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Investing in *Port City Colombo*

A legal guide to the Colombo Port City Economic Commission Act, No. 11 of 2021, as amended in January 2026 — for investors, sponsors, developers and their advisers.

SECOND EDITION · 16 SEPTEMBER 2026

LAW STATED AS AT 16 SEPTEMBER 2026

Important notices

Law stated as at 16 September 2026. Incorporating the Colombo Port City Economic Commission (Amendment) Act, No. 1 of 2026, certified on 20 January 2026. Sri Lankan law changes, and regulations under the Act are made from time to time. Whether this remains the current edition, and what has been prescribed since, are matters to be checked before anything is done on the strength of it.

What this guide does, and does not, do

This guide states the effect of the Colombo Port City Economic Commission Act in general terms, and cites the sections it comes from so that the reader may check it against the enacted text. That is the whole of its purpose.

It does not apply the law to any transaction. In particular, and by design, it does not confirm the commencement date of any provision against the Gazette; does not establish what regulations have been made under the Act, or what they prescribe; does not state the incentive terms, visa terms or fees currently published or applied by the Commission; does not address the law of any other jurisdiction, or how it interacts with Sri Lankan law; and does not consider the facts, documents, counterparties or commercial objectives of any particular matter. Those are the questions on which the outcome of a Port City commitment actually turns, and answering them is work done on instructions, for an identified client, on identified facts.

This is not legal advice, and no reliance may be placed on it

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Contents

How to use this guide. Chapters 01 and 02 state the framework and what the 2026 amendment changed; read them before any other chapter, because the amendment displaces propositions that remain in wide circulation. Chapters 03 to 08 take the subject areas in turn. Chapter 09 is the diligence agenda we would work through before advising on a commitment. Every legal proposition carries the section of the Act it comes from, so that it can be checked against the enacted text rather than taken on trust.

CHAPTER 01

The statutory framework

Port City Colombo is not a policy or a concession. It is a jurisdiction carved out by statute, and the statute is where every question about it begins.

Port City Colombo operates under the Colombo Port City Economic Commission Act, No. 11 of 2021, certified on 27 May 2021. The Act establishes the Colombo Port City Economic Commission as the authority for economic activity within a defined Area of Authority, the boundaries of which are set out in Schedule I to the Act.

The Act was amended by the Colombo Port City Economic Commission (Amendment) Act, No. 1 of 2026, certified on 20 January 2026. That amendment is material to anyone modelling returns on a Port City investment, and it is dealt with separately at chapter 02. An investor reading a guide, prospectus or term sheet prepared before January 2026 — including the first edition of this guide — is reading the law as it no longer stands.

The single window

Section 33(1) makes the Commission the Single Window Investment Facilitator: it accepts and facilitates the processing of any visa, entry permit or work permit and other approvals required by an authorised person, its consultants and its employees. Facilitation is not decision. On immigration matters the Act is explicit that the decision of the Controller of Immigration and Emigration is final — sections 33(3) and 34.

Enactments with no application inside the Area of Authority

ENACTMENT	ORDINARILY GOVERNS
Urban Development Authority Act, No. 41 of 1978	Development control and planning approval
Municipal Council Ordinance (Chapter 252)	Municipal administration and rating
Commercial Mediation Centre of Sri Lanka Act, No. 44 of 2000	Statutory commercial mediation
Town and Country Planning Ordinance (Chapter 269)	National and regional physical planning
Strategic Development Projects Act, No. 14 of 2008	Project-specific tax concessions
Public Contracts Act, No. 3 of 1987	Registration and disclosure for public contracts
Board of Investment of Sri Lanka Law, No. 4 of 1978	The ordinary Sri Lankan investment-approval regime

Schedule III, given effect by section 73. This is the complete list.

Two of those disapplications are routinely omitted from published summaries of the Act, including summaries produced by advisers. The Commercial Mediation Centre of Sri Lanka Act does not run inside the Area of Authority, which matters when drafting a tiered dispute clause that assumes statutory mediation is available. Neither does the Public Contracts Act, which matters to any counterparty whose compliance policy is built around it.

What disapplication does not mean

Schedule III removes seven enactments. It does not create a general exemption from Sri Lankan law. The Inland Revenue Act, the Companies Act, the Arbitration Act, the Securities and Exchange Commission Act, the Prevention of Money Laundering Act and the criminal law all continue to apply inside the Area of Authority except to the precise extent the Act displaces them. Advice framed as "Sri Lankan law does not apply in Port City" is wrong and should be treated as a warning about its author.

CHAPTER 02

What changed in January 2026

The 2026 amendment rewrote the two provisions an investor is most likely to have relied on: the tax treatment of employment income, and the duration of incentives. Both changed against the investor.

The Colombo Port City Economic Commission (Amendment) Act, No. 1 of 2026 is a short instrument with a long reach. It repealed and replaced section 35 of the principal Act, repealed and replaced the offshore banking Part, and rewrote the machinery by which incentives are granted, monitored and withdrawn.

The two changes that move the numbers

	ACT AS ENACTED, 2021	ACT AS AMENDED, 2026
Employment income	Section 35 of the principal Act exempted the employment income of both resident and non-resident employees of an authorised person from income tax, without limit of time.	Section 35 as replaced confines the exemption to employees of a person who held a registration, licence, authorisation or approval before the section commenced, and then only for three years from the month following commencement. Section 35(3) provides that employment income of employees of a person licensed on or after commencement is liable to income tax.
Duration of incentives	Section 52(7) provided that the period of validity of exemptions or incentives granted to a Business of Strategic Importance shall not exceed forty years, and section 53(2)© repeated the cap.	Section 52(7) as substituted provides that the period of validity shall be as prescribed. Section 53(2)© as amended refers to the cessation date as prescribed. The forty-year figure is no longer in the Act. What replaces it is whatever regulations prescribe from time to time.

Read this before relying on a published figure

"Forty years of tax holidays" and "tax-free salaries in Port City" remain in wide circulation — in brochures, in press coverage, and on the websites of firms that have not revisited their material since 2021. Both propositions were accurate under the Act as enacted. Neither states the law as it stands in September 2026. A financial model resting on either is resting on a provision that is no longer there.

The rest of the 2026 amendment, in brief

Fees before licensing

New section 27(2a): until a licence and certificate of registration are issued under sections 26(3) and 26(4), the Commission may charge no fee — including a land use fee — other than the fee specified in section 27(2).

Designated currency

Section 36 now ties conversion to a designated foreign currency as prescribed under the Foreign Exchange Act, No. 12 of 2017, rather than to conditions prescribed at large.

Offshore banking supervision

New sections 42A to 42F place regulation and supervision of offshore banking licensees with the Central Bank of Sri Lanka, applying international standards expressly defined in section 75 to include those published by the Basel Committee on Banking Supervision and the Financial Stability Board. Capital adequacy, liquidity, risk management, supervisory review, disclosure and enforcement each have their own section.

Licensing authority

Section 42(3) as amended: the licence is granted under this Act, not under the Banking Act. Section 43 as replaced: suspension, revocation or cancellation is by the Minister assigned the subject of Finance on the recommendation of the Central Bank, after the licensee has been afforded an opportunity of being heard.

Banks already licensed

New section 51A: the offshore banking Part does not apply to banks licensed under the Banking Act operating in and from the Area of Authority with the approval of the Central Bank.

Incentives: grant

Section 52(2) as amended: businesses are identified as Businesses of Strategic Importance according to criteria to be prescribed. New section 52(3A): tax-related exemptions are subject to technical analysis by the Ministry of Finance, with technical input from the Commission.

Incentives: review

New section 52(5A) and section 52E: the Ministry of Finance may, in consultation with the Commission, review the tax holiday period and the applicable exemptions and incentives every five years.

Incentives: monitoring and withdrawal

New sections 52A and 52B: the Commission evaluates key performance indicators, publishes outcomes and fiscal impacts on its website, and on non-compliance may issue a notice, and thereafter restrict, suspend or revoke any or all exemptions, or impose administrative penalties — subject to a show-cause notice, one month to respond, and a right to be heard in person or by representative.

Returns and transparency

New section 52C: every authorised person files tax returns under the Inland Revenue Act, No. 24 of 2017. New section 52D: the Ministry of Finance publishes an annual report on tax expenditures relating to all Businesses of Strategic Importance.

Taken together, the 2026 amendment moves Port City from a regime of fixed statutory entitlement towards one of conditional, monitored and periodically reviewed concession. That is a defensible direction for a state managing its fiscal position and its obligations to external creditors. It is also a different risk profile, and it should be priced as one.

CHAPTER 03

Establishing a business

Who may operate, what they must obtain, and what the Commission may charge them before they have it.

Both resident and non-resident persons may apply to engage in business in and from the Area of Authority. The Act contemplates natural persons, companies, partnerships, limited partnerships and foundations, whether constituted under Sri Lankan law or under foreign law.

An applicant becomes an authorised person on the issue of a licence and a certificate of registration under sections 26(3) and 26(4). Until both have issued, section 27(2a) — inserted in 2026 — prohibits the Commission from charging any fee other than the fee specified in section 27(2), and names land use fees expressly among the charges it may not levy. This is a meaningful protection for an applicant whose approval is slow: the cost of waiting is now capped by statute.

Section 32 requires an agreement between the Commission and the authorised person. Where incentives have been granted, section 52(4) requires them to be embodied in that agreement. The agreement is therefore the operative document for an investor's entitlements, and it is the document on which advice should be taken before signature rather than after.

Doing business outside the zone

Section 37 allows an authorised person to apply to the Commission for authorisation to engage in business in Sri Lanka, with a citizen or resident of Sri Lanka carrying on business outside the Area of Authority. It is an application, subject to all written laws in force and to regulations, and it is decided in the national interest and to safeguard the domestic economy. It is not a right, and it should not be assumed in a business plan that depends on domestic-market access.

CHAPTER 04

Currency, payments and offshore banking

The Area of Authority runs on designated foreign currency. The rupee enters it by defined exceptions only.

Employees of an authorised person are remunerated in a designated foreign currency other than Sri Lanka Rupees — section 35(1) as replaced.

An authorised person may accept Sri Lanka Rupees for goods or services supplied within the Area of Authority to a citizen or resident of Sri Lanka, and may convert those rupees into a designated foreign currency as prescribed under the Foreign Exchange Act, No. 12 of 2017 — section 36 as amended in 2026.

A citizen or resident of Sri Lanka may use retail facilities and services inside the Area of Authority — restaurants, cinemas, entertainment, shopping, parking — paying in Sri Lanka Rupees. Any levy on goods taken out of the Area of Authority is as prescribed, and the authorised person may convert the receipts into designated foreign currency as prescribed. Section 40.

Offshore banking after the 2026 amendment

A company or body corporate incorporated in another country and authorised to carry on banking business there may apply to the Commission for a licence to engage in offshore banking business in and from the Area of Authority — section 42(2) as replaced. The licence is granted under this Act — section 42(3) as amended.

Supervision, however, sits with the Central Bank of Sri Lanka. Section 42A requires the Central Bank to regulate and supervise licensees and empowers it to issue orders, directions and determinations in accordance with international standards adopted from time to time, which the licensee must comply with. Sections 42B to 42E impose minimum capital, capital adequacy and leverage requirements, a risk management framework covering credit, operational, liquidity and market risk, liquidity requirements, and periodic public disclosure of financial position, capital adequacy and liquidity.

Section 42F gives the Central Bank power to require corrective measures or impose penalties and restrictions where a licensee breaches the Act, engages in fraudulent, unsafe or unsound practices, or operates in a manner the Central Bank considers detrimental to financial stability — and preserves its ability to recommend suspension, revocation or cancellation to the Minister assigned the subject of Finance.

Permitted offshore banking business — section 46 as replaced

With non-residents

Accept savings, time and demand deposits in designated foreign currency; borrow in designated foreign currency; extend accommodation in designated foreign currency; and engage in any other designated-foreign-currency transaction with a non-resident.

With other offshore units

Engage in any transaction in designated foreign currency with another offshore unit.

With residents

Accept deposits from, or lend to, an authorised person or resident in designated foreign currency — but only with the prior written approval of the Central Bank, which must satisfy itself that the transaction is not detrimental to domestic price stability, financial system stability, or the management of official international reserves under the Central Bank of Sri Lanka Act, No. 16 of 2023.

Rupee account

A licensee may open and maintain a non-interest-bearing rupee account at a licensed commercial bank in Sri Lanka to meet its own operating expenditure, credited by conversion of foreign currency remitted into Sri Lanka.

CHAPTER 05

Property

Condominium parcels, the rupee route, and the five-year remittance obligation that is widely described as something it is not.

Part X of the Act applies the Condominium Management Authority Law and the Apartment Ownership Law inside the Area of Authority, subject to modification: section 54(2) substitutes the Commission for the Condominium Management Authority in the exercise of those powers, and substitutes the President, or the Minister to whom the subject is assigned, for the Minister. Regulations already in force under those laws continue to operate inside the Area of Authority until corresponding regulations are made under the Act — section 54(1).

Section 55(3) allows the Commission to require the Condominium Management Authority to maintain an office inside the Area of Authority, staffed by officers of sufficient seniority to ensure expeditious implementation.

> ### The five-year obligation, stated accurately
>
> Section 39 permits the Commission to lease Government Marketable Land or Project Company Marketable Land, or to lease or transfer on freehold a condominium parcel standing on such land, in Sri Lanka Rupees — but only to a person or company to whom the restrictions in the Land (Restrictions on Alienation) Act, No. 38 of 2014 do not apply. Where such a buyer pays in rupees and, within five years of that transaction, transfers, leases or rents the property to a third party for payment in a designated foreign currency, the buyer must remit the sum received to a Resident Foreign Currency Account maintained in Sri Lanka outside the Area of Authority, in its own name, as prescribed. It is a remittance and repatriation obligation. It is not a prohibition on resale, and describing it as a "five-year resale restriction" misstates both what is restricted and what is required.

Whether a particular buyer falls inside or outside the Land (Restrictions on Alienation) Act is the question on which the whole structure turns, and it is a question about the buyer, not about Port City. It is determined by the 2014 Act and its exemptions, and it is capable of changing during the life of a holding — for instance where foreign shareholding in a Sri Lankan corporate buyer moves across the fifty per cent threshold. It is a question about the buyer, to be answered on the buyer's own facts and answered again if those facts move.

CHAPTER 06

Tax, incentives and the Business of Strategic Importance

Thirteen enactments, granted in full or in part, for a period that is no longer fixed by the Act.

Incentives are not available to every business in the Area of Authority. They attach to a business identified as a Business of Strategic Importance under section 52, on criteria to be prescribed, having regard to the national interest or the advancement of the national economy.

Where a business is so identified, exemptions may be granted in full or in part from all or any of the enactments in Schedule II. Since 2026, any tax-related exemption is subject to technical analysis by the Ministry of Finance with technical input from the Commission — section 52(3A) — and the grant itself is embodied in the section 32 agreement.

Schedule II — enactments from or under which exemptions or incentives may be granted

NO.	ENACTMENT
1	Inland Revenue Act, No. 24 of 2017
2	Value Added Tax Act, No. 14 of 2002
3	Finance Act, No. 11 of 2002
4	Finance Act, No. 5 of 2005
5	Excise (Special Provisions) Act, No. 13 of 1989
6	Customs Ordinance (Chapter 235)
7	Ports and Airports Development Levy Act, No. 18 of 2011
8	Sri Lanka Export Development Act, No. 40 of 1979
9	Betting and Gaming Levy Act, No. 40 of 1988
10	Termination of Employment of Workmen (Special Provisions) Act, No. 45 of 1971
11	Entertainment Tax Ordinance (Chapter 267)
12	Foreign Exchange Act, No. 12 of 2017
13	Casino Business (Regulation) Act, No. 17 of 2010

Sections 52 and 53. Designation as a BSI does not grant exemption from all thirteen; the Gazette Order under section 53(3) specifies which apply.

How a designation is actually made

01 ·	Identification	The Commission, in consultation with the President or the assigned Minister, identifies the business according to prescribed criteria — section 52(2).
02 ·	Technical analysis	Tax-related exemptions are subject to technical analysis by the Ministry of Finance, with technical input from the Commission — section 52(3A).
03 ·	Recommendation	The Commission recommends designation and the grant of exemptions to the President or assigned Minister — section 53(1).
04 ·	Cabinet	The President or Minister, in consultation with the Minister of Finance, informs Cabinet of the rationale, the specific Schedule II exemptions proposed, the commencement and cessation dates as prescribed, and the applicant's name — section 53(2).
05 ·	Gazette	Within two weeks of Cabinet approval, an Order is published in the Gazette specifying the same particulars — section 53(3).
06 ·	Agreement	The exemptions are embodied in the section 32 agreement between the Commission and the authorised person — section 52(4).

Sections 52 and 53, as amended.

Incentives are now monitored, reviewable and withdrawable

Sections 52A to 52E, inserted in 2026, are the provisions a sponsor should read before a board paper is written. The Commission evaluates ex-post performance against key performance indicators and publishes outcomes and fiscal impacts on its website. Failure to meet approved indicators triggers a notice of non-compliance specifying the failure, a time frame for corrective action, a directive, and where appropriate a compliance plan. If corrective action is not taken in time, the Commission may restrict, suspend or revoke any or all exemptions, or impose administrative penalties to recover the loss — after a show-cause notice, one month to respond, and an opportunity to be heard. Separately, the Ministry of Finance may review the tax holiday period and the incentives themselves every five years.

CHAPTER 07

Employment and immigration

The most consequential change of 2026 sits here, and so does the most commonly overstated entitlement.

Employment income is no longer exempt as a matter of course

Under section 35 as replaced in 2026, the income tax exemption on employment income applies only where the employer held a registration, licence, authorisation or other approval before the section commenced, and then only for three years from the month following commencement. Section 35(3) provides in terms that the employment income of resident and non-resident employees of a person licensed on or after commencement shall be liable to income tax. Any offer letter, secondment package or relocation model that promises tax-free Port City salaries to staff of a newly licensed employer is wrong.

Where the exemption does apply, its two limbs are unchanged in substance. The employment income of a resident employee is exempt and deemed a permissible credit to that employee's personal foreign currency account. The employment income of a non-resident employee is exempt, and notwithstanding any contrary written law, that employee is not liable to Sri Lankan income tax on income earned outside Sri Lanka — section 35(2)(a) and (b).

The commencement date of the replaced section 35 governs both the eligibility cut-off and the running of the three-year period. It should be confirmed against the Gazette for the specific employer and the specific date of its licence before any position is taken.

There is no statutory investor visa

The Act does not create a visa, grant a residency entitlement, or fix any period of five or ten years. Section 33 makes the Commission the single window for accepting and facilitating applications; where it considers an application acceptable in the national interest or the advancement of the national economy it may inform the Controller of Immigration and Emigration and recommend priority treatment. The Act then states twice — sections 33(3) and 34 — that the decision of the Controller of Immigration and Emigration is final. Published visa terms are administrative, not statutory: they can be checked, but they cannot be relied on as an entitlement conferred by the Act, and they may change without amendment of the Act.

CHAPTER 08

Dispute resolution

Mandatory arbitration inside the zone, enforcement under the Arbitration Act, and a statutory direction to the courts that is rarely mentioned.

Section 62 establishes an International Commercial Dispute Resolution Centre within the Area of Authority. Disputes arising under an agreement or other legally binding document between the Commission and a resident or occupier are to be resolved by arbitration conducted by the Centre.

Section 62(3) requires every authorised person to ensure that each agreement it enters into under section 32 contains a provision mandatorily referring any dispute arising within the Area of Authority under that agreement to arbitration under the section. This is a drafting obligation on the investor, and it is one that is easy to breach by adopting a foreign-law template unchanged.

The Centre may make or adopt its own rules of procedure for conciliation, mediation, adjudication, arbitration and other alternative dispute resolution services — section 62(4). Enforcement or setting aside of an award made by the Centre is under the Arbitration Act, No. 11 of 1995 — section 62(5). Sri Lankan citizens and residents may serve in any capacity in its operations, as may internationally reputed professionals — section 62(6).

Priority in the courts — section 63

To foster international confidence in the ease of doing business and in the enforcement of contracts, courts are directed to give priority to civil or commercial proceedings where the cause of action arose within, or in relation to any business carried on in or from, the Area of Authority, and to hear them expeditiously on a day-to-day basis unless in the court's opinion exceptional circumstances warrant postponement. It is a provision a party weighing the cost of delay in a Sri Lankan action will want to know exists.

Note the interaction with Schedule III: the Commercial Mediation Centre of Sri Lanka Act, No. 44 of 2000 has no application inside the Area of Authority. A tiered clause that provides for mediation under that Act before arbitration is, to that extent, inoperative for Port City disputes.

CHAPTER 09

The questions that decide it

Ten questions we work through before advising on a Port City commitment. None of them has a general answer: each turns on the facts of the transaction and on sources that have to be checked as they stand on the day.

What we ask

- [ ] When did section 35, as replaced, commence — and does this employer's licence predate it? The answer decides whether employment income is exempt at all, and for how long.
- [ ] Have regulations been made prescribing the period of validity of incentives under section 52(7), and what do they say? The forty-year figure is no longer in the Act.
- [ ] Have criteria been prescribed under section 52(2), and does this business meet them?
- [ ] What key performance indicators would attach to the designation, and can the sponsor live with the consequences of missing them under section 52A(3), and with publication under section 52A(1)?
- [ ] Does the section 32 agreement embody the incentives granted, as section 52(4) requires?
- [ ] Does this buyer fall inside or outside the Land (Restrictions on Alienation) Act, No. 38 of 2014 — and what could move it across that line during the life of the holding?
- [ ] On a rupee purchase, what does the section 39 remittance obligation do to the return, and to what account must the proceeds be remitted?
- [ ] Does the dispute clause comply with section 62(3), and does any earlier tier depend on an enactment Schedule III disapplies?
- [ ] For a bank, is it licensed under this Act or under the Banking Act — section 51A — and which supervisory regime follows?
- [ ] Does the transaction need access to the domestic Sri Lankan market, and has a section 37 authorisation been obtained rather than assumed?

The questions are set out because a sponsor is entitled to know what turns on what before deciding whether to take advice. The answers are not, because they do not exist in the abstract: each depends on the transaction, on the documents, and on the state of the regulations, the Gazette and the Commission's practice on the day the question is asked. Working them through on a given set of facts is what instructing counsel is for.

CHAPTER 10

How AW Chambers assists

A Colombo practice at the Bar since 1987, instructed by corporates, financial institutions, state entities and counsel practising abroad.

Structuring and licensing

Choice of vehicle and jurisdiction of incorporation, the section 26 licence and certificate of registration, and negotiation of the section 32 agreement — including the incentives that section 52(4) requires it to embody.

Designation and incentives

Applications for designation as a Business of Strategic Importance, the Schedule II exemptions sought, the technical analysis under section 52(3A), and the key performance indicators that will later be measured under section 52A.

Property

Title investigation, developer and condominium documentation, the position under the Land (Restrictions on Alienation) Act, and the section 39 remittance obligation.

Employment and mobility

Contracts and remuneration in designated foreign currency, the effect of section 35 as replaced on a particular workforce, and applications facilitated through the Commission under section 33.

Banking and regulation

Offshore banking licence applications under Part XII as amended, and compliance with the Central Bank's requirements under sections 42A to 42F.

Disputes

Arbitration before the International Commercial Dispute Resolution Centre, enforcement and setting aside under the Arbitration Act, No. 11 of 1995, and proceedings in the Sri Lankan courts, including applications for priority under section 63.

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