

MEMORANDUM BY THE HONOURABLE MINISTER OF JUSTICE

A tentative draft Bill is attached which amends the letting of Urban Property (Regulation) Ordinance, 1931 (Cap. 109).

It provides first of all that if a dwelling house as defined in section 2 of the Rent Restriction (Dwelling Houses) Ordinance, 1944, has been granted before or after coming into force of this Act, in emphyteusis for a period exceeding sixteen years, the person actually occupying the ordinary place of residence at the time of expiry of the emphyteutical lease, shall be deemed to be or to become the tenant of the landlord and the ground rent agreed upon in the original deed of the emphyteutical grant or in any other subsequent emphyteutical grant or lease, whichever is the greater, shall be deemed to be the rent payable by such tenant to the landlord after the expiration of the emphyteusis provided that if the landlord requires the said premises as a dwelling house for his own occupation or for the occupation of the persons mentioned paragraphs (b) of section 10 of the said Ordinance, he may, at the termination of the emphyteusis, apply to the Board who shall grant the permission to him notwithstanding no suitable alternative accommodation be available to the tenant.

The draft also provides that any subtenant, to whom the premises or any part thereof has been lawfully sublet, shall, for all the purposes of this Act, be deemed to become the tenant of the landlord on the same terms as he would have held from the tenant if the tenancy had continued.

Since the draft Bill implies Government policy it requires a definite Cabinet decision.

If Honourable Ministers agree, direction will be given to the Crown Advocate-General to draw a bill on the lines set above for the approval of Parliament.