

C049-e

Amend the Stamp Duty Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Stamp Duty (Amendment) Ordinance 2000.

(2) This Ordinance shall come into operation on 1 December 2000.

2. Section added

The Stamp Duty Ordinance (Cap. 117) is amended by adding in Part V---

"47A. Instruments of transfer of units under mandatory provident fund schemes to be exempt

(1) An instrument of transfer of a unit under a unit trust scheme is not chargeable with stamp duty if---

(a) the scheme is a constituent fund of a registered scheme;

(b) the unit is transferred by the manager of the fund to a person who is, or intends to be, a scheme member of the registered scheme; and

(c) the power of the manager to effect the transfer arises otherwise than from a previous transfer to him of that or some other unit.

(2) An instrument of transfer of a unit under a unit trust scheme is not chargeable with stamp duty if---

(a) the scheme is an approved pooled investment fund;

(b) the unit is transferred by the manager of the fund ("fund manager") to the trustee or manager of a constituent fund of a registered scheme; and

(c) the power of the fund manager to effect the transfer arises otherwise than from a previous transfer to him of that or some other unit.

(3) Where a person is deemed under section 30(4) to transfer a unit under a unit trust scheme, then if---

(a) the scheme is a constituent fund of a registered scheme; and

(b) such deemed transfer is effected by extinguishing the unit,

the instrument that is deemed under that section to be a transfer of the unit is not chargeable with stamp duty.

(4) Where the trustee or manager of a constituent fund of a registered scheme is deemed under section 30(4) to transfer a unit under a unit trust scheme, then if---

(a) the unit trust scheme is an approved pooled investment fund; and

(b) such deemed transfer is effected by extinguishing the unit,

the instrument that is deemed under that section to be a transfer of the unit is not chargeable with stamp duty.

(5) In this section---

"approved pooled investment fund" (核准匯集投資基金) has the same meaning as in section 2 of the Mandatory Provident Fund Schemes (General) Regulation (Cap. 485 sub. leg.);

"constituent fund" (成分基金) has the same meaning as in section 2 of the Mandatory Provident Fund Schemes (General) Regulation (Cap. 485 sub. leg.);

"registered scheme" (註冊計劃) has the same meaning as in section 2(1) of the Mandatory Provident Fund Schemes Ordinance (Cap. 485);

"scheme member" (計劃成員) has the same meaning as in section 2(1) of the Mandatory Provident Fund Schemes Ordinance (Cap. 485)."

### 3. First Schedule amended

The First Schedule is amended in head 2(4) by repealing "and 30" and substituting ", 30 and 47A".

### Explanatory Memorandum

The purpose of this Bill is to amend the Stamp Duty Ordinance (Cap. 117) to exempt the stamp duty chargeable on a transfer of units when the units are issued or redeemed if a constituent fund of a mandatory provident fund scheme is a party to the transfer.