

L.N. 78 of 2002

Lands Tribunal (Amendment) Rules 2002

(Made under section 10(3) of the Lands Tribunal Ordinance
(Cap. 17) after consultation with the President
of the Lands Tribunal)

1. Part II to be subject to other provisions

Rule 2 of the Lands Tribunal Rules (Cap. 17 sub. leg.) is amended by repealing "or XIVA" and substituting ", XIV, XIVA or XIVB".

2. Notice of opposition

Rule 61 is amended by repealing "thereof" and substituting "of opposing the appeal".

3. Rule substituted

Rule 62 is repealed and the following substituted---

"62. Application for hearing appeal

(1) The appellant shall---

(a) within 14 days after the service on him under rule 61 of a copy of the notice of opposition; or

(b) where no such copy of a notice of opposition has been served on him, within 14 days after the expiration of the time provided in rule 61 for the service on him of a copy of the notice of opposition, file with the Registrar an application in writing for a date to be fixed for the hearing of the appeal and shall at the same time serve a copy of the application on the Commissioner of Rating and Valuation.

(2) If no application for a date to be fixed for the hearing of the appeal has been filed within the time specified in subrule (1)(a) or (b), the appeal shall lapse."

4. Part added

The following is added---

"PART XIVB

Appeals under the Government Rent (Assessment and Collection) Ordinance

78G. Interpretation

In this Part---

"Ordinance" (條例) means the Government Rent (Assessment and Collection) Ordinance (Cap. 515).

78H. Notice of appeal

Appeals to the Tribunal under section 26 of the Ordinance shall be instituted by filing with the Registrar, within the period of 28 days referred to in subsection

(1) of that section, the following---

(a) a notice of appeal substantially in accordance with Form 36; and

(b) a copy of the notice of decision which has been served on the appellant under section 4(11), 21(1) or 25(3) of the Ordinance.

78I. Notice of opposition

The respondent shall, if he wishes to oppose the appeal, within 21 days of the service on him of a copy of a notice of appeal under section 26(3) of the Ordinance, file with the Registrar a notice of opposition substantially in accordance with Form 7 stating the grounds of opposing the appeal and that he wishes to be heard and shall serve a copy of the notice of opposition on the appellant. The respondent shall, in his notice of opposition, state the facts relied upon by him in sufficient detail to enable the appellant to know the case he has to meet.

78J. Application for hearing appeal

(1) The appellant shall---

(a) within 14 days after the service on him under rule 78I of a copy of the notice of opposition; or

(b) where no such copy of a notice of opposition has been served on him, within 14 days after the expiration of the time provided in rule 78I for the service on him of a copy of the notice of opposition,

file with the Registrar an application in writing for a date to be fixed for the hearing of the appeal and shall at the same time serve a copy of the application on the respondent.

(2) If no application for a date to be fixed for the hearing of the appeal has been filed within the time specified in subrule (1)(a) or (b), the appeal shall lapse."

5. Forms

The Schedule is amended---

(a) in Form 7, within the square brackets at the beginning, by adding ", 78I" after "78";

(b) by adding---

"FORM 36 [r. 78H]

Appeal No. of

Notice of Appeal to Lands Tribunal under Government

Rent (Assessment and Collection) Ordinance

Pursuant to section 26(1)

*I/We of

as *owner(s)/lessee(s)/occupier(s)/other(s)/

(specify any other capacity)

require the Lands Tribunal to hear an appeal against the decision of *the Director of

Lands/the Commissioner of Rating and Valuation that

(describe the tenement and summarize the decision affecting it)

The decision was *made known to/served on *me/us by *the Director of Lands/the Commissioner of Rating and Valuation pursuant to section *4(11)/21(1)/25(3) of the Ordinance on the day of

(The grounds of the appeal and the facts on which they are based are

The Tribunal is requested to make an order under section 27 of the Ordinance that

(set out the remedy sought)

Dated this day of

(to be signed by or on behalf of the Appellant(s))

Address for service of the Appellant(s):

- To: 1. The Registrar, Lands Tribunal.
- 2. *Director of Lands/Commissioner of Rating and Valuation.
- 3. (Please add such other persons as may be required to be served).

* Delete whichever is inapplicable.

(Note section 26(2) of the Ordinance---

- (a) for an appeal under section 4(11) of the Ordinance, the grounds of the appeal are confined to the question of whether the interest held under an applicable lease or the tenement is entitled to an exemption from liability to pay Government rent;
- (b) for an appeal under section 21(1) or 25(3) of the Ordinance, the grounds of the appeal are confined to those of the proposal or objection, as the case may be.".

Andrew LI

Chief Justice

7 May 2002

Explanatory Note

These Rules---

- (a) amend rule 61 of the Lands Tribunal Rules (Cap. 17 sub. leg.) ("the principal

Rules") to improve upon the wording in that rule so as to convey the legislative intent more clearly;

(b) amend rule 62 of the principal Rules so that similar procedures are employed under Part XI and the new Part XIVB of the principal Rules; and

(c) add the new Part XIVB to the principal Rules to provide for the procedure for lodging an appeal to the Lands Tribunal under section 26 of the Government Rent (Assessment and Collection) Ordinance (Cap. 515).