



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
Claiming for 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 residential property described below ("the Property"):

with the Agreement for Sale and Purchase/Assignment executed on:

(DD/MM/YYYY) ____ / ____ / _____. The facts herein deposed are within my own knowledge.

2. As at the date of the said Agreement for Sale and Purchase / Conveyance on Sale / Deed of Gift*, (a) I am a Hong Kong permanent resident within the meaning of section 29A(1) of the Stamp Duty Ordinance *; and (b) I acquire the Property herein on my own behalf. 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 _____)

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

*delete whichever inapplicable.

Personal Information Collection Statement

1. The Inland Revenue Department will use the information provided by you in connection with this Declaration or the Property for the purposes of the Stamp Duty Ordinance and may disclose/ transfer any or all of such information to any third party (e.g. the Immigration Department) provided that the disclosure/ transfer is authorized or permitted by law.
2. Except where there is an exemption provided under the Personal Data (Privacy) Ordinance, you have the right to request access to and correction of your personal data. Such request should be addressed to the Superintendent of Stamp Office at 3/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong.