

7. *Protection of Women and Girls Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the law relating to the protection of women and girls.”

The Honourable Mr. Lo MAN-KAM addressed the Council supporting the Bill.

His Excellency the Governor addressed the Council.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

Various amendments to Clauses 2, 3(1), 5, 6, 10, 17(3), 19, 21(3), 22, 26, 30(2), 31, 32, 33, 34, 35(1), 36, 37, 39(1), 40, the Schedule and Appendix A, were adopted.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without material amendment, and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.

8. The Council then adjourned *sine die*.

G. A. S. NORTHCOTE,  
*Governor.*

Confirmed this 1st day of June, 1938.

T. MEGARRY,  
*Clerk of Councils.*

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**No. 433.**—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 6 of 1938.—An Ordinance to prevent unreasonable eviction of tenants, and to make provision as to the rent and recovery of possession of premises in certain cases, and for purposes in connexion therewith.

HONG KONG.

No. 6 OF 1938.

I assent.

L.S.

G. A. S. NORTHCOTE,  
*Governor.*

3rd June, 1938.

An Ordinance to prevent unreasonable eviction of tenants, and to make provision as to the rent and recovery of possession of premises in certain cases, and for purposes in connexion therewith.)

[3rd June, 1938.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Prevention of Eviction Ordinance, 1938. Short title.

2.—(1) In this Ordinance—

(a) “landlord” and “tenant” include any person from time to time deriving title under the original landlord or tenant;

(b) “landlord” also includes in relation to any dwelling-house any person, other than the tenant, who is or would but for this Ordinance be entitled to possession of the dwelling-house;

(c) “let” includes sub-let;

(d) “tenant” and “tenancy” include sub-tenant and sub-tenancy;

(e) “tenant” includes the widow of a tenant dying intestate who was residing with him at the time of his death, or, where a tenant dying intestate leaves no widow or is a woman, such member of the tenant’s family so residing as aforesaid as may be decided in default of agreement by the court.

(2) This Ordinance shall apply to a house or a part of a house, including a bed-space, let as a separate dwelling:

Provided that—

(i) this Ordinance shall not apply to a dwelling-house *bona fide* let at a rent which includes payments in respect of board, attendance or use of furniture;

Application  
and inter-  
pretation.  
10 and 11  
Geo. 5,  
c. 17,  
s. 12 (1)  
(f), (g)  
and (2).

(ii) the application of this Ordinance to any house or part of a house shall not be excluded by reason only that part of the premises is used as a shop or office or for business, trade or professional purposes; and

(iii) this Ordinance shall not apply to the New Territories, except New Kowloon.

Restriction  
on right to  
possession in  
certain  
cases.

13 and 14  
Geo. 5,  
c. 32, s. 12.

3.—(1) If proceedings are taken against the person who at the commencement of this Ordinance is tenant of a dwelling-house (hereinafter referred to as "the sitting tenant") for the recovery of possession of the dwelling-house or for the ejection of the tenant therefrom, should it appear to the court that the proceedings are harsh or oppressive or that exceptional hardship would be caused to the sitting tenant by the making or giving of an order or judgment for possession or ejection, the court may refuse to make or give such an order or judgment or may adjourn the application for or stay or suspend execution of any such order or judgment or postpone the date of possession for such period or periods, and subject to such conditions as it thinks proper, and, if such conditions are complied with, the court may, if it thinks fit, discharge or rescind any such order or judgment.

(2) For the purpose of the exercise of its jurisdiction under this section, the court may direct that the tenancy of the sitting tenant shall be treated as a subsisting tenancy notwithstanding the determination of the same by any notice to quit or similar notice or otherwise and may set aside and annul any such notice accordingly, and shall have power to determine what increase of rent (if any) is fair and reasonable, regard being had to the character and condition of the dwelling-house and the rents of similar dwelling-houses in the locality.

(3) The court shall not exercise any of the powers given to it under sub-section (1) or (2) in any case where it is satisfied that greater hardship would be caused to the landlord by the exercise of the power than would be caused to the tenant by the refusal to exercise it.

(4) In any such proceedings an order or judgment for possession or ejection against the sitting tenant of the dwelling-house shall not, unless the court otherwise directs, be operative against a sitting tenant of a part of the dwelling-house which, at the commencement of this Ordinance, is lawfully sub-let to him and is a separate dwelling-house, and the court shall, in relation to that part of the dwelling-house and the sitting tenant thereof, have all the like powers and jurisdiction as it has in relation to the whole dwelling-house and the sitting tenant thereof.

(5) In order to assist the court in the determination of questions arising under this Ordinance in relation to the rent, character or condition of dwelling-houses, the Governor may establish reference committees to whom such questions may be referred by the court for consideration and report.

(6) The foregoing provisions of this section shall not apply to proceedings against a sitting tenant under the Small Tenements Recovery Ordinance, 1897, and any such proceedings shall, on the application of the sitting tenant, be discontinued.

Ordinance  
No. 10 of  
1897.

4.—(1) The constitution and procedure of reference committees established under this Ordinance shall be such as may be prescribed by regulations made by the Governor in Council.

Regulations  
as to  
reference  
committees.  
13 and 14  
Geo. 5,  
c. 32, s. 15.

(2) In addition to any questions that may be referred to a reference committee by the court under this Ordinance and subject to any regulations made under this section, a reference committee may consider and determine any questions in relation to the rent payable or to be paid by a sitting tenant which may be submitted to it by the tenant and landlord.

(3) An appeal shall lie from the decision of a reference committee on any question submitted to it by the tenant or the landlord under sub-section (2). Such appeal shall be made in a summary manner to a judge in chambers within one month from the date of the decision.

5. The Chief Justice may make such rules and give such directions as he thinks fit for the purpose of giving full effect to the provisions of this Ordinance relative to legal proceedings.

Rules as to  
procedure.  
13 and 14  
Geo. 5,  
c. 32, s. 16.

6. This Ordinance shall continue in force until the first day of June, 1939, and no longer, unless otherwise provided by Ordinance.)

Duration  
of this  
Ordinance.

Passed the Legislative Council of Hong Kong, this  
1st day of June, 1938.

T. MEGARRY,  
*Clerk of Councils.*