

Landlord and Tenant (Consolidation) (Amendment) Ordinance 2021 to take effect on January 22, 2022

The Landlord and Tenant (Consolidation) (Amendment) Ordinance 2021 (Ordinance) will take effect on January 22, 2022 to regulate tenancies of subdivided units (SDUs), with the following key requirements:

- (1) a regulated cycle of tenancies for an SDU is to comprise two consecutive regulated tenancies for the SDU, each for a term of two years;
- (2) a tenant of a first term tenancy for an SDU is entitled to be granted a second term tenancy of the regulated cycle for the SDU, thus enjoying security of tenure of four years;
- (3) rent increase during the term of a regulated tenancy is not allowed;
- (4) the rate of rent increase for the second term tenancy of a regulated cycle must not exceed the percentage change of the territory-wide rental index for all classes of private domestic properties compiled and published by the Rating and Valuation Department (RVD) during the relevant period, and is capped at 10 per cent;
- (5) a landlord of a regulated tenancy commits an offence if the landlord requires the tenant to pay any non-permitted money or reimbursement of charges for specified utilities and services (including water and electricity); and
- (6) a landlord of a regulated tenancy must, within 60 days after the term of the tenancy commences, submit a Notice of Tenancy (Form AR2) to RVD. If the landlord, without reasonable excuse, fails to comply with the requirement, the landlord commits an offence.

RVD is responsible for the implementation of the Ordinance, and has set up a new section to promote public awareness of the new regulatory regime; handle enquiries; provide free advisory and mediatory services on tenancy matters; publish the reported rent data of SDUs after implementation of the Ordinance; and take enforcement action as appropriate.

The Government has engaged non-governmental organisations (NGOs) to set up six district Service Teams, assisting RVD to promote the new legislation to implement the tenancy control on SDUs at district level, including arranging different types of promotional activities regularly at the Service Districts to help landlords and tenants to understand their respective rights and obligations under the Ordinance, and to handle general enquiries, etc. Details of the six District Service Teams are given in Annex.

For enquiries, please contact RVD:

Website: www.rvd.gov.hk/en/our_services/tenancy_matters.html

Email: enquiries@rvd.gov.hk

Hotline: 2150 8303