

Complaint Form
in Relation to Action(s) in Contravention of Sections 5(4) and 5(6) of the
Temporary Protection Measures for Business Tenants (COVID-19 Pandemic) Ordinance
(“the Ordinance”)

This Form is only applicable for lodging a complaint in relation to any action(s) in contravention of sections 5(4) and 5(6) of the Ordinance. Please read the “Notes” in Part G (page 6 of this Form) and Schedules I and II (pages 7 to 9 of this Form) before completing this Form.

A. Particulars of the Complainant

| | | | |
|--------------------|---------------------|---|--|
| 1. | Name of individual/ | (English) | (Mr <input type="checkbox"/> /Ms <input type="checkbox"/> /Miss <input type="checkbox"/>) |
| | Company: | | |
| | | (Chinese) | (先生 <input type="checkbox"/> /女士 <input type="checkbox"/> /小姐 <input type="checkbox"/>) |
| | Company's | (English) | (Mr <input type="checkbox"/> /Ms <input type="checkbox"/> /Miss <input type="checkbox"/>) |
| | Representative | | |
| | (if applicable): | (Chinese) | (先生 <input type="checkbox"/> /女士 <input type="checkbox"/> /小姐 <input type="checkbox"/>) |
| | Capacity | <input type="checkbox"/> Tenant <input type="checkbox"/> Sub-tenant <input type="checkbox"/> Tenant's agent <input type="checkbox"/> Sub-tenant's agent <input type="checkbox"/> Others (please specify): _____ | |
| | HKID / Business | | |
| | Registration No.: | | |
| | Correspondence | | |
| Address: | | | |
| | | | |
| Contact Phone No.: | | Fax No.: | |
| E-mail: | | | |
| | | | |

(Please put ✓ in the appropriate box)

B. Particulars of Individual/Company under Complaint

| | | | |
|----|---------------------|-----------|--|
| 2. | Name of Individual/ | (English) | (Mr <input type="checkbox"/> /Ms <input type="checkbox"/> /Miss <input type="checkbox"/>) |
| | Company: | | |
| | | (Chinese) | (先生 <input type="checkbox"/> /女士 <input type="checkbox"/> /小姐 <input type="checkbox"/>) |
| | Contact Address: | | |
| | | | |
| | Contact Phone No.: | | |
| | | | |

(Please put ✓ in the appropriate box)

C. Particulars of “Specified Premises”

| | | |
|----|--|--|
| 3. | Address of | |
| | “Specified Premises”: | |
| | | |
| | Type of “Specified | |
| | Premises”: | |
| | (Please fill in the corresponding type number as listed in Schedule I to this Form (pages 7 to 8 thereof)) | |

D. Details of Complaint

| | |
|----|---|
| 4. | Type(s) of action(s) under section 5(7) of the Ordinance taken by the individual/company under complaint: (Please fill in the corresponding action number(s) as listed in Schedule II to this Form (page 9 thereof)) |
| | Please provide details of the action(s) taken by the individual/company under complaint and provide copies of relevant supporting documents in accordance with Part E: |
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[Please use separate sheet(s) of paper if the space above is insufficient]

E. Supporting Documents to be Attached

| | |
|----|---|
| 5. | <p>Please provide copies of the following document(s) (if any) to prove that the premises are used as “specified premises”:</p> <p><input type="checkbox"/> Tenancy Agreements</p> <p><input type="checkbox"/> Business Registration Certificates</p> <p><input type="checkbox"/> Licences or certificates of registration as required by relevant Ordinance(s) (or records of exemption from registration)</p> <p><input type="checkbox"/> Licences required for operating the business</p> <p><input type="checkbox"/> Photo(s) of the premises</p> <p><input type="checkbox"/> Other proof (Please specify): _____</p> |
| 6. | <p>Please provide copies of supporting document(s) in respect of the action(s) taken by the individual/company under complaint as stated in Part D (if any):</p> <p><input type="checkbox"/> Yes, the document(s) is/are: _____</p> <p><input type="checkbox"/> No documents can be provided.</p> |

(Please put ✓ in the appropriate box)

F. Declaration

| | |
|-----|---|
| 7. | I/We hereby declare that the premises in Part C are used wholly or primarily as “specified premises” under the Temporary Protection Measures for Business Tenants (COVID-19 Pandemic) Ordinance and the information provided herein is true and correct. |
| 8. | I/We agree <input type="checkbox"/> / do not agree <input type="checkbox"/> to be interviewed by officers of the Rating and Valuation Department in relation to this complaint. I/We agree <input type="checkbox"/> / do not agree <input type="checkbox"/> to provide written witness statement(s) to the Rating and Valuation Department in future. |
| 9. | I/We consent to the Rating and Valuation Department transferring or disclosing the information provided by me/us to other government departments / bureaux or any relevant persons / organisations (including other enforcement authorities or the individual/company under complaint and/or his/her/their employees, etc.) for the purpose of processing this complaint. I/We also consent to the other government departments / bureaux or relevant persons / organisations providing the Rating and Valuation Department with information relevant to this complaint. |
| 10. | I/We acknowledge that in the event the Department of Justice institutes prosecution against any person(s)/company(s) in relation to this complaint in future, all the information provided may be produced as evidence in court in Hong Kong and the court may summon me/us or other person(s) concerned to testify or give evidence in court. |
| 11. | Where this Complaint Form is completed by agent: I/we hereby declare that I/we have been authorised by the tenant / sub-tenant to complete this Form. |

(Please put ✓ in the appropriate box)

G. Notes

| | |
|-----|--|
| 12. | <p>A landlord who takes, or continues to take, any action(s) in contravention of the Ordinance commits an offence and is liable on conviction on indictment to a fine—</p> <p>a) that is equal to twice the amount of the rent claimed, in relation to the action concerned, by the landlord to be in arrears; and</p> <p>b) that is, in any event, not less than \$50,000, unless the court (including a magistrate) considers that imposing a lower fine is just and equitable in the circumstances of the case.</p> |
| 13. | <p><u>Mode of Service</u></p> <p>a) The completed Form must be served on the Rating and Valuation Department by fax, by e-mail, by post or by personal service.</p> <p>Address : 15/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon</p> <p>Fax No. : 2152 0158</p> <p>E-mail : tpm_complaints@rvd.gov.hk</p> <p>b) No acknowledgement would be issued upon receipt of the Form.</p> |
| 14. | <p><u>Personal Information</u></p> <p>a) The information provided by the complainant will be used by the Rating and Valuation Department for the enforcement of the provisions of the Temporary Protection Measures for Business Tenants (COVID-19 Pandemic) Ordinance.</p> <p>b) Apart from the purposes stated above, personal information will not be provided to other parties, unless such parties requesting the information are authorised by law.</p> <p>c) Under the Personal Data (Privacy) Ordinance, a complainant has a right to request access to and correction of his/her/their personal data. Such requests may be made in writing to the Rating and Valuation Department at 15/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon or by e-mail to 'tpm_complaints@rvd.gov.hk'.</p> |
| 15. | <p>Information in this Form is provided voluntarily by the complainant. The Rating and Valuation Department may not be able to deal with the complaint if the information provided is insufficient.</p> |
| 16. | <p>For enquiries concerning the completion of this Form, please telephone this Department: 2150 8589.</p> |

Signature of *Complainant / Authorised Person

(*Please delete where inappropriate)

(Stamped with Company Chop (if applicable))

Date

Schedule I – Types of “Specified Premises”
(Details are set out in Part 2 of the Schedule to the Ordinance)

| Type No. | Type of Premises |
|-----------------|---|
| (1) | Scheduled premises under section 2 of Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F), including the following types of premises (1(a) to 1(u)) but excluding a cruise ship and a supermarket: |
| (1) (a) | Amusement game centre |
| (1) (b) | Bathhouse |
| (1) (c) | Fitness centre |
| (1) (d) | Place of amusement |
| (1) (e) | Place of public entertainment |
| (1) (f) | Premises (commonly known as party room) that are maintained or intended to be maintained for hire for holding social gatherings |
| (1) (g) | Beauty parlour |
| (1) (h) | Club-house |
| (1) (i) | Establishment (commonly known as club or nightclub) that is open late into the night, usually for drinking, and dancing or other entertainment |
| (1) (j) | Karaoke establishment |
| (1) (k) | Mahjong-tin kau premises |
| (1) (l) | Massage establishment |
| (1) (m) | Sports premises |
| (1) (n) | Swimming pool |
| (1) (o) | Hotel or guesthouse (except the premises specified in the Schedule to the Hotel and Guesthouse Accommodation |
| (1) (p) | Premises that — (i) are not — (1) private premises; or (2) a place of public entertainment; and (ii) are for the time being used, with the consent of the owner, manager or tenant of the premises, for holding a specified event (including a meeting, forum, symposium, exhibition, ceremonial event and celebratory event) |
| (1) (q) | Premises other than a beauty parlour (commonly known as barber shop or hair salon) where a person may have his or her hair on the face or on the head shaved, trimmed, cut or washed, or have other treatments done to the hair |
| (1) (r) | Religious premises |
| (1) (s) | Shopping mall |
| (1) (t) | Premises (commonly known as department store) where a wide variety of goods (for example, men’s and women’s clothing, furniture, electrical appliances and hardware) are sold in separate departments |
| (1) (u) | Market |

Schedule I – Types of “Specified Premises” (Cont’d)

| Type No. | Type of Premises |
|-----------------|--|
| (2) | Catering business premises |
| (3) | Premises (other than supermarket) where any of the following food businesses is carried on: food factory, restaurant, factory canteen, siu mei and lo mei shop, fresh provision shop, cold store, composite food shop, frozen confection factory, milk factory (as defined by Section 31(2) of Cap. 132X)) |
| (4) | Child care centre (as referred to under the Child Care Services Ordinance (Cap. 243)) |
| (5) | Kindergarten |
| (6) | Private primary day school and private secondary day school, including international school, private independent school, and other private primary day school and private secondary day school offering formal curriculum |
| (7) | Retail shop, but excluding supermarket |
| (8) | Tutorial school (tutorial school means an exempted school as defined by section 2 of the Education (Exemption) (Private Schools Offering Non-Formal Curriculum Order (Cap. 279 sub. Leg. F))) |
| (9) | Premises where hobby classes are provided |
| (10) | Premises where the business of travel agents (as referred to under the Travel Agents Ordinance (Cap. 218)) is carried on |
| (11) | Premises where the business of cruise ships (as referred to under section 1 of Part 2 of Schedule 2 to Cap. 599F)) is carried on (excluding cruise ships) |
| (12) | Premises where the business of employment agencies (as referred to under section 50(1) of the Employment Ordinance (Cap. 57)) is carried on |
| (13) | Premises where the business of organizing pop concerts is carried on |
| (14) | Premises where the business of providing catering services for schools and post secondary education institutions is carried on |
| (15) | Premises where the laundry trade is carried on |
| (16) | Premises where the dishware washing trade is carried on |
| (17) | Premises where a performing arts group in the arts and culture sector operates the business of the group |
| (18) | Premises where the fresh food wholesale business is carried on |

Schedule II – Types of prohibited actions taken by the individual/company under complaint
(Details are set out in section 5(7) of the Ordinance)

| Action No. | Type of Action |
|-------------------|---|
| (a) | Suspending the provision of utility services or other services in relation to the premises concerned |
| (b) | Deducting from the deposit held by the landlord any amount of the rent that the tenant fails to pay from 1 January 2022 (or the beginning of the day on which the Ordinance becomes applicable to the tenancy) to the expiry of the protection period (or the beginning of the day on which the Ordinance ceases to apply on the tenancy) |
| (c) | If, before the beginning of the protection period, the landlord has already deducted from the deposit held any amount in respect of the tenant's failure to pay from 1 January 2022 (in the circumstances described in section 5(4) of the Ordinance)— demanding the tenant to pay any money or money's worth to make good any shortfall in the deposit |
| (d) | Recovering interest or surcharge on the rent that the tenant fails to pay, from 1 January 2022 or the beginning of the day on which the Ordinance becomes applicable to the tenancy, in the circumstances described in section 5(4) or 5(6) of the Ordinance |
| (e) | Terminating the tenancy |
| (f) | Exercising a right of re-entry or forfeiture |
| (g) | Bringing an action in a court (including a tribunal) against the tenant |
| (h) | Commencing any arbitral proceedings under the Arbitration Ordinance (Cap. 609) against the tenant |
| (i) | Presenting a bankruptcy petition under the Bankruptcy Ordinance (Cap. 6) against the tenant |
| (j) | Making an application under section 670 of the Companies Ordinance (Cap. 622) for a meeting of creditors to be summoned to agree to a compromise or an arrangement in relation to the tenant |
| (k) | Presenting a winding-up petition under the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) against the tenant |
| (l) | Commencing or levying an execution, distress or other legal proceedings against the tenant's property |
| (m) | Appointing a receiver or manager over the tenant's property |