

Bills Committee on Stamp Duty (Amendment) Bill 2012

**List of follow-up actions arising from the discussion
at the meeting on 15 October 2013**

The Administration was requested to provide written response on the following issues:

1. In respect of clause 5 of the Bill –
 - (a) address members' concern about the possible abuse of the exemption from the Buyer's Stamp Duty (BSD) for Hong Kong permanent residents (HKPRs) in the case of a non-HKPR evading the payment of the BSD in the acquisition of a residential property by acting as the guardian or trustee of a HKPR who is a minor (including children born of "doubly non-permanent resident pregnant women"), aged, blind, infirm, or mentally incapacitated person; and
 - (b) for the purpose of addressing the possible loopholes of the BSD evasion in (a) above, consider members' suggestions as follows –
 - (i) only a HKPR can act as a guardian or trustee;
 - (ii) each guardian or trustee can only act for one other person;
 - (iii) only parents of a minor (including children born of "doubly non-permanent resident pregnant women") can act as the minor's guardian or trustee; and/or
 - (iv) only the acquisition of a residential property by a HKPR over 18 years of age acting on his or her own behalf can be exempted from BSD.
2. In respect of clause 5(1)(b) of the Bill, consider Hon Ronny TONG Kawah's suggestion to improve textual clarity for avoidance of doubt; and
3. In respect of clause 6 of the Bill, clarify whether a buyer is liable to pay the BSD where an agreement for sale is cancelled, annulled or rescinded or is otherwise not performed.