

立法會
Legislative Council

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Tel : 3919 3325

Date : 27 June 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 12 July 2017

Stamp Duty (Amendment) Bill 2017

Committee stage amendments

The Second Reading debate on the above Bill will be resumed at the Council meeting of 12 July 2017. Subject to the Bill receiving Second Reading, the President has given permission for the Secretary for Transport and Housing to move Committee stage amendments (“CSAs”) to the Bill.

2. As directed by the President, the CSAs are attached for Members’ consideration.

(Angela LIN)
for Clerk to the Legislative Council

Encl.

Stamp Duty (Amendment) Bill 2017

Committee Stage

Amendments to be moved by the Secretary for Transport and Housing

- | <u>Clause</u> | <u>Amendment Proposed</u> |
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| 5 | <p>In the proposed section 29AI, by deleting everything after “duty—” and substituting—</p> <ul style="list-style-type: none">“(a) if the property concerned is residential property, under Part 1 of Scale 1 of head 1(1) in the First Schedule; or(b) if the property concerned is non-residential property, under Part 2 of Scale 1 of head 1(1) in the First Schedule.”. |
| 6 | <p>By deleting the proposed section 29AIA and substituting—</p> <p>“29AIA. Scales of rates applicable to instruments effecting exchange between residential property and non-residential property</p> <ul style="list-style-type: none">(1) An instrument falls within this subsection if—<ul style="list-style-type: none">(a) the instrument effects the exchange of a residential property for a non-residential property; and(b) consideration is paid or given for equality.(2) Except as provided in section 29AO, an instrument that falls within subsection (1) is chargeable with stamp duty as a conveyance on sale by reference to the consideration mentioned in subsection (1)—<ul style="list-style-type: none">(a) if the consideration is paid or given by the person to whom the residential property is transferred, under Part 1 of Scale 1 of head 1(1) in the First Schedule; or |

- (b) if the consideration is paid or given by the person to whom the non-residential property is transferred, under Part 2 of Scale 1 of head 1(1) in the First Schedule.”.

7 In the proposed section 29BA, by deleting everything after “duty—” and substituting—

- “(a) if the property concerned is residential property, under Part 1 of Scale 1 of head 1(1A) in the First Schedule; or
- (b) if the property concerned is non-residential property, under Part 2 of Scale 1 of head 1(1A) in the First Schedule.”.

8 By deleting the proposed section 29BAB and substituting—

“29BAB. Scales of rates applicable to agreements for exchange between residential property and non-residential property

- (1) An agreement falls within this subsection if—
 - (a) the agreement provides for the exchange of a residential property for a non-residential property; and
 - (b) consideration is paid or given, or agreed to be paid or given, for equality.
- (2) Except as provided in section 29BG, an agreement that falls within subsection (1) is chargeable with stamp duty as an agreement for sale by reference to the consideration mentioned in subsection (1)—
 - (a) if the consideration is paid or given, or agreed to be paid or given, by the person to whom the residential property is to be transferred, under Part 1 of Scale 1 of head 1(1A) in the First Schedule; or
 - (b) if the consideration is paid or given, or agreed to be paid or given, by the person to whom the non-residential

property is to be transferred, under Part 2 of Scale 1 of head 1(1A) in the First Schedule.”.