



INLAND REVENUE DEPARTMENT
STAMP OFFICE
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To: Stamp Office Customers

STAMP OFFICE

Stamping Circular No. 02/2014

Stamping of Agreements for Sale and Conveyances on Sale of Residential Properties after the gazettal of the Stamp Duty (Amendment) Ordinance 2014

Introduction

This circular announces that the Stamp Duty (Amendment) Ordinance 2014 (“the Amendment Ordinance”) was published in the gazette on 28 February 2014. The law has retrospective effect from 27 October 2012 (“Effective Date”). The Amendment Ordinance imposes a higher rate of Special Stamp Duty (“SSD”) on certain transactions of residential property acquired on or after the Effective Date if those transactions occur within 36 months after acquisition; and introduces a Buyer’s Stamp Duty (“BSD”) on certain agreements for sale and conveyances on sale of residential property executed on or after that date.

Stamping of Agreements and Conveyances for Residential Properties

2. The following paragraphs set out the arrangements for stamping and claiming SSD or BSD exemptions for agreements for sale and conveyances on sale of residential properties executed on or after the Effective Date.

For e-Stamping cases

3. Stamping applications for chargeable agreements for sale of residential properties can be processed electronically only if (i) the purchaser or each of the purchasers is a Hong Kong permanent resident (“HKPR”) who is acting on his / her own behalf in acquiring the residential property concerned; and (ii) the instrument is not chargeable with SSD. Original statutory declaration (as specified in Appendix A) made by the purchaser or each purchaser declaring that he / she is a HKPR and is acting on his / her own behalf in acquiring the residential property must be submitted to the Stamp Office within 30 days after the date on which the relevant stamping application is submitted.

For Paper Applications

4. Except for the instruments allowed for e-stamping (see paragraph 3 above), all applicants are required to follow the existing practice for SSD chargeable case to submit their chargeable instruments to the Stamp Office for stamping. To support their initial stamping applications, applicants will have to submit (i) the stamping request form (i.e. IRSD 112) or adjudication request form for deed of gift (i.e. IRSD 117); and (ii) payment cheques of ad valorem stamp duty, SSD and BSD, where applicable.

5. In respect of any claim for SSD and/or BSD exemptions, applicants will also have to submit (i) a duly completed form IRSD 112 (for purchaser(s) who is HKPR acting on his / her own behalf) (“HKPR cases”) and, for exemption claim for other reasons, a duly completed exemption form IRSD 118; and (ii) the relevant documentary evidence. For the HKPR cases, the purchaser or each of the purchasers concerned is required to submit his / her statutory declaration (as specified in Appendix A) declaring that he / she is a HKPR and is acting on his / her own behalf in acquiring the residential property. For cases where the exemption is claimed by the purchaser or any one of the purchasers for the reason of “non-HKPR close relatives”, the purchaser concerned is required to declare (as specified in Appendix A) that he / she is acting on his / her own behalf.

6. The time for stamping shall be 30 days after the date on which the agreement for sale or the conveyance on sale is executed. After checking, the relevant stamp will be imprinted on the instrument or a stamp certificate will be issued. The solicitors can collect the stamped instrument or stamp certificate within 5 working days.

7. The new form for claiming BSD and SSD exemptions (IRSD 118), revised stamping request form (IRSD 112) and adjudication request forms (IRSD 115 and IRSD 117) are available at IRD’s website (www.ird.gov.hk).

8. For any enquiries, please call us at 2594 3202.

*Stamp Office
February 2014*



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Must be completed for E-stamping
Instrument Reference No.:

Statutory Declaration
Application for Charging Ad Valorem Stamp Duty at Lower Rates (Scale 2) / Exemption of Buyer's Stamp Duty* ("Declaration")

I, _____ (Name of Buyer/Transferee*), holder of
Hong Kong Permanent Identity Card No. _____, of
_____ (Address),
do solemnly and sincerely declare and say as follows:

1. I am the sole buyer/sole transferee/one of the buyers/one of the transferees* of the (a) residential property and (b) car parking space* described below ("the Property"):

(a) _____

(b) _____

(A) Claiming for exemption of BSD

with the Agreement for Sale and Purchase / Conveyance on Sale / Deed of Gift* executed on:

(DD/MM/YYYY) _____ / _____ / _____ (Note 1).

*(B) Claiming for charging ad valorem stamp duty at lower rates (Scale 2)**

with the Agreement for Sale and Purchase / Conveyance on Sale / Deed of Gift* executed on:

(DD/MM/YYYY) _____ / _____ / _____ (Note 2).

2. The facts herein deposed to are within my own knowledge.

3. As at the date(s) of the said Agreement for Sale and Purchase / Conveyance on Sale / Deed of Gift* mentioned in (A) and (B) above, I acquired the Property herein on my own behalf; and

- I was a Hong Kong permanent resident within the meaning of section 29A(1) of the Stamp Duty Ordinance (Cap. 117);
- I was not the beneficial owner of any other residential property and not the beneficial owner of any other car parking space* in Hong Kong or any share or part thereof.

4. A true copy of my Hong Kong Identity Card is now produced and exhibited hereto*.

AND I make this solemn Declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap. 11).

DECLARED by the said _____)

at _____)

_____, Hong Kong)

this _____ day of _____)

(Signature of Declarant)

Before me,

Notary Public / Justice of the Peace / Solicitor / Commissioner for Oaths*

*delete whichever inapplicable.

(tick as appropriate)

Note 1: For claiming exemption from buyer's stamp duty, it is the date of chargeable agreement for sale or if there is no chargeable agreement for sale, the date of conveyance on sale / deed of gift. Chargeable agreement for sale means an agreement for sale chargeable with ad valorem stamp duty.

Note 2: For claiming for charging ad valorem stamp duty at lower rates (Scale 2), it is the date of the agreement for sale (or the date of the first agreement if there is more than one agreement) or, if there is no agreement for sale, the date of conveyance on sale / deed of gift.

WARNING

Under section 36 of the Crimes Ordinance (Cap. 200), any person who knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular in a statutory declaration shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 2 years and to a fine.

Under section 59 of the Stamp Duty Ordinance (Cap. 117), any person who practises or is concerned in any fraudulent act, contrivance or device, not specially provided for by law, with intent to defraud the Government of any stamp duty commits an offence. Section 60 of the Stamp Duty Ordinance (Cap. 117) provides that any person who commits or attempts to commit any offence under the ordinance shall be liable to a fine at level 6 and to imprisonment for 1 year.

Personal Information Collection Statement

1. The provision of personal data required by this form and during the processing of your application is voluntary. However, if you do not provide sufficient information, the Department may not be able to process your application.
2. The Department will use the information provided by you for the purposes of the Ordinances administered by it and may disclose/transfer any or all of such information to other government or statutory bodies including the Immigration Department, and any other third parties provided that the disclosure/transfer is authorized or permitted by law.
3. You have the right to request access to and correction of your personal data held by the Department. Such request should be addressed to the Superintendent of Stamp Office at 1/F, Inland Revenue Centre, 5 Concorde Road, Kai Tak, Kowloon, Hong Kong.