

立法會
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Tel : 3919 3300

Date : 10 July 2014

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 9 July 2014

Fifth Revised Agenda

I wish to inform Members that Hon Kenneth LEUNG has withdrawn the notice of his amendments to the Stamp Duty (Amendment) Bill 2013 (“the Bill”). The President has waived the required notice for Hon Charles Peter MOK to move the attached amendments to the Bill during its Committee stage. Hon Charles Peter MOK’s amendments are identical to the amendments withdrawn by Hon Kenneth LEUNG.

2. Please replace page 31 of the Agenda with the attached sheet.
3. For paper saving, Part IIB of the Script for the meeting and Appendix IA thereto will not be revised. Members are invited to note that wherever the reference to Hon Kenneth LEUNG is made in the aforesaid Script and Appendix IA, it refers to Hon Charles Peter MOK.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

Stamp Duty (Amendment) Bill 2013

Committee Stage

Amendments to be moved by the Honourable Charles Peter MOK

Clause

Amendment Proposed

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By adding—

“29DI. Partial refund of ad valorem stamp duty on instruments relating to non-residential property in certain circumstances

(1) In this section—

applicable instrument (適用文書) means an instrument relating to non-residential property (*the subject property*) on which stamp duty had been paid according to Scale 1 of head 1(1), or Scale 1 of head 1(1A), in the First Schedule;

business (業務) includes every type of businesses and a business carried on by any charitable institution or trust of a public character which is exempt from tax under section 88 of the Inland Revenue Ordinance (Cap. 112), but excludes the letting or sub-letting to any person of any premises or portion thereof, and the sub-letting of any premises or portion of any premises held under a lease or tenancy;

specified amount (指明款項) means—

- (a) for an applicable instrument on which stamp duty had been paid according to Scale 1 of head 1(1) in the First Schedule—an amount equal to the difference between the stamp duty paid and the stamp duty that would have been payable on that instrument if it were chargeable under Scale 2 of head 1(1) in the First Schedule; or
- (b) for an applicable instrument on which stamp duty had been paid according to Scale 1 of head 1(1A) in the First Schedule—an amount equal to the difference between the stamp duty paid and the stamp duty that would have been payable on that instrument if it were chargeable under Scale 2 of head 1(1A) in the First Schedule;

trade (行業、生意) includes every trade and manufacture, every adventure and concern in the nature of trade, and a trade carried on by any charitable institution or trust of a public character which is exempt from tax under section 88 of the Inland Revenue Ordinance (Cap. 112), but excludes the letting or sub-letting to any person of any premises or portion thereof, and the sub-letting of any premises or portion of any premises held under a lease or tenancy.

(2) If—

(a) a person has paid stamp duty on an applicable instrument according to Scale 1 of head 1(1), or Scale 1 of head 1(1A), in the First Schedule; and

(b) the conditions specified in subsection (3) are satisfied in relation to the subject property,

the Collector may, on an application made by the person (*applicant*), refund to the applicant the specified amount.

(3) The conditions are—

(a) the applicant is a Hong Kong incorporated company or a Hong Kong permanent resident;

(b) the applicant has continuously used the subject property solely for the purpose of carrying on the applicant's trade, profession or business in Hong Kong for not less than 3 years from the date of the applicable instrument (*the relevant period*); and

(c) the application for refund is made by the applicant not later than 2 years after the date of the expiry of the relevant period.”