

11 landlords of subdivided units under regulated tenancies convicted of contravening relevant statutory requirements

Eleven landlords of subdivided units (SDUs), who contravened Part IVA of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (the Ordinance) pleaded guilty and were fined a total of \$16,400 today (May 17) at the Eastern Magistrates' Courts. Since the Ordinance has come into force, the Rating and Valuation Department (RVD) has successfully prosecuted 266 cases involving a total of 229 SDU landlords, with fines ranging from \$400 to \$18,600, amounting to a total of \$482,010.

The offences of these landlords include (1) failing to submit a Notice of Tenancy (Form AR2) to the Commissioner of Rating and Valuation within 60 days after the term of the regulated tenancy commenced; and (2) requesting the tenant to pay money other than the types permitted under the Ordinance. One of the landlords committed four offences under (1) above, and was fined \$3,200.

The RVD earlier discovered that the landlords failed to comply with the relevant requirements under the Ordinance. Upon an in-depth investigation and evidence collection, the RVD prosecuted against the landlords.

A spokesman for the RVD reiterated that SDU landlords must comply with the relevant requirements under the Ordinance, and also reminded SDU tenants of their rights under the Ordinance. He also stressed that the RVD will continue to take resolute enforcement action against any contraventions of the Ordinance. Apart from following up on reported cases, the RVD has been adopting a multipronged approach to proactively identify, investigate and follow up on cases concerning landlords who are suspected of contravening the Ordinance. In particular, the RVD has been requiring 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 maximum fine at level 3 (\$10,000) and to imprisonment for three months. Depending on the actual circumstances and having regard to the information and evidence collected, the RVD will take appropriate actions on individual cases, including instigating prosecution against suspected contraventions of the Ordinance.

To help curb illegal acts as soon as possible, members of the public should report to the RVD promptly any suspected cases of contravening the relevant requirements. 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 (visiting the Tenancy Services Section office of the RVD at Room 3816-22, 38/F, Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong, and please call 2150 8303 to make an appointment). Furthermore, the RVD has provided a form (Form AR4) (www.rvd.gov.hk/doc/en/forms/ar4.pdf) on its website to facilitate SDU tenants' reporting to the RVD.

The RVD reminds that pursuant to the Ordinance, a regulated cycle of regulated tenancies is to comprise two consecutive regulated tenancies (i.e. the first-term tenancy and second-term tenancy) for an SDU, and the term of each regulated tenancy is two years. A tenant of a first-term tenancy for an SDU is entitled to be granted a second-term tenancy of the regulated cycle, thus enjoying a total of four years of security of tenure. Since the first batch of regulated tenancies has already approached their second-term tenancies, the RVD has started a new round of publicity and education work in order to assist SDU landlords and tenants to understand the important matters pertaining to the second-term tenancy, and procedures that need to be followed about two months prior to the commencement of the purported second-term tenancy. In addition, the RVD has started issuing letters enclosing relevant information to the concerned landlords and tenants of regulated tenancies in batches, according to the expiry time of their first-term tenancies, to remind them about their respective obligations and rights under the Ordinance. These landlords and tenants may also visit the dedicated page for the second-term tenancy on the RVD's website (www.rvd.gov.hk/en/tenancy_matters/second_term_tenancy.html) for the relevant information, including a concise guide, brochures, tutorial videos and frequently asked questions, etc. SDU landlords and tenants are also advised to familiarise themselves with the relevant statutory requirements and maintain close communication regarding the second-term tenancy for handling the matters properly and in a timely manner according to the Ordinance.

For enquiries related to regulated tenancies, please call the telephone hotline (2150 8303) or visit the RVD's webpage (www.rvd.gov.hk/en/our_services/part_iva.html) for the relevant information.

[Appeal for information on missing man in Sham Shui Po \(with photos\)](#)

Police today (May 17) appealed to the public for information on a man who went missing in Sham Shui Po.

Lam Wai Hong, aged 38, went missing after he left his caring home on Nam Cheong Street yesterday (May 16) morning. Staff of the caring home made a report to Police on the same day.

He is about 1.7 metres tall, 70 kilograms in weight and of medium build. He has a round face with yellow complexion and short black hair. He was last seen wearing a dark green short-sleeved T-shirt, grey trousers and black and white shoes.

Anyone who knows the whereabouts of the missing man or may have seen him is urged to contact the Regional Missing Persons Unit of Kowloon West on 3661 8038 or 9020 6542 or email to rmpu-kw@police.gov.hk, or contact any police station.



[Inspection of aquatic products imported from Japan](#)

In response to the Japanese Government's plan to discharge nuclear-contaminated water at the Fukushima Nuclear Power Station, the Director of Food and Environmental Hygiene issued a Food Safety Order which prohibits all aquatic products, sea salt and seaweeds originating from the 10 metropolis/prefectures, namely Tokyo, Fukushima, Ibaraki, Miyagi, Chiba, Gunma, Tochigi, Niigata, Nagano and Saitama, from being imported into and supplied in Hong Kong.

For other Japanese aquatic products, sea salt and seaweeds that are not prohibited from being imported into Hong Kong, the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department will conduct comprehensive radiological tests to verify that the radiation levels of these products do not exceed the guideline levels before they are allowed to be supplied in the market.

As the discharge of nuclear-contaminated water is unprecedented and will continue for 30 years or more, the Government will closely monitor and step up the testing arrangements. Should anomalies be detected, the Government does not preclude further tightening the scope of the import ban.

From noon on May 16 to noon today (May 17), the CFS conducted tests on the radiological levels of 254 food samples imported from Japan, which were of the "aquatic and related products, seaweeds and sea salt" category. No sample was found to have exceeded the safety limit. Details can be found on the CFS's thematic website titled "Control Measures on Foods Imported from Japan"

(www.cfs.gov.hk/english/programme/programme_rafs/programme_rafs_fc_01_30_Nuclear_Event_and_Food_Safety.html).

In parallel, the Agriculture, Fisheries and Conservation Department (AFCD) has also tested 50 samples of local catch for radiological levels. All the samples passed the tests. Details can be found on the AFCD's website (www.afcd.gov.hk/english/fisheries/Radiological_testing/Radiological_Test.html).

The Hong Kong Observatory (HKO) has also enhanced the environmental monitoring of the local waters. No anomaly has been detected so far. For details, please refer to the HKO's website (www.hko.gov.hk/en/radiation/monitoring/seawater.html).

From August 24 to noon today, the CFS and the AFCD have conducted tests on the radiological levels of 51 925 samples of food imported from Japan (including 33 621 samples of aquatic and related products, seaweeds and sea salt) and 13 236 samples of local catch respectively. All the samples passed the tests.

[EIA report for San Tin/Lok Ma Chau Development Node approved with conditions \(with video\)](#)

Regarding the application submitted by the Civil Engineering and Development Department (CEDD) under the Environmental Impact Assessment Ordinance (EIAO), the Director of Environmental Protection (DEP) today (May 17) approved the Environmental Impact Assessment (EIA) report for San Tin/Lok Ma Chau Development Node (ST/LMC DN) with conditions.

The CEDD has exhibited the EIA report for public inspection from February 2 to March 2, 2024, in accordance with the EIAO. During the public inspection period, the Environmental Protection Department (EPD) received a

total of 50 public comments. The EIA Subcommittee of the Advisory Council on the Environment (ACE) discussed in detail the EIA report and public comments at its meeting on March 18, 2024. Since the commencement of the public inspection of the EIA report, the CEDD has been liaising with green groups closely. The EPD has also participated in four meetings held by the CEDD with green groups, and gathered views from the green groups on the EIA report and proposals on enhancing the mitigation measures and compensation. Subsequently, the ACE endorsed unanimously the EIA report with conditions and recommendations at its meeting on April 22, 2024.

At a press conference today, the Director of Environmental Protection, Dr Samuel Chui, said, "The EPD has studied and reviewed in detail the EIA report for ST/LMC DN, and agreed with the proposed mitigation of the ecological and fisheries impacts arising from the development through avoiding impacts on the Ramsar Site, Mai Po Lung Village Egrettry and the Mai Po Village Egrettry; as well as creation of environmental capacity through reprofiling pond banks, pond drain-down, and when necessary, trash-fish stocking, with a view to achieving no-net-loss in ecological function and capacity of the wetlands concerned. In addition, other mitigation measures proposed in the EIA report, such as preservation of a 300-metre-wide east-west birds' flight corridor near the Lok Ma Chau Boundary Control Point and a 70m-wide major bird flight path of the Mai Po Lung Village Egrettry, establishment of a 35m-wide non-building area in the form of an eco-interface along the Sam Po Shue Wetland Conservation Park (SPS WCP), adoption of stepped building height descending towards the SPS WCP, and establishment of wildlife corridors for facilitating and supporting movement of Eurasian otters across Lok Ma Chau, Sam Po Shue and the Inner Deep Bay area, can achieve effective mitigation of the ecological impacts arising from the ST/LMC DN on egrettries, birds' flight corridors and paths, and Eurasian otters, etc. The EPD has also thoroughly and carefully considered the requirements of the EIA Study Brief (SB) and the Technical Memorandum on Environmental Impact Assessment Process (TM), comments on the environment raised by the public during the public inspection period of the EIA report, suggestions and data from green groups in respect of the EIA report, supplementary information submitted by the CEDD upon request of the EIA Subcommittee of the ACE, as well as conditions and recommendations raised by the ACE, and decided to approve the EIA report with conditions."

"The purposes of ecological surveys are to fill in the information gaps in existing available data, and to confirm and evaluate the ecological value of the habitats and species thereon. A large number of continuous ecological surveys data within the study area are already available. These include data collected by the Hong Kong Bird Watching Society since January 2012 under a nature conservation agreement funded by the Environment and Conservation Fund; as well as a number of environmental impact assessment studies and environmental monitoring and audit reports. The ecological impact assessment in the EIA report for ST/LMC DN has considered all relevant literature review, research information/data and ecological survey records. Hence, the EIA study is scientific, professional and comprehensive," Dr Chui added.

The approval conditions mainly include requiring the CEDD (i) to submit

various detailed designs and implementation plans (such as the Habitat Creation and Management Plan, the Detailed Design Plan for Establishment of Wildlife Corridors, the Implementation Plan for Wetland Enhancement Measures at Mai Po, the Interim Wetland Enhancement Plan, the Bird-friendly Design Guideline, etc) to implement the recommended ecological mitigation/enhancement measures; (ii) not to commence pond-filling works of the ST/LMC DN prior to commencement of construction of the ecologically enhanced fish ponds at the SPS WCP; and (iii) to set up an environmental committee comprising representatives of relevant government departments as well as green groups and academics for providing advice on the preparation of various implementation plans and monitoring the effectiveness of the implementation of the proposed ecological mitigation/enhancement measures of the Project set out in the EIA report and the approved implementation plans.

In addition, the CEDD shall report regularly to the ACE on the progress of the implementation of various plans, the environmental monitoring results and effectiveness of ecological mitigation/enhancement measures, and set up a working group with the Agriculture, Fisheries and Conservation Department to co-ordinate the progress of the ST/LMC DN and the implementation of the SPS WCP. The EPD will closely liaise with relevant government departments for following up on the abovementioned approval conditions.

Dr Chui stressed that the EIA process in Hong Kong is a professional, objective and open system. The TM and EIA SB have laid down objective and clear principles, procedures, guidelines, requirements and criteria for various EIA matters. The statutory EIA process aims at assessing the environmental impacts of the project, and recommending appropriate mitigation measures. The project proponent had to comply with relevant legislation and procedural requirements before the project could proceed.

The approved EIA report and the approval conditions have been uploaded to the EPD's EIAO website (www.epd.gov.hk/eia/). Members of the public may also visit the EIAO Register Office at 27th floor, Southorn Centre, Wan Chai, to inspect these documents.

10 property owners of five village houses fined over \$450,000 in total for non-compliance with removal orders

Ten property owners were convicted and fined over \$450,000 in total last month and earlier this month at the Fanling Magistrates' Courts and Tuen Mun Magistrates' Courts respectively for failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The five village houses in Tai Po, Tuen Mun and Yuen Long had various unauthorised structures on their roofs and/or ground floor with areas ranging from 28 square metres to 80 sq m.

Since the Lands Department would not issue certificates of exemption for the above-mentioned buildings, they are not New Territories Exempted Houses under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121). As the related unauthorised building works (UBWs) were carried out without the prior approval and consent from the Buildings Department (BD), removal orders were served on the owners under section 24(1) of the BO.

Failing to comply with the removal orders, the owners were prosecuted by the BD.

The four co-owners of the first case and the two co-owners of the second case were fined a total of \$180,160 and \$53,880 on April 30 and May 7 respectively upon conviction at the Fanling Magistrates' Courts.

The owner of the third case was fined \$63,500 upon conviction at the Tuen Mun Magistrates' Courts on May 3.

Failing to comply with the removal orders, the two co-owners of the fourth case and the owner of the fifth case were prosecuted by the BD, and were fined \$49,200 in total and \$4,340 in 2022 and 2021 respectively upon conviction at the Tuen Mun Magistrates' Courts. As the owners persisted in not complying with the removal orders, they were prosecuted by the BD for the second time and were fined \$84,900 in total and \$73,100 on May 3 and 10 respectively upon conviction at the Tuen Mun Magistrates' Courts.

A spokesman for the BD said today (May 17), "UBWs may lead to serious consequences. Owners must comply with removal orders without delay. The BD will continue to take enforcement action against owners who have failed to comply with removal orders, including instigation of prosecution, so as to ensure building safety."

Failure to comply with a removal order without reasonable excuse is a serious offence under the BO. The maximum penalty upon conviction is a fine of \$200,000 and one year's imprisonment, and a further fine of \$20,000 for each day that the offence continues.