

# A BILL

## To

Amend the Rating Ordinance to implement a progressive rating system for certain tenements; and to make related amendments.

Enacted by the Legislative Council.

### 1. Short title and commencement

- (1) This Ordinance may be cited as the Rating (Amendment) Ordinance 2024.
- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.
- (3) Section 8 comes into operation on a day to be appointed by the Secretary for Financial Services and the Treasury by notice published in the Gazette.

### 2. Rating Ordinance amended

The Rating Ordinance (Cap. 116) is amended as set out in sections 3 to 8.

### 3. Section 18 amended (computation of rates payable)

- (1) Before section 18(1)—

**Add**

“(1A) For every tenement included in a valuation list in force, rates are payable for each year on the rateable value of the tenement.”.

(2) Section 18—

**Repeal subsection (1)****Substitute**

“(1) The rates are to be computed—

- (a) subject to paragraph (b), on the basis of the percentage of the rateable value of the tenement that is prescribed for the purposes of this subsection; or
- (b) if the rates are those payable for a year, or any part of a year, that falls after 31 December 2024—in accordance with the Schedule.”.

**4. Section 19 amended (limitation on amount payable as rates)**

(1) Section 19(3)—

**Repeal**

“for paragraph (a) thereof there were substituted”

**Substitute**

“paragraph (a) of subsection (1) were substituted by”.

(2) Section 19(3)—

**Repeal**

everything after “computed”

**Substitute**

“in respect of the whole of that preceding year—

- (i) in accordance with section 18 as in force on 31 March in that preceding year; and
- (ii) by reference to the rateable value of the tenement as of that date;”.

**5. Section 21 amended (liability for payment of rates)**

Section 21—

**Repeal subsection (8)**

**Substitute**

- “(8) To avoid doubt, an apportionment of the rateable value applicable to any tenements under subsection (6)—
- (a) does not prevent the Commissioner from valuing those tenements together as a single tenement under section 10;
  - (b) does not affect the rates assessed on the single tenement; and
  - (c) accordingly, does not prevent subsection (4) from continuing to apply in relation to the single tenement.”.

**6. Section 56 amended (savings and transitional arrangements on amendment of Ordinance by Provision of Municipal Services (Reorganization) Ordinance)**

Section 56—

**Repeal subsection (4)**

**Substitute**

“(4) Subsection (3) does not apply in relation to rates payable for a year, or any part of a year, that falls after 31 December 2024.”.

**7. Schedule added**

After section 56—

**Add****“Schedule**

[s. 18]

**Computation of Rates for Section 18(1)(b)**

1. For the purposes of section 18(1)(b), rates are payable—
  - (a) for a tenement to which this paragraph applies—
    - (i) at the rate of 5% on the rateable value of the tenement up to \$550,000;
    - (ii) at the rate of 8% on any part of the rateable value of the tenement over \$550,000, up to \$800,000; and
    - (iii) at the rate of 12% on any part of the rateable value of the tenement over \$800,000; or
  - (b) for any other tenement—at the rate of 5% on the rateable value of the tenement.
2. Section 1(a) of this Schedule—
  - (a) applies to a domestic tenement; but

- (b) does not apply to—
- (i) a tenement that is, or any part of which is, a public rental housing flat provided by—
    - (A) the Hong Kong Housing Authority; or
    - (B) the Hong Kong Housing Society;
  - (ii) a tenement that is, or any part of which is, a rental housing flat, provided by the Hong Kong Settlers Housing Corporation Limited, in an estate known as Tai Hang Sai Estate and situated at Shek Kip Mei, Kowloon;
  - (iii) a tenement that is, or any part of which is, a flat under—
    - (A) the public housing scheme known as Transitional Housing; or
    - (B) the public housing scheme known as Light Public Housing; or
  - (iv) a tenement that is a dormitory—
    - (A) provided by a specified school and situated within the premises specified in the certificate of registration of the school;
    - (B) provided by an institution specified in section 2 of the Education Ordinance (Cap. 279);
    - (C) provided by a religious institution; or
    - (D) provided by the Hospital Authority,

and in which a substantial portion of the household facilities (such as kitchen facilities and sanitary facilities) are designed for shared use among different households occupying the dormitory.

3. For the purposes of section 2(a) of this Schedule, a tenement is a domestic tenement if the Commissioner is, having regard to all the circumstances (including any relevant specified instrument), satisfied that—
  - (a) the tenement is used, or intended to be used, wholly or mainly for domestic purposes; or
  - (b) the tenement comprises one or more parking spaces—
    - (i) that are used, or intended to be used, by the owner or occupier (including being used, or being intended to be used, by any other person as authorized by the owner or occupier) of a tenement that falls within the description of paragraph (a); and
    - (ii) that are not available for rent by the public for any duration.
4. In this Schedule—

**certificate of registration** (註冊證明書) has the meaning given by section 3(1) of the Education Ordinance (Cap. 279);

**Government grant** (政府批地書) means—

  - (a) a grant by the Government to any person of any land;
  - (b) an agreement for the grant by the Government to any person of any land;

- (c) a lease expressed to be granted for a period of not more than 7 years by the Government to any person of any land;
- (d) a licence issued by the Government for the occupation by any person of any land; or
- (e) any other document or instrument (however described) under or by virtue of which the Government disposes or agrees to dispose of any land to any person;

***religious institution*** (宗教機構) means an institution that owns or occupies a tenement that is used wholly or mainly for the purpose of public religious worship;

***specified instrument*** (指明文書) means—

- (a) a Government grant;
- (b) a deed of mutual covenant as defined by section 2 of the Building Management Ordinance (Cap. 344);
- (c) an occupation permit issued under section 21 of the Buildings Ordinance (Cap. 123); or
- (d) a building plan approved by the Director of Buildings for the purposes of section 14(1) of the Buildings Ordinance (Cap. 123);

***specified school*** (指明學校) means a registered school within the meaning of the Education Ordinance (Cap. 279) that—

- (a) is not an exempted school as defined by section 2 of the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap. 279 sub. leg. F); and
- (b) is not operated for profit.”.

**8. Schedule amended (computation of rates for section 18(1)(b))**

(1) The Schedule, section 2(b)(iv)(C)—

**Repeal**

“; or”

**Substitute a semicolon.**

(2) The Schedule, section 2(b)(iv)(D)—

**Repeal**

“Authority,”

**Substitute**

“Authority; or”.

(3) The Schedule, after section 2(b)(iv)(D)—

**Add**

“(E) provided by The Chinese Medicine Hospital of Hong Kong”.

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## Explanatory Memorandum

The purpose of this Bill is to amend the Rating Ordinance (Cap. 116) (*Cap. 116*) to implement a progressive rating system for certain tenements. The Bill also makes related amendments.

2. Clause 1 sets out the short title and provides for commencement. If the Bill is passed, the Ordinance to be enacted (except section 8 of the Ordinance) will come into operation on the day on which it is published in the Gazette.
3. Clause 3 amends section 18 of Cap. 116 to provide that the rates payable for any period that falls after 31 December 2024 are to be computed in accordance with the new Schedule to Cap. 116 (added by clause 7). Under that Schedule, a progressive rating system applies to certain tenements.
4. Clauses 4, 5 and 6 make related amendments to sections 19, 21 and 56 of Cap. 116 respectively.
5. The progressive rating system under the new Schedule to Cap. 116 will not apply to certain dormitories to be provided by The Chinese Medicine Hospital of Hong Kong. Since the construction of the dormitories has not yet been completed, the provision concerning them is added to that Schedule by a separate clause (clause 8), which will come into operation on a day to be appointed by the Secretary for Financial Services and the Treasury by notice published in the Gazette.