

Landlord and Tenant (Consolidation) Ordinance (Cap. 7)
Part IVA (“Regulated Tenancies”)
Key Offences and Penalties for “Regulated Tenancies”

Requirement	Offence	Penalties
1. Landlord Must Submit Notice of Tenancy	<p>The landlord must, within 60 days after the term of a “regulated tenancy” (including the first term tenancy and the second term tenancy) commences, submit a completed Notice of Tenancy (Form AR2) to the Rating and Valuation Department (“RVD”). If the landlord, without reasonable excuse, refuses or neglects to comply with this requirement, the landlord commits an offence.</p> <p>Note: A copy of the endorsed Form AR2 will be served on the landlord and the tenant separately by RVD.</p> <p>If a person, in purported compliance with the requirement to submit a Notice of Tenancy to the Commissioner of Rating and Valuation, provides any particulars that are false or misleading in a material particular, and knows that, or is reckless as to whether or not, the particulars are false or misleading in a material particular, the person commits an offence.</p>	<p>✘ On conviction to a fine at level 3 (HK\$10,000)</p> <p>✘ In the case of a continuing offence, to a further fine of HK\$200 for each day during which the offence continues</p> <p>✘ On conviction to a fine at level 3 (HK\$10,000) and to imprisonment for 3 months</p>
2. Prohibiting Landlord from Charging Tenant Miscellaneous Fees	<p>A landlord of a “regulated tenancy” commits an offence if the landlord requires the tenant to pay, or the landlord otherwise receives from the tenant, any money in relation to the tenancy other than those falling within the following types —</p> <p>(1) rents as permitted under Part IVA of the Ordinance;</p> <p>(2) rental deposits as permitted under Part IVA of the Ordinance;</p> <p>(3) reimbursement of charges for any of the utilities and services[#] specified by Part IVA of the Ordinance; ([#] means water, electricity, gas and communication services; and communication services include services enabling the Internet to be used)</p> <p>(4) damages for the tenant’s breach of the tenancy.</p>	<p>✘ On a first conviction to a fine at level 3 (HK\$10,000)</p> <p>✘ Subsequent conviction to a fine at level 4 (HK\$25,000)</p>
3. Prohibiting Landlord from Improperly Charging Tenant Reimbursement of Apportioned Water and Electricity Charges	<p>(1) Where the charges for any of the utilities and services specified by Part IVA of the Ordinance for a subdivided unit (SDU) incurred by a tenant of a “regulated tenancy” for the SDU are not independently billed by the relevant authorities or service providers (e.g. power companies or the Water Supplies Department), the landlord commits an offence if the landlord requires the tenant to pay for, or the landlord otherwise receives from the tenant, the reimbursement of the charges as a separate payment from rent unless —</p> <p>(a) the landlord is the payer named in the bills covering the charges;</p> <p>(b) copies of the bills are produced by the landlord to the tenant when the landlord requires payment; and</p>	<p>✘ On a first conviction to a fine at level 3 (HK\$10,000)</p> <p>✘ Subsequent conviction to a fine at level 4 (HK\$25,000)</p>

Requirement	Offence	Penalties
	<p>(c) the landlord has provided an account in writing to the tenant showing how the amounts under the bills are apportioned and that the aggregate of the apportioned amounts does not exceed the amounts under the bills.</p> <p>(2) Also, the landlord commits an offence if the landlord requires the tenant to reimburse the relevant charges at a sum exceeding the apportioned amount for the SDU as shown in the account.</p>	
<p>4. Landlord Must Provide Rent Receipts</p>	<p>(1) A landlord of a “regulated tenancy” must give a receipt to the tenant within 7 days after receiving the amount of rent.</p> <p>(2) The landlord must specify the following in the receipt —</p> <p>(a) the name and address of the landlord;</p> <p>(b) the period for which the rent is paid;</p> <p>(c) the date of payment.</p> <p>If the landlord fails to comply with (1) or (2) above, the landlord commits an offence.</p>	<p>⚠ On conviction to a fine at Level 1 (HK\$2,000)</p>
<p>5. Prohibiting any person from harassing tenants</p>	<p>(1) A person commits an offence if the person unlawfully deprives a tenant of occupation of the SDU.</p> <p>(2) If a person, in relation to an SDU —</p> <p>(a) either —</p> <p>(i) does any act calculated to interfere with the peace or comfort of the tenant or members of the tenant’s household; or</p> <p>(ii) persistently withdraws or withholds services reasonably required for occupation of the SDU as a dwelling; and</p> <p>(b) knows, or has reasonable cause to believe, that that conduct is likely to cause the tenant —</p> <p>(i) to give up occupation of the subdivided unit; or</p> <p>(ii) to refrain from exercising any right or pursuing any remedy in respect of the SDU, the person commits an offence.</p>	<p>⚠ On a first conviction to a fine of HK\$500,000 and to imprisonment for 12 months</p> <p>⚠ Subsequent conviction, to a fine of HK\$1,000,000 and to imprisonment for 3 years</p>

Rating and Valuation Department

🏢 : 15th Floor, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon

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

☎ : 2150 8303

✉ : enquiries@rvd.gov.hk



Disclaimer

The purpose of this information sheet 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. This 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.