

L.N. 26 of 2024

Public Revenue Protection (Stamp Duty) Order 2024

(Made by the Chief Executive under section 2 of the Public Revenue Protection Ordinance (Cap. 120) after consultation with the Executive Council)

1. Commencement

This Order comes into force at 11 a.m. on 28 February 2024.

2. Operation of Scheduled Bill

The Bill set out in the Schedule has the full force and effect of law so long as this Order remains in force.

Schedule

[s. 2]

A BILL To

Amend the Stamp Duty Ordinance to give effect to certain proposals in the Budget introduced by the Government for the 2024–2025 financial year to replace the existing flat rate of ad valorem stamp duty payable on certain instruments dealing with residential properties with new rates that are the same as those for non-residential properties; to lower the rate of special stamp duty payable on certain instruments dealing with residential properties, and the rate of buyer's stamp duty payable on certain such instruments, to 0%; and to make related amendments.

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Stamp Duty (Amendment) Ordinance 2024.
- (2) This Ordinance is deemed to have come into operation at 11 a.m. on 28 February 2024.

2. Stamp Duty Ordinance amended

The Stamp Duty Ordinance (Cap. 117) is amended as set out in sections 3 to 6.

3. Section 29CA amended (further provisions on special stamp duty chargeable on certain agreements for sale)

After section 29CA(2)—

Add

“(2A) However, subsection (2) does not apply if the rate of stamp duty set out in head 1(1B) in the First Schedule that is applicable to the agreement for sale is 0%.”.

4. Section 29DA amended (further provisions on special stamp duty chargeable on certain conveyances on sale)

After section 29DA(2)—

Add

“(2A) However, subsection (2) does not apply if the rate of stamp duty set out in head 1(1AA) in the First Schedule that is applicable to the conveyance on sale is 0%.”.

5. Section 77 added

After section 76—

Add

“77. Transitional provisions for Stamp Duty (Amendment) Ordinance 2024

(1) In this section—

Amendment Ordinance (《修訂條例》) means the Stamp Duty (Amendment) Ordinance 2024 (of 2024);

pre-amended Ordinance (《未經修訂條例》) means this Ordinance as in force immediately before 11 a.m. on 28 February 2024.

- (2) The pre-amended Ordinance continues to apply to—
- (a) an instrument that was executed before 28 February 2024;
 - (b) an agreement for sale that supersedes another agreement for sale made between the same parties and on the same terms before that day; or
 - (c) a conveyance on sale that is executed in conformity with an agreement for sale made before that day,
- as if section 6(1), (4), (5) and (8) of the Amendment Ordinance had not been enacted.”.

6. First Schedule amended

- (1) First Schedule, head 1(1), Scale 1—

Repeal Part 1

Substitute

“Part 1

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| (a) where the amount or value of the consideration does not exceed \$3,000,000 and the instrument is certified in accordance with section 29 at \$3,000,000 | (A) (a) \$100 |
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| (b) where the amount or value of the consideration exceeds \$3,000,000 but does not exceed \$3,528,240 and the instrument is certified in accordance with section 29 at \$3,528,240 | (b) \$100 plus 10% of the amount by which the amount or value of the consideration exceeds \$3,000,000 |
| (c) where the amount or value of the consideration exceeds \$3,528,240 but does not exceed \$4,500,000 and the instrument is certified in accordance with section 29 at \$4,500,000 | (c) 1.5% of the amount or value of the consideration |
| (d) where the amount or value of the consideration exceeds \$4,500,000 but does not exceed \$4,935,480 and the instrument is certified in accordance with section 29 at \$4,935,480 | (d) \$67,500 plus 10% of the amount by which the amount or value of the consideration exceeds \$4,500,000 |

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| (e) where the amount or value of the consideration exceeds \$4,935,480 but does not exceed \$6,000,000 and the instrument is certified in accordance with section 29 at \$6,000,000 | (e) 2.25% of the amount or value of the consideration |
| (f) where the amount or value of the consideration exceeds \$6,000,000 but does not exceed \$6,642,860 and the instrument is certified in accordance with section 29 at \$6,642,860 | (f) \$135,000 plus 10% of the amount by which the amount or value of the consideration exceeds \$6,000,000 |
| (g) where the amount or value of the consideration exceeds \$6,642,860 but does not exceed \$9,000,000 and the instrument is certified in accordance with section 29 at \$9,000,000 | (g) 3% of the amount or value of the consideration |

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| (h) where the amount or value of the consideration exceeds \$9,000,000 but does not exceed \$10,080,000 and the instrument is certified in accordance with section 29 at \$10,080,000 | (h) \$270,000 plus 10% of the amount by which the amount or value of the consideration exceeds \$9,000,000 |
| (i) where the amount or value of the consideration exceeds \$10,080,000 but does not exceed \$20,000,000 and the instrument is certified in accordance with section 29 at \$20,000,000 | (i) 3.75% of the amount or value of the consideration |
| (j) where the amount or value of the consideration exceeds \$20,000,000 but does not exceed \$21,739,120 and the instrument is certified in accordance with section 29 at \$21,739,120 | (j) \$750,000 plus 10% of the amount by which the amount or value of the consideration exceeds \$20,000,000 |

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| (k) in any other case | (k) 4.25% of the amount or value of the consideration |
| | (B) 30 days after the execution; but see Note 2 to this sub-head |
| | (C) All parties, and all other persons executing; but see Notes 2 and 7 to this sub-head”. |
- (2) First Schedule, head 1(1AA), Part 3, after “25 October 2023”—
- Add**
- “but before 28 February 2024”.
- (3) First Schedule, head 1(1AA), before Note 1—
- Add**
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| “Part 4—for residential property disposed of on or after 28 February 2024 | (A) 0% of the amount or value of the consideration |
| | (B) The same time as that which applies to a conveyance on sale specified under sub-head (1) |

(C) The same parties as those who are liable in respect of a conveyance on sale specified under sub-head (1)".

- (4) First Schedule, head 1(1AAB), paragraph (A)—

Repeal

“7.5%”

Substitute

“0%”.

- (5) First Schedule, head 1(1A), Scale 1—

Repeal Part 1

Substitute

“Part 1

- (a) where the amount or value of the consideration does not exceed \$3,000,000 and the instrument is certified in accordance with section 29G at \$3,000,000

(A) (a) \$100

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| (b) where the amount or value of the consideration exceeds \$3,000,000 but does not exceed \$3,528,240 and the instrument is certified in accordance with section 29G at \$3,528,240 | (b) \$100 plus 10% of the amount by which the amount or value of the consideration exceeds \$3,000,000 |
| (c) where the amount or value of the consideration exceeds \$3,528,240 but does not exceed \$4,500,000 and the instrument is certified in accordance with section 29G at \$4,500,000 | (c) 1.5% of the amount or value of the consideration |
| (d) where the amount or value of the consideration exceeds \$4,500,000 but does not exceed \$4,935,480 and the instrument is certified in accordance with section 29G at \$4,935,480 | (d) \$67,500 plus 10% of the amount by which the amount or value of the consideration exceeds \$4,500,000 |

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| (e) where the amount or value of the consideration exceeds \$4,935,480 but does not exceed \$6,000,000 and the instrument is certified in accordance with section 29G at \$6,000,000 | (e) 2.25% of the amount or value of the consideration |
| (f) where the amount or value of the consideration exceeds \$6,000,000 but does not exceed \$6,642,860 and the instrument is certified in accordance with section 29G at \$6,642,860 | (f) \$135,000 plus 10% of the amount by which the amount or value of the consideration exceeds \$6,000,000 |
| (g) where the amount or value of the consideration exceeds \$6,642,860 but does not exceed \$9,000,000 and the instrument is certified in accordance with section 29G at \$9,000,000 | (g) 3% of the amount or value of the consideration |

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| (h) where the amount or value of the consideration exceeds \$9,000,000 but does not exceed \$10,080,000 and the instrument is certified in accordance with section 29G at \$10,080,000 | (h) \$270,000 plus 10% of the amount by which the amount or value of the consideration exceeds \$9,000,000 |
| (i) where the amount or value of the consideration exceeds \$10,080,000 but does not exceed \$20,000,000 and the instrument is certified in accordance with section 29G at \$20,000,000 | (i) 3.75% of the amount or value of the consideration |
| (j) where the amount or value of the consideration exceeds \$20,000,000 but does not exceed \$21,739,120 and the instrument is certified in accordance with section 29G at \$21,739,120 | (j) \$750,000 plus 10% of the amount by which the amount or value of the consideration exceeds \$20,000,000 |

(k) in any other case

(k) 4.25% of the amount or value of the consideration

(B) 30 days after the relevant date (within the meaning of section 29B(3)); but see Notes 2 and 3 to this sub-head

(C) All parties except a party who on the relevant date (within the meaning of section 29B(3)) does not know that the agreement affects that party, and all other persons executing; but see Note 7 to this sub-head”.

(6) First Schedule, head 1(1B), Part 3, after “25 October 2023”—

Add

“but before 28 February 2024”.

- (7) First Schedule, head 1(1B), before Note 1—

Add

“Part 4—for residential property disposed of on or after 28 February 2024

- (A) 0% of the amount or value of the consideration
- (B) The same time as that which applies to an agreement for sale specified under sub-head (1A)
- (C) The same parties as those who are liable in respect of an agreement for sale specified under sub-head (1A)”.

- (8) First Schedule, head 1(1C), paragraph (A)—

Repeal

“7.5%”

Substitute

“0%”.

Explanatory Memorandum

The purpose of this Bill is to amend the Stamp Duty Ordinance (Cap. 117) (*principal Ordinance*) to give effect to certain proposals in the Budget introduced by the Government for the 2024–2025 financial year to adjust the stamp duty chargeable on a conveyance on sale or an agreement for sale of an immovable property.

2. Clause 1 sets out the short title and provides for commencement. The Bill is deemed to have come into operation at 11 a.m. on 28 February 2024.
3. Clauses 3 and 4 respectively amend sections 29CA and 29DA of the principal Ordinance to clarify that sections 29CA(2) and 29DA(2) of the principal Ordinance do not apply if the rate of stamp duty set out in the relevant head in the First Schedule to the principal Ordinance (*First Schedule*) is 0%.
4. Clause 5 adds a new section 77 to the principal Ordinance to provide for transitional matters relating to the adjustment of stamp duty.
5. Clause 6 amends the First Schedule—
 - (a) to replace the existing flat rate of ad valorem stamp duty payable on certain instruments dealing with residential properties with new rates that are the same as those for non-residential properties; and
 - (b) to lower the rate of special stamp duty payable on certain instruments dealing with residential properties, and the rate of buyer's stamp duty payable on certain such instruments, to 0%.

John KC LEE
Chief Executive

28 February 2024