



INLAND REVENUE DEPARTMENT  
STAMP OFFICE

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FOR OFFICIAL USE

**APPLICATION FOR EXEMPTION OF STAMP DUTY**  
**UNDER SECTION 29C(5A) OF THE STAMP DUTY ORDINANCE (CAP. 117)**

I hereby apply for an exemption under section 29C(5A) of the Stamp Duty Ordinance.

**(I) Details of the Agreement for Sale**

Date of Agreement: \_\_\_\_\_

Agreed Date of Completion of Sale: \_\_\_\_\_

Date on which the Agreement was cancelled, annulled or rescinded: \_\_\_\_\_

Reason(s) for cancellation, annulment or rescission of the Agreement  
(attach separate paper if insufficient space):

\_\_\_\_\_

Address of Property:

\_\_\_\_\_

**(II) Supporting documents are attached. (Note 1)**

**(III) Declaration**

I, \_\_\_\_\_, do solemnly and sincerely declare and say as follows: -

This agreement for sale was **not** cancelled, annulled or rescinded or was otherwise not performed by reason of the occurrence of a specified event described in section 29C(5AA) of the Stamp Duty Ordinance.  
(Note 2)

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

H.K.I.C./B.R./Passport No.\* : \_\_\_\_\_

Capacity:  Vendor  Purchaser  Others (please specify) \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Please tick as appropriate

\* Delete whichever is inapplicable

**Note:**

**1. Supporting Documents**

To support this application, the following document(s) is/are attached:-

- (a) Documentary evidence to prove that the agreement has been cancelled, annulled or rescinded or is otherwise not performed, e.g. Cancellation Agreement, Court Order.
- (b) A copy of the Stamp Certificate issued in respect of the instrument, if applicable.
- (c) The original agreement, in the event that the instrument was stamped by means of conventional stamp(s).
- (d) A copy of the Stamping Request – Agreement/Assignment (Form IRSD112) previously submitted for this case, if applicable.
- (e) Other supporting documents, if any, to show the reason(s) for cancellation, annulment or rescission of the agreement, e.g. correspondences between solicitors/relevant parties.

**2. Specified Events**

**Section 29C(5AA)**

“In relation to an agreement for sale made in respect of immovable property (first agreement), there is occurrence of a specified event if-

- (a) except as provided in subsection (5AB), another agreement for sale is made by the purchaser under the first agreement in which the purchaser makes a nomination or gives a direction that-
  - (i) transfers, or gives a power to transfer, any benefit of the purchaser in respect of the property or any part of the property under the first agreement; or
  - (ii) authorizes another person to take a conveyance of the property or any part of the property or to execute such a conveyance in favour of a third party; or
- (b) another agreement for sale is made in respect of the property or any part of the property-
  - (i) between the vendor under the first agreement and a party introduced, directly or indirectly, to the vendor by the purchaser under the first agreement; or
  - (ii) under the direction of or upon the request of the purchaser.”

**Section 29C(5AB)**

“A nomination or direction is excluded from subsection (5AA)(a) if-

- (a) it is made or given in favour of a person who is to be a trustee for the purchaser mentioned in that subsection in respect of the property concerned or part of it;
- (b) in so far as it relates to head 1(1A) in the First Schedule-
  - (i) the property is residential property; and
  - (ii) it is shown to the satisfaction of the Collector that subsection (5AC) applies to the nomination or direction; or
- (c) in so far as it relates to head 1(1B) and (1C) in the First Schedule-
  - (i) the property is residential property; and
  - (ii) subsection (5AD) applies to the nomination or direction.”

**Section 29C(5AC)**

“This subsection applies to the nomination or direction if-

- (a) it is made or given in favour of one, or more than one, person (whether or not also in favour of the purchaser); and
- (b) on the date of the nomination or direction-
  - (i) that person, or each of those persons, is closely related to the purchaser, or to each of the purchasers;
  - (ii) where there is more than one person, those persons are also closely related;
  - (iii) that person, or each of those persons, is acting on his or her own behalf; and
  - (iv) that person, or each of those persons, is not a beneficial owner of any other residential property in Hong Kong.”

**Section 29C(5AD)**

“This subsection applies to the nomination or direction if-

- (a) it is made or given in favour of one, or more than one, person (whether or not also in favour of the purchaser);
- (b) that person, or each of those persons, is closely related to the purchaser, or to each of the purchasers; and
- (c) where there is more than one person, those persons are also closely related.”