

Bills Committee on Stamp Duty (Amendment) Bill 2002
Fourth meeting on 9 May 2003
List of follow-up actions to be taken by the Administration

- (a) The Bills Committee has requested the Administration to check with the Land Registry whether the cancellation of a stamp certificate for an instrument in respect of the sale of property may be registered in the Land Registry.
- (b) As members have expressed concern about the proposed penalty to be imposed on persons who fail to comply with the requirement to submit the original instrument in question or evidence for inspection under the proposed Section 18I(1), they have requested the Administration to look into the feasibility of amending the Bill to allow reasonable excuse before the proposed penalty is imposed and to consider the provision of a channel for appeal.
- (c) The Administration has been requested to check and advise members why a period of only two years and not longer has been stipulated in the existing section 49 of the Stamp Duty Ordinance (Cap.117) within which the Collector may cancel and allow as spoiled the stamp misused under the circumstances described in that section.
- (d) Members are concerned that although the Administration's intention is that it would consider the need for and merits of extending the proposed system of stamping to stock transactions in future, the Bill seeks to amend the Stamp Duty Ordinance to enable the proposed stamping system to cover stock transactions. As the Administration has not consulted the securities industry on the proposed system, members have requested that the Secretary for Financial Affairs and the Treasury give an undertaking in the resumed debate on the second reading of the Bill that the Administration will consult the industry before extending the application of the proposed system to stock transactions.

- (e) Members have requested that at a later stage, the Administration provide members with a list of instruments that Part IIA will apply but applications for stamping cannot be made without presenting the relevant instruments and that the Administration indicate clearly the instruments not to be covered by the proposed system in its publicity efforts.

Council Business Division 1
Legislative Council Secretariat
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