

**立法會**  
***Legislative Council***

LC Paper No. CB(1) 1589/02-03  
(These minutes have been seen by  
the Administration)

Ref : CB1/BC/2/02/2

**Bills Committee on  
Stamp Duty (Amendment) Bill 2002**

**Minutes of the third meeting held on  
Tuesday, 22 April 2003 at 8:30 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon SIN Chung-kai (Chairman)  
Hon CHAN Kam-lam, JP  
Hon Howard YOUNG, JP  
Hon Miriam LAU Kin-yee, JP  
Hon Henry WU King-cheong, BBS, JP

**Member absent** : Hon Eric LI Ka-cheung, JP  
Hon Abraham SHEK Lai-him, JP

**Public officers attending** : **Financial Services and the Treasury Bureau**  
  
Miss Erica NG  
Principal Assistant Secretary for Financial  
Services and the Treasury (Treasury)

**Inland Revenue Department**

Mr LUK Nai-man  
Deputy Commissioner

Mrs CHU WONG Lai-fun  
Acting Assistant Commissioner

Mr Richard LEUNG  
Chief System Manager

Miss WONG Tsui-ling  
Senior Superintendent of Stamp Office

**Department of Justice**

Ms Lonnie NG  
Senior Government Counsel

**Clerk in attendance :** Mr LAW Kam-sang  
Deputy Secretary General

**Staff in attendance :** Miss Monna LAI  
Assistant Legal Adviser 7

Ms Cindy CHENG  
Senior Assistant Secretary (1) 4

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Action

**I. Meeting with the Administration**

The Bills Committee noted the following papers which had been issued after the second meeting on 11 April 2003 :

- (i) LC Paper No. CB(1)1463/02-3(01) – List of follow-up actions requested by members at the second meeting on 11 April 2003

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- (ii) LC Paper No. CB(1)1463/02-03(02) – Administration's response to the list of follow-up actions requested by members at the second meeting on 11 April 2003
- (iii) LC Paper No. CB(1)1463/02-03(03) - Submission from the Hong Kong Real Estate Agencies General Association
- (iv) LC Paper No. CB(1)1463/02-03(04) - Administration's response to the views expressed by representatives of Hong Kong Real Estate Agencies General Association at the second meeting on 11 April 2003
- (v) LC Paper No. CB(1)1463/02-3(05) - Administration's reply to the letter from Assistant Legal Adviser 7 dated 10 April 2003

2. The Bills Committee deliberated the contents of the Bill. (Index of proceedings in **Appendix**).

Follow-up actions to be taken up by the Administration

Admin 3. Members of the Bills Committee requested the Administration to consider the following :

- (a) whether only data relevant to stamp duty need be provided in the stamp certificate;
- (b) whether the term "error" in the bill should be defined to exclude

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undercharge of stamp duty if the information contained in the stamp certificate corresponded with the information contained in the instrument stamped;

- (c) whether the relevant information system in the Land Registry could be enhanced to indicate that a stamp certificate in respect of an instrument had been cancelled;
- (d) whether clause 18J(1)(d) need be amended so that the Collector of Stamp Revenue would not cancel a stamp certificate if satisfactory explanations were provided for failure to comply with section 18I(1) of the Stamp Duty Ordinance; and
- (e) whether the Collector of Stamp Revenue's power to request inspection of an instrument under section 18I(1) in order to ascertain the stamp duty liability should be limited to within 6 years from the expiration of the time for stamping the instrument, or within a definite period of time after an application for stamping an instrument was made under section 18F, whichever was the later.

Date of next meeting

- 4. The Chairman reminded members that the fourth meeting would be held on Friday, 9 May 2003 at 10:45 am.
- 5. Members agreed that the fifth meeting would be held on Thursday, 22 May 2003 at 10:45 am.

**II. Any other business**

- 6. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1  
Legislative Council Secretariat  
6 May 2003

**Proceedings of the third meeting of the  
Bills Committee on Stamp Duty (Amendment) Bill 2002  
on Tuesday, 22 April 2003, at 8:30 am  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000144	Chairman	Opening remarks	
000145 - 001020	Administration Chairman	Briefing by the Administration on its response to issues raised by members at the second meeting  (LC Paper No. CB(1) 1463/02-03(02))	
001021 - 001320	Administration	Briefing by the Administration on its response to the letter from the Assistant Legal Adviser 7 dated 10 April 2003  (LC Paper No. CB(1) 1463/02-03(05))	
001321 - 001409	Administration	Briefing by the Administration on its response to views raised by the representatives of the Hong Kong Real Estate Agencies General Association  (LC Paper No. CB(1) 1463/02-03(04))	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
001410 - 001707	Chairman Mr Howard YOUNG Administration	Use of stamping service by "Non Registered Users" and whether any fees would be charged for using the new electronic Property Stamping System (PSS)  (LC Paper No. CB(1) 1463/02-03(02))	
001708 - 004312	Ms Miriam LAU Chairman Administration Mr CHAN Kam-lam	(a) Reasons for placing restrictions on access to PSS  (b) Whether the relevant information system in the Land Registry could be enhanced to indicate that a stamp certificate in respect of an instrument had been cancelled  (c) Information provided in a stamp certificate under PSS  (d) Need to strike a balance between restricting access to information in stamp certificates and encouraging the use of the certificate checking function under PSS  (e) Whether two versions of a stamp certificate, i.e.. full version and abridged version could be provided for users under PSS	<b>Admin to consider if only data relevant to stamp duty needed to be provided in the stamp certificate</b>

Time marker	Speaker	Subject(s)	Action required
		(LC Paper No. CB(1) 1463/02-03(02)) (LC Paper No. CB(1) 1111/02-03(01) Annex 5)	
004313 - 004703	Chairman Mr Henry WU Administration ALA 7	(a) Whether there was any time lag between the cancellation of a stamp certificate and issue of a new one  (b) Whether the cancellation of a stamp certificate would be indicated in the system if its authenticity is checked  (LC Paper No. CB(1) 1463/02-03(02)) (Clause 18J)	
004704 - 010900	Ms Miriam LAU Administration Chairman ALA 7 Mr Henry WU	(a) Definition of "error" in a stamp certificate  (b) Power of the Collector of Stamp Revenue (the Collector) under the Bill to cancel a stamp certificate without the knowledge of the parties to which the stamp certificate is related  (c) Whether transaction involving an instrument with a cancelled stamp certificate would be considered as valid	<b>Admin to consider if the term "error" in the Bill should be defined to exclude undercharge of stamp duty if the information contained in the stamp certificate corresponded with the information contained in the instrument stamped</b>

Time Marker	Speaker	Subject(s)	Action required
		<p>(d) Whether the term "error" in the Bill should be defined to exclude the circumstances concerning an undercharge of stamp duty</p> <p>(LC Paper No. CB(1) 1463/02-03(02)) (Clause 18J(5)) (Section 15(1) of the Stamp Duty Ordinance (Cap. 117))</p>	
010901 - 011511	<p>Mr Henry WU Administration ALA 7 Ms Miriam LAU Chairman</p>	<p>Whether it was possible for the parties concerned to check the most updated information under PSS immediately before any new transaction was completed</p>	
011512 - 012804	<p>Mr CHAN Kam-lam Administration Chairman Ms Miriam LAU Mr Henry WU ALA 7</p>	<p>(a) Power of Collector to cancel stamp certificates</p> <p>(b) Circumstances that would be regarded as "error" in stamp certificates</p> <p>(c) Whether any information would be provided in PSS regarding undercharged stamp certificate</p> <p>(d) Whether information would be provided in the Land Registry information system on undercharged stamp certificates</p> <p>(Clause 18J(5))</p>	<p><b>Admin to consider whether the relevant information system in the Land Registry could be enhanced to indicate that a stamp certificate in respect of an instrument had been cancelled</b></p>



Time marker	Speaker	Subject(s)	Action required
012805 - 014445	Ms Miriam LAU Administration ALA 7 Chairman	<p>(a) Time limit to the Collector's power to request inspection of an instrument stamped</p> <p>(b) Possession and control of the instrument or evidence by the applicant for stamping an instrument made under Section 18F</p> <p>(c) Power of Collector to cancel stamp certificates if there was failure to comply with section 18I(1)</p> <p>(d) Time limit to the power of the Collector to call for the relevant instrument should be restricted to six years or within a definite period of time after an application for stamping was made under section 18F</p> <p>(LC Paper No. CB(1) 1463/02-03(05)) (Clauses 18 I and 18J) (Section 12 of the Stamp Duty Ordinance (Cap. 117))</p>	<p>(a) Admin to consider whether clause 18J(1)(d) needed to be amended so that the Collector would not cancel a stamp certificate if satisfactory explanations were provided for failure to comply with section 18I(1) of the Stamp Duty Ordinance</p> <p>(b) Admin to consider whether the Collector's power to request inspection of an instrument under section 18I(1) in order to ascertain the stamp duty liability should be limited to within 6 years from the expiration of the time for stamping the instrument, or within a definite period of time after an application for</p>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
			<b>stamping an instrument was made under section 18F, whichever was the later</b>
014446 - 014532	Chairman	Date of the fourth and fifth meetings	

Council Business Division 1  
Legislative Council Secretariat  
6 May 2003