

TABLE OF CONTENTS

Table of Contents

Preface	iii
Table of Cases	TC-1
Table of Statutes	TS-1

Chapter 1

Outline of Hong Kong Estate Duty Law

§ 1.01	Introduction	1-13
§ 1.02	The Charging Provision	1-22
§ 1.03	Application of the Charging Provision to Particular Categories of Property	1-64
§ 1.04	Exemptions and Reliefs	1-76
§ 1.05	Valuation and Deductions	1-105
§ 1.06	Aggregation	1-122
§ 1.07	Rates of Duty	1-125
§ 1.08	Liability for Duty	1-128
§ 1.09	Incidence	1-142.1
§ 1.10	Duties of Executors and Others in Relation to the Deceased's Assets	1-148
§ 1.11	Sanctions, Penalties and Offenses	1-156
§ 1.12	Estate Planning and Other Practical Considerations	1-160

Chapter 2

Estate Duty Legislation Annotated

§ 2.01	Estate Duty Ordinance, Chapter 111 Laws of Hong Kong 1974 Edition (as Amended)	2-1
§ 2.02	Estate Duty (Forms) Notice	2-223
§ 2.03	Prescription of Forms Under Section 28	2-223

Chapter 3

Practice Guides, Information Pamphlets and Directives

- § 3.01 Information Pamphlet Issued by the Hong Kong Inland Revenue Department—Estate Duty in Hong Kong . . . 3-1
- § 3.02 Letter from Inland Revenue Department to the Law Society of Hong Kong, H.K.L.S. Circular 44/72—Section 14A Estate Duty Ordinance 3-29
- § 3.03 Letter from Inland Revenue Department to the Law Society of Hong Kong, H.K.L.S. Circular 66/72—Amendments to Grants 3-32
- § 3.04 Letter from Inland Revenue Department to the Law Society of Hong Kong, H.K.L.S. Circular 8/74—Transfer of Hong Kong Assets to Foreign Companies—Effect on Hong Kong Estate Duty 3-34
- § 3.05 Letter from Inland Revenue Department to the Law Society of Hong Kong, H.K.L.S. Circular 58/75—Valuations of Landed Property for Estate Purposed . . 3-37
- § 3.06 Letter from Inland Revenue Department to the Law Society of Hong Kong, H.K.L.S. Circular 59/75—Death Gratuities and Ex-gratia Payment to Estates of Deceased Civil Servants 3-39
- § 3.07 Letter from Inland Revenue Department to the Law Society of Hong Kong, H.K.L.S. Circular 3/79—Estate Duty Practice Errors and Delays 3-41
- § 3.08 Letter from Inland Revenue Department to the Law Society of Hong Kong, H.K.L.S. Circular 34/79—Section 6(1)(d) of the Estate Duty Ordinance 3-44
- § 3.09 Letter from Inland Revenue Department to the Law Society of Hong Kong (27/1/81)—Identification of Deceased 3-46

Chapter 4

Estate Duty Forms

- § 4.01 Estate Duty (Forms) Notice 4-3

TABLE OF CONTENTS

§ 4.02	Prescription of Forms Under Section 28	4-22
§ 4.03	Schedule of Exempt Property I.R.E.D. 7	4-26
§ 4.04	Certificate of Receipt of Estate Duty I.R.E.D. 8	4-27
§ 4.05	Certificate of Exemption from Estate Duty I.R.E.D. 8a ..	4-29
§ 4.06	Calculation of Duty and Interest I.R.E.D. 9	4-31
§ 4.07	Affidavit for the Commissioner When Applying for Subsequent Grant Duty Having Been Paid on the Original Affidavit I.R.E.D. 13	4-32
§ 4.08	Application to the Commissioner for an Exemption or Duty Paid Certificate in Respect of a Second Grant I.R.E.D. 13A	4-35
§ 4.09	Affidavit for the Commissioner When Grant is Required for Property of Which Deceased Was a Trustee Only I.R.E.D. 14	4-37
§ 4.10	Notification by Life Insurance Company E.D. 20	4-40
§ 4.11	Estate Duty Clearance—Insurance Monies I.R.E.D. 20A ..	4-41
§ 4.12	Questionnaire Addressed to a Company in Which Deceased Owned Shares I.R.E.D. 28	4-42
§ 4.13	Letter to Bank for Certificate of Bank Account Balance I.R.E.D. 29	4-44
§ 4.14	Questionnaire Concerning Land Owned by Deceased I.R.E.D. 30	4-46
§ 4.15	Reminder that Estate Duty and Interest not Paid I.R.E.D. 50	4-50
§ 4.16	Certificate of Exemption I.R.E.D. 63	4-52
§ 4.17	Statement in Lieu of Affidavit for Use Instead of ED 1 Where a Small Estate Involved	4-54
§ 4.18	Approved Specimen Form of Bond Guarantee for Use Where Duty Not Paid and Provisional Papers Requested	4-56

Chapter 5

Estate Duty Reform

§ 5.01	Long Term Reform	5-1
§ 5.02	Short Term Reform	5-6

Index	I-1
-------------	-----

Table of Cases

[References are to pages.]

A

Adamson v. AG [1933] AC 257; 102 LJKB 129; 49 TLR 169; <i>sub nom.</i>	
AG v. Adamson [1932] All ER Rep 159; 148 LT 365, HL. .	1-73, 2-35
Alexander Drew & Sons Ltd v. CIR (1932) 17 TC 140	2-153
Armstrong v. EDC [1937] 3 All ER 484; [1937] 157 LTR 376	
.....	2-40, 2-139
Aschrott, <i>re</i> , Clifton v. Strauss [1927] 1 Ch 313; 96 LJ Ch 205	
.....	1-83, 2-27
AG v. Beech [1899] AC 53	2-39
AG v. Boden [1912] 1 KB 539; 81 LJKB 704; 105 LT 247	
.....	1-77, 1-78, 2-74
AG v Bouwens (1838), 4 M & W 171; 1 Horn. & H. 319; 7 LJ Ex 297;	
150 ER 1390	1-80
AG v. Booth [1894] 63 LQJB 356	2-44
AG v. Burrell 153 LT 393 CA; on appeal <i>sub nom.</i> Burrell & Kinnaird	
v. AG [1937] AC 286; [1936] 3 All ER 758; 106 LJKB 134; 156 LT 36;	
81 SJ 96, HL	1-73, 2-41
AG v. Chapman [1891] 2 QB 526	2-50
AG v. De Preville [1900] 1 QB 223	2-96
AG v. Dickinson & Barron [1937] 2 KB 574	2-83
AG v. Dobree [1900] 1 QB 422	2-73
AG v. Eyres [1909] KB 723	2-39
AG v. Farrell [1931] 1 KB 81; 99 LJKB 605; 143 LT 639; 46 TLR 587	
CA	1-44, 2-50
AG v. Glossop [1906] 1 KB 284; [1907] 1 KB 163; 76 LJKB 199; 95 LT	
823, 23 TLR 103; 51 SJ 97, CA	1-95
AG v. Hannen [1904] 48th Inland Rev. Rep. 121	2-62
AG v. Jacobsmith [1895] 2 QB 341	2-44
AG v. Jameson [1905] 2 IR 218	2-95
AG v. Johnson [1903] 1 KB 617; 88 LT 445; 72 LJKB 323; 67 JP 113; 51	
WR 487; 19 TLR 324; 47 SJ 367, CA	1-78, 2-74
AG v. Lane Fox [1924] 2 KB 498	2-97
AG v. Llewelyn [1935] 1 KB 94	2-57
AG v. Milne [1914] AC 765	2-35
AG v. Murray [1904] 1 KB 165	2-52

[References are to pages.]

AG v. National Provincial Bank Ltd (1933) 12 ATC 133, 76th Inland Revenue Report 13	1-97
AG v. Oldham [1940] 2 KB 485	2-71
AG v. Pearson [1924] 2 KB 375	2-83
AG v. Penrhyn (1900) 83 LT 103; 64 JP 552; 16 TLR 464; 44 SJ 574	1-95, 2-39
AG v. Power [1906] 2 IR 272	2-147
AG v. Pratt [1874] LR 9 Exch 140; 43 LJ Ex 108; 30 LT 531; 22 WR 615	1-80, 1-83
AG v. Quixley (1929) 98 LJKB 652; 141 LT 288; 45 TLR 455; 93 JP 227; 27 LGR 693, CA	1-20, 2-36
AG v. Ralli (1936) 15 ATC 523	1-77
AG v. (Duke of) Richmond & Gordon [1909] AC 466	2-45, 2-60, 2-93
AG v. Seccombe [1911] 2 KB 688; 80 LJKB 913; 105 LT 18 ..	1-37, 2-46
AG v. Watson [1917] 2 KB 427	2-39, 2-147
AG v. Wood [1897] 2 QB 102	2-61
AG v. Worrall [1895] 1 QB 99; 64 LJQB 141; 71 LT 807; 11 TLR 48; 43 WR 118; 59 JP 467; 39 SJ 58; 14 R 1	1-37
AG of Ceylon v. Mackie [1952] 2 All ER 775; [1952] TR 431; 31 ATC 435, PC	1-105
AG for NI v. Heron [1959] TR 1; 38 ATC 3 CA; <i>on appeal</i> [1959] TR at p.3; 38 ATC at p.5	1-93, 1-138
AG for Northern Ireland v. Walker [1934] N Ir 179	1-84
Avery, <i>re</i> , Pinsent v. Avery [1913] 1 Ch 208	2-35

B

B.W. Noble Ltd. v. IRC [1926] 12 TC 911	2-192
Barclay's Bank v. IRC [1960] AC 509; [1960] 3 WLR 280; 104 SJ 563; [1960] 2 All ER 817; [1961] TR 185; 39 ATC 141	2-28, 2-192
Barclay's Trustee v. IRC [1975] 1 All ER 168; [1975] 1 WLR 106; 119 SJ 65; [1975] STC 10; [1974] TR 301; [1975] 1 Lloyd's Rep. 345 ..	2-84
Barnardo's Homes v. Special Commissioners of Income Tax [1921] 2 AC 1	1-84
Barnes, <i>re</i> , [1939] 1 KB 316; [1938] 4 All ER 870; 160 LT 95; 55 TLR 248; 83 SJ 32	1-20, 2-93
Bateman (Baroness), <i>re</i> , [1925] 2 KB 429; 95 LJKB 199; <i>sub nom. re</i> Bateman (Baroness), AG v. Wreford-Brown 134 LT 153 ..	1-32, 1-78
Beit, <i>re</i> , [1952] Ch 53; [1951] 2 TLR 1042; <i>sub nom. re</i> Beit's Will Trusts, Beit v. IRC [1951] 2 All ER 1002; [1951] TR 337; 30 ATC 326	1-50, 2-57

(Rel.1-3/83 Pub.583)

TABLE OF CASES

[References are to pages.]

Berry v. Gaukroger [1903] 2 Ch 116; [1900-3] All ER Rep 166; 72 LJ Ch 435; 88 LT 521; 51 WR 449; 19 TLR 445; 47 SJ 490, CA	1-44, 2-106, 2-123
Beswick v. Beswick [1968] AC 58; [1967] 2 All ER 1197; H.L. [1967] 3 WLR 932; 111 SJ 540	1-45
Beveride, <i>re</i> John Caldwell (1981) HCT Misc Proc No 603	2-94
Bibby (J) & Sons Ltd, Pension Trust Deed, <i>re</i> , Davies v. IRC [1952] 2 All ER 483; [1952] 2 TLR 297; 96 SJ 580	1-46, 2-36
Bishop, <i>re</i> , National Provincial Bank v. Bishop [1965] Ch 450; [1965] 1 All ER 249; [1965] 2 WLR 188; 109 SJ 107	1-66
Blair v. Duncan [1902] AC 37; 71 LJPC 22; 86 LT 157; 50 WR 369; 18 TLR 194; 4 F (Ct. of Sess) 1 HL	1-90, 2-40
British-American Tobacco Co Ltd v. IRC [1943] 335	2-192
Burke's Estate, <i>re</i> , (1881) 9 LR Ir 24	1-132, 2-119, 2-120
Burrell and Kinnaird v. AG [1937] AC 286	1-73, 2-41

C

Cape Brandy Syndicate v. IRC [1921] 1 KB 64; <i>aff'd</i> [1921] 2 KB 403; 90 LJKB 461; 125 LT 108; 37 TLR 402; 65 SJ 377; 12 TC 358 CA	1-17
Cassel, <i>re</i> , Public Trustee v. Mountbatten [1927] 2 Ch 275	2-34, 2-95
Charrington, Harry, <i>re</i> , (1975) HKTC 723; [1975] HKLR 81; Noted (1975) 5 HKLJ 352-5; (1976) 6 HKLJ 140-3	1-108, 2-97
Chatsworth Settlement Trusts v. IRC [1964] RVR 374	1-105
Chick v. Commissioner of Stamp Duties [1958] AC 435; [1958] 3 WLR 93; 102 SJ 488; [1958] 2 All ER 623; 37 ATC 250, PC	1-35, 1-36, 2-46
Christies Trustees v. Christie Trustees [1943] SC 97	2-121
Clark, <i>re</i> , (1906) 40 Ir LT 117	2-46
Clement v. Gunhouse 5 Esp 82	1-80
Clemow, <i>re</i> , Yeo v. Clemow [1900] 2 Ch 182	2-118
Cochrane's Settlement Trusts, <i>re</i> , Cochrane v. Turner [1945] Ch 285; [1945] 1 All ER 660; 115 LJ Ch 9; 172 LT 283; 61 TLR 324; 89 SJ 176, CA	1-44, 2-50
Commissioner of Estate Duty v. Shanti Ramesh Ramchandani [1981] HKLR 85; [1982] HKLR 153	1-47, 1-70, 1-80, 1-81, 1-116, 1-141, 2-74, 2-105
Commissioner of Estate Duty v. Veena Khiamal Nanwani (1976) HKTC 644	1-139, 1-140, 2-104
CIR v. Au Yuk-shuet (1966) HKTC 489	1-140, 1-141, 2-104
CIR v. Chan Hay (1966) HKTC 684	2-103

HONG KONG REVENUE LAW

[References are to pages.]

- CIR v. Standard Industrial Trust Ltd [1977] STC 330 1-54
Commissioner of Stamps v. Hope [1891] AC 476, [1891-4] All ER Rep
315; 60 LJPC 44; 65 LT 268 1-81
Commissioner of Stamp Duties v. Gale (1958) 101 CLR 96; (1958) 32
ALJR 246 1-41
Commissioner of Stamp Duties v. Livingston [1965] AC 694 2-143
Commissioner of Stamp Duties v. Salting [1907] AC 449; 76 LJPC 87;
97 LT 225; 23 TLR 723, PC 1-83
Cooper v. Critchley [1955] 1 All ER 520, PC 2-143
Cowley (Earl) v. IRC [1899] AC 198; 68 LJQB 435; 80 LT 361; 63 JP
436; 47 WR 525; 15 TLR 270; 43 SJ 348 HL; see also [1898] 1 QB
355, CA 1-24, 2-12, 2-34, 2-92
Cuff Knox, *re*, Barclay's Bank Executor & Trustee Co (Channel
Islands) Ltd v. Revenue Commissioners (Supreme Court of Irish Re-
public, December 1961, unreported) 1-85

D

- D'Avigdor-Goldsmid v. IRC [1951] Ch 1038; [1951] Ch 321; [1951] 1
TLR 179; [1953] AC 347; [1953] 1 All ER 403; 97 SJ 130, HL: 21 Di-
gest (Repl.) 14 1-17, 1-47, 1-69, 2-53
Doughty v. IRC [1964] Ch 89 2-60
Duce & Boots Cash Chemists (Southern) Contract, *re*, [1937] 1 Ch 642;
[1937] 3 All ER 788; (1937) 106 LJ Ch 387; 157 LT 477; 53 TLR 1000
..... 1-140, 1-141, 2-104
Duffy, *re*, AG v. Lakeman [1949] Ch 28 2-166

E

- Electricity Meter Manufacturing Co Ltd v. Manufacturers Products
Proprietary Ltd (1930) NSWSR 422 1-80
Ellesmere v. IRC [1918] 2 KB 735; 88 LJKB 337; 119 LT 568; 34 TLR
560, HL 1-105, 1-106, 2-95
English, Scottish & Australian Bank v. IRC [1932] AC 238; [1931] All
ER Rep. 212; 101 LJKB 193; 146 LT 330; 48 TLR 170 1-79, 1-83
Eric Blechynden Moller v. CIR (1967) HKTC 687 2-108
Eyre, *re*, [1907] 1 KB 331 2-98

F

- F & K Jabbour v. Custodian of Israeli Absentee Property [1954] 1 WLR
139 1-79, 2-74

(Rel.1-3/83 Pub.583)

TABLE OF CASES

[References are to pages.]

Ferguson, <i>re</i> , Griffith v. Revenue Commissioners [1935] Ir R 21 ...	1-84
Figgis, <i>re</i> , Roberts v. Maclaren [1969] 1 Ch 123; [1968] 2 WLR 1173; 112 SJ 156; [1968] 1 All ER 999	1-66
Finance Act, 1894 & Deane <i>re</i> , [1936] IR 556	1-48
Findlay's Trustees v. IRC [1938] 22 ATC 437	1-114, 2-96
Fitzwilliam's (Earl) Agreement, <i>re</i> , Peacock v. IRC [1950] Ch 448; 66 TLR (Pt 1) 174; 94 SJ 49; [1950] 1 All ER 191	1-31, 2-44
Flower's Settlement Trust, <i>re</i> , [1957] 1 All ER 462 [1957] 1 WLR 401; 101 SJ 189; [1957] TR 29; 36 ATC 22	2-36
Fry, <i>re</i> , Chase National Executors & Trustees Corp. v. Fry [1946] Ch 312; 92 SJ 332	1-34
Fry v. IRC [1959] Ch 86; [1958] 3 All ER 90; [1958] 3 WLR 381; 102 SJ 617; [1958] TR 313; 37 ATC 286, CA	1-135, 2-97

G

Gale v. Federal Commissioner of Taxation (1960) 102 CLR 1; [1960] Australian Argus Law Rep. 274; (1960) 33 ALJR 564	1-41
Garbutt v. Durham Committee [1966] AC 291	1-140, 1-141, 2-104
Gardner v. Parker (1818) 3 Madd. 184	2-44
Gartside v. IRC [1968] AC 553	1-29, 1-74, 2-41
Glen v. IRC [1926] SC 44	2-142, 2-143
Goldstein v. Salvation Army Assurance Society [1917] 2 KB 291	1-117, 2-92
Grant, <i>re</i> , Nevinson v. United Kingdom Temperance & General Provid- ent Institution (1915) 85 LJ Ch 31; 112 LT 1126; 31 TLR 235; 59 SJ 316	1-146
Grey v. IRC [1960] AC 1; [1959] 3 WLR 759; 103 SJ 896; [1959] 3 All ER 603; [1959] TR 311; <i>sub nom.</i> Grey & Randolph (Hunter's Nomi- nees) v. IRC; 38 ATC 313; <i>aff'g</i> [1958] Ch 690; <i>revising</i> [1958] Ch 375	1-34, 2-45
Groves, <i>re</i> , IRC v. Coutts & Co [1962] Ch 305, <i>affirmed</i> [1963] Ch 135	1-97, 2-138
Gurney v. Rawlins (1836) 2 M & W 87; 2 Gale 235; 6 LJ Ex 7	1-81

H

Haig, <i>re</i> , Harris v. Drayton (1938) 17 ATC 635	1-84
Hall's Settlement, <i>re</i> , Sanderson v. IRC [1955] Ch 128	2-192
Harmsworth, <i>re</i> , [1967] Ch 826; [1967] 3 WLR 152; 111 SJ 236; [1967] 2 All ER 249; [1967] TR 87; 46 ATC 77, CA <i>varying</i> [1967] Ch 826	1-32, 1-77, 2-65, 2-127

[References are to pages.]

Harrison, <i>re</i> , Johnstone v. Blackburn Infirmary [1918] 2 Ch 374 ..	2-147
Harris's Will Trusts, <i>re</i> , Public Trustee v. Hurt [1966] Ch 475; [1966] 1 All ER 677; [1966] 2 WLR 608; 110 SJ 190	1-72, 2-40
Harry Charrington, <i>re</i> , [1975] HKTC 723; [1975] HKLR 81; Noted (1975) 5 HKLJ 352-5; (1976) 6 HKLJ 140-3	1-108, 2-97
Helbert Wagg & Co's Claim, <i>re</i> , [1956] Ch 323; [1956] 2 WLR 183; 100 SJ 53; <i>sub nom. re</i> Prudential Assurance Co [1956] 1 All ER 129; 212 LT 172.....	1-79
Hodson's Settlements, <i>re</i> , Brookes v. AG [1939] Ch 343; [1939] 1 All ER 196; 108 LJ Ch 200; 160 LT 193; 55 TLR 357; 83 SJ 133, CA	1-73
Holliday, <i>re</i> , Houghton v. Adlard [1947] Ch 402 [1947] LJR 1086; 176 LT 478; 63 TLR 255; 91 SJ 278; [1947] 1 All ER 695	2-97
Holt v. IRC [1953] 2 All ER 1499; [1953] 1 WLR 1488; 97 SJ 876	1-106
Hudson, <i>re</i> , Spencer v. Turner [1911] 1 Ch 206	2-118

I

Imperial Tobacco Ltd v. AG [1979] 2 WLR 805; [1979] 2 All ER 592; <i>rev'd on appeal</i> , [1980] 1 All ER 866; [1980] 2 WLR 466	1-140
Income Tax Special Commissioners v. Pemsel [1891] AC 531; [1891-4] All ER Rep 28; 61 LJQB 265; 65 LT 621; 55 JP 805; 7 TLR 657; 3 TC 53, HL.....	1-89, 2-40
Inland Revenue v. Marr's Trustee (1906) 44 SLR 647	2-96
IRC v. Coutts & Co [1962] Ch 305, <i>affirmed</i> [1963] CL 135	
IRC v. Crossman [1937] AC 26; [1936] 1 All ER 762; 52 TLR 415; 80 SJ 485; <i>sub nom. re</i> Crossman, <i>re</i> Paulin 105 LJKB 450; 154 LT 570, HL	1-108
IRC v. F.A. Clark & Son Ltd [1941] 2 KB 270, CA	2-192
IRC v. Holmden [1968] AC 685; [1968] 2 WLR 300; (1967) 112 SJ 31	1-29
IRC v. Lysaght [1928] AC 234	2-94
IRC v. Muller & Co's Margarine Ltd [1901] AC 217; [1900-03] All ER Rep 413; 70 LJKB 677; 84 LT 729; 49 WR 603; 17 TLR 530, HL	1-83
IRC v. Priestly [1901] AC 208; 70 LJPC 41; 84 LT 700; 49 WR 657; 17 TLR 507, HL	1-27, 2-10, 2-37
IRC v. Stewart's Trustees (1899) IF. (Ct of Sess) 416	2-27
IRC v. Tring Investment Ltd [1939] 2 KB 503	2-153
IRC v. Wesleyan and General Assurance Society [1948] WN 120; [1948] LJR 948; 64 TLR 173; 92 SJ 193; [1948] 1 All ER 555, [1948] TR 67; 41 R & IT 182; 30 TC 11, HL.....	1-17

TABLE OF CASES

[References are to pages.]

IRC v. (Duke of) Westminster [1936] AC 1; 104 LJKB 383; 153 LT 223; 51 TLR 467; 79 SJ 362; [1935] All ER Rep 259; <i>sub nom.</i> Duke of Westminster v. IRC 19 TC 490, HL	1-17
Isabella Bell-Irving, <i>re</i> , (1928) HKTC 659	2-34, 2-40, 2-75
Iveagh v. IRC [1954] Ch 364	2-71

J

J. Bibby & Sons Ltd, Pension Trust Deed, <i>re</i> , Davies v. IRC [1952] 2 All ER 483; [1952] 2 TLR 297; 96 SJ 580	1-46, 2-36
Jefferies & Anor v. CSD (NSW) (1973) 3ATR 726; [1973] 1 NSWLR 372; (1973) AEGR 66, 230	2-93
Johnson v. Commissioner of Stamp Duties [1956] AC 331	2-75

K

Kettle's Gift, <i>re</i> , [1968] 1 WLR 1459; [1968] 3 All ER 88; <i>sub nom. re</i> Kettle (1968) 112 SJ 706; [1968] TR 279	1-42, 2-43
Kilpatrick's Policies Trusts, <i>re</i> , [1966] Ch 730; [1966] 2 WLR 1346; 110 SJ 232; [1966] 2 All ER 149	1-14, 1-47, 1-69, 2-10, 2-13, 2-53
King, <i>re</i> , [1942] Ch 413; [1942] 2 All ER 182; 111 LJ Ch 289; 167 LT 129; 86 SJ 252, CA	1-146
Kinloch v. Inland Revenue Commissioners (1929) 14 TC 736	2-94

L

Laidlay v. Lord Advocate (1890) 15 App Cas 468; 17 R (HL) 67; 27 Sc R 1035	1-83
Laker Airways v. Department of Trade [1977] QB 643; [1977] 2 WLR 234; [1977] 2 All ER 182, CA	1-138
Lambton's Marriage Settlement, <i>re</i> , [1952] Ch 752	2-147
Latham, <i>re</i> , IRC v. Barclay's Bank [1962] Ch 616	2-106
Lecouturier v. Rey [1910] AC 262; 79 LJ Ch 394; 102 LT 293; 26 TLR 368, HL	1-83
Lethbridge v. AG [1907] AC 19; [1904-7] All ER Rep 805; 76 LJKB 84; 95 LT 842; 23 TLR 123, HL	1-78, 2-52
Letts v. IRC [1957] 1 WLR 201, 101 SJ 130; [1956] 3 All ER 588; 49 R & IT 782; <i>sub nom. re</i> Letts [1956] TR 337; 35 ATC 367	1-31
Leven (Earl), <i>re</i> , IRC v. William Deacon's Bank Ltd [1954] 3 All ER 81; [1954] 1 WLR 1228; 98 SJ 591; [1954] TR 325	2-65
Leveson Gower, <i>re</i> , IRC v. Tisey Estate Co (1953) July 16, unreported	2-57

[References are to pages.]

Levene v. IRC [1928] AC 217	2-94
Li Fook Shu & Others v. Commissioner of Estate Duty (1980) HKTC 1223; [1981] HKLR 92.....	1-90, 1-91, 2-75
Livingston v. Commissioner of Stamp Duties (1960) 34 ALJR 425	1-85
Lord Advocate v. Lyell [1918] SC 125	2-62
Lord Advocate v. Maclachlan (1899) IF (ct. of Sess) 917	2-39
Lord Advocate v. M'Neill (1866) 4 Macph (HL) 20	1-33
Lord Advocate v. Taylor (1884) 21 SLR 712.....	1-137
Lui Dor v. Commissioner of Inland Revenue (1966) HKTC 677; [1966] HKLR 358	1-113
Lung Ching Yuet Yue, alias Lin Dai, <i>re</i> , [1967] HKTC 711... 1-34, 2-45	
Lynall v. IRC [1972] AC 680; [1971] 2 WLR 759; 115 SJ 872; [1971] 3 All ER 914; 47 TC 375	1-106, 1-108, 1-109

M

Malyon v. Plummer [1963] 1 QB 419	2-193
McDougal's Trustee v. IRC [1952] 31 ATC 153 [1952] TR 157; [1952] SC 260; [1952] SLT 337.....	2-93
Meyrick, <i>re</i> , [1897] 1 Ch 99	2-106, 2-121
Miller's Agreement, <i>re</i> , [1947] Ch 615; [1947] 2 All ER 78; [1948] LJR 567; 177 LT 129	1-45, 2-52
Milroy v. Lord (1862) 4 DE GF & G 264; (1862) 31 LJ Ch 798; 7 LT 178; 8 Jur (NS) 806; 45 ER 1185	1-33
Munro v. Commissioner of Stamp Duties [1934] AC 61; 103 LJPC 18; 150 LT 145	1-35

N

Nesfield, <i>re</i> , Barber v. Cooper (1914) 110 LT 970; 59 SJ 44	1-146
Nevill v. IRC [1924] AC 385	2-35
New South Wales Stamp Duties Commissioner v. Permanent Trustee Co of NSW [1956] AC 512; [1956] 3 WLR; 100 SJ 431; [1956] 2 All ER 512; [1956] TR 209; 49 R & IT 416; <i>sub nom.</i> Permanent Trustee Co of NSW v. Stamp Duties Commissioner of NSW (1954) 91 CLR 1	1-36, 2-45
New South Wales Stamp Duties Commissioner v. Perpetual Trustee Co Ltd [1943] AC 425; [1943] 1 All ER 525; 112 LJPC 55; 168 LT 414; 87 SJ 192	1-35
New York Breweries Co Ltd v. AG [1899] AC 62	2-87
New York Life Insurance Co. v. Public Trustee [1924] 2 Ch 101; 93 LJ Ch 449; 131 LT 438; 40 TLR 430; 68 Sol J 477 CA	1-81

(Rel.1-3/83 Pub.583)

TABLE OF CASES

[References are to pages.]

Nichols v. IRC [1973] 3 A11 ER 632; 1974 1 WLR 296; 118 Sol J 36; [1973] STC 497; 52 ATC 403; <i>affirmed</i> [1975] 2 A11 ER 120; [1975] 1 WLR 534; [1975] STC 278; 119 Sol J 257 CA	2-46
Norfolk (Duke of), <i>re</i> , Public Trustee v. IRC [1950] Ch 467; [1950] 1 All ER 664; 66 (pt 1) TLR 695; 94 SJ 209	1-72
Norton v. Frecker (1737) 1 ATK 524	1-119

O

Oakes v. New South Wales Commissioner of Stamp Duties [1954] AC 57; [1953] 3 WLR 1127; 97 SJ 874; [1953] 2 All ER 1563; [1953] TR 453; 47 R & IT 141; 32 ATC 476	1-36, 2-46
O'Connor's Estate, <i>re</i> , Hendrick v. Inland Revenue Commissioners [1931] IR 98	2-97
O'Grady v. Wilmot [1916] 2 AC 231; 85 LJ Ch 386; 114 LT 1097; 32 TLR 456; 60 SJ 456	1-143, 1-147, 2-118
Owen, <i>re</i> , Owen v. IRC [1949] 1 All ER 901; [1949] WN 201; [1949] LJR 1128; 93 SJ 287; [1949] TR 189	1-34
Owers, <i>re</i> , [1941] Ch 17; [1940] 4 All ER 225; 110 LJ Ch 22; 164 LT 337; 57 TLR 80; 84 SJ 633, CA	1-145

P

Padfield v. Minister of Agriculture, Fisheries & Food [1968] AC 997; [1968] 2 WLR 924; 112 SJ 171; [1968] 1 All ER 694	1-138
Park (dec'd.) (No 2), <i>re</i> , [1972] Ch 385; [1971] 2 All ER 161; [1971] 1 WLR 710; 115 SJ 327	1-42, 1-92, 1-165, 2-46
Parke's Settlement Trusts, <i>re</i> , Midland Bank Executor & Trustee Co Ltd v. IRC [1956] 1 All ER 833	2-36
Parsons, <i>re</i> , Parsons v. AG [1943] Ch 12	2-27
Partington v. AG (1869) LR 4 HL 100; 38 LJ Ex 205; 21 LT 370, HL	1-17
Paterson's Will Trusts, <i>re</i> , [1963] 1 All ER 114; [1963] 1 WLR 623; 107 SJ 631; 41 ATC 412	1-145
Payne, <i>re</i> , Poplett v. AG [1940] Ch 576; [1940] 2 All ER 115; 109 LJ Ch 369; 163 LT 100; 56 TLR 525; 84 SJ 287, CA; 21 Digest (Repl.) 56; <i>affirming</i> [1939] Ch 865; [1939] 3 All ER 878; 108 LJ Ch 339; 161 LT 254; 55 TLR 996; 83 SJ 731	1-39, 2-44
Payton v. IRC [1951] Ch 1081; [1951] 2 TLR 235; <i>sub nom. re</i> Payton [1951] 2 All ER 425; <i>sub nom. re</i> Payton, <i>re</i> Austin Motor Co 30 ATC 174	1-123
Peel v. Inland Revenue [1928] SC 205	2-94

[References are to pages.]

- Penrose, *re*, [1933] Ch 793; 102 LJ Ch 321; 149 LT 325; 49 TLR 285;
 [1933] All ER Rep 796 1-27, 1-75
- Philipson-Stow v. IRC [1959] TR 43; 38 ATC 21; [1959] Ch 395; [1959]
 1 All ER 583; [1959] 2 WLR 427; 103 SJ 239; *affirmed* [1960] Ch 313;
 [1959] 3 All ER 879; [1960] 2 WLR 32; 104 SJ 50; [1959] TR 363; 38
 ATC 368, CA; *reversed*, [1961] AC 727; [1960] 3 All ER 814; [1960] 3
 WLR 1008; 104 SJ 1055; [1960] TR 333; 39 ATC 394, HL 1-21
- Pick v. Manufacturers Life Insurance Company [1958] 2 Lloyd's Rep 93
 1-80
- Pimm, *re*, Sharpe v. Hodgson [1904] 2 Ch 345; 73 LJ Ch 627; 91 LT 190;
 52 WR 648; 48 SJ 588 1-146
- Potter v. IRC [1958] SLT 198; [1958] TR 55 1-41
- Priestley, *re*, [1901] AC 208 (see IRC v. Priestley) 1-27, 2-10
- Public Trustee v. IRC [1960] AC 398; [1960] 2 WLR 203; 104 SJ 68;
 [1960] 1 All ER 1; [1959] TR 379; 38 ATC 382
 1-23, 1-24, 1-101, 2-34, 2-39, 2-40, 2-58, 2-147

R

- Rabett v. Commissioner of Stamps [1929] AC 444; 98 LJPC 143; 140
 LT 509 PC 1-45
- Rajan Bhagwandas, *re*, Shanti Ramesh Ramchandani v. Commissioner
 of Estate Duty (H Ct Misc Prov Action No 586 of 1979)
 1-47, 1-70,
 1-80, 1-81, 1-140, 2-74, 2-105
- Ralli Bros Ltd v. IRC [1966] AC 483; [1966] 1 All ER 65; [1965] TR
 417; 44 ATC 434; *sub nom.* Ralli's Settlements, Ralli Bros v. IRC
 [1966] 2 WLR 119; 109 SJ 1010; [1965] CLY 1193, HL: *reversing sub*
nom. Ralli's Settlements, *re*, Ralli Bros v. IRC [1965] Ch 286; [1964]
 3 WLR 1240; 108 SJ 857; [1964] 2 All ER 780; [1964] TR 317; 43
 ATC 377; [1964] CLY 1012, CA: *upholding sub nom. re Ralli's Settle-*
ments, re, Ralli Bros v. IRC [1965] Ch 265; [1964] 2 WLR 1351; 108
 SJ 444; [1964] 1 All ER 962; *sub nom.* Ralli Bros v. IRC [1964] TR
 73; 43 ATC 66; [1964] BTR 117 1-29, 2-14, 2-56
- Ralli Bros Trustee Co Ltd v. IRC [1968] 1 Ch 215; [1967] 3 All ER 811;
 [1967] 3 WLR 1274; 111 SJ 833; [1967] TR 279; 46 ATC 300 1-41
- Ramsay (W.T.) Ltd v. IRC; Eilbeck v. Rawling [1981] 2 WLR 449;
 (1981) SJ 220; [1979] 3 All ER 865; [1981] STC 174 1-17
- Rees v. Hughes [1946] KB 517 2-92
- Reid v. Inland Revenue [1926] SC 589 2-94
- Rennell v. IRC [1964] AC 173; [1963] 2 WLR 745, 167 SJ 232; [1963] 1
 All ER 803; [1963] TR 73; 42 ATC 55, HL 1-92, 2-46

TABLE OF CASES

[References are to pages.]

Richards v. Delbridge (1874) LR 18 Eq 11; 43 LJ Ch 459; 22 WR 584; 25 Digest (Repl) 588.....	1-33
Rose, <i>re</i> , Rose v. IRC [1952] Ch 499; [1952] 1 TLR 1577; [1952] 1 All ER 1217; [1952] TR 175; 31 ATC 138, CA	1-34
Rossano v. Manufacturers Life Insurance Company [1963] 2 QB 352	1-80
Royal Trust Co v. AG for Alberta [1930] AC 144; 99 LJPC 43; 142 LT 121; 46 TLR 25, PC	1-80, 1-81
Russell v. Scott [1948] AC 422; [1948] LJR 1265; 64 TLR 297; 92 SJ 424; [1948] 2 All ER 1; [1948] TR 205; 41 R & IT 281; 30 TC 394	1-62

S

S. Berendsen v. IRC [1958] Ch 1	2-192
Saint Aubyn v. AG [1952] AC 15, <i>sub nom.</i> AG v. St Aubyn [1950] 2 KB 451; [1950] 1 All ER 79, CA	1-54, 2-12, 2-32, 2-40, 2-160, 2-172, 2-175
Salvesen's Trustees v. IRC [1930] SLT 387	1-106
Scott, <i>re</i> , [1901] 1 KB 228; 70 LJKB 66; 65 JP 84; 83 LT 613; 17 TLR 148	1-27
Scott and Coutts & Co v. IRC [1937] AC 174; [1936] 3 All ER 752; 106 LJ Ch 36; 156 LT 33; 53 TLR 130; 81 SJ 12, HL.....	1-73, 2-35, 2-41
Scull, <i>re</i> , Scott v. Morris (1917) 87 LJ Ch 59	2-118
Secretary of State for Education & Science v. Tameside Metropolitan Borough Council [1977] AC 1014; [1976] 3 WLR 641; 120 SJ 735; [1976] 3 All ER 665.....	1-138
Shanti Ramesh Ramchandani v. Commissioner of Estate Duty See Commissioner of Estate Duty v. Shanti Ramesh Ramchandani	
Smith-Bosanquet, <i>re</i> , Smith v. Smith-Bosanquet [1940] Ch 954; [1940] 3 All ER 519; 109 LJ Ch 440; 164 LT 267; 56 TLR 960; 84 SJ 477	1-146
Smyth v. IRC [1931] IR 643	1-106
Smyth, <i>re</i> , Leach v. Leach [1898] 1 Ch 89.....	1-84
Sneddon v. Lord Advocate [1954] AC 257; [1954] 2 WLR 211; 98 SJ 105; [1954] 1 All ER 255; 47 R & IT 109; <i>sub nom.</i> Hetherington's Trustees v. Lord Advocate [1954] TR 15; 33 ATC 16; 1954 SC (HL) 19; 1954 SLT 57, HL	1-39, 1-40, 2-44, 2-71, 2-96
Solvency Mutual Guarantee Company v. Froane [1861] Exch 193 ..	1-80
Standard Chartered Bank v. IRC [1978] TR 45; [1978] 1 WLR 1160; (1978) 122 SJ 698; [1978] 3 All ER 644; [1978] STC 272	1-82, 2-74
Steinkopff, <i>re</i> , Favorke v. Steinkopff [1922] 1 Ch 174	1-84

[References are to pages.]

Stopfords Estate, <i>re</i> , [1938] Ir R 450	2-118
<i>Strathcona (Lord) v IRC</i> [1929] SC 800; [1929] SLT 629 21 Digest (Repl) 58	1-39, 1-40, 2-71, 2-96
Stratton's Deed of Disclaimer, <i>re</i> , [1958] Ch 42; [1957] 3 WLR 199; 101 SJ 533; [1957] 2 All ER 594; <i>sub nom.</i> Stratton's Executors v. IRC [1957] TR 161; 36 ATC 145	1-33, 2-28
Sudeley v. AG [1897] AC 11	1-84, 1-100, 2-129
<i>Sullivan v. Commissioner of Probate</i> (1976) 135 CLR 237; 51 ALJR 37; 6 ATR 458 (HC)	2-93

T

Tate v. Hilbert (1973) 2 Ves 111	2-44
Tawse's Trustees v. Lord Advocate [1943] SC 124	2-27
Thornley, <i>re</i> , (1928) 7 ATC 178	2-74
Toronto General Trusts Corporation v. R [1919] AC 679	1-81
Trustees Executors & Agency Co Ltd v. IRC [1973] Ch 254; [1973] 2 WLR 248; 117 SJ 147; [1973] 1 All ER 563; [1972] TR 339; [1973] STC 96; <i>sub nom.</i> The Natalie, [1973] 1 Lloyd's Rep 216	1-82
Trustees of the Estate of Sir Catchick Paul Chater (dec'd.) v. Estate Duty Commissioner (1935) HKTC 664; (1929-38) 28 HKLR 1; (1937) LTR, 376	1-98, 2-40, 2-139
Turnbull, <i>re</i> , Skipper v. Wade [1905] 1 Ch 726; 74 LJ Ch 438; 38 WR 440; 49 SJ 417	1-146

U

Uniacke v. AG [1947] Ch 615; [1948] LJR 567; 177 LT 129; [1947] 2 All ER 78 (see <i>re</i> Miller's Agreement)	2-52
United Construction v. Bullock [1960] AC 351 [1959] 3 WLR 1022; 103 SJ 1027; [1959] 3 All ER 831; [1959] TR 345; 38 ATC 351	2-95

V

Vandervell v. IRC [1967] 2 AC 291; [1967] 2 WLR 87; 110 SJ 910; [1967] 1 All ER 1; [1966] TR 315; 43 TC 519; 45 ATC 394, HL; <i>aff'g</i> [1966] Ch 261, CA; <i>aff'g</i> 108 SJ 279	1-34, 2-45
Veena Khiamal Nanwani & Others v. Commissioner of Estate Duty (1976) HKTC 644; [1976] 1 HKLR 74	1-139, 1-140, 2-104
Vernon, <i>re</i> , [1901] 1 KB 297	2-106

TABLE OF CASES

[References are to pages.]

W

Walker's Trustee v. Lord Advocate [1954] SC 156 (<i>on appeal</i> , [1955] TR 137, 34 ATC 135; [1955] SLT 185)	2-83
Waller, <i>re</i> , [1916] 1 Ch 153	2-139
Ward v. Commissioner of Inland Revenue [1956] AC 391; [1956] 2 WLR 578; 100 SJ 168; [1956] 1 All ER 571	2-65
Warren's Trustees v. Ld. Adv. [1928] SC 806; [1928] SLT 522	1-84, 1-102, 2-143, 2-145
Weir & Pitt's Contract, <i>re</i> , (1911) 55 SJ 536	1-31
Weir's Settlement, <i>re</i> , [1971] Ch 145; [1969] 3 WLR 860	1-74, 2-35, 2-41
Westminster Bank Ltd v. AG [1939] Ch 610	2-52
Westminster Bank Ltd v. IRC [1958] AC 210	2-52, 2-53
Wheeler v. Humphries [1898] AC 506; 67 LJ Ch 499; 78 LT 799; 47 WR 17	1-35
Whitfield v. IRC [1976] Ch 264; [1976] 2 WLR 657; 120 SJ 253; [1976] 1 All ER 807; [1976] STC 89; [1976] TR 7 CA; <i>rev'g</i> [1975] Ch 290; [1974] 3 WLR 813; 118 SJ 756; [1974] 3 All ER 802; [1974] STC 511	1-119
Winter v. IRC [1963] AC 235	2-167

Y

Young, <i>re</i> , Trustees Executor Agency Co Ltd v. Young [1942] VLR 4	1-85
--	------

Table of Statutes

[References are to pages.]

Apportionment Ordinance Cap 18 LHK 1964 ed	
s.3	1-114, 1-115, 2-86
Banking Ordinance Cap 155 LHK 1979 ed	
s.7	2-151
Business Registration Ordinance Cap 310 LHK 1979 ed	2-133
Chinese Temples Ordinance Cap 153 LHK 1964 ed	
s.2	1-88, 2-73, 2-75
Companies Ordinance Cap 32 LHK 1975 ed	
s.29	1-108, 2-96, 2-190
s.79	2-179, 2-183
s.80	2-183
s.103	1-86, 2-73, 2-75, 3-25
s.265(1)	2-179, 2-183
Deceased Family Maintenance Ordinance Cap 129 LHK 1971 ed	
s.8(1)	1-98, 2-139
Estate Duty Ordinance Cap 111 LHK 1974 ed	
ss.1, 2	2-1, 2-39
s.2A	1-141
s.3 .1-16, 1-18, 1-131, 2-1—15, 2-26—32, 2-200, 2-201, 2-202, 2-203, 2-204, 2-206, 2-207, 2-208, 2-209, 2-210, 2-211, 2-212, 2-213, 2-214, 2-215—2-216, 4-3, 4-18	
s.3A	2-32
s.3(1) ... 1-24, 1-39, 1-44, 1-57, 1-59, 1-98, 2-1—15, 2-26, 2-28, 2-29, 2-30, 2-31, 2-32, 2-33, 2-34, 2-36, 2-40, 2-42, 2-47, 2-49, 2-51, 2-55, 2-57, 2-59, 2-60, 2-61, 2-62, 2-64, 2-65, 2-66, 2-68, 2-70, 2-72, 2-73, 2-77, 2-79, 2-81, 2-85, 2-90, 2-91, 2-97, 2-101, 2-110, 2-111, 2-113, 2-114, 2-116, 2-122, 2-123, 2-124, 2-126, 2-128, 2-130, 2-133, 2-134, 2-135, 2-136, 2-137, 2-139, 2-141, 2-144, 2-146, 2-147, 2-150, 2-154, 2-155, 2-156, 2-157, 2-159, 2-161, 2-163, 2-165, 2-166, 2-170, 2-174, 2-176, 2-179, 2-182, 2-189, 2-193, 2-197, 2-199, 2-200, 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208, 2-209, 2-210, 2-211, 2-212, 2-213, 2-214, 2-215, 2-216, 2-221, 2-222, 4-3	
s.3(2)(a)	1-26, 2-26, 2-27, 2-36, 2-61, 2-85, 2-102, 2-137, 2-140