



稅務局 印花稅署
香港灣仔告士打道 5 號 稅務大樓 3 樓

INLAND REVENUE DEPARTMENT, STAMP OFFICE

3/F, Revenue Tower, 5 Gloucester Road,
Wan Chai, Hong Kong.

網址 Web Site: www.ird.gov.hk
電郵 E-mail: taxsdo@ird.gov.hk

傳真號碼 Fax No.: 2519 6740

STAMPING PROCEDURES AND EXPLANATORY NOTES

Stock Borrowing Relief - Revised Procedures Registration of Stock Borrowing and Lending Agreement & Filing of Return of Stock Borrowing Transactions

Registration of Stock Borrowing and Lending Agreement (SBLA)

With effect from **23 April 2012**, Stamp Office will launch a new electronic service allowing online registration of SBLA via e-Tax (“e-Registration”). In line with the implementation of the e-Registration, borrowers are required to use the revised form [**Form SBUL2 (Rev. 4/2012)**] for registration starting from 23 April 2012. Except for the use of this new registration form, other requirements for registering a SBLA remain unchanged.

Return of Stock Borrowing Transactions (RSBT)

2. A registered borrower is required to report details of the stock borrowing transactions which fail to meet the requirements for stamp duty relief provided in sections 19(12) and 19(12A) of the Stamp Duty Ordinance, Cap.117 (“failed transactions”) by filing the RSBT [Form SBUL1 (Rev.4/2012)] to Stamp Office..
3. If the borrower has effected stock borrowing transactions during the reporting period and / or there are unsettled transactions brought forward from the previous reporting period, a “NIL” return should still be filed even if there is no failed transaction during this period.
4. The following examples illustrate whether a borrower is required to file the RSBT under different scenarios:

Scenario (A)

During the reporting period, the borrower has no unsettled transaction brought forward from the previous reporting period **and** has not effected any stock borrowing transaction.

- No RSBT is required.

Scenario (B)

During the reporting period, the borrower has unsettled transactions brought forward from the previous reporting period and / or has effected stock borrowing transactions. None of these transactions fails the stamp duty relief requirements during the reporting period.

- The borrower should file RSBT and declare that there is no failed transactions by reporting that the number of transactions for items (1) to (4) in Part A of the revised RSBT is “0”. Part B of the revised RSBT need not be completed.

Scenario (C)

During the reporting period, the borrower has unsettled transactions brought forward from the previous reporting period and / or has effected stock borrowing transactions. Some of these transactions fail the stamp duty relief requirements during the reporting period.

- The borrower should file RSBT and complete Parts A and B to report details of failed transactions.

Notification by Lenders

5. The proforma for a lender to notify the Collector of Stamp Revenue of the execution of a stock borrowing and lending agreement is also revised [**Form SBUL26 (Rev. 4/2012)**]. It should be completed in duplicate and a copy of it will be returned to the lender with the Collector's acknowledgement of receipt.
6. All borrowers are reminded to register their SBLAs if they wish to enjoy the relief.

Sample Forms

7. The revised forms are attached:
SBUL1 (Rev.4/2012), SBUL2 (Rev.4/2012) and SBUL26 (Rev.4/2012)

Enquiries

8. This note replaces the one issued in March 2010. Any enquiry concerning the above procedures can be directed to the Stamp Office at telephone numbers 2594 3159 or 2594 3165.

STAMP OFFICE
April 2012

U3/SOG/PN06A(4/2012)



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電郵 E-mail: taxsdo@ird.gov.hk

INLAND REVENUE DEPARTMENT, STAMP OFFICE

3/F, Revenue Tower, 5 Gloucester Road,
Wan Chai, Hong Kong

電話號碼 Tel No.: 2594 3165
傳真號碼 Fax No.: 2519 6740

To: Collector of Stamp Revenue

RETURN OF STOCK BORROWING TRANSACTIONS
FOR THE SIX MONTHS ENDING [30 JUN / 31 DEC]* []*

This return is furnished in accordance with section 19(13)(c) of the Stamp Duty Ordinance, Cap. 117, (“the Ordinance”) –

Part A Summary of Stock Borrowing (“SB”) Transactions not meeting the stamp duty relief requirements under s. 19(12) and 19(12A) of the Ordinance:

Stock Borrowing and Lending Agreement Number (SBA)		
	Number of Transactions (Please input “0” if there is no such SB transaction)	
(1) State total number of SB transactions effected earlier than 30 days prior to registration of the Agreement [Please provide details in Schedule 1 under Part B]		
(2) State total number of SB transactions with borrowed stocks not used for specified purposes [Please provide details in Schedule 2 under Part B]		
(3) State total number of SB transactions not returned at the end of the agreed term or upon demand by the lender [Please provide details in Schedule 3 under Part B]		
(4) State total number of SB transactions settled by means other than stock returns (e.g. cash payment) [Please provide details in Schedule 4 under Part B]		

[I / We]* declare that to the best of [my/our]* knowledge and belief all the statements contained in this Return are true and correct. [I / We]* understand that heavy penalties may be incurred for furnishing a return which is false or misleading in any material respect. [I / We]* also understand that for stamp duty relief to apply, all stock borrowing transactions and/or stock returns must be properly recorded in the Stock Borrowing Ledger.

Signature: _____ Telephone No.: _____

Borrower’s Name: _____

Borrower’s PIN (HKID No. or BR No.) _____

Date: _____ (dd/mm/yyyy) Company Chop: _____

CORRESPONDENCE ADDRESS: (Please put “X” in the box if the following is a new address)

Area Code: (H=HK, K=KLN, N=NT, O=Overseas) [H / K / N / O]*

*Please select

OFFICIAL USE Return/Period Code: []* Serial Number: _____

Please read General Guidance attached

RETURN OF STOCK BORROWING TRANSACTIONS
FOR THE 6 MONTHS ENDING [30 JUN / 31 DEC]* []*
Stock Borrowing and Lending Agreement Number:

Part B

Details of Stock Borrowing Transactions reported under Part A:

Schedule 1 – SB transactions effected earlier than 30 days prior to registration of the Agreement

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Stock Borrowed	Initial Stock Borrowing Date	Duty fully paid on these SB transactions? # (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

The related stock return is also subject to payment of stamp duty, please present the relevant instruments to the Stamp Office for stamping accordingly.

Schedule 2 – SB transactions with borrowed stocks not used for specified purposes

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Borrowed Stocks not used for specified purpose	Initial Stock Borrowing Date	Duty fully paid on these SB transactions? ## (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

The related stock return is also subject to payment of stamp duty, please present the relevant instruments to the Stamp Office for stamping accordingly.

Schedule 3 – SB transactions not returned at the end of the agreed term or upon demand by the lender

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Borrowed Stocks not returned	Latest Date on which the Borrowing Stocks should be returned ###	Duty fully paid on these SB transactions? (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

Any subsequent return of stock after this date is also subject to payment of stamp duty, please present the relevant instruments to the Stamp Office for stamping accordingly.

Schedule 4 – SB transactions settled by means other than stock returns

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Borrowed Stocks settled by other means	Date of Settlement	Duty fully paid on these SB transactions? (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

Please use supplementary sheets if more space is required.

RETURN OF STOCK BORROWING TRANSACTIONS
FOR THE 6 MONTHS ENDING [30 JUN / 31 DEC]* []*
Stock Borrowing and Lending Agreement Number:

Part B

Details of Stock Borrowing Transactions reported under Part A:

Schedule 1 – SB transactions effected earlier than 30 days prior to registration of the Agreement

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Stock Borrowed	Initial Stock Borrowing Date	Duty fully paid on these SB transactions? # (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

#The related stock return is also subject to payment of stamp duty, please present the relevant instruments to the Stamp Office for stamping accordingly.

Schedule 2 – SB transactions with borrowed stocks not used for specified purposes

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Stock Borrowed Stocks not used for specified purpose	Initial Stock Borrowing Date	Duty fully paid on these SB transactions? ## (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

The related stock return is also subject to payment of stamp duty, please present the relevant instruments to the Stamp Office for stamping accordingly.

Schedule 3 – SB transactions not returned at the end of the agreed term or upon demand by the lender

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Borrowed Stocks not returned	Latest Date on which the Borrowing Stocks should be returned ###	Duty fully paid on these SB transactions? (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

Any subsequent return of stock after this date is also subject to payment of stamp duty, please present the relevant instruments to the Stamp Office for stamping accordingly.

Schedule 4 – SB transactions settled by means other than stock returns

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Borrowed Stocks settled by other means	Date of Settlement	Duty fully paid on these SB transactions? (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

Please use supplementary sheets if more space is required.

**RETURN OF STOCK BORROWING TRANSACTIONS
FOR THE 6 MONTHS ENDING [30 JUN / 31 DEC]* [**

]*

Stock Borrowing and Lending Agreement Number:

Part B

Details of Stock Borrowing Transactions reported under Part A:

Schedule 1 – SB transactions effected earlier than 30 days prior to registration of the Agreement

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Stock Borrowed	Initial Stock Borrowing Date	Duty fully paid on these SB transactions? # (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

The related stock return is also subject to payment of stamp duty, please present the relevant instruments to the Stamp Office for stamping accordingly.

Schedule 2 – SB transactions with borrowed stocks not used for specified purposes

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Stock Borrowed Stocks not used for specified purpose	Initial Stock Borrowing Date	Duty fully paid on these SB transactions? ## (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

The related stock return is also subject to payment of stamp duty, please present the relevant instruments to the Stamp Office for stamping accordingly.

Schedule 3 – SB transactions not returned at the end of the agreed term or upon demand by the lender

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Borrowed Stocks not returned	Latest Date on which the Borrowing Stocks should be returned ###	Duty fully paid on these SB transactions? (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

Any subsequent return of stock after this date is also subject to payment of stamp duty, please present the relevant instruments to the Stamp Office for stamping accordingly.

Schedule 4 – SB transactions settled by means other than stock returns

(No. of transactions:)

Stock Borrowing Ledger Item No.	Stock Code and Stock Name	Quantity of Borrowed Stocks settled by other means	Date of Settlement	Duty fully paid on these SB transactions? (YES/NO)	Date of Payment of stamp duty, if applicable, and please attach Supporting Documents

Please use supplementary sheets if more space is required.

General Guidance to Form SBUL 1

1. A Borrower who has registered any stock borrowing and lending agreement with the Collector of Stamp Revenue (“Collector”) should complete this Return **except** for the following cases where no Return is required to be filed:
 - i. the agreement has no unsettled stock borrowing transaction brought forward from the previous reporting period; and
 - ii. there is no stock borrowing transaction effected under the agreement during the reporting period.
2. The Return covers a period of 6 months ending on 30 June or 31 December. The information reported in the Return should relate to the position as at the end of the reporting period.
3. The completed Return must be received by the Collector **not later than 1 month** after the end of the period to which it relates.
4. Details of all stock borrowing transactions that cannot meet the requirements for stamp duty relief under sections 19(12) and 19(12A) of the Stamp Duty Ordinance, Cap.117, (“failed transactions”) during the reporting period should be stated in the Return.
5. This Return can be used to report failed transactions of more than 1 stock borrowing and lending agreement in a consolidated manner. Borrowers should ensure that details of each agreement are provided separately in the respective column of the table in Part A and Part B.
6. If there is no failed transaction during the reporting period, the Borrower will file a NIL return and report the number of transactions for items (1) to (4) in Part A as “0” respectively and Part B need not be completed.

Personal Information Collection Statement

The Department will use the information provided by you for tax purposes and may give some of the information to other parties authorized by law to receive it. 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.



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請參閱背頁附註 Please read Notes overleaf

稅務局專用 Official Use
協議編號 Agreement No:

致: 印花稅署署長

To: Collector of Stamp Revenue

證券借用及借出協議登記表格
Stock Borrowing and Lending Agreement Registration Form

1. 協議日期 Date of Agreement : / / (日 day)(月 month)(年 year)
2. 協議終止日期 (如有的話) Agreement expiry date (if any): / / (日 day)(月 month)(年 year)
3. 協議下進行第一宗香港證券借用交易日期 (如已進行的話)
Date of first stock borrowing transaction of Hong Kong stock under the Agreement (if already effected): / / (日 day)(月 month)(年 year)

4. 借用人詳情 Borrower's Particulars

姓名 Name:

(請用英文正楷填寫, 姓氏先行 In English - Surname first, Use BLOCK LETTERS)

是否香港居民/公司 Hong Kong Resident/Company? 是 Yes / 否 No *

香港身分證/護照/商業登記號碼 H.K. Identity card/Passport/Business Registration No.: (見註一 See Note 1)

成立地點 Place of incorporation:

成立日期 Date of incorporation: / / (日 day)(月 month)(年 year)

地址 Address: 單位/室 Flat/Room: 座 Block: 樓 Floor:

大廈名稱 Building Name:

街名/號數 No./Street Name:

地區 District:

區域 Area Code (H = 香港 Hong Kong, K = 九龍 Kowloon, N = 新界 New Territories, O = 海外 Overseas):

註: 上述地址將被用作通訊地址 Note: All future correspondence will be sent to the above address

5. 借出人詳情 Lender's Particulars

姓名 Name:

(請用英文正楷填寫, 姓氏先行 In English - Surname first, Use BLOCK LETTERS)

是否香港居民/公司 Hong Kong Resident/Company? 是 Yes / 否 No *

香港身分證/護照/商業登記號碼 H.K. Identity card/Passport/Business Registration No.: (見註一 See Note 1)

成立地點 Place of incorporation:

成立日期 Date of incorporation: / / (日 day)(月 month)(年 year)

地址 Address: 單位/室 Flat/Room: 座 Block: 樓 Floor:

大廈名稱 Building Name:

街名/號數 No./Street Name:

地區 District:

區域 Area Code (H = 香港 Hong Kong, K = 九龍 Kowloon, N = 新界 New Territories, O = 海外 Overseas):

本人/我們 *現證明本登記表格內所填資料全部均屬真確, 並且符合隨本表夾附由本表所載各方所簽訂的證券借用及借出協議內的規定。本人/我們 *並聲稱隨本表夾附的證券借用及借出協議, 符合香港法例第117章《印花稅條例》第19(16)條有關證券借用及借出協議定義中的條件。

I/We* certify that the particulars contained in this Registration Form are true and correct and are in accordance with the attached Stock Borrowing and Lending Agreement executed by the parties herein. I/We* also declare that the attached Stock Borrowing and Lending Agreement satisfies the conditions of a stock borrowing and lending agreement as set out in its definition in section 19(16) of the Stamp Duty Ordinance, Cap.117.

簽署 Signature : _____

借用人姓名 Name of Borrower : _____

電話號碼 Telephone No. : _____

日期 Date : _____

* 請刪去不適用者 Delete where inappropriate

填寫證券借用及借出協議登記表格須知

- (一) 如屬個人，請填寫香港身分證號碼 (如無身分證, 則請填寫護照號碼)。如屬公司，請填寫商業登記號碼，如有的話。
- (二) 本表格必須由借用人填寫及簽署。全部姓名必須以英文正楷填寫。
- (三) 借方必須遞交下列文件，以便辦理登記手續：
 - (i) 證券借用及借出協議的簽立文本一份和該協議的認證真確副本一份 或 該證券借用及借出協議的認證真確副本兩份；及
 - (ii) 填妥的登記表格兩份；及
 - (iii) 開列登記費用港幣二百七十元正的支票，抬頭書明祈付「香港特別行政區政府」。
- (四) 登記表格上借用人的地址將會被用作有關本借用及借出協議的通訊地址。

Notes for completing the Stock Borrowing and Lending Agreement Registration Form

- (1) For individuals, please enter Hong Kong Identity Card Numbers (or if not available Passport Numbers). For Corporations, please state Business Registration Numbers, if any.
- (2) This form must be completed and signed by the borrowers. All names should be entered in English and in **BLOCK LETTERS**.
- (3) For registration, Borrowers are required to submit :
 - (i) an executed copy of the Stock Borrowing and Lending Agreement and a certified true copy of the agreement **OR** two certified true copies of the Stock Borrowing and Lending Agreement, **AND**
 - (ii) 2 copies of this Registration Form, duly completed, **AND**
 - (iii) a cheque for payment of the registration fee of HK\$270.00 in favour of "The Government of the Hong Kong Special Administrative Region".
- (4) All future correspondence will be sent to the address of the borrower which appears in the Registration Form.

個人資料收集聲明Personal Information Collection Statement

你提供的資料將用於稅務用途。本局亦可能會把部分資料交給法例授權接收的其他人士。除了《個人資料(私隱)條例》規定的豁免範圍之外，你有權要求查閱及改正你的個人資料。有關要求應向印花稅署總監提出。

The Department will use the information provided by you for tax purposes and may give some of the information to other parties authorized by law to receive it. Except where there is an exemption provided under the Personal Data (Privacy) Ordinance, you have the right to request access to or correction of your personal data. Such request should be addressed to the Superintendent of Stamp Office.



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電話號碼Tel. No.: 2594 3165
傳真號碼Fax No.: 2519 6740

致： 印花稅署署長
To: The Collector of Stamp Revenue

借出人有關簽立證券借用及借出協議通知書
Notification of Execution of Stock Borrowing and Lending Agreement by Lender

謹此通知，我/我們*已訂立香港法例第117章《印花稅條例》所定義的證券借用及借出協議，並作為該協議的借出人，有關詳情如下 -

This is to advise you that I/we have entered into a Stock Borrowing and Lending Agreement, as defined in the Stamp Duty Ordinance, Cap. 117, as the lender/a lender therein, the details of which are as follows -

借出人名稱 Name of Lender:	
香港身分證/ 護照/ 商業登記證號碼 (如有的話) HK Identity Card/Passport/Business Registration No.(if any):	
地址 Address:	
成立地點 Place of incorporation:	
成立日期 Date of incorporation:	

借用人/ 首名借用人名稱 Name of Borrower:	
香港身分證/ 護照/ 商業登記證號碼 (如有的話) HK Identity Card/Passport/Business Registration No.(if any):	
地址 Address:	
成立地點 Place of incorporation:	
成立日期 Date of incorporation:	

協議簽立日期 Date of execution of Agreement:	
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借出人名稱 Lender's Name : _____ 簽署 Signature : _____
電話號碼 Telephone No. : _____ 日期 Date : _____

個人資料收集聲明 Personal Information Collection Statement

你提供的資料將用於稅務用途。本局亦可能會把部分資料交給法例授權接收的其他人士。除了《個人資料(私隱)條例》規定的豁免範圍之外，你有權要求查閱及改正你的個人資料。有關要求應向印花稅署總監提出。

The Department will use the information provided by you for tax purposes and may give some of the information to other parties authorized by law to receive it. Except where there is an exemption provided under the Personal Data (Privacy) Ordinance, you have the right to request access to or correction of your personal data. Such request should be addressed to the Superintendent of Stamp Office.

(由印花稅署填寫 To be completed by Stamp Office)

印花稅署署長現收到上述通知。 The Collector of Stamp Revenue hereby acknowledges receipt of the above Notification.

來函請敘明本署檔案號碼：
For future correspondence
please quote our reference number :

SB-