



INLAND REVENUE DEPARTMENT
STAMP OFFICE
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FOR OFFICIAL USE

**Application by Body Corporate for Refund of Buyer's Stamp Duty /
Partial Refund of Ad Valorem Stamp Duty * in case of Redevelopment
under section 29DD / 29DE * of the Stamp Duty Ordinance (Cap. 117)**

(Please read Annexes I & II carefully before completing this application form.)

To the Collector of Stamp Revenue

This is an application under section 29DD / 29DE * of the Stamp Duty Ordinance (“the Ordinance”) filed by _____ (“the Applicant”) for a refund of buyer’s stamp duty (“BSD”) / ad valorem stamp duty (“AVD”) in excess of that re-computed under Scale 2 rates (“Excess of AVD”) * paid by the Applicant / its associated body corporate within the meaning of section 45(2) of the Ordinance (“the Associate”) * on an instrument (“the Instrument”) executed for the acquisition of an immovable property (“the Property”) for redevelopment.

(I) Details of the Instrument *[please read Annex I, items (1) and (2), and Annex II]:*

Date of Agreement for Sale and Purchase *: _____

Date of Conveyance on Sale (i.e. Assignment) *: _____

Amount of BSD paid *: \$ _____

Excess of AVD paid *: \$ _____

Address of the Property: _____

(II) For BSD / AVD * paid by the Associate *[please read Annex I, item (3)]:*

Name of the Associate: _____

Business Registration No. / Company No. *: _____

Date on which the Property was transferred to the Applicant: _____

File reference where intra-group relief under section 29H(3) or 45 of the Ordinance has been previously granted in respect of the Property: _____

(III) Payee details *[please read Annex I, item (4)]:*

Please issue refund cheque to the following person / company *:

Name of Payee: _____

Address of Payee: _____

(IV) Supporting documents are attached (See Annex I).

* Please delete whichever inapplicable

(V) Declaration [please read Annex I, items (5) and (6)]:

I, _____ (full name), as a director / other capacity *
(please specify) _____ of the Applicant, declare that the
information and documents provided in and with this application form are true and correct and that:

The Applicant, alone / jointly with the Associate *, has become the owner of the entire lot to be redeveloped and has obtained consent to commence foundation works for the lot (whether or not together with any other lot) from the Building Authority under the Buildings Ordinance (Cap. 123).

OR

The Applicant, alone / jointly with the Associate *, has become the owner of the entire lot to be redeveloped and has demolished or caused to be demolished all buildings (if any) existing on the lot, other than a building the demolition of which is prohibited under any Ordinance; and obtained approval of plans in respect of building works to be carried out on the lot (whether or not together with any other lot) from the Building Authority under the Buildings Ordinance (Cap. 123).

Signature of Declarant and affixed with the Applicant's company chop

Name of Applicant: _____

B.R. No. / Company No. *: _____ Date: _____

Capacity: Purchaser Others (please specify) _____

Address (if different from that of the payee): _____

Telephone No.: _____ Fax No.: _____

* Please delete whichever inapplicable

Please tick the appropriate box

To support this application, the following documents with checkmark in the boxes are attached:

- (1) Documentary evidence of payment of BSD / AVD *
- (a) for e-Stamping application: a copy of stamp certificate(s)
 - (b) for paper application without presenting original instrument: original stamp certificate(s) and a copy of such certificate(s)
 - (c) for conventional stamping: original instrument(s) imprinted with the stamp(s) and a copy of such instrument(s)
- (2) For AVD **not** to be re-computed at the maximum Scale 2 rate of 4.25%:
- A copy of the provisional agreement for sale and purchase for purchasing the Property.
 - A copy of the supplemental agreement for purchasing the Property (if any).
- (3) For BSD / AVD * paid by the Associate:
- A copy of the agreement / conveyance * showing that the Property was transferred to the Applicant from the Associate.
- (4) For the intended payee of the refund cheque **not** being the Applicant (the following letters of indemnity are not required where the intended payee is the Applicant):
- Original letter of indemnity from the Applicant.
- AND
- Original letter of indemnity from the intended payee of the refund cheque.
- (5) Documentary evidence of the Declarant's capacity:
- A copy of the latest Annual Return (Form NAR1) of the Applicant / other documentation * (please specify) _____.
- (6) Documentary evidence of the redevelopment project:
- A copy of the notification issued by the Building Authority giving consent to commence foundation works for the lot (whether or not together with any other lot).
- OR
- A copy of the notification issued by the Building Authority giving approval of plan(s) in respect of building works to be carried out on the lot (whether or not together with any other lot).

* Please delete whichever inapplicable

Please tick the appropriate box(es)

(Submission of this application form with complete information will facilitate the smooth processing of application. The above list of documentary proof is provided as guidance only and is not exhaustive. The Stamp Office may request the applicant to provide further information or documents, if necessary. In such case, the application can only be processed after the requested information and documents are furnished.)

The following examples illustrate how to compute the Excess of AVD paid:**Example 1:**

A company acquired a residential property on 5 November 2021 for redevelopment at the consideration of \$6,825,000. AVD at Scale 1 rate was paid on the instrument for acquiring the property. The transaction effected by the instrument does not form part of a larger transaction or series of transactions. The amount of AVD to be refunded is computed as follows:

	\$
Consideration or value of the property	<u>6,825,000</u>
AVD at Scale 1 rate of 15% paid	1,023,750
<u>Less:</u> AVD re-computed at the applicable Scale 2 rate (round-up to the nearest one dollar) (\$6,825,000 × 3.75%)	<u>255,938</u>
Excess of AVD paid	<u>767,812</u>

Series of transactions

If an instrument (including provisional agreement for sale and purchase, supplemental agreement and agreement for sale and purchase) contains a clause to the effect that the purchaser has the right to cancel or proceed with the transaction if another property / other properties cannot be acquired within a specified period, the Collector of Stamp Revenue will regard the transaction effected by the relevant instrument forms part of a larger transaction or series of transactions. AVD on the instrument will be re-computed at the rate pertinent to the total amount or value of the consideration of all the properties concerned other than at a lower rate pertinent to that particular property.

Example 2:

A company acquired a residential property on 5 November 2021 for redevelopment at the consideration of \$6,825,000. AVD at Scale 1 rate was paid on the instrument for acquiring the property. The provisional agreement for sale and purchase contains the following clause:

“The vendor acknowledges that the purchaser plans to acquire at least 80% of the undivided shares in a lot to be acquired. Notwithstanding any provision of this agreement, both parties agree that if the purchaser fails to execute binding contracts with the other owners of the lot to acquire not less than 80% of the undivided shares in the lot, the purchaser has the right to (a) continue to complete the transaction; (b) cancel this contract ... ”

The total consideration for acquiring the properties in the redevelopment project exceeds \$21,739,120, where the maximum Scale 2 rate of 4.25% is applicable. The amount of AVD to be refunded is computed as follows:

	\$
Consideration or value of the property	<u>6,825,000</u>
AVD at Scale 1 rate of 15% paid	1,023,750
<u>Less:</u> AVD re-computed at the applicable Scale 2 rate (round-up to the nearest one dollar) (\$6,825,000 × 4.25%)	<u>290,063</u>
Excess of AVD paid	<u>733,687</u>

償還稅款保證書 (供支付印花稅者填報)
Letter of Indemnity (for Payer of Stamp Duty)

致：香港九龍啟德協調道5號稅務中心1樓
印花稅署署長

To : Collector of Stamp Revenue
1/F, Inland Revenue Centre, 5 Concorde Road,
Kai Tak, Kowloon , Hong Kong

檔案號碼 File No : _____

款額 Amount: _____

茲證明：

It is certified that :

(1) 本人/我們/本公司根據《印花稅條例》(第117章)可獲退還上述印花稅稅款。

(1) I/We/This company is entitled to a refund of the above amount of stamp duty in accordance with the Stamp Duty Ordinance (Cap. 117).

(2) 本人/我們/本公司現授權印花稅署署長簽發上述退還款項的港元支票，支付給 _____(收款人姓名/名稱)。

(2) I/We/This company now authorize(s) the Collector of Stamp Revenue to issue a refund cheque in the sum as shown above to _____(name of payee).

(3) 據本人/我們/本公司所知及所相信，沒有其他人曾提出或將提出申請上述退款。

(3) To the best of my/our/this company's knowledge and belief no other person has made or will make any application for refund the said stamp duty.

(4) 除本申請以外，本人/我們/本公司承諾不會提出任何其他申請退還上述稅款，或就本申請內容作出任何更改或撤回申請。

(4) Apart from this application, I/we/this company covenant(s) not to make any further application for refund of the said stamp duty, or any amendments to the details nor withdrawal of this application.

右方簽署的見證人

Witness to the
signature on the right

簽署 Signature: _____

姓名 Name: _____

請用正楷 (in block letter)

地址 Address : _____

請用正楷 (in block letter)

香港身份證號碼

HK Identity Card No. _____

日期 Date: _____

申請人#

Applicant #

簽署 Signature: _____

姓名 Name: _____

請用正楷 (in block letter)

地址 Address : _____

請用正楷 (in block letter)

香港身份證號碼/

商業登記號碼

HK Identity Card No./

Business Registration No. _____

日期 Date: _____

支付印花稅的人士或公司

The name of the person/company who paid the stamp duty

償還稅款保證書 (供退款支票收款者填報)
Letter of Indemnity (for Payee of Refund Cheque)

致：香港九龍協調道 5 號稅務中心 1 樓
印花稅署署長

To : Collector of Stamp Revenue
1/F, Inland Revenue Centre, 5 Concorde Road,
Kai Tak, Kowloon, Hong Kong

檔案號碼 File No : _____

款額 Amount: _____

茲證明：

It is certified that :

(1) _____ (支付有關印花稅的人士/公司) 根據《印花稅條例》(第 117 章)可獲退還上述印花稅稅款，並授權印花稅署署長簽發上述退還款項的港元支票給本人/我們/本公司。

(1) _____ (the name of the person/company who paid the stamp duty) is entitled to a refund of the above amount of stamp duty in accordance with the Stamp Duty Ordinance (Cap. 117), and has authorized the Collector of Stamp Revenue to issue a refund cheque in the sum as shown above to me/us/this company.

(2) 據本人/我們/本公司所知及所相信，沒有其他人曾提出或將提出本人/我們/本公司現申索的退款。

(2) To the best of my/our/this company's knowledge and belief no other person/company has made or will make any application for refund now claimed by me/us/this company.

(3) 除本申請以外，本人/我們/本公司承諾不會提出任何其他申請退還上述稅款，或就本申請內容作出任何更改或撤回申請。

(3) Apart from this application, I/we/this company covenant(s) not to make any further application for refund of the said stamp duty, or any amendments to the details nor withdrawal of this application.

(4) 本人/我們/本公司現承諾及同意，就你由於本人/我們/本公司獲退還上述的已付稅款而可能遭受或引致的所有法律行動，法律程序，損失，費用，損害，開支，索償及申索，對你作出彌償，以避免你遭受任何損害。

(4) In consideration of the refund to me/us/this company of the above amount of stamp duty, I/we/this company hereby undertake(s) and agree(s) to indemnify you and save you harmless thereof from and against all actions, proceedings, losses, charges, damages, expenses, claims and demands which may be brought or made against you.

右方簽署的見證人

收款人

Witness to the
signature on the right

Payee

簽署 Signature: _____

簽署 Signature: _____

姓名 Name: _____
請用正楷 (in block letter)

姓名 Name: _____
請用正楷 (in block letter)

地址 Address : _____
請用正楷 (in block letter)

地址 Address : _____
請用正楷 (in block letter)

香港身份證號碼
HK Identity Card No. _____

香港身份證號碼/
商業登記號碼
HK Identity Card No./
Business Registration No. _____

日期 Date: _____

日期 Date: _____