

HONGKONG.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

No. 5 of 1863.

By His Excellency WILLIAM THOMAS MERCER, Esquire, Acting Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council of Hongkong.

W. T. MERCER.

Title. *An Ordinance for the better assessing and collecting the Police and Lighting Rates within the Colony of Hongkong.*

[16th June, 1863.]

Preamble. Whereas the collection of Police and Lighting Rates assessed upon the Occupiers of Tenements in this Colony is difficult and frequently impracticable, and it is expedient to make better provision for the rating of such Tenements, and for the collection of such Rates: Be it therefore enacted by His Excellency the Acting Governor by and with the advice of the Legislative Council as follows:—

Ordinance No. 2 of 1845, Ordinance No. 3 of 1851, Section 1 of Ordinance No. 11 of 1856, and Ordinance No. 8 of 1857, shall be and the same hereby are respectively repealed, except as to any Operation already effected by, or Act done under any or either of such Ordinances, or as to any right, title, obligation or liability acquired or accrued thereunder.

Persons acting under said Ordinances to continue to discharge duties till otherwise directed. II. All Persons heretofore appointed or acting under the said Ordinances shall, and they are hereby authorized and required, notwithstanding the passing of this Ordinance, to continue to discharge and execute their several duties and offices for the purpose of carrying this Ordinance into execution, without any further or other appointment thereto until the Governor shall otherwise direct.

Governor may appoint Persons to carry this Ordinance into execution, and allow them such remuneration as he may deem reasonable. III. Upon the death, resignation or removal of such Persons it shall be lawful for the Governor from time to time to nominate and appoint other fit and proper Persons for the purpose of carrying this Ordinance into execution, and to allow them for the performance of their duties, in that behalf, such remuneration as the Governor with the advice of the Executive Council shall direct, and some one or more of the Persons so appointed as aforesaid shall at such times and in such manner as hereinafter provided make or cause to be made a Valuation of the Tenements in this Colony or such part thereof as the Governor with the advice of the Council aforesaid may at any time direct and appoint.

Valuation to be made between the 1st day of August and 15th day of November in each year, unless Governor notify that then existing Valuation is to stand wholly or in part. IV. Such Valuation shall be made at any time between the First day of August and the Fifteenth day of November both inclusive in each year unless the Governor, with the Advice of the Executive Council, should deem it expedient to permit any existing Valuation to stand and be adopted wholly or in part for the year then next succeeding, in which case due notice of his intention shall between the days aforesaid be given in the *Government Gazette*; Provided always that such Valuation whether adopted wholly or in part only shall for the purposes of Appeal be considered as a new Valuation.

Valuators may in execution of this Ordinance require Occupier or Owner to furnish particulars of the Tenement and its annual Value. V. It shall be lawful for any Person continued or appointed under this Ordinance to require the Owner or Occupier of any Tenement to furnish him with such particulars as are set forth in Form I in the Schedule hereunto annexed, and from time to time to enter into and upon such Tenement for the purpose of making any Valuation authorized by this Ordinance; Provided always that in every case in which it shall be necessary for any such Person to enter any Tenement, and when the Owner or Occupier thereof shall oppose or refuse to allow such entry, such Person shall give One Day's notice to the Owner or Occupier of such Tenement requiring to be permitted to enter the same and at any reasonable time after the expiration of such Notice it shall be lawful to make such entry, such Person doing as little damage as may be in the execution of the powers hereby granted; Provided also that in every case in which such Owner or Occupier shall refuse or fail to furnish such particulars for the space of One Week from the Day on which he shall have been required so to do or shall knowingly furnish false or incorrect particulars, or shall after the expiration of the Notice aforesaid hinder obstruct or prevent any Person continued or appointed under this Ordinance from entering or inspecting any such

Penalty for preventing such entry or refusing to furnish correct particulars.

Tenement he shall be liable on conviction before a Stipendiary Magistrate to a penalty not exceeding One Hundred Dollars.

VI. In every Valuation to be made under the provisions of this Ordinance the Person so appointed to make such Valuation as aforesaid shall cause every Tenement to be separately valued and such Valuation shall be made upon an estimate of the gross annual Rent at which such Tenement might reasonably be expected to let from Year to Year. The value of a Tenement so estimated shall not include the value of any Machinery contained therein.

Annual Value how to be ascertained.

VII. In making out the Lists or Tables of Valuation hereinafter mentioned the Valuator shall distinguish all Religious Edifices, Hospitals, Cemeteries and Tenements or portions of the same of a public nature or used for Charitable purposes or for the purposes of Science, Literature or Fine Arts as specified in an Act of the Imperial Parliament made and passed in the Session thereof holden in the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Thirty-six, and the value of the same shall be deducted from the gross amount of the Valuation of the Tenements comprised in such Lists or Tables, and all such Edifices, Hospitals and Cemeteries and all such Tenements or portions of the same so distinguished and deducted shall for the purposes of this Ordinance be deemed exempt from all Assessment whatever so long as they shall continue to be exclusively of a Religious or public nature, or used exclusively for the purposes aforesaid.

Valuator to distinguish all Religious Edifices, Houses of a public nature or used for Charitable Purposes, &c., which shall be exempted from Assessment.

VIII. At a period of not less than Fourteen Days preceding the time fixed for appeal as hereinafter provided, it shall be the duty of the Persons so appointed to make such Valuation to leave or cause to be left with the Occupier of the Tenement so valued or with some Person resident therein a Notice in writing of such Valuation having been made and of the amount thereof; Provided always that non-compliance with this enactment by such Persons shall not have the effect of invalidating the Valuation of such Tenement or of relieving the party liable from payment of the rate or assessment in respect thereof.

Notice of Valuation in writing to be given to Occupier and of the amount thereof.

IX. When and as soon as the Valuation of the Tenements so directed to be made as aforesaid shall be completed, the Person so appointed to make such Valuation shall prepare and make out a List or Table of the several Tenements so valued and of their respective Valuations, and shall lay the same before the Governor and shall at the foot of such List or Table make and subscribe in the presence of the Governor or Colonial Secretary a Declaration to the effect that the same contains a true account of all Valuations made by such Person and that the said List or Table is to the best of his knowledge and belief correct in all other particulars.

Lists of Valuation when completed to be laid before Governor, at the foot of which is to be subscribed declaration that the same contains an account of all Valuations and is in other respects correct.

X. The Governor shall cause to be deposited with some Person such List or Table or an examined Copy thereof, and notice of the place where the same may be inspected shall be published in the *Government Gazette*, and any Person in whose custody such List or Table or Copy thereof may be shall at any reasonable time within Fourteen Days from the publication of such Notice permit every Owner or Occupier of a Tenement included therein to inspect the same and take any extracts therefrom without payment of any fee or reward in that behalf.

List or Copy to be deposited with liberty to Owner or Occupier of a Tenement to inspect such List or Table.

XI. If any Person shall think himself aggrieved by such List or Table on the ground that such List or Table includes any Tenement for which he is not rateable under this Ordinance, or that it places his rateable Tenement beyond its full and fair annual value, or that any Person is omitted out of such List or Table, or that the Tenement of any Person is inserted therein below its full and fair annual value, the Person so aggrieved may within Fourteen Days after the publication of such List or Table appeal to the Court of Summary Jurisdiction, provided that the Person so intending to appeal shall give to the Valuator a notice in writing of such appeal and of the cause and matter thereof Seven clear Days at the least before the holding of the Court at which such appeal is to be heard, and in case such Person shall appeal on the ground that any Person is omitted out of the said List or Table, or that the Tenement of any Person is inserted therein below its full and fair annual value, the Appellant shall not only give such Notice of appeal to the Valuator but shall also give a like Notice of appeal to the Person so interested in the event of such appeal as aforesaid and the Person so interested shall, if he shall desire it, be heard upon the appeal, and the Judge upon due proof of the Notice having been given shall hear and determine the matter of the appeal in a summary manner, and shall make such order therein with or without costs to either Party as the said Judge shall think proper, and in case the said

Parties allowed to appeal against such List or Table to the Court of Summary Jurisdiction.

Judge shall think the Appellant entitled to relief he shall order the said List or Table to be amended in such manner as may be necessary for giving him relief, and in case he shall have appealed on the ground that the Tenement of any Person is valued below its full and fair annual value the Judge may order the amount at which such Person is rated in the Valuation to be altered in such manner as he shall deem just, and the proper Officer of the Court shall in each of the cases aforesaid forthwith amend the said List or Table accordingly, but the said List or Table shall not be invalidated or altered with respect to any other Persons named therein, and the determination of the said Court shall be final and conclusive.

Governor with advice of Executive Council to assess Owners or Occupiers for Police and Lighting rates.

XII. After the time so fixed for appeal shall have expired, it shall be lawful for the Governor by and with the advice of the Executive Council to assess all Owners or Occupiers of Tenements as hereinafter provided according to the said List or Table or amended List or Table in the sums necessary to be levied for the purposes of this Ordinance, and the rate of assessment so fixed shall be published in the *Government Gazette*: Provided always that such assessment shall be imposed as from the First Day of January in any one Year to the First day of January in the Year then next succeeding, and shall not in any Year exceed a rate equal to the Expenses of the Police Establishment for such Year so far as relates to the Police Assessment, or a rate equal to One-and-a-half per cent upon the gross amount of the Valuation of the Tenements included in the Police Assessment for the current Year so far as relates to the Lighting Assessment, and such Assessments shall for the purposes of this Ordinance be respectively called "The Police Assessment" and "The Lighting Assessment."

Rates and Assessments how to be imposed and when to be payable.

XIII. The said Rates or Assessments may be imposed and levied Yearly, Half-yearly, or Quarterly or at such other times as the Governor with the advice of the Executive Council may think fit, and shall be payable in advance at the Office of the Colonial Treasurer at such times as the Governor with the advice of the said Council may appoint, and at the meeting imposing the same the Governor with the advice aforesaid shall appoint the Days on which such Rates or Assessments shall be payable.

Occupiers to pay Police and Lighting Assessments.

XIV. The Assessments hereinbefore authorized to be imposed shall be levied upon the Occupiers of Tenements, but deduction shall be allowed for any period during which any Tenement shall not be let or occupied for Three Months or upwards in any Year, and Owners who shall let for rent or hire Tenements for less than a Year shall themselves as well as the Occupiers be responsible for the said Assessment applicable to any period less than a Year, and the same may be recovered from such Owner or from such Occupier as may be deemed expedient: Provided always that nothing herein contained shall prevent the said Assessment from being charged and chargeable on and recoverable from the Owners of the Tenements in respect of which such Assessment shall have been made.

Agreements between Landlord and Tenant not to be affected.

XV. Provided also that nothing herein contained shall be taken to affect any Contract made or to be made between any Owner and Occupier of any Tenement in respect of which it is or may be agreed that the Occupier shall pay and discharge all Rates, Dues, and Sums of money payable in respect of such Tenement or to affect any Contract whatsoever between Landlord and Tenant.

Recovery of Rates.

XVI. If any Person assessed under this Ordinance or by this Ordinance rendered liable to the payment of any Assessment shall refuse or neglect to pay the Assessment hereinbefore authorized to be levied or any part thereof within Twenty-one Days after such Assessment is declared payable by Public Notice given in that behalf in the *Government Gazette*, it shall be lawful for the Colonial Treasurer or for some Person appointed by him for that purpose to make application to the Court of Summary Jurisdiction upon an Affidavit setting forth that the said Person has failed to pay such Assessment or some part thereof notwithstanding a printed Notice of the time and place at which the same has become payable has been delivered to, or left for him at the Tenement in respect of which such Assessment is made, and the said Court shall thereupon grant a summary Warrant for the recovery of the said Assessment or the part thereof remaining unpaid with the legal interest thereon from the time when the same shall have been declared payable together with the costs in each case incident by law to the recovery thereof.

Ordinances to be construed together.

XVII. This Ordinance, Ordinance No. 12 of 1860, and Ordinance No. 9 of 1862 shall be construed together and for all requisite purposes be deemed and taken as one Ordinance; and the ways and means for carrying the said lastmentioned two Ordinances into effect shall be provided as prescribed by this Ordinance.

XVIII. Notwithstanding anything in this Ordinance contained it shall be lawful for the Governor with the Advice of the Executive Council to order and direct that the Owner or Occupier of any Tenement situated in any part of this Colony other than and except such part thereof as is ordinarily known and recognized as the City of Victoria shall be assessed in respect of such Tenement at a certain fixed and specified amount, such amount in no case to exceed the sum at which such Owner or Occupier would have been liable under the Provisions hereinbefore contained, and in the event of the said amount not being paid when duly demanded the same shall be recoverable in like manner as hereinbefore provided in respect of rates in arrear: Provided always that no such owner or occupier shall be assessed for the Lighting Assessment. Police Rate on out-lying Districts.

XIX. No misnomer or inaccurate Description of any Person, Place or Tenement in any Document required for the purposes of this Ordinance, nor any mistake, informality or omission committed in any proceeding had hereunder shall invalidate or prejudice such Document or Proceeding or in anywise affect the execution of this Ordinance, provided only that such Person, Place or Tenement be designated in such Document or Proceeding to common intent and understanding, and that such mistake, informality or omission be not of such a nature as to prevent the requirements of this Ordinance from being substantially and in effect complied with. Misnomers, &c., not to affect the Execution of this Ordinance.

XX. The Schedule to this Ordinance annexed shall be deemed and taken to be a part thereof, and the Forms therein contained or any other Forms to the like effect may be used in the respective cases to which they are applicable. Schedule to be part of Ordinance.

XXI. The Word "Tenement" in this Ordinance shall be construed to include any House, Cottage, Shed, Apartment, Ground or Building, or House together with Land annexed thereto and ordinarily occupied therewith as Garden or Pleasure-ground, all Outbuildings, Stables, Warehouses, Yards and Offices belonging or contiguous to any House and occupied therewith by one and the same Person or his Servants as one entire concern or undivided tenancy or holding, or not so belonging contiguous or occupied; the Word "Owner" shall be construed to mean any Person receiving or claiming the Rent of any such Tenement for his own use, or receiving or claiming the same for the use of any Corporation aggregate or of any Public Company or of any Landlord or Lessor who shall be a minor, under coverture or insane, or for the use of any Person who shall not be usually resident within this Colony; and the Word "Person" shall be construed to include any Corporation or Public Company as well as any Individual unless there be something in the subject or context repugnant to such construction. Interpretation Clause. Tenement. Owner. Person.

XXII. This Ordinance shall come into operation on the First Day of July next. Commencement of Ordinance.

XXIII. This Ordinance may be cited for all purposes as "The Police and Lighting Rate Ordinance, 1863." Short Title.

Passed the Legislative Council of Hongkong, this 16th Day of June, 1863.

L. D'ALMADA E CASTRO,
Clerk of Councils.

SCHEDULE TO WHICH THIS ORDINANCE REFERS.

FORM I.

For the Assessment of the year 186 .

To Owner or Occupier [as the case may be.]
of

In pursuance of "The Police and Lighting Rate Ordinance, 1863" we require you to furnish us with the particulars relating to this tenement in the manner specified in the document hereunto annexed, and return the same to us at

Dated this day of 186 .

Valuators under "The Police and Lighting Rate Ordinance, 1863."

For Assessment of the year 186

RETURN OF HOUSES, BUILDINGS AND LANDS, AT
UNDERSIGNED IS OWNER. IN THE COLONY OF HONGKONG OF WHICH THE

No. of the Tenement.	Name of Street, Road or Place.	No. and Description of Land Lot whether Marine or Inland.	Description of Tenement: 1. Whether Dwelling House with Outhouses, Garden, &c., occupied therewith, or 2. Warehouse or other building, &c., separately occupied.	Whether occupied or vacant. If the former, name and calling of the Occupier, whether Owner or Lessee.	Actual amount of Rent per annum in Dollars for each Tenement.	If Let or Leased. The period of the tenure, when entered upon, and whether the Premises are kept in repair by the Owner, or the Lessee at his own cost.	Remarks.

FORM II.

For the Assessment of the year 186

To

Occupier of

We hereby give you notice, under the Provisions of Section V of "The Police and Lighting Rate Ordinance, 1863," that it is our intention, one day after the service of this Notice, to enter upon the above Tenement for the purpose of inspecting the same so as to enable us to fix the Valuation thereof for the year 186

Valuators appointed under "The Police and Lighting Rate Ordinance 1863,"
186

Victoria, Hongkong, the

FORM III.

Police and Lighting Rate for the year 186 under Ordinance No. of 1863.

No.

To

or Occupier or Holder of the Tenement hereunder enumerated
at

Under the provisions of Section VIII of the said Ordinance the undersigned hereby inform you that the Tenement specified in the statement given below been valued to the Police and Lighting Rate for the said year at the gross annual rental therein separately specified.

STATEMENT.

Police and Lighting Rate No.	Registrar General's No.	Number and Description of Land Lot on which situated.	Name of Street, Road or Place.	Description of Tenement.	Gross annual Rental.	Remarks.

Valuators under "The Police and Lighting Rate Ordinance, 1863."