

A guide to Salaries Tax (2)

**which income is assessable and
which deductions are allowable**

Foreword

This guide helps you understand what income is assessable and what deductions are allowable under Salaries Tax.

It does not touch on the question of source of income. To know more about the tax rules, you have to refer to the Inland Revenue Ordinance (“IRO”) (Cap. 112) and its subsidiary legislations.

The Charge to Salaries Tax

Directors receiving directors’ fees, employees receiving salaries, wages, commission, bonus and perquisites and pensioners receiving pensions pay Salaries Tax.

Benefits in kind may also be taxable, e.g., the provision of a place of residence by the employer.

Matter of Concern

The law requires both the employer and the employee to separately report income to the Inland Revenue Department. Failure by either party to report the full income may result in an understatement of income without reasonable excuse, an act liable to heavy penalty.

Income

For the purposes of Salaries Tax, the assessable income includes:

Details	Remarks
Salaries/wages	These should be the gross amount before deducting the employee's contributions to a Mandatory Provident Fund Scheme (MPFS) or an MPF-exempted ORSO Scheme.
Commission (include "Dim Yung"), bonus, leave pay, end-of-contract gratuities	Generally speaking, with the exception of a handful of exempt items (e.g., payments in lieu of notice of termination of employment, compensation for injuries, payments specifically exempted under the IRO), almost all payments made by the employer to the employee are taxable, regardless of : ◆ whether the amount was paid according to/in excess of the terms of employment; and ◆ whether the amount was paid pre-commencement, post-cessation or during the course of employment.
Allowances or perquisites	These include cash allowances for food, travelling, housing, cost of living and education benefits (i.e., payments made directly or indirectly by your employer to educational institutions for the education of your children) and perquisites that may be converted into cash or are money's worth (such as gift of motor car, award of shares, etc).
Tips from any person	e.g. tips paid by the customers to the waiters of a restaurant.
Salary tax paid by employer	Any Salaries Tax paid by the employer is an additional reward to the employee. For example, tax paid for you in the year of assessment 2008/09 is regarded as your income for that year.
Value of a place of residence	This value is normally computed as 10% of your income from the employer after deduction of

Details	Remarks
	outgoings and expenses (but not self-education expenses).
Share option gain	<p>This refers to the gain realized by:</p> <ul style="list-style-type: none"> ◆ the exercise of, ◆ the assignment, or ◆ the release of, <p>a right to acquire shares or stock in a corporation.</p>
Back pay, gratuities, any terminal/retirement awards and gratuities	You may apply to have the whole sum of money related back to the earning period, up to a maximum of 36 months.
Payments received from retirement schemes	<ul style="list-style-type: none"> ◆ Unrecognized occupational retirement scheme Any amount representing the employer's contributions is assessable to tax as your income, regardless of when and why the payment was made to you. ◆ Recognized occupational retirement scheme Unless the payment to you meets any of the exemption criteria described below, any amount representing the employer's contributions is assessable as your income. ◆ Mandatory provident fund scheme Unless the payment to you meets any of the exemption criteria described below, any amount representing the employer's voluntary contributions is assessable as your income (N.B. the amount representing the employer's mandatory contributions is not taxable). <p>Whole sum exempted when made on</p> <ul style="list-style-type: none"> • retirement, • termination of service, if service period is 10 years or more, • incapacity, or

Details	Remarks
	<ul style="list-style-type: none"> • death. <p>Part of sum exempted when made on:</p> <ul style="list-style-type: none"> • termination of service, if service period is below 10 years; the amount to be exempted is to be computed by reference to the completed number of months of service.

Income not chargeable to Salaries Tax (not required to be reported in tax return) includes:

- ◆ fees paid for your having served as juror, and
- ◆ severance payment or long service payment payable by the employer on termination of employment under the Employment Ordinance.

Deductions

In summary, there are 3 types of deductions that you may claim to deduct from your assessable income in your tax return -

- ◆ outgoings and expenses; (including expenses of self-education),
- ◆ concessionary deductions, and
- ◆ allowances (except for taxpayers paying Salaries Tax at standard rate).

(1) Outgoings and expenses (including expenses of self-education)

Details	Remarks
Outgoings and expenses	To qualify for deduction, the relevant outgoing and expense must meet the very stringent conditions of being wholly, exclusively and necessarily incurred in the production of your

Details	Remarks						
	<p>assessable income.</p> <p>Deductions allowed by concession</p> <ul style="list-style-type: none"> ◆ If you must work in uniform, you may claim deduction for uniform laundry expenses. ◆ If the holding of a professional qualification is a pre-requisite of your employment, you may claim deduction for your annual membership subscription to one professional association. 						
Depreciation allowances on plant & machinery	To qualify for such allowances, you must show that the use of the machinery or plant is essential to the production of your income and produce the relevant receipt for inspection, when required.						
Expenses of self-education	<table border="0"> <thead> <tr> <th>Year of Assessment</th> <th>Maximum amount(\$)</th> </tr> </thead> <tbody> <tr> <td>2003/04 – 2006/07</td> <td>40,000</td> </tr> <tr> <td>2007/08 – 2008/09</td> <td>60,000</td> </tr> </tbody> </table>	Year of Assessment	Maximum amount(\$)	2003/04 – 2006/07	40,000	2007/08 – 2008/09	60,000
Year of Assessment	Maximum amount(\$)						
2003/04 – 2006/07	40,000						
2007/08 – 2008/09	60,000						

(2) Concessionary deductions

Details	Remarks
Approved charitable donations	The minimum amount allowable for deduction is \$100. The total amount to be deducted for the year should not exceed 35% (25% for years of assessment from 2003/04 to 2007/08) of your assessable income less the deductions of outgoings and expenses and depreciation allowances.

<p>Mandatory contributions to MPFS or contributions to recognized occupational retirement schemes</p>	<p>Although you may have many sources of income during the year, you can only get maximum deduction of \$12,000 per annum.</p> <p>Generally speaking, your mandatory contributions are 5% of your monthly income and are capped at \$1,000 per month. For more information, please refer to PAM 38(e).</p>
<p>Home loan interest (HLI)</p>	<ul style="list-style-type: none"> ◆ You can deduct HLI from your assessable income. ◆ You may get deductions of HLI paid on the mortgage of your home for 10 years of assessment (consecutive years or otherwise). ◆ Following each HLI deduction, the Commissioner will notify you of the number of years for which deduction has been allowed and your remaining entitlement. ◆ The maximum amount of deduction for each year is \$100,000, but for the year of assessment 2002/03, the maximum amount is \$150,000.
<p>Elderly residential care expenses (ERCE)</p>	<ul style="list-style-type: none"> ◆ You can claim deduction of the ERCE actually incurred by you/your spouse in respect of the residential care for your/your spouse's parent/grandparent. ◆ For each year of assessment, the maximum amount of claim for each parent/grandparent is \$60,000. <p>In respect of the same dependant (e.g., your father), you can claim Dependent Parent Allowance (DPA) or ERCE, but not both. If ERCE and DPA are claimed simultaneously for the same dependant, you will only get deduction for ERCE for that year.</p>

For details of Home Loan Interest and Elderly Residential Care Expenses including the eligibility for deduction, please refer to the [Departmental Interpretation and Practice Notes No. 35](#) and [36](#).

(3) Allowances*

Year of Assessment 2008/09	\$
Basic Allowance	108,000
Married Person's Allowance	216,000
Child Allowance	
For each of the 1 st to 9 th child	50,000
For each of the child born during the year, the child allowance will be increased by	50,000
Dependent Brother/Sister Allowance	
For each qualified brother/sister	30,000
Dependent Parent/Grandparent Allowance	
For each dependant aged 60 or above or is eligible to claim an allowance under the Government's Disability allowance	30,000
For each dependant aged 55 or above but below 60	15,000
Additional Dependent Parent/Grandparent allowance	
For each dependant 60 or above or is eligible to claim an allowance under the Government's Disability allowance	30,000
For each dependant aged 55 or above but below 60	15,000
Single Parent Allowance	108,000
Disabled Dependant Allowance	
For each qualified dependant	60,000

* (If you wish to claim the allowances), you should furnish particulars of dependent family members in your tax return.

Example for computation of Salaries Tax

Year of Assessment 2008/09	\$
Income of Mr CHAN (\$30,000 x 12)	360,000
Less : Membership Subscription to Hong Kong Institute of Certified Public Accountants	2,000
Mandatory Contribution to MPF	<u>12,000</u>
	*346,000
Less: Basic Allowance	<u>108,000</u>
Net Chargeable Income	<u>238,000</u>
On progressive rate :	
Tax on first \$40,000 @ 2%	800
Tax on next \$40,000 @ 7%	2,800
Tax on next \$40,000 @ 12%	4,800
Tax on remaining \$118,000 @ 17%	<u>20,060</u>
	<u>28,460</u>
On standard rate	
* Tax on \$346,000 @ 15%	<u>51,900</u>
Tax payable (the smaller of the tax amounts)	<u>28,460</u>

Further information and assistance

You may :

- (a) visit our web site: www.ird.gov.hk,
- (b) visit GovHK web site: www.gov.hk > Residents > Taxes & Duties,
- (c) telephone the Enquiry Service Centre (187 8022 / 187 8088); or
- (d) visit the Central Enquiry Counter at Revenue Tower, 1/F, 5 Gloucester Road, Wan Chai, Hong Kong.

(The contents of this leaflet are for guidance only)

PAM 40(e)
May 2009