

**Response to the letter dated 20 April 1999
from Messrs. William K. W. Leung**

Mr Leung is concerned about the extent of the Collector of Stamp Revenue's (the Collector) power under the new section 29 C(12)(a) to specify the application form for deferring payment of stamp duty. He also suggested that the wording of the provision should be changed so as to clarify that the Collector does not have the authority, through specifying the form of the application, to impose further conditions or restrictions which are not provided for in the law for allowing the payment of stamp duty be deferred.

It is clear that the authority of the Collector under section 29C(12)(a) is limited. The section only gives the Collector the power to specify the format of an application form suitable for use for the purposes of making an application for deferring payment of stamp duty within the provisions under the Ordinance. The imposition of any further requirements or conditions would be beyond the authority given to the Collector under this section.

The form specified by the Collector duly reflects the requirements of proposed sections 29C(12)(b)(i) and (ii)(A). In the case where the applicant seeks the application of section 29C(12)(b)(ii)(B), he may delete both the items (a) and (b) under Part III of the form and to supply the evidences and securities to be specified by him within that Part. Hence there is no question of restriction by the Collector on the definition of "Vendor" allowable for deferral of stamp duty.