

L.N. 62 of 2020

Companies (Fees) (Amendment) Regulation 2020

(Made by the Financial Secretary under section 26 of the Companies Ordinance (Cap. 622) and section 29 of the Interpretation and General Clauses Ordinance (Cap. 1))

1. Commencement

- (1) Subject to subsection (2), this Regulation comes into operation on 1 October 2020.
- (2) Section 4(2) comes into operation on 1 October 2022.

2. Companies (Fees) Regulation amended

The Companies (Fees) Regulation (Cap. 622 sub. leg. K) is amended as set out in sections 3 and 4.

3. Section 6 added

After section 5—

Add

“6. Waiver of annual registration fee of annual returns delivered on time from October 2020 to September 2022

- (1) This section has effect despite section 2(1), (3) and (4).
- (2) If an annual return of a private company, as referred to in section 662(1) of the Ordinance, is delivered—
 - (a) within the period specified in item 7(a) of Part 1 of Schedule 1; and
 - (b) within the concession period,

the annual registration fee of the return, as specified in respect of that item in column 3 of that Part, is waived.

(3) If an annual return of a public company, as referred to in section 662(3) of the Ordinance, is delivered—

(a) within the period specified in item 8(a) of Part 1 of Schedule 1; and

(b) within the concession period,

the annual registration fee of the return, as specified in respect of that item in column 3 of that Part, is waived.

(4) If an annual return of a company limited by guarantee, as referred to in section 662(3) of the Ordinance, is delivered—

(a) within the period specified in item 6(a) of Part 2 of Schedule 1; and

(b) within the concession period,

the annual registration fee of the return, as specified in respect of that item in column 3 of that Part, is waived.

(5) If a return of a registered non-Hong Kong company, as referred to in section 788(1) of the Ordinance, is delivered—

(a) within the period specified in item 3(a) of Part 3 of Schedule 1; and

(b) within the concession period,

the annual registration fee of the return, as specified in respect of that item in column 3 of that Part, is waived.

(6) In this section—

concession period (寬免期) means the period from 1 October 2020 to 30 September 2022 (both dates inclusive).

(7) This section expires at midnight on 30 September 2022.”.

4. Schedule 1 amended (fees payable in relation to registration of companies or for registration of documents)

(1) Schedule 1—

Repeal

“[s. 2]”

Substitute

“[ss. 2 & 6]”.

(2) Schedule 1—

Repeal

“[ss. 2 & 6]”

Substitute

“[s. 2]”.

(3) Schedule 1, Part 1—

Repeal items 1, 2, 3, 4, 5 and 6

Substitute

“1. For registration of a company under Division 1 of Part 3 of the Ordinance—

Section 4

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|-----|--|---------|
| (a) | if the documents required for the purpose, as referred to in section 67(1)(b) of the Ordinance, are delivered in electronic form | \$1,280 |
| (b) | if those documents are delivered in hard copy form | \$1,425 |
| 2. | For lodging of an incorporation form and a copy of the articles referred to in section 67(1)(b) of the Ordinance— | |
| (a) | if those documents are delivered in electronic form | \$265 |
| (b) | if those documents are delivered in hard copy form | \$295 |
| 3. | For re-registration of a company under section 130 of the Ordinance— | |
| (a) | if the documents required for the purpose, as referred to in section 131(1) of the Ordinance, are delivered in electronic form | \$1,280 |

Section 4

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| (b) if those documents are delivered in hard copy form | \$1,425 |
| 4. For lodging of an application and a copy of the articles referred to in section 131(1) of the Ordinance— | |
| (a) if those documents are delivered in electronic form | \$265 |
| (b) if those documents are delivered in hard copy form | \$295 |
| 5. For registration of an eligible company under section 807(1)(a) of the Ordinance— | |
| (a) if the documents required for the purpose, as referred to in section 807(2) and (3)(a) of the Ordinance, are delivered in electronic form | \$1,280 |
| (b) if those documents are delivered in hard copy form | \$1,425 |

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6. For lodging of an application and a copy of every constitutional document referred to in section 807(2) and (3)(a) of the Ordinance—
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|---|---------|
| (a) if those documents are delivered in electronic form | \$265 |
| (b) if those documents are delivered in hard copy form | \$295”. |

(4) Schedule 1, Part 2—

Repeal items 1, 2, 3, 4 and 5**Substitute**

- “1. For registration under Division 1 of Part 3 of the Ordinance of a company whose number of members, as stated in the incorporation form, does not exceed 25—
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|--|-------|
| (a) if the documents required for the purpose, as referred to in section 67(1)(b) of the Ordinance, are delivered in electronic form | \$155 |
| (b) if those documents are delivered in hard copy form | \$170 |

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2. For registration under Division 1 of Part 3 of the Ordinance of a company whose number of members, as stated in the incorporation form, exceeds 25 but does not exceed 100—
- (a) if the documents required for the purpose, as referred to in section 67(1)(b) of the Ordinance, are delivered in electronic form \$305
 - (b) if those documents are delivered in hard copy form \$340
3. For registration under Division 1 of Part 3 of the Ordinance of a company whose number of members, as stated in the incorporation form, exceeds 100—
- (a) if the documents required for the purpose, as referred to in section 67(1)(b) of the Ordinance, are delivered in electronic form \$305 plus \$18 for every additional 50 members (or less) after the first 100 members, subject to a maximum sum of \$925

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- (b) if those documents are delivered in hard copy form \$340 plus \$20 for every additional 50 members (or less) after the first 100 members, subject to a maximum sum of \$1,025
4. For registration under section 114(1) of the Ordinance of any increase in the number of members of a company (beyond the registered number), in respect of every 50 members (or less) of that increase—
- (a) if the document required for the purpose, as referred to in that section, is delivered in electronic form \$18 (but the sum of the fee payable for that increase, the fee paid on the registration of the company, and the fee paid for any previous increase in the number of members of the company, must not exceed \$925)

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|--|---|
| (b) if that document is delivered in hard copy form | \$20 (but the sum of the fee payable for that increase, the fee paid on the registration of the company, and the fee paid for any previous increase in the number of members of the company, must not exceed \$1,025) |
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| 5. For registration under section 807(1)(b) of the Ordinance of an eligible company whose number of members, as stated in the application, does not exceed 25— | |
| (a) if the documents required for the purpose, as referred to in section 807(2) and (3) of the Ordinance, are delivered in electronic form | \$155 |
| (b) if those documents are delivered in hard copy form | \$170 |

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- 5A. For registration under section 807(1)(b) of the Ordinance of an eligible company whose number of members, as stated in the application, exceeds 25 but does not exceed 100—
- (a) if the documents required for the purpose, as referred to in section 807(2) and (3) of the Ordinance, are delivered in electronic form \$305
 - (b) if those documents are delivered in hard copy form \$340
- 5B. For registration under section 807(1)(b) of the Ordinance of an eligible company whose number of members, as stated in the application, exceeds 100—
- (a) if the documents required for the purpose, as referred to in section 807(2) and (3) of the Ordinance, are delivered in electronic form \$305 plus \$18 for every additional 50 members (or less) after the first 100 members, subject to a maximum sum of \$925

(b) if those documents are delivered in hard copy form	\$340 plus \$20 for every additional 50 members (or less) after the first 100 members, subject to a maximum sum of \$1,025”.
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(5) Schedule 1, Part 3—

Repeal items 1 and 2

Substitute

“1. For registration of a company under section 777(1) of the Ordinance—

(a) if the documents required for the purpose, as referred to in section 776(4) of the Ordinance, are delivered in electronic form	\$1,280
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(b) if those documents are delivered in hard copy form	\$1,425
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2. For lodging of an application and accompanying documents referred to in section 776(4) of the Ordinance—

(a) if the application and documents are delivered in electronic form	\$265
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(b) if the application and documents are delivered in hard copy form	\$295
2A. For issuing a fresh certificate of registration under section 779(1)(b), 782(5)(b), 783(3)(b) or 785(5)(c) of the Ordinance	\$1,425”.

Paul CHAN Mo-po
Financial Secretary

6 May 2020

Explanatory Note

This Regulation amends the Companies (Fees) Regulation (Cap. 622 sub. leg. K) to—

- (a) waive the annual registration fee payable for annual returns that are delivered on time within the period from October 2020 to September 2022;
- (b) reduce the fees payable in relation to—
 - (i) the registration of companies; and
 - (ii) the registration of increases in the number of members of companies limited by guarantee, in cases where the relevant documents are delivered in electronic form; and
- (c) make textual refinements to the description of certain matters for which fees are payable.