



INLAND REVENUE DEPARTMENT
STAMP OFFICE
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To: Stamp Office Customers

STAMP OFFICE
Stamping Circular No. 05/2018
Stamping of instruments involving more than 1 residential property
executed on or after 12 April 2017 and before
the gazettal date of the Stamp Duty (Amendment) (No. 2) Ordinance 2018

The Stamp Duty (Amendment) (No. 2) Ordinance 2018 (“the Amendment Ordinance”) was published in the Gazette on 20 April 2018 (“Date of Gazettal”). By virtue of the Amendment Ordinance, certain instruments executed on or after 12 April 2017 (“Effective Date”) for acquisition of more than a single residential property under one single instrument is subject to a flat rate of 15% (“NRSD”) (i.e. the rate under Part 1 of Scale 1 of Head 1(1) and Head 1(1A) in the First Schedule to the Stamp Duty Ordinance (“the Ordinance”)) even if the purchaser/transferee is a Hong Kong permanent resident (“HKPR”) who is acting on his/her own behalf and is not a beneficial owner of any other residential property in Hong Kong at the time of acquisition.

2. The following paragraphs set out the arrangements for stamping additional stamp duty (“additional stamp duty”, that is, the difference between ad valorem stamp duty (“AVD”) calculated at NRSD and Scale 2 Rates) or applying for no additional stamp duty payable regarding instruments executed on or after the Effective Date for acquisition of more than 1 residential property under one single instrument, which have already been stamped with AVD at Scale 2 rates before the Date of Gazettal (“the Transitional Period”).

(I) For cases chargeable with additional stamp duty

Time for stamping of additional stamp duty

3. The time for paying additional stamp duty on instruments chargeable with NRSD is within 30 days commencing immediately after the Date of Gazettal (i.e. 20 May 2018). As 20 May 2018 is Sunday, the due date for payment will be extended to 21 May 2018.

Payment methods

Instruments chargeable with additional stamp duty which involve residential properties only

4. The purchaser or any other liable person is required to submit a duly completed Supplemental Information Form A (“Form A”) at Appendix A together with (i) a cheque for payment of additional stamp duty; and (ii) a copy of the stamp certificate if initial stamping was by e-Stamping; or (iii) the original instrument if initial stamping was by conventional stamping. The stamped instrument or stamp certificate denoting payment of the additional stamp duty will be ready for collection after the following 21 working days.

Instruments chargeable with additional stamp duty which involve residential properties and non-residential property

5. For an instrument which is chargeable with AVD partly at NRSD and partly at Part 2 of Scale 1, for example, the instrument covers both residential properties and non-residential property including car parking space(s) which are separate and distinct properties, and only the acquisition of the residential properties is subject to AVD at NRSD, the time for paying additional stamp duty in respect of the residential properties is within 30 days commencing immediately after the Date of Gazettal. The liable party or any other person on his/her behalf is required to provide documentary evidence to show how the respective considerations for the residential properties and the non-residential property were determined (for example a copy of the agreement for sale if the considerations were separately shown in the relevant agreement), or what the respective values are tentatively agreed (if the separate considerations were not shown in any document). In any event, the purchaser or any other liable person is required to submit a duly completed Form A together with (i) a cheque for payment of additional stamp duty on the chargeable instruments (including those instruments which were chargeable with AVD partly at Scale 2 rates and partly at Part 2 of Scale 1 rates in accordance with the prevailing law and have been applied for adjudication) based on the stated consideration or value of the residential properties tentatively agreed, and (ii) a copy of the stamp certificate if initial stamping was by e-Stamping; or (iii) the original instrument if initial stamping was by conventional stamping. The stamped instrument or stamp certificate denoting payment of the additional stamp duty will be ready for collection after the following 21 working days.

6. The Collector of Stamp Revenue (“the Collector”) will, based on the valuation of the Commissioner of Rating and Valuation (“CRV”), demand further additional stamp duty payable on the instrument if the value of the residential properties assessed by CRV is greater than the stated consideration or the value as proposed in the stamping request.

(II) For cases where no additional stamp duty is due for payment

Chargeable instrument executed on or after 12 April 2017 but is preceded by an agreement for sale made between the same parties and on the same terms before 12 April 2017

7. If the instrument is an agreement for sale that superseded another agreement for sale made between the same parties and on the same terms before 12 April 2017; or a conveyance on sale that was executed in conformity with an agreement for sale made before 12 April 2017, a duly completed Supplemental Information Form B (“Form B”) at Appendix B and a certified copy of the first agreement for sale made by the relevant parties are required to be submitted on or before 21 May 2018.

For cases involving a “single residential property”

8. The Amendment Ordinance has not exhaustively defined the term “single residential property”. However, it provides that a “single residential property” includes:

- (a) a unit and a roof situated in the same building;
- (b) a unit and an adjacent flat roof situated in the same building;
- (c) a unit and an adjacent garden; and
- (d) a unit that became a single unit following the demolition of the walls or the floor, or any part of the walls or the floor, separating two units as shown by—
 - (i) a building plan and a letter issued by the Building Authority acknowledging receipt of a certificate of completion of the building works relating to the demolition as required under the Building (Administration) Regulations (Cap. 123 sub. leg. A); or
 - (ii) a plan signed by an authorized person after the completion of the building works relating to the demolition.

In determining whether a residential property is a “single residential property”, the Collector of Stamp Revenue (“the Collector”) may have regard to, among others, the building plans, deed of mutual covenant, occupation permit in respect of the residential property and other relevant documents.

If the properties concerned fall within the meaning of a “single residential property”, a duly completed Form B and (i) a certified copy of the building plan signed by an authorized person; or (ii) the deed of mutual covenant; or (iii) the occupation permit are required to be submitted on or before 21 May 2018.

Penalty

9. If a chargeable instrument is not stamped with additional stamp duty by the due date, section 9(1) of the Ordinance provides for the imposition of a late stamping penalty in addition to the additional stamp duty. The Collector may consider

exercising his power in warranted cases to remit the penalty in whole or in part for late stamping in accordance with section 9(2) of the Ordinance. Each case will be considered on its own merits. The concerned solicitors are required to submit a duly completed IRSD127 in support of their application for remission of the penalty.

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

*Stamp Office
April 2018*



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For Official Use

To: Collector of Stamp Revenue

Supplemental Information Form A
Stamping Additional Stamp Duty on an Instrument
Involving more than 1 Residential Property

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 by conventional stamping

Part 2: Instrument Details

1. Instrument Reference No. : _____
2. Property Address : _____
3. Whether the instrument is wholly chargeable with Ad Valorem Stamp Duty (“AVD”) at Part 1 of Scale 1 (“NRSD”)?
 Yes, the consideration of the instrument: \$ _____
 No, the consideration chargeable with AVD at NRSD: \$ _____ (Note 1)

Part 3: Documents attached (Note 2)

- Copy of Stamp Certificate or Original/Copy of Stamped Instrument *
- Cheque for payment of additional stamp duty: \$ _____

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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 : _____

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Note1: The instrument covers both residential properties and non-residential properties which are separate and distinct properties and only the residential property is subject to AVD at NRSD.

- Note2:
- (i) If you choose conventional stamping under Part 1, the original instrument must be submitted for imprinting of stamp.
 - (ii) If you choose stamp certificate under Part 1 and the instrument was stamped through e-Stamping previously, you have to submit a copy of the previous stamp certificate.
 - (iii) If you choose stamp certificate under Part 1 and the instrument was stamped by conventional stamping previously, you have to submit a copy of the stamped instrument or provide the instrument reference number (IRN).

* delete whichever inapplicable

(tick as appropriate)



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To: Collector of Stamp Revenue

Supplemental Information Form B
For application of charging ad valorem stamp duty (“AVD”) at Scale 2 rates

Part 1: Instrument Details

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

Part 2: Reason for claiming that AVD at Scale 2 applies

- 1. The stamped instrument was executed on or after 12 April 2017 whereas the earliest instrument in respect of this transaction was executed before 12 April 2017.
- 2. The properties concerned fall into the definition of a “single residential property”.

Part 3: Supporting documents

- For Item (1) of Part 2, a copy of the earliest instrument is attached for review.
- For Item (2) of Part 2,
 - a certified copy of the building plan signed by an authorized person; or
 - the deed of mutual covenant; or
 - the occupation permit.

For Official Use

(tick as appropriate)

Part 4: Declaration

I hereby submit the above documents to support the claim of charging AVD at Scale 2 rates.

Signature : _____
 Name : _____
 Name of Solicitor Firm : _____
 Contact Reference No. : _____
 Telephone No. : _____
 Date : _____

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