

政府總部
運輸及房屋局

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Transport and Housing Bureau

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11 February 2014

Ms Doris LO
Senior Council Secretary (3)2
Council Business Division 3
Legislative Council Secretariat
Legislative Council Complex
Central, Hong Kong

Dear Ms LO,

Stamp Duty (Amendment) Bill 2012

Thank you for your letter dated 7 February 2014, inviting our views on the proposed Committee Stage Amendments (CSAs) which the Hon Dennis KWOK and the Hon Starry LEE intend to move to the Stamp Duty (Amendment) Bill 2012 against the relevant provisions in the Rules of Procedure.

Under the two proposed CSAs to be moved by the Hon Starry LEE on behalf of the Bills Committee on the Stamp Duty (Amendment) Bill 2012, the addition of two new sections 70(4) and (5) is proposed, which stipulate that sections 29CA and 29DA of the Stamp Duty Ordinance (Cap.117) (the Ordinance) and heads 1(1AA) and 1(1B) of the First Schedule to the Ordinance, which introduce the Special Stamp Duty (SSD) regime and stipulate the SSD rates respectively, shall expire at midnight on either 31 December 2014 or 26 October 2015. As we have previously explained to the relevant Bills Committee, we are of the view that these “sunset clauses” in respect of the SSD are out of scope of the Bill. The purpose of the Bill is to, as far as the SSD is concerned and according to the long title of the Bill, impose a higher rate of the SSD on certain transactions of residential property acquired on or after 27 October 2012 if those transactions occur within 36 months after the acquisition. The relevant CSAs, if enacted, would cause the entire SSD regime to expire on the specified dates. In other words, not only the enhanced SSD as proposed in

the Bill, but also the existing SSD regime by virtue of the existing Stamp Duty Ordinance will expire. As such, the relevant CSAs which introduce the sunset clauses in respect of the SSD regime fall outside the scope of the Bill.

We are of the view that the Hon KWOK's proposed CSAs are not contrary to Rules 57(4) and (6) of the Rules of Procedure.

Yours sincerely,

(Kasper NG)
for Secretary for Transport and Housing

c.c.
D of Adm (Attn: EO(AW))