

Rating (Exemption) Order 2018

Government's response to members' enquiries at the meeting on 27 March 2018

At the meeting of the Subcommittee on Rating (Exemption) Order 2018 ("the Order") held on 27 March 2018, the Government is requested to provide response to the following issues –

- (a) why the demand notes for rates payment for the first quarter are to be issued before commencement of the Order on 1 April 2018, in particular whether such arrangement is legally acceptable and appropriate;
- (b) the follow-up actions to be taken by the Government in the event that the Order is amended/repealed by the Legislative Council ("LegCo") resulting in changes in the rates concession amount or no rates exemption;
- (c) information on the top 10 ratepayers who are expected to receive the largest amounts of rates concession, including a breakdown on the number of rateable properties and the amount of rates concession in respect of each of these ratepayers;
- (d) a sample of the questionnaire used by the Rating and Valuation Department ("RVD") to collect information from ratepayers on rental particulars and other related information for assessing the rateable values of properties;
- (e) provide information on the necessary adjustments to be made to the existing rates collection system and operation of the RVD (e.g. requiring owners of the properties to pay rates and register their own names with the RVD ("業主實名登記"), amending the Rating Ordinance (Cap. 116), adjusting the accounting and computer systems of the RVD etc.) for implementing proposals to achieve a more equitable distribution of the rates concession amount and to ensure the concession will benefit the needy and the costs involved, as well as the Government's considerations on the proposals; and
- (f) explain how the Government will follow up the proposals concerned, including whether it will conduct a feasibility study on the proposals and the timing for completing the study.

Our response is set out in the ensuing paragraphs.

Demand notes for rates payment for the first quarter of 2018-19

2. According to section 22 of the Rating Ordinance (Cap. 116), rates shall be payable (a) quarterly in advance to the Commissioner of Rating and Valuation (“Commissioner”) in the first month of each quarter; or (b) at such other frequency as the Commissioner may determine.

3. At present, the “Last Day for Payment” falls on the last working day (excluding Saturday and public holiday) of the first month of each quarter, namely January, April, July and October. Given the huge quantity of the quarterly Demands for Rates and/or Government Rent (“Demands”) issued by the RVD (for example, over 2.2 million Demands were issued in the quarter from January to March 2018 alone), the RVD prints and sends the Demands by batches. In general, the RVD would start sending out the Demands around the end of the month preceding the payment month of each quarter so that payers have ample time to settle the payment before the end of the payment month.

4. Although the demand notes for rates payment for the quarter from April to June 2018 are issued starting from 28 March 2018, the “Last Day for Payment” only falls on 30 April 2018.

5. On the other hand, section 36(2) of the Rating Ordinance provides that the Chief Executive in Council may, by order, declare any class of tenements, or parts thereof, or any part of Hong Kong to be exempted from the payment of rates wholly or in part. In order to effect the rates concession as proposed in the 2018-19 Budget, the Chief Executive in Council has made the Order. The Order was gazetted on 28 February 2018, tabled at LegCo for negative vetting on 21 March 2018 and has come into effect on 1 April 2018.

6. Given the “Last Day for Payment” falls on a date after the Order has come into effect (i.e. the rates to which the Order is applicable are payable only after the Order has come into effect), the arrangement of issuing demand notes for rates payment for the quarter from April to June 2018 before 1 April 2018 is legally acceptable and appropriate.

The Order

7. In the event that the Order is amended/repealed by LegCo resulting in changes in the rates concession amount or no rates exemption, the RVD will recover the overpaid rates concession by adjusting the amount of rates payment in the remaining quarter(s) of 2018-19.

Information on the top 10 ratepayers

8. Information on the top 10 ratepayers who are estimated to receive the largest amounts of rates concession in 2018-19 with breakdown on the number of rateable properties and the amount of rates concession in respect of each of these ratepayers is set out below –

Ratepayer	Amount of Rates Concession (\$ million)	Number of Rateable Properties Involved
1	102.6	15 645
2	29.3	5 038
3	24.9	5 488
4	19.6	2 047
5	19.5	2 705
6	17.4	2 748
7	14.8	1 785
8	9.9	2 133
9	9.6	1 289
10	8.9	1 258
Total	256.5	40 136

9. We, however, wish to emphasise again that over 82% of the tenancies of the top 10 ratepayers are in fact of rates exclusive basis, with the benefit of rates concession rebating to the tenants although for the sake of management convenience, they remain as ratepayers.

Collection of information from ratepayers on rental particulars

10. For rating and valuation purposes, “Requisition for Particulars of Tenements” (Form R1A) are issued by the RVD from time to time to obtain up-to-date information relating to tenements, for example to assist in the determination of rateable values for the next general revaluation, when a lease has recently expired, or when a rent has been reviewed. A sample of Form R1A is at **Annex A**. A “Schedule of Tenancy Particulars” (at **Annex B**) will be attached to the Form for ratepayers to provide information in respect of a bundle of properties. Each year, the RVD issues some 300 000 Forms R1A.

Possible improvements to rates concession measure

11. We note that Members of the Subcommittee have made a number of proposals to achieve a more equitable distribution of the rates concession amount and to ensure the concession will benefit the needy, including –

- (a) limiting the number of rateable properties per ratepayer;
- (b) confining the rates concession measure to tenants and owners of self-occupied properties;
- (c) providing rates concession to ratepayers of residential properties only; and
- (d) requiring the ratepayers to apply to the RVD for claiming rates concession.

12. As we explained at the meeting, pursuant to the Rating Ordinance, the valuation and collection of rates are based on tenements. A ratepayer can be the owner, occupier or agent of the owner or occupier. At present, for the purpose of issuing quarterly demand notes for rates payment, the RVD maintains information on the name and mailing address of the ratepayers, but does not collect their Hong Kong Identity Card number or the Business Registration number. Nor does it gather information of the owners of the tenements. Any changes to the current rates concession approach may imply the need for making a fundamental change to the rates collection system. Amending the Rating Ordinance and replacing the RVD’s

computer systems and databases with new ones may also be required. Moreover, all the relevant information may need to be constantly updated to reflect the latest status. The way of handling jointly-owned properties or properties held via a holding company may also be contentious and problematic. In addition, a new restriction may exclude those tenants who are required to pay rates by the terms of a tenancy agreement from enjoying rates concession. All these issues require careful consideration and thorough discussion. Pending any improvements to be decided, the Government is unable to estimate the costs and time required to implement the changes.

13. We will, nonetheless, provide a paper to LegCo in due course on our analysis of options to change/improve the current rates concession mechanism and the implications. Given the complexity of the issues involved, we will endeavor to complete the analysis by the end of this year.

Financial Services and the Treasury Bureau
April 2018



表格 FORM R1A(D)
物業詳情申報表 REQUISITION FOR PARTICULARS OF TENEMENTS

Annex A



致
To

查詢電話 TELEPHONE ENQUIRY NUMBER

更改收表人及／或繳納人資料
Change of Recipient's and/or Payer's Particulars

請在適當方格內加上「✓」號及提供新資料。
Please put a tick (✓) in the appropriate box(es) and provide the updated information.

物業已售出／轉讓。新業主資料如下。
The property was sold / transferred. Particulars of new owner as follows.

申報表收表人的資料需要更改如下。
The particulars of the Recipient of this requisition form need to be changed as follows.

繳納人資料需要更改如下。請按所提供資料發出「徵收差餉及／或地租通知書」。(見背頁註釋3)
The particulars of the Payer need to be changed as follows. Please issue the "Demand for Rates and/or Government Rent" in accordance with the information provided. (See Note 3 overleaf)

更新資料： The updated information:

姓名 Name

地址 Address

電話(日間) Tel. No. (Daytime)

爲了評估物業的應課差餉租值，本署會按時發出申報表，以蒐集各類物業的最新租金及其他相關資料。無論下開物業單位是否出租，業主或使用人或其中一方的代理人必須填報此表格。如果你不是上述人士，你只需在右上角的直欄內提供新資料，然後交回表格。

根據《差餉條例》第5條及／或《地租（評估及徵收）條例》第31條的規定，你須在本表格內填報有關物業單位的詳情，並於發出日期起計的21曆日內交回填妥的表格。你可以郵寄或親身交回九龍長沙灣道303號長沙灣政府合署15樓。你亦可登入本署網址 (<http://www.rvd.gov.hk>)，利用本署提供的「遞交表格電子化」服務，以電子表格e-R1A遞交資料。

如你未能在指定期限內交回本表格，則須在本表格發出日期起計的21曆日內，以書面向本署提出延遲遞交表格申請，以便本署決定是否准予延期。如有問題，可瀏覽本署網站內的「常見問題」之下的「填寫物業詳情申報表(表格R1A)」。

For the purposes of assessing rateable values of properties, this Department issues requisition forms from time to time to obtain up-to-date rental particulars and other related information. The owner or the occupier or one of their respective agents of the TENEMENT(s) referred to below must complete the form irrespective of whether the tenement(s) is leased or not. If you are not the aforesaid persons, please provide the updated information in the column at the top right corner and return this form.

In accordance with Section 5 of the Rating Ordinance and/or Section 31 of the Government Rent (Assessment and Collection) Ordinance, you are required to complete this form relating to the said tenement(s) and return it by post or by personal service to 15/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon within TWENTY- ONE CALENDAR DAYS from the date of issue. The required information may also be submitted by completing a Form e-R1A available at the "Electronic Submission of Forms" service provided at this Department's website (<http://www.rvd.gov.hk>).

If you have any difficulties in completing and returning the form within the period specified, you must apply to this Department in writing within 21 calendar days from the date of issue before we can consider your application for an extension of time. If you have any questions, you may visit our website and browse "Completion of the Requisition Forms for Particulars of Tenements (Form R1A)" under the "Frequently Asked Questions".

差餉物業估價署署長鄧炳光

P K TANG

Commissioner of Rating and Valuation

發出日期
Date of Issue

請注意：根據《差餉條例》或《地租（評估及徵收）條例》的規定，任何人士明知而在本表格作出失實陳述或拒絕填報任何資料，即屬犯罪，一經定罪，可處最高罰款25,000元或10,000元。因觸犯上述兩條或其中一條條例而被檢控定罪的人士，須另加相等於因而少徵收的差餉及／或地租3倍的罰款。此外，本署可能要求你提交租金收據或租約等證明文件以核實所填報的資料。

PLEASE NOTE: Under the Rating Ordinance or the Government Rent (Assessment and Collection) Ordinance, any person who knowingly makes a false statement or refuses to furnish any of the particulars specified in the form shall be guilty of an offence and shall be liable on conviction to a maximum fine of \$25,000 or \$10,000. A person convicted of any of the aforesaid offences under any or both of the aforesaid Ordinances shall be liable to an additional fine equivalent to 3 times the amount of rates and/or Government rent undercharged. To verify the reported information, the department may require you to submit further documentary evidence such as rental receipt and tenancy agreement.

本申報表所指物業單位的地址或名稱 Address or description of the TENEMENT to which this requisition relates

聲明 DECLARATION

謹此聲明，據我／我們所知所信，本表格所填報的資料，全屬真實無訛，完整無漏。

I/We hereby declare that the information provided in this form is, to the best of my/our knowledge and belief, true and complete.

簽署 Signed..... 中文姓名 Name in Chinese..... 簽署人的身分 as 業主 owner 業主代理人# agent for owner

日期 Date..... 英文姓名 Name in English..... 使用人 occupier 使用人代理人# agent for occupier

電話(日間) Telephone No. (Daytime)..... 電郵地址 E-mail Address.....

#由代理人填報的申報表：謹此聲明，我／我們已經獲得業主／使用人授權填報本申報表。(見背頁註釋2)

For requisition completed by agent: I/We hereby declare that I/we have been authorised by the owner/occupier to complete this requisition. (See Note 2 overleaf)

使用詳情 OCCUPATION PARTICULARS

1. 該物業單位現時是： The TENEMENT is currently: 全部租出 Wholly let 由業主(或業主授權人士)使用 Occupied by owner (or those authorised by owner) 請填寫第2至3欄。 Please complete items 2 to 3.

部分租出 Partly let 空置 Vacant 無需填寫餘下部分。 No need to complete the rest.

正在商議新租約 Having a negotiation of lease 無需填寫餘下部分，另一份申報表會於稍後寄上。 No need to complete the rest and a fresh form will be sent to you later.

2. 該物業單位的情況是：
The condition of the TENEMENT is : 已分拆 Sub-divided 填報篇幅不敷應用，請另寄一份申報表。 Insufficient space, please send a fresh form. 已合併 Combined 沒有分拆/合併 No sub-divided/combined

3. 該物業單位的用途是：
The TENEMENT is used for : 住宅 Dwelling 商舖 Shop 寫字樓 Office 工場 Workshop 貨倉 Storage 其他 Others.....

租約詳情 TENANCY PARTICULARS

4. 所申報租金屬於：
The rent is the result of :
 新租客租約 a fresh letting to a new tenant 原有租客續租 a tenancy renewal with the existing tenant
 依照現行租約條款作出調整 a predetermined adjustment under an existing lease

5. 租客姓名：
Name of tenant :

6. 租客：
The tenant :
 是業主機構內的僱員、董事、合夥人或其附屬公司或聯營公司 is an employee, director, partner, or subsidiary or associated company of the landlord
 是業主的親屬/朋友 is a relative/friend of the landlord 和業主沒有任何關係 has no relation with the landlord

7. 是否有其他地方與該物業單位一同租出？
Is there any other accommodation let together with the TENEMENT?
 無 No 有，包括： Yes, including :
 車位，請註明 Parking space, please state 數目 number(s) :
 天台 Top roof 編號 designation(s) :
 其他，請註明（例如其他單位） Others, please state [e.g. other unit(s)]

8. 請說明租客現時繳付的租金（包括第7欄所填報的出租地方）。
Please state the current rent payable by the tenant (including the accommodation stated in item 7).
現時每月租金 Current rent per month \$ 元
如非按月繳付，請提供詳情。 If not payable monthly, please give details.

9. 現時是否有任何租約？
Is there any lease or tenancy agreement?
 無 No 有 Yes 由 From 日 Day 月 Month 年 Year
至 To 日 Day 月 Month 年 Year

10. 現時租金的生效日期：
The date from which the current rent became payable :
日 Day 月 Month 年 Year

11. 有否訂明任何免租期條款？
Is there any provision for rent free period?
 無 No 有 Yes 由 From 日 Day 月 Month 年 Year
至 To 日 Day 月 Month 年 Year

12. 租金有否包括任何家庭電器/傢具或其他項目？
Does the rent include hiring of domestic appliances/furniture or other items?
 無 No 有 Yes 請說明數量： Please state the quantity :
家庭電器 Domestic Appliances 冷氣機 Air-conditioner 熱水爐 Water heater 煮食爐 Cooking stove
抽油煙機 Exhaust hood 雪櫃 Refrigerator 洗衣機 Washing machine
傢具 Furniture 燈飾 Light fitting 梳化或椅 Sofa or Chair 枱 Table
衣櫃 Wardrobe 床 Bed 窗簾/百葉簾 Curtain/Venetian blinds
其他項目，請註明： Other items, please state :
如租約訂明上述家庭電器/傢具或其他項目的租金，請在下方填寫。
If rents of the above domestic appliances/furniture or other items are stated in the tenancy agreement, please provide below.
每月家庭電器租金 Rent for domestic appliances per month \$ 元
每月傢具租金 Rent for furniture per month \$ 元
每月其他項目租金 Rent for other items per month \$ 元

13. 有否訂明任何提前終止租約條款？
Is there any provision for early termination of tenancy?
 無 No 有 Yes, 業主/租客可以給予對方 月通知
終止租約 Yes, months' termination notice can be served by
 the landlord / the tenant

14. 請說明在租約內議訂的租金調整（如有）。
Please state rent adjustment provision (if any) in the lease. 每月租金（元） Monthly rent (\$)
由 From 日 Day 月 Month 年 Year
由 From 日 Day 月 Month 年 Year

15. 根據租約，請說明下列費用（如須繳付）是由業主或租客繳付。
Please state whether the landlord or tenant is responsible for the following payments (if any) under the tenancy agreement.
* 請將不適用者刪去。 * Please delete as appropriate.
每月 per month 業主繳付 Paid by landlord 租客繳付 Paid by tenant
差餉 (*全部(無需填寫金額)/部分) Rates(*whole (no need to provide the amount) /part) \$ 元
地租 (*全部(無需填寫金額)/部分) Government rent (*whole (no need to provide the amount) /part) \$ 元
管理費 (*全部/部分) Management fee (*whole/part) \$ 元
空氣調節費 (*全部/部分) Air-conditioning fee (*whole/part) \$ 元

註釋
1. 凡有「」的項目，請在適當方格內加「」號。如供填報的篇幅不敷應用或想補充資料，請另附紙張填報。
2. 代理人填報申報表時，必須已獲得物業單位業主/使用人授權。代理人稍後可能須提供有關授權證明文件。
3. 使用自動轉帳的繳納人請注意：如你更改載於徵收通知書上的登記繳納人姓名，先前的自動轉帳安排會自動失效，因而須以其他方式繳交差餉及/或地租，直至新的自動轉帳安排辦妥為止。
4. 個人資料
(i) 你所提供的資料將用作本署執行《差餉條例》、《業主與租客（綜合）條例》及《地租（評估及徵收）條例》的有關事宜；以及可能會轉交稅務局局長作評估和徵收《稅務條例》所訂明的稅項之用。
(ii) 除上述用途外，本署不會將個人資料給予其他人士，除非該些人士獲法例授權而要求取得這些資料。
(iii) 根據《個人資料（私隱）條例》，你有權要求查閱及修正你的個人資料。你可以書面向本署顧客服務主任提出這類要求。地址為九龍長沙灣道303號長沙灣政府合署15樓，或發出電郵至enquiries@rzd.gov.hk。
5. 除非接到明確的要求，否則本署在收到此表格後不會發出收訖通知。

NOTES
1. Where provided with a box , please tick as appropriate. If space is insufficient or if you wish to give additional information, please give details on separate sheets and attach them to this form.
2. The agent who completes the requisition on behalf of the owner/occupier of the tenement referred to in the requisition must have been so authorised. Such proof of authorisation may have to be furnished to the Commissioner at a later stage.
3. For attention of payers using Autopay arrangement : If you make a change in the Registered Payer's name shown on the demand, the previous Autopay authorisation will be invalidated. Payment of rates and/or Government rent will henceforth have to be made by another method until and unless a new Autopay authorisation has been processed.
4. Personal Information
(i) The information provided by you will be used for the purpose of carrying out the provisions of the Rating Ordinance, the Landlord and Tenant (Consolidation) Ordinance and the Government Rent (Assessment and Collection) Ordinance; and may be forwarded to the Commissioner of Inland Revenue for the assessment and collection of tax imposed under the Inland Revenue Ordinance.
(ii) Apart from the purpose stated above, personal information will not be transferred to any other parties, unless such parties are authorised by law and request the information.
(iii) Under the Personal Data (Privacy) Ordinance, you have a right to request access to and correction of your personal data. Such requests may be made in writing to the department's Customer Service Officer at 15/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon or by e-mail to 'enquiries@rzd.gov.hk'.
5. Receipt of this form will not be acknowledged unless specifically requested.



大廈地址及名稱

Building Name and Address :

層數 Floor			單位 Unit			面積 Area			根據現行租約 Under the Existing Tenancy Agreement															
租客姓名 ⁽¹⁾ Name of Tenant ⁽¹⁾			租約生效日期 Lease Commencement Date			租期 Length of Lease			免租期 Rent Free Period			新租 Fresh (F)/ 續租 Renewal (R)		租金資料 (包括租約內的租金調整條款(如有)) Rental Information (Include rent adjustment provision in the lease (if any))		誰繳付差餉? Who pays rates?		誰繳付地租? Who pays Government rent?		誰繳付管理費? Who pays management fee?		誰繳付冷氣費? Who pays A/C charges?		租金是否包車位? Is rent paid inclusive of parking space?
														每月租金 Monthly Rent	生效日期 Effective Date	租客 Tenant	業主 Landlord	租客 Tenant	業主 Landlord	租客 Tenant	業主 Landlord	租客 Tenant	業主 Landlord	租客 Tenant
																			<input type="checkbox"/> 租客繳付 Paid by tenant	<input type="checkbox"/> 租客繳付 Paid by tenant	<input type="checkbox"/> 否 No			
																	<input type="checkbox"/> 業主繳付 Paid by landlord	<input type="checkbox"/> 業主繳付 Paid by landlord	<input type="checkbox"/> 是, 包括: Yes, including					
																	每月 元 \$ per month	每月 元 \$ per month	數目 Number(s): 編號 Designation(s):					
																			<input type="checkbox"/> 租客繳付 Paid by tenant	<input type="checkbox"/> 租客繳付 Paid by tenant	<input type="checkbox"/> 否 No			
																			<input type="checkbox"/> 業主繳付 Paid by landlord	<input type="checkbox"/> 業主繳付 Paid by landlord	<input type="checkbox"/> 是, 包括: Yes, including			
																	每月 元 \$ per month	每月 元 \$ per month	數目 Number(s): 編號 Designation(s):					
																			<input type="checkbox"/> 租客繳付 Paid by tenant	<input type="checkbox"/> 租客繳付 Paid by tenant	<input type="checkbox"/> 否 No			
																			<input type="checkbox"/> 業主繳付 Paid by landlord	<input type="checkbox"/> 業主繳付 Paid by landlord	<input type="checkbox"/> 是, 包括: Yes, including			
																	每月 元 \$ per month	每月 元 \$ per month	數目 Number(s): 編號 Designation(s):					
																			<input type="checkbox"/> 租客繳付 Paid by tenant	<input type="checkbox"/> 租客繳付 Paid by tenant	<input type="checkbox"/> 否 No			
																			<input type="checkbox"/> 業主繳付 Paid by landlord	<input type="checkbox"/> 業主繳付 Paid by landlord	<input type="checkbox"/> 是, 包括: Yes, including			
																	每月 元 \$ per month	每月 元 \$ per month	數目 Number(s): 編號 Designation(s):					

* 請在適當方格 ' ' 或空格內加 ' ' 號。 Where box ' ' or space provided, please tick as appropriate.

- (1) 如租客是業主的親屬/朋友或業主機構內的僱員、董事、合伙人或其附屬公司或聯營公司, 請於租客姓名中列明。
If the tenant is a relative/friend, an employee, director, partner, or subsidiary or associated company of the landlord, please state under the Name of Tenant.
- (2) 如供填報的篇幅不敷應用, 請另附紙張填報。
If space is insufficient, please give details on separate sheets and attach them to this form.
- (3) 請參考背頁已填妥的表格樣本。
Please refer to overleaf for an example of a completed form.

聲明 DECLARATION

謹此聲明, 據我/我們所知所信, 本表格所填報的資料, 全屬真實無訛, 完整無漏。
I/We hereby declare that the information provided in this form is, to the best of my/our knowledge and belief, true and complete.

公司名稱
Company Name _____

姓名
Name _____

聯絡人姓名及電話
Name and Telephone No. of Contact Person _____

簽署
Signed _____

日期
Date _____