

Landlord of subdivided units under regulated tenancy convicted of failing to submit Notice of Tenancy within prescribed period

A landlord of subdivided units (SDUs) contravening Part IVA of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (the Ordinance) pleaded guilty today (September 4) at the Eastern Magistrates' Courts for seven offences of failing to submit a 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. The landlord was fined a total of \$5,600 for the offences. Since the Ordinance has come into force, seven SDU landlords have been convicted of contravening the Ordinance.

In mid-April 2023, the Rating and Valuation Department (RVD) discovered that the landlord was suspected of failing to submit a Form AR2 within the prescribed period for seven regulated tenancies of SDUs when performing its duties. Upon in-depth investigation and evidence collection, the RVD prosecuted against the landlord.

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 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. Apart from following up on reported cases, the RVD has been adopting a multipronged approach using close liaisons with other departments to proactively identify, investigate and follow up on cases concerning landlords who are suspected of contravening the Ordinance. To this end, the RVD has started to proactively require landlords of regulated tenancies to provide information and reference documents of their tenancies for checking whether the landlords concerned have complied with the requirements of the Ordinance. If a landlord, without reasonable excuse, refuses to provide the relevant information or neglects the RVD's request, the landlord commits an offence and is liable to a fine at level 3 (\$10,000) and to imprisonment for three months. Moreover, the RVD also provides a form (Form AR3) to enable tenants of regulated tenancies who have not yet received a copy of endorsed Form AR2 to provide the basic tenancy particulars to the RVD by electronic means or in paper form, so as to enquire whether the RVD has received the

relevant Form AR2 for the department's follow-up as appropriate. If any contraventions are found, the RVD will seriously look into the cases.

The RVD spokesman also appealed 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), 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 regulated tenancies, please call the above telephone hotline or visit the RVD's webpage (www.rvd.gov.hk/en/our_services/part_iva.html) for the relevant information.