

## Landlord of subdivided units under regulated tenancy convicted of failing to submit Notice of Tenancy within prescribed period and failing to provide tenant with rent receipt

A landlord of subdivided units (SDUs) contravened Part IVA of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (the Ordinance) and pleaded guilty today (July 21) at the Eastern Magistrates' Courts for five offences under the Ordinance. The landlord was fined a total of \$3,600. The offences of the landlord include failing to (1) provide the tenant with a rent receipt; and (2) submit Notice of Tenancy (Form AR2) to the Commissioner of Rating and Valuation (the Commissioner) within 60 days after the term of the regulated tenancy commenced. This is the fourth SDU landlord convicted of contravening the Ordinance since the Ordinance came into force on January 22, 2022.

The Rating and Valuation Department (RVD) received the relevant complaint in mid-September 2022. Upon in-depth investigation and evidence collection, the RVD discovered that the landlord concerned was suspected of contravening two requirements of the Ordinance, and hence prosecuted against the landlord.

Pursuant to Section 120AAZN of the Ordinance, a landlord of a regulated tenancy must, within seven days after receiving the amount of rent paid by the tenant, provide the tenant with a receipt. The receipt must state the landlord's name and address, the period for which the rent is paid, and the date of payment. A landlord failing to comply with the above requirements commits an offence and is liable to a fine at level 1 (\$2,000).

In addition, pursuant to Section 120AAZT of the Ordinance, the landlord of a regulated tenancy must submit a completed Form AR2 to the Commissioner to notify the particulars of the tenancy within 60 days after the term of the regulated tenancy commenced. A landlord who refuses or neglects to comply with the above requirements without reasonable excuse commits an offence and is liable to a fine at level 3 (\$10,000), and in the case of a continuing offence, to a further fine of \$200 for each day during which the offence continues.

A spokesman for the RVD hopes that this conviction will send a strong message to SDU landlords that they must comply with the relevant requirements under the Ordinance, and also remind SDU tenants of their rights under the Ordinance. The RVD stresses that it will handle each suspected offence case under the Ordinance seriously. Apart from following up on reported cases, the RVD has been adopting a multi-pronged and interdepartmental approach to proactively identify and follow up on cases concerning landlords who are

suspected of contravening the Ordinance.

The RVD spokesman also appeals to members of the public to come forward and report to the RVD promptly any suspected cases of contravening the relevant requirements. This would help curb illegal acts as soon as possible. Reporting can be made through the telephone hotline (2150 8303), by email ([enquiries@rvd.gov.hk](mailto:enquiries@rvd.gov.hk)), by fax (2116 4920), by post (15/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon), or in person (please call 2150 8303 to make an appointment with the Tenancy Services Section of the RVD before visiting its office at Room 3816-22, 38/F, Immigration Tower, 7 Gloucester Road, Wan Chai).

For enquiries related to a regulated tenancy, please call the above telephone hotline or visit the RVD's webpage ([www.rvd.gov.hk/en/our\\_services/part\\_iva.html](http://www.rvd.gov.hk/en/our_services/part_iva.html)) for the relevant information.