

## Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (“Ordinance”) Part IVA (“Regulated Tenancies”) Summary Notes on Lodging Complaints about “Regulated Tenancies”

### 1. Offences Targeting “Regulated Tenancies”<sup>1</sup>

A landlord of a “regulated tenancy” commits an offence if the landlord:-

- 1.1 without reasonable excuse, fails to submit a Notice of Tenancy (Form AR2) to the Rating and Valuation Department (“RVD”) within 60 days after the term of a “regulated tenancy” commences (Note: a copy of the endorsed Form AR2 will be served on the landlord and the tenant separately by RVD);
- 1.2 charges the tenant of a “regulated tenancy” miscellaneous fees;
- 1.3 improperly charges the tenant of a “regulated tenancy” the reimbursement of the charges for utilities and services (including water and electricity) specified by Part IVA of the Ordinance;
- 1.4 fails to give a receipt to the tenant of a “regulated tenancy” within 7 days after receiving the amount of rent; or
- 1.5 unlawfully deprives the tenant of a “regulated tenancy” of occupation of the subdivided unit.

### 2. Complaint Channels

If you wish to complain about another person for suspected non-compliance with the requirements of the Ordinance, you may lodge your complaint with RVD through the following channels:-

- 2.1 by post: 15/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon
- 2.2 in-person - please first call 2150 8303 to make an appointment with the Tenancy Services Section of RVD:

office address of Tenancy Services Section of RVD: Room 3816-22, 38/F, Immigration Tower,  
7 Gloucester Road, Wan Chai

opening hours: Monday to Friday: 8:15a.m. to 6:00p.m.  
Saturday, Sunday and Public Holidays: Closed

- 2.3 by email: enquiries@rvd.gov.hk
- 2.4 by fax: 2116 4920
- 2.5 by telephone: 2150 8303



[www.rvd.gov.hk/en/our\\_services/tenancy\\_matters.html](http://www.rvd.gov.hk/en/our_services/tenancy_matters.html)

A complaint can be lodged in writing (in Chinese or English) or orally. If the complainant authorises another person to handle the complaint on his or her behalf, the complainant should provide a written authorisation to RVD.

<sup>1</sup> **Disclaimer:** The purpose of the summary notes is to introduce the main offences of Part IVA “Regulated Tenancies” of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) for general reference by the public only. The summary notes is not a legal document, nor can it be regarded as an authoritative legal interpretation. Anyone who has questions about the provisions of the Ordinance should seek the advice of a lawyer.



### **3. Complaint Handling Procedure**

Upon receipt of a complaint, RVD will process it in accordance with the following procedures:-

- 3.1 RVD will first consult the complainant on the facts of the complaint and collect the relevant information (e.g. in case of complaining the landlord of a “regulated tenancy” about overcharging the water<sup>2</sup> and electricity charges, RVD will collect, among other things, information about the request of the landlord for water and electricity charges from the tenant). If needed, RVD will conduct site inspection and collect information from the complaine.
- 3.2 If, after investigation, the complaint does not involve committing the offences under the Ordinance, RVD will explain to the complainant and provide free advisory or mediatory services as appropriate.
- 3.3 If the complaint involves committing the offences under the Ordinance, RVD will seek legal advice from the Department of Justice and consider whether legal action is warranted depending on the circumstances (including the information and evidence collected) of the case.

### **4. Personal Information**

- 4.1 The information provided by the complainant will be used for handling the relevant complaint. Apart from the purpose stated above, the personal information will not be transferred to any other parties by RVD, unless such parties are authorised by law and request the information.
- 4.2 Under the Personal Data (Privacy) Ordinance (Cap. 486), the complainant has a right to request access to and correction of his /her personal data. Such requests may be made in writing to RVD's Customer Service Officer at 15/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon or by email to [enquiries@rzd.gov.hk](mailto:enquiries@rzd.gov.hk).

### **5. Notes to Complainants**

Complainants should note the following:-

- 5.1 Must state clearly the issues of complaint.
- 5.2 Must provide the personal data concerned (such as the personal data of the complainant) and details of the act or practice of the complaine, as well as sufficient information in support of the complainant's allegation.
- 5.3 Must state by whom the act was done or the practice was engaged in, i.e. who the complaine is, and provide adequate information for RVD to identify and locate the complaine. Otherwise, RVD may not be able to process the complaint.
- 5.4 Cooperate in RVD's requisition of information and investigation.
- 5.5 Lodge complaints in a reasonable manner.
- 5.6 Treat the staff with courtesy and respect.

If complainants are not able to provide RVD with the requested information about the complaint, the progress and/or outcome of RVD's investigation may be affected. RVD may also terminate the investigation due to insufficient information to follow up with the case.

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<sup>2</sup> According to Waterworks Regulations (Cap. 102A), a registered consumer of the Water Supplies Department (WSD) is only allowed to recover from the occupants of the premises the water charge paid to WSD (applicable to subdivided units). In case of any suspicion regarding overcharging for water, members of the public can report to WSD. An option for reporting water overcharging for subdivided units is available under the WSD's Customer Services Hotline on 2824 5000. If the subdivided unit belongs to a “regulated tenancy”, the tenant can also report the case to RVD.