



INLAND REVENUE DEPARTMENT
STAMP OFFICE
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Wan Chai, Hong Kong.

Tel. No.: 2594 3202 (Property Transfers)
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To: Stamp Office Customers

STAMP OFFICE

Stamping Circular No. 03/2014

Stamping of Agreements for Sale and Conveyances on Sale of Residential Properties executed on or after 27 October 2012 and already stamped before 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 (“Date of Gazettal”). The law has retrospective effect from 27 October 2012 (“the 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.

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

SSD

3. The parties to the transactions have to pay the additional SSD (i.e. the difference of SSD computed at the old and new SSD rates) within 30 days after the Date of Gazettal. Liable parties have to submit on or before 31 March 2014 (i.e. 30 days after the Date of Gazettal) (i) payment cheque for the additional SSD; (ii) a copy of stamp certificate or original stamped instrument showing the SSD already paid at the old rates; and (iii) original instrument for conventional stamping. After checking, the additional SSD stamp will be imprinted on the instrument or a stamp certificate will be issued. Solicitors can collect the instrument or stamp certificate afterwards within 15 working days.

BSD

(A) *Agreements / conveyances with valuable consideration*

(I) *Chargeable cases*

4. The time for paying BSD on chargeable instruments is within 30 days after the Date of Gazettal. In respect of each chargeable instrument, the purchaser has to submit on or before 31 March 2014 (i.e. 30 days after the Date of Gazettal) (i) a duly completed Supplemental Information Form in Appendix A; (ii) original instrument for conventional stamping; and (iii) payment cheque for BSD. After checking, the BSD stamp will be imprinted on the instrument or a stamp certificate will be issued. Solicitors can collect the instrument or stamp certificate afterwards within 15 working days.

(II) *BSD not chargeable cases*

5. In respect of any claim that the purchaser or each of the purchasers is a Hong Kong permanent resident (“HKPR”) and is acting on his / her own behalf, the purchaser has to submit on or before 30 April 2014 (i.e. within 2 months after the Date of Gazettal) (i) a duly completed Supplemental Information Form in Appendix B; (ii) original instrument for conventional stamping or a copy of the stamp certificate; and (iii) original statutory declaration (as specified in Appendix C) made by the purchaser or each of the purchasers declaring that he / she is a HKPR and is acting on his / her own behalf in acquiring the residential property.

6. In respect of any claim for exemption for other reasons under the Amendment Ordinance, the purchaser has to submit on or before 30 April 2014 (i.e. within 2 months after the Date of Gazettal) (i) a duly completed exemption form IRSD 118; (ii) the relevant documentary evidence in support of the exemption claim.

(III) *Close relatives*

7. For the exemption claim on the ground of “non-HKPR close relative” (i.e. spouse, parents, children, brothers and sisters), original statutory declaration (as specified in Appendix C) must be made by the relevant non-HKPR purchaser declaring that he / she is acting on his / her own behalf in acquiring the residential property. Besides, the Stamp Office would require a certified copy of the relevant certificate, for example, birth certificate, marriage certificate, household register (戶籍簿), etc. issued by a competent authority in Hong Kong (such as the Immigration Department) or the concerned jurisdiction (such as the

Ministry of Public Security (公安局) in Mainland China) as a proof for the relationship claimed. Other documents such as Notarial Certificate (公証書) would not be accepted.

(IV) Penalty

8. Taking into account the vast number of BSD chargeable cases solicitors may have to handle within a short period of time, the Stamp Office may exercise its discretion to remit the penalty in whole or in part for late stamping cases in accordance with section 9(2) of the Stamp Duty Ordinance. Each case will be considered on its own merits. Solicitors are required to submit a duly completed IRSD 127 in support of their application for remission of the penalty.

(B) Conveyance with nil valuable consideration (Deed of Gift)

9. If the transferee or each of the transferees is a HKPR and is acting on his / her own behalf, the conveyance in respect of a residential property with nil consideration is not chargeable with BSD. In support of any exemption claim for this reason, original statutory declaration (as specified in Appendix C) made by the transferee or each transferee together with a duly completed Supplemental Information Form in Appendix B will have to be submitted to the Stamp Office on or before 30 April 2014 (i.e. within 2 months after the Date of Gazettal).

10. Regarding any exemption claim for other reasons under the Amendment Ordinance, transferees have to submit on or before 30 April 2014 (i.e. within 2 months after the Date of Gazettal) (i) a duly completed exemption form IRSD 118; and (ii) the relevant documentary evidence in support of the exemption claim. For the “non-HKPR close relative” cases, original statutory declaration (as specified in Appendix C) must be made by the transferee or each of the transferees declaring that he / she is acting on his / her own behalf in acquiring the residential property.

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

*Stamp Office
February 2014*



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For Official Use

To: Collector of Stamp Revenue

Supplemental Information Form - Buyer's Stamp Duty ("BSD") – Chargeable Case

Part 1: Method of Stamping for the Present Application

- Stamp Certificate** – Application for stamping without presenting instrument
- Conventional Stamp** – Only applicable if the initial stamping is conventional stamping

Part 2: Instrument Details

1. Instrument Reference No. : _____
2. Property Address : _____
- _____

Part 3: Documents attached (Note)

- Copy of Stamp Certificate or Original/Copy of Stamped Instrument *
- BSD payable HK\$_____ (Cheque attached)

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Part 4: Declaration

I hereby submit the above documents for supporting the stamping.

Signature : _____

Name : _____

Name of Solicitor Firm : _____

Contact Reference No. : _____

Telephone No. : _____

Date : _____ (day/month/year)

Organization Chop

Note

- (i) If you choose conventional stamping under Part 1, the original instrument must be submitted for imprinting.
- (ii) If you choose stamp certificate under Part 1 and you stamped the instrument by e-Stamping previously, you have to submit a copy of the previous stamp certificate.
- (iii) If you choose stamp certificate under Part 1 and you stamped the instrument by conventional stamping previously, you have to submit a copy of stamped instrument.

* delete whichever is inapplicable

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Fund Code
206-69



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To: Collector of Stamp Revenue

Supplemental Information Form - Buyer's Stamp Duty ("BSD") – Not Chargeable Case

Part 1: Method of Stamping for the Present Application

- Stamp Certificate** – Application for stamping without presenting instrument
 Conventional Stamp – Only applicable if the initial stamping is conventional stamping

Part 2: Instrument Details

1. Instrument Reference No. : _____
2. Property Address : _____

3. Number of purchaser : _____

Part 3: Reason for claiming BSD not applicable

- The stamped instrument was executed on or after 27 October 2012 whereas the earliest instrument in respect of this transaction was executed before 27 October 2012. Copy of the earliest instrument is attached for review.

Part 4: Documents attached for application of BSD exemption (Note)

- Copy of Stamp Certificate or Original / Copy of Stamped Instrument*
 The purchaser or each of the purchasers is a Hong Kong permanent resident and is acting on his / her own behalf in acquiring the residential property.
 Number of Statutory Declaration submitted _____
 Form IRSD118 and relevant supporting documents are attached.

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Part 5: Declaration

Upon perusal of the Statutory Declaration(s) attached thereto and the available information, I hereby declare that to the best of my knowledge, information and belief, the information contained in this form is true, correct and complete.

Signature : _____
Name : _____
Name of Solicitor Firm : _____
Contact Reference No. : _____
Telephone No. : _____
Date : _____ (day/month/year)

Organization Chop

Note

- (i) If you choose conventional stamping under Part 1, the original instrument must be submitted for imprinting.
(ii) If you choose stamp certificate under Part 1 and you stamped the instrument by e-Stamping previously, you have to submit a copy of the previous stamp certificate.
(iii) If you choose stamp certificate under Part 1 and you stamped the instrument by conventional stamping previously, you have to submit a copy of stamped instrument.

* delete whichever is inapplicable



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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.



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Application for Exemption of Special Stamp Duty / Buyer's Stamp Duty (Applicable to Residential Properties Only)

Part 1: Instrument Details

1. Type of Instrument: Conveyance on Sale (i.e. Assignment) Agreement
2. Instrument Execution Date (D/M/Y): _____ / _____ / _____
3. Property Address (Either Standard or Other Format):

<u>Standard Format</u>	<input type="checkbox"/> Tower	<u>Other Format</u>
<input type="checkbox"/> Flat / Room _____ Floor _____	<input type="checkbox"/> Block _____	
Building _____		
Estate _____		
No. & Name of Street _____		
District _____		
Area:	<input type="checkbox"/> Hong Kong	<input type="checkbox"/> Kowloon
		<input type="checkbox"/> New Territories

Part 2: Application for Exemption of Special Stamp Duty

Reason for exemption (please attach relevant documentary evidence to support the exemption claim) -

- Nomination of the spouse, parents, children, brothers and sisters to take up the assignment; or sale or transfer of the property to the spouse, parents, children, brothers and sisters.
- Addition / deletion of name(s) to / from a chargeable agreement for sale or Assignment if the person(s) added / deleted is the spouse, parents, children, brothers and sisters of the original purchaser(s).
- Sale, transfer or vesting of properties made by the courts or pursuant to court orders (including the compulsory sales order made under the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545), and the foreclosure order made to a mortgagee, irrespective of whether the mortgagee is a financial institution within the meaning of section 2 of the Inland Revenue Ordinance (Cap. 112)), and the property was sold to/transferred to or vested in the vendor by or pursuant to any decree or order of any court.
- Sale of mortgaged properties by a mortgagee which is a financial institution within the meaning of section 2 of the Inland Revenue Ordinance (Cap. 112), or by a receiver appointed by such a mortgagee.
- Sale of the estate of a deceased person by the personal representative, and sale or transfer of a residential property by a person whose property is inherited from a deceased person's estate or is passed to that person under the right of survivorship.
- The property sold relates solely to a bankrupt's estate or the property of a company which is being wound up by the court by reason of its inability to pay debts.

Part 3: Application for Exemption of Buyer's Stamp Duty

Reason for exemption (please attach relevant documentary evidence to support the exemption claim) -

- Acquisition of a residential property by a Hong Kong Permanent Resident (HKPR) jointly with a close relative or close relatives (i.e. spouse, parents, children, brothers and sisters) who is/are not HKPR and each of the purchasers is acting on his/her own behalf. (Statutory Declaration for the purchaser or each of the purchasers is / are also required.)
- Nomination of a close relative(s) who is/are not HKPR to take up the assignment of a residential property and each of the nominee is acting on his/her own behalf; or transfer of a residential property to a close relative who is not a HKPR, or to close relative(s) jointly one or more of whom is / are not HKPR and each of the transferee is acting on his/her own behalf. (Statutory Declaration for the purchaser or each of the purchasers is / are also required.)
- Addition / deletion of name(s) of a person(s) who is/are not HKPR to / from a chargeable agreement for sale or a conveyance on sale in respect of a residential property if the person(s) is / are a close relative(s) of the original purchaser(s) and each of the person is acting on his/her own behalf. (Statutory Declaration for the purchaser or each of the purchasers is / are also required.)

- Acquisition or transfer of a residential property by a court order or pursuant to a court order, which includes a foreclosure order obtained by a mortgagee, whether or not it falls under the definition of a financial institution within the meaning of section 2 of the Inland Revenue Ordinance (Cap. 112).
- Acquisition or transfer of mortgaged residential property under a conveyance by or to a mortgagee which is a financial institution within the meaning of section 2 of the Inland Revenue Ordinance (Cap. 112), or by a receiver appointed by such a mortgagee.
- Acquisition of a residential property by a person to replace another residential property which was owned by that person and that has been purchased or acquired pursuant to redevelopment projects pursued by the Urban Renewal Authority, or is resumed under an order made under section 3 of the Lands Resumption Ordinance (Cap. 124) or purchased under section 4A of that Ordinance, or is sold pursuant to an order for sale made by the Lands Tribunal under the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545), or is resumed under an order made under section 4(1) of the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276), section 13(1) of the Roads (Works, Use and Compensation) Ordinance (Cap. 370), section 16 or 28(1) of the Railways Ordinance (Cap. 519) or section 37(2) of the Land Drainage Ordinance (Cap. 446), or is acquired under an acquisition order made under section 3(1) or (2) of the Land Acquisition (Possessory Title) Ordinance (Cap. 130), and the person is acting on his/her own behalf. (Statutory Declaration for the purchaser or each of the purchasers is / are also required.)
- The purchaser acquires the property as a trustee or guardian on behalf of a Hong Kong permanent resident who is a mentally incapacitated person.

Part 4: Declaration by the Applicant

I hereby declare that to the best of my knowledge, information and belief, the information contained in this form is true, correct and complete.

Signature: _____ Date: ____ / ____ / ____

Name: _____

Capacity: Vendor/Nominator/Transferor Purchaser/Nominee/Transferee Legal Representative
 Property Agent Other

Part 5: Solicitor Firm Details (if applicable):

Business Registration & Branch No.: _____

Contact Reference No.: _____

Telephone No.: _____ Fax No.: _____

Please tick if applicable

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Notes

1. The liability to Special Stamp Duty will arise if there is sale and purchase or transfer of a residential property of which the property is acquired by the vendor or transferor on or after 20 November 2010 and disposed of by the vendor or transferor within 24 months (the property was acquired on or after 20 November 2010 and before 27 October 2012) or 36 months (the property was acquired on or after 27 October 2012) from the date of acquisition.
2. The liability to Buyer's Stamp Duty will arise if the conveyance on sale or agreement for sale of residential property is executed on or after 27 October 2012, except a Hong Kong permanent resident acquiring the property on his/her own behalf (i.e. the person is both the legal and beneficial owner).

Personal Information Collection Statement

1. IRD will use the information provided by you in connection with this Request or the Property concerned for the purposes of the Ordinances administered by it and may disclose / transfer any or all of such information to any third party (e.g. the Rating and Valuation Department and 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.
3. If a stamp certificate is issued in respect of the Instrument concerned, some of the information provided by you will be shown therein. Any person holding a stamp certificate may check its authenticity via IRD "e-Stamping System".
4. If you are the agent / representative of the relevant parties, please inform them of this Personal Information Collection Statement and also take note of your obligations under the Personal Data (Privacy) Ordinance.

如需本表格的中文版，可在稅務局網頁 www.ird.gov.hk 下載或致電 2594 3202 與本署聯絡。