

**Inland Revenue Department**  
**Waiver of Business Registration Fees for One Year**  
**(from 1 August 2009 to 31 July 2010)**

1. The Revenue (Reduction of Business Registration Fees) Order 2009 (“the Order”) comes into effect on 1 August 2009.
2. By the Order, the fees payable in respect of business registration certificates and branch registration certificates that with commencement date falling within the period from 1 August 2009 to 31 July 2010 (“waiver period”) will be reduced by a sum of \$2,000 and \$73 respectively.
3. Businesses are still required to pay the levy for the Protection of Wages on Insolvency Fund.
4. Please refer to the [business registration fee & levy table](#) for details of the total amount payable under a certificate.
5. The Business Registration Office has not demanded and will not demand businesses or branches the registration fees for the waiver period in the notice of renewal and payment in respect of certificates with commencement date falling within the waiver period. Hence, those who received demand notes from the Business Registration Office have to settle the amounts demanded thereon when due.

**Concessionary Refund of Registration Fee Paid**

6. The Order only relates to the waiver of one-year registration fees for new certificates or renewal certificates with commencement date falling within the waiver period. It does not provide for the refund of fees paid in respect of the waiver period.
7. In order that the business registration fee waiver can also benefit businesses that have paid the registration fees for the waiver period but are not required to renew their certificates in the waiver period, concessionary refunds will be considered. These businesses can apply for refund of the relevant amount of the registration fees paid for the waiver period.

***Who is eligible***

8. The following types of businesses-
  - (a) Businesses holding 3-year certificates with expiry dates on or after 31 July

2010.

- (b) Businesses whose registration certificates expire between 1 August 2009 and 31 July 2010 but they are not required to renew their registration certificates because of cessation of business.

### *How to apply*

9. Based on the information in its database, the Business Registration Office will start issuing invitation letter and the application form IRBR188(6/2009) from mid August 2009 to businesses that are eligible to apply for the refund. If the business operator wishes to apply for the concessionary refund, he needs to complete and return the duly signed application form to the Business Registration Office, either by post to P.O. Box 29015 Gloucester Road Post Office, Hong Kong or in person at 4/F Revenue Tower, 5 Gloucester Road, Wanchai, Hong Kong.
10. Where a business is eligible for the concessionary refund but does not receive the invitation letter and the application form from us, the business operator may download the application form [IRBR188\(6/2009\)](#) or obtain it by fax (fax number: 2824 1482), by post or in person at the IRD Office.
11. The application should be made by:
- the sole proprietor – in respect of a sole proprietorship business and its branch;
  - any of the partners – in respect of a partnership business and its branch;
  - the secretary, manager or any of the directors – in respect of a company and its branch; and
  - any of the principal officers – in respect of a body of persons and its branch.
12. **The application should be submitted to the Business Registration Office on or before 31 December 2010.**

### *How much will be refunded*

13. The Business Registration Office will proportionately refund the amount of business registration fee or branch registration fee paid by reference to the validity period of the certificate held by the business, the number of days in the waiver period and the amount of registration fees paid. Please refer to the illustrative examples in the [Computation of the Refund Amount](#).
14. The maximum refund amount is \$2,000 for a business registration certificate and

\$73 for a branch registration certificate respectively.

15. Levy for the Protection of Wages on Insolvency Fund paid will NOT be refunded.

***When to issue the refund***

16. If the application is approved, the Business Registration Office will issue the refund cheque within 21 working days from the date of receipt of the application.

**FAQ**

***Q1: How does the IRD deal with the business registration fee that has been paid for a certificate that commences during the period from 1 April 2009 to 31 July 2009?***

A1: Businesses holding one-year certificate commencing during the period from 1 April 2009 to 31 July 2009 can enjoy the one-year BR fees waiver when they renew their certificates during the waiver period, i.e. from 1 August 2009 to 31 July 2010.

Concessionary refund of registration fees will be considered for businesses that are not required to renew their certificates during the waiver period. They include businesses that cease to operate during the waiver period and businesses holding 3-year certificates. These businesses can apply for refund of the registration fees paid that are attributable to the waiver period. As the waiver does not cover the 4 months from 1 April 2009 to 31 July 2009, business or branch registration fees paid for these 4 months will not be refunded.

***Q2: Does the waiver of business registration fee apply to new applications made during 1 August 2009 to 31 July 2010 for business that commences before 1 August 2009?***

A2: No. The waiver only applies to fees payable in respect of business registration certificates and branch registration certificates with commencement date falling within the period from 1 August 2009 to 31 July 2010. The basis for the waiver is the commencement date of the registration certificate, not the date of application for business or branch registration.

***Q3: Can a company incorporated or registered under the Companies Ordinance apply for concessionary refund if it has ceased business within the waiver period?***

A3: If the company is holding a 3-year certificate with expiry date on or after 31 July 2010, it can apply for concessionary refund.

According to the Business Registration Ordinance, a company incorporated or registered under the Companies Ordinance is deemed to be a person carrying on business notwithstanding its cessation of business. Hence, a company holding a one-year certificate must continue to renew its certificate even though it has ceased business within the waiver period. It is not entitled to concessionary refund.

***Q4: Can a former director of a dissolved company apply for concessionary refund?***

A4: No. Under section 292(1) of the Companies Ordinance, where a company is dissolved, all property and rights whatsoever vested in or held on trust for the company immediately before its dissolution shall belong to the Government.

***Q5: How is the amount of concessionary refund going to be calculated?***

A5: The amount to be refunded will be calculated by reference to the validity period of the certificate held by the business, the number of days attributable to the waiver period (i.e. 1 August 2009 to 31 July 2010) and the actual amount of fees paid. Please refer to the illustrative examples in the [Computation of the Refund Amount](#).

***Q6: Do I need to pay the levy for the Protection of Wages on Insolvency Fund for the waiver period?***

A6: Yes, the levy for the Protection of Wages on Insolvency Fund will continue to be payable.