 114	Power to amend Schedules	180	Section 119	Γ Exercise of powers of Commissioner	219
Section 114A	Forms	181	Section 119'	TA Use of returned requisition as evidence	220
			Section 119	U Refusal to furnish information and obstruction	221
PART I	V NEW TENANCIES OF DOMESTIC	300	Section 119	V Harassment	222
	PREMISES	4.8	Section 119	W False statement	224
C	T	193 200	Section 1193	X Forms	225
Section 115	Interpretation	1937	Section 119	Y Service of notice	225
Section 115A	Determining the nature of a tenancy	200	Section 120	(Repealed 53 of 1993 s.31)	226
Section 116	Application of this Part	206		100 100	
Section 117	Continuation of tenancies and grant of new tenancies	208		PART V TENANCY (NOTICE OF TERMINATION)	
Section 118	(Repealed 16 of 2004 s.3)	215		(11011CE OF TERMINATION)	
Section 119	(Repealed 16 of 2004 s.3)	215	Section 120	A Interpretation	227

215

215

215

215

215

215

215

216

Exclusion of tenancies from this Part

Application

(Repealed 16 of 2004 s.8)

(Repealed 16 of 2004 s.8)

(Repealed 32 of 2002 s.31)

(Repealed 32 of 2002 s.31)

(Repealed 32 of 2002 s.31)

(Repealed 52 of 1981 s.14)

Section 121

Section 122

Section 123

Section 124

Section 124A

Section 124B

Section 124C

Section 125

228

231

233

234

234

235

235

235

(Repealed 16 of 2004 s.3)

Section 119A

Section 119B

Section 119C

Section 119D

Section 119E

Section 119F

Section 119FA

Section 119G

Section 126	Covenant to pay rent to be implied	235
Section 127	(Repealed 16 of 2004 s.8)	235
Section 127 Λ	Tribunal may determine disputes	236
Section 127B	Sub-tenants not to have greater security than tenants	237
PART V	I SMALL TENEMENTS RECOVERY	
Section 128	Interpretation	239
Section 128A	Certificate as to rateable value	240
Section 129	Summoning of tenant of premises with a rateable value not exceeding \$100,000 unlawfully holding over	241
Section 130	Service of originating summons	242
Section 131	Issue of warrant for possession of premises	242
Section 132	Recovery of land in case of illegal encroachment or inclosure with a rateable value not exceeding \$100,000	243
Section 132A	Amendment of sections 129 and 132 by Legislative Council	244
Section 133	Stay of warrant	244
Section 134	Giving of bond and proceedings thereon	245
Section 135	Protection of District Court and bailiff acting under this Part	246
Section 135A	Forms	246
Section 136	Recovery of bailiff's expenses	247
1	PART VII MISCELLANEOUS	
Section 136A	Remission and refund of fees	249
Section 137	Provisions transitional to the enactment of the Landlord and Tenant (Consolidation) (Amendment) (No.2) Ordinance 1981	250
Section 138	Effect of substitution of "prevailing market rent" (市值租金) for "fair market rent" (公平市值租金)	251
Section 139	Provisions transitional to the enactment of the Landlord and Tenant (Consolidation) (Amendment)	251
	Ordinance 1983	251

Contents

Section 140	Provisions transitional to the enactment of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1984	252
Section 141	Provisions transitional to the enactment of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1985	254
Section 142	Provisions transitional to the enactment of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1986	255
Section 143	Provision transitional to the enactment of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1988	256
Section 144	Provisions transitional, etc. to the enactment of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002	256
Schedule 1	(Repealed 76 of 1981 s.58)	258
Schedule 2	•	258
Schedule 3	(Repealed 93 of 1975 s.20)	260
Schedule 4	Fees to be levied in distraints for rent	260
Schedule 5		261
Λ nnex Λ	Transitional Notice of Termination of Domestic Tenancy by Landlord	264
Annex B	Transitional Notice of Termination of Domestic	10 874
	Tenancy by Tenant	266
Index		269

Contents