

NOTES AND INSTRUCTIONS – FORM BIR60C

PERSONAL INFORMATION COLLECTION STATEMENT

It is obligatory for you to supply the personal data as required by the return. Breach of the statutory requirement may render you liable to penalty or other actions as provided under the Ordinances administered by the Department. Moreover, if you fail to supply the required information, your application/request/notification will not be accepted for processing. The Department will use the information provided by you for the purposes of the Ordinances administered by it and may disclose/transfer any or all of such information to any other parties provided that the disclosure/transfer is authorized or permitted by law. Except where there is an exemption provided under the Personal Data (Privacy) Ordinance, you have the right to request access to and correction of your personal data. You should send such request in writing to the Assessor at GPO Box 132, Hong Kong and quote your file number in this Department.

GUIDANCE ON GENERAL MATTERS

1. The term “year” refers to the year of assessment printed on the front page of the return. A year of assessment runs from 1 April to 31 March.
2. The return should be completed in blue or black ink.
3. All amounts must be shown in HK dollars (**excluding cents**).

HOW TO COMPLETE THE RETURN

1. NAME AND HONG KONG IDENTITY (HKID) CARD

- (a) You must state the name exactly as shown on the HKID Card whenever a name is required in the return. This requirement is applicable to yourself, your spouse, your dependent children, brothers, sisters, parents and grandparents where appropriate. For a child, brother/sister without a HKID Card, the name as recorded on the Birth Certificate should be stated.
- (b) You should also enter your and your spouse's HKID Card Number in the exact format as shown in the respective HKID Card [e.g. Y626525(5)]. If you/your spouse does not have a HKID Card, the nationality and Passport Number should be stated instead. If a HKID Card is subsequently issued to you/your spouse, please inform this Department of the HKID Card Number **WITHIN 1 MONTH**.

2. SPOUSE

The word “spouse” means your lawful spouse under a valid marriage recognized by Hong Kong law or other legal marriage recognized by the law of the place where it was entered into.

3. CHANGE OF POSTAL ADDRESS

If you change your postal address after lodging this return, you must notify the Department of the new address **WITHIN 1 MONTH**. You may obtain the relevant form through our ‘Fax-A-Form’ Service at 2598 6001 [select the language and press keys (2)(7)] and return it after completion; or notify us your new postal address by any of the methods listed in the Department's web site under ‘Tax Information : Individuals : Notification of Change of Postal Address’.

4. INCOME FROM PROPERTIES

- (a) The word “properties” means land and/or buildings in Hong Kong. Only details of properties of which you were the **sole owner**, as registered in the Land Registry, and were let during the year are to be reported in Part 3. If you were not a sole owner of any property during the year, please write “NIL” under Part 3 of the return and proceed to Part 4. The rental income from properties jointly owned or co-owned by you should not be reported here. Separate Property Tax returns will be issued in respect of the jointly owned or co-owned properties. If you have not received a Property Tax return for any let property that is jointly owned or co-owned by you, please fill in Form IR6129 or inform this Department in writing. You may get this form from www.ird.gov.hk or the ‘Fax-A-Form’ Service at 2598 6001 [select the language and press keys (6)(1)].
- (b) Location of property should be the full address of the property as stated in the Deed of Assignment or similar instruments registered in the Land Registry.
- (c) For certain properties in Hong Kong, Government rent is payable quarterly from the date of extension of lease or 1.7.1997, as appropriate and charged together with rates. Please note that for Property Tax purpose you are only entitled to claim deduction of rates you agreed to pay and paid by you, but **NOT** Government rent, management fee, renovation or refurbishment expenses and utilities charges, etc. A statutory allowance for repairs and outgoing at 20% of the assessable value after deduction of rates paid by owner will be automatically granted in the assessment.

5. INCOME

Income is chargeable to Salaries Tax if it arises in, or is derived from, Hong Kong from an office, employment or pension; or in respect of services rendered in Hong Kong relating to an office or employment of profit. “Income” includes amounts paid outside Hong Kong, by the employer or by any other person, for services rendered in Hong Kong, or otherwise in connection with employment. Remuneration paid under certain service company arrangements which come within the scope of section 9A of the Inland Revenue Ordinance is also treated as “income”. The term “income” includes commission, fees, allowances, any holiday journey benefits by reference to the amount paid by the employer and similar payments and benefits as outlined below in Note 6. Also, award of shares and share option gain by virtue of an office or employment are chargeable income.

6. PLACE OF RESIDENCE PROVIDED

Part 4.2 must be completed if your employer or an associated corporation provided you with a place of residence - this includes place of residence where all or part of the rent paid by you has been refunded. Please indicate under the heading “Nature” whether a house, a flat, a serviced apartment or the number of rooms in a hotel etc were provided. The term “associated corporation” means a corporation over which the employer has control or if the employer is a corporation, a corporation which has control over the employer, or a corporation which is under the control of the same person as is the employer. “Control” means the power of a person, either by the means of a holding of shares or by means of powers granted, to conduct the affairs of the corporation in accordance with his/her wishes. The term “rateable value” refers to the rateable value included in the valuation list prepared under the Rating Ordinance or if the place of residence is not so included, the rateable value ascertained in accordance with Part III of that Ordinance. The term “Rent paid by me to landlord” means the amount of rental payments made to the landlord. In addition, if you are responsible for the payment of rates and management fees, which are accepted by your employer as part of the cost of providing the accommodation for the purpose of refund of rent, you may also indicate such amounts under this Part.

7. DEDUCTIONS (more information on Deductions is available at www.gov.hk/en/residents/taxes/salaries/allowances/deductions/index.htm)

- (a) Outgoings and expenses
Deductions are limited to outgoings and expenses **WHOLLY, EXCLUSIVELY AND NECESSARILY** incurred in the production of your assessable income and to depreciation allowances in respect of capital expenditure on machinery or plant, the use of which is **ESSENTIAL** to the production of your assessable income. For disabled employees, claim for depreciation allowance in respect of the costs of special aids and equipment such as wheel-chairs, artificial limbs, visual or hearing aids and their repairs and maintenance, may be admitted upon production of evidence to substantiate the amount incurred.
- (b) Expenses of self-education
“Expenses of self-education” include tuition and examination fees in connection with a prescribed course of education or fees paid for examinations set by specified education providers or trade, professional or business associations, to the extent they have not been reimbursed or reimbursable by your employer and any other person. The deductible amount shall not exceed the amount prescribed in the Inland Revenue Ordinance.
A “prescribed course of education” is one undertaken at a specified education provider (list of providers is available at www.gov.hk/en/residents/taxes/salaries/allowances/deductions/selfeducation.htm), such as university, college, school, technical institution, training centre, institution specifically approved by the Commissioner of Inland Revenue or provided by a trade, professional or business association; or a course is accredited or recognised by specified professional bodies or institutions. The course must be for the gain or maintaining qualifications for use in any employment. This could be a current employment or a planned new employment. General interest classes, for example a Tai Chi course, **WILL NOT** qualify as an employment-related course.
- (c) Approved charitable donations
“Approved charitable donations” means the aggregate of approved charitable donations of not less than \$100 and with receipts in support paid by you/your spouse to charities which are exempt from tax under section 88 of the Inland Revenue Ordinance or to the Government for charitable purposes. However, the maximum amount deductible for each year of assessment shall not exceed 35% of your income after allowable expenses and depreciation allowances. A list of tax-exempt charities is available at www.ird.gov.hk/eng/pdf/s88list_emb.pdf.
- (d) Mandatory contributions to recognized retirement schemes
Recognized retirement scheme means a mandatory provident fund scheme [MPF scheme] or a recognized occupational retirement scheme [ORSO scheme]. The amount of mandatory contributions paid by you as an employee to a MPF scheme is deductible under Salaries Tax. However, any voluntary contributions made by you are not deductible. If you have contributed to an ORSO scheme instead of a MPF scheme, the contributions paid by you to the ORSO scheme are also deductible under Salaries Tax. However, the maximum amount deductible should be the **SMALLEST** of the following 3 amounts:-
 - the actual amount of contributions you made to the ORSO scheme; or
 - the amount of the mandatory contributions that you would have been required to pay if you had contributed as an employee in a MPF scheme; or
 - the amount prescribed in the Inland Revenue Ordinance.

8. PROFITS FROM SOLE PROPRIETORSHIP BUSINESSES

- (a) If you did not carry on any trade, profession or business as a sole proprietor during the whole of the basis period for the year, write “NIL” in Part 5 and proceed to Part 6 of the return.
- (b) Only profits/losses of sole proprietorship businesses are to be reported under Part 5 of the return. Profits/Losses from corporations of which you were a shareholder or partnerships of which you were a partner need not be reported in this return. Separate Profits Tax returns will be issued to the corporations or partnership businesses.
- (c) **ASSESSABLE PROFITS/LOSSES**
The Assessable Profits/Losses are the net profits/losses (other than profits/losses arising from the sale of capital assets) for the period, arising in or derived from Hong Kong and calculated in accordance with the Inland Revenue Ordinance.
- (d) **NATURE OF BUSINESS**
The nature of business carried on should be stated explicitly e.g. state “Manufacturer of Plastic Goods” instead of “Manufacturer”.
- (e) **TWO-TIERED PROFITS TAX RATES**
The business is chargeable at two-tiered rates if it had no connected entity or no other connected entity elects to be so chargeable. For connected entities, the two-tiered rates will only apply to one of them, the others will not qualify for the two-tiered profits tax rates.
- (f) **KEEPING BUSINESS RECORDS**
The Inland Revenue Ordinance requires each person carrying on a trade, profession, or business in Hong Kong to keep sufficient records of income and expenditure and assets and liabilities in relation to that trade, profession or business to enable his/her assessable profits to be readily ascertained. Failure to keep sufficient records may result in a fine of up to \$100,000.

9. ELECTION FOR PERSONAL ASSESSMENT

- (a) If you and/or your spouse had income chargeable to Property Tax and/or Profits Tax, election for Personal Assessment may reduce your tax liability. However, if you and your spouse had income from employment only, there is no need to elect for Personal Assessment because it cannot reduce your and your spouse's tax liability further. Under Personal Assessment, income from all sources is aggregated and from this total, the following may be deducted:-
- (i) business losses incurred in the year of assessment;
 - (ii) losses brought forward from previous years under Personal Assessment;
 - (iii) approved charitable donations;
 - (iv) interest payments on money borrowed for the purpose of producing property income; and
 - (v) personal allowances and concessionary deductions.
- Tax at marginal rates will then be imposed on the balance.
- (b) You may elect for Personal Assessment if:-
- (i) you are of or above the age of 18 years, or under that age and both your parents are dead; and you are either ordinarily resident in Hong Kong or is a temporary resident.
 - (ii) If you are married and not living apart from your spouse, either one or both of you are eligible to make an election for personal assessment and both of you have assessable income under the Inland Revenue Ordinance, you and your spouse may jointly make an election for personal assessment.
 - (iii) If you are married, you and your spouse are jointly assessed under Salaries Tax, election for personal assessment should be made by you and your spouse jointly.
- For the purpose of Personal Assessment:
- a person will be regarded as "ordinarily resident in Hong Kong" if he / she resides in Hong Kong voluntarily and for a settled purpose (such as for education, business, employment or family etc.) with sufficient degree of continuity. Such person should habitually and normally reside in Hong Kong apart from temporary or occasional absences of long or short duration, and is living in Hong Kong as an ordinary member of the community for all the purposes of his/her daily life. Please refer to item 17 for the explanation of "ordinarily resident in Hong Kong".
 - "temporary resident" means an individual who stays in Hong Kong for a period or a number of periods amounting to more than 180 days during the year of assessment in respect of which the election is made or for a period or periods amounting to more than 300 days in 2 consecutive years of assessment one of which is the year of assessment in respect of which the election is made.

10. DEDUCTION FOR INTEREST PAYMENTS

If you and/or your spouse elected for Personal Assessment, the total amount of interest payments made by you during the year on any money borrowed for producing property income reported in Part 3 shall be allowed as a deduction, with the limitation that the deduction cannot exceed the net assessable value of the individual property let. Interest payments relating to periods of non-letting (e.g. vacant or occupied as residence by your own family) are not deductible and should not be included in Part 6.2.

ALLOWANCES (more information on Allowances is available at www.gov.hk/en/residents/taxes/salaries/allowances/allowances/allowances.htm)

11. MARRIED PERSON'S ALLOWANCE

- (a) You are entitled to the Married Person's Allowance under Salaries Tax if your spouse did not derive any income chargeable to Salaries Tax and has not elected for personal assessment separately for the year; and at any time during the year of assessment you were married, or you were living apart but not divorced from your spouse and were maintaining or supporting him/her.
- (b) You are entitled to the Married Person's Allowance if you have elected for joint assessment under Salaries Tax and/or Personal Assessment jointly with your spouse.

12. CHILD ALLOWANCE

You are entitled to an allowance in respect of any unmarried child, maintained by you during the year, who was under 18 years of age at any time in the year of assessment, or of or over 18, but under 25 and was receiving full time education at a university, college, school or other similar educational establishment. Child Allowance is also granted in respect of a child of or over the age of 18 who, by reason of physical or mental disability, is incapacitated for work. An additional one-off Child Allowance will be granted in the year the child was born.

IF YOU AND YOUR SPOUSE BOTH HAVE INCOME CHARGEABLE TO SALARIES TAX, ALL CHILD ALLOWANCES MUST BE CLAIMED BY EITHER ONE OF YOU. You may decide who will make the claim but once made, the nomination is not revocable without the consent of the Commissioner. Nevertheless, the nomination is valid for the year to which this return relates and you may make a different nomination in other years.

ONLY ONE INDIVIDUAL CAN BE GRANTED THE CHILD ALLOWANCE OR THE DEPENDENT BROTHER/SISTER ALLOWANCE IN RESPECT OF THE SAME PERSON. If you and other individuals are entitled to claim such an allowance in respect of the same person, **YOU MUST AGREE AMONG YOURSELVES WHICH ONE OF YOU IS TO CLAIM THE ALLOWANCE.** If there is no agreement among yourselves, no allowance will be granted.

13. DEPENDENT BROTHER OR DEPENDENT SISTER ALLOWANCE

You are entitled to a dependent brother/sister allowance if you/your spouse, not being a spouse living apart from you, had sole or predominant care of an unmarried brother/sister or unmarried brother/sister of your spouse during the year, and the person so maintained was under 18 years of age at any time in the year of assessment, or of or over 18, but under 25 and was receiving full time education at a university, college, school or other similar educational establishment. The allowance would also be granted if the person so maintained was of or over the age of 18 who, by reason of physical or mental disability, is incapacitated for work.

ONLY ONE INDIVIDUAL CAN BE GRANTED THE CHILD ALLOWANCE OR THE DEPENDENT BROTHER/SISTER ALLOWANCE IN RESPECT OF THE SAME PERSON. If you and other individuals are entitled to claim such an allowance in respect of the same person, **YOU MUST AGREE AMONG YOURSELVES WHICH ONE OF YOU IS TO CLAIM THE ALLOWANCE.** If there is no agreement among yourselves, no allowance will be granted.

14. SINGLE PARENT ALLOWANCE

If, throughout the year, you were single, divorced, widowed, married but living apart from your spouse, and were responsible, on an ongoing basis, for the provision of daily care and supervision for a child, you may claim Single Parent Allowance provided that you were entitled to be granted Child Allowance in respect of that child. You are not entitled to Single Parent Allowance merely by making financial contribution towards the maintenance and education of your child/children.

15. PERSONAL DISABILITY ALLOWANCE

If you are eligible to claim an allowance under the Government's Disability Allowance Scheme during the year, you are entitled to claim Personal Disability Allowance.

16. DISABLED DEPENDANT ALLOWANCE

If you are granted Married Person's, Child, Dependent Brother/Sister, Dependent Parent/Grandparent Allowances or allowed deduction for Elderly Residential Care Expenses in respect of a dependant who is eligible to claim an allowance under the Government's Disability Allowance Scheme during the year, you are also entitled to claim a Disabled Dependand Allowance in respect of that disabled dependant.

17. DEPENDENT PARENT AND DEPENDENT GRANDPARENT ALLOWANCE

You are entitled to a Dependent Parent/Grandparent Allowance in respect of each dependent parent/grandparent maintained by you/your spouse, not being a spouse living apart from you, during the year provided that the dependant must at any time during the year be:-

- (a) ordinarily resident in Hong Kong, which means that the dependant must be habitually and normally resident in Hong Kong. To determine whether a dependant is ordinarily resident in Hong Kong, the Department may consider objective factors including: (i) the number of days he/she stayed in Hong Kong, the frequency of his/her visit to Hong Kong and the length of each stay; (ii) whether he/she has a permanent dwelling in Hong Kong; (iii) whether he/she owns a property for residence outside Hong Kong; (iv) whether he/she works or carries out a business in Hong Kong; (v) whether his/her relatives are mainly residing in Hong Kong;
- (b) aged 55 or more, or have been eligible to claim an allowance under the Government's Disability Allowance Scheme; and
- (c) resided with you and your spouse, otherwise than for full valuable consideration, for a continuous period of not less than 6 months or have received from you/your spouse not less than \$12,000 in money towards his/her maintenance.

ONLY ONE INDIVIDUAL CAN BE GRANTED THE DEPENDENT PARENT/GRANDPARENT ALLOWANCE IN RESPECT OF THE SAME DEPENDENT PERSON. If you and other individuals are entitled to claim such an allowance in respect of the same person, **YOU MUST AGREE AMONG YOURSELVES WHICH ONE OF YOU IS TO CLAIM THE ALLOWANCE.** If there is no agreement among yourselves, no allowance will be granted.

You are entitled to an **ADDITIONAL** Dependent Parent/Grandparent Allowance in respect of each qualified dependent person (see above conditions) who resided with you otherwise than for full valuable consideration continuously throughout the year.

18. ELDERLY RESIDENTIAL CARE EXPENSES

- (a) You may claim a deduction of elderly residential care expenses paid by you/your spouse, not being a spouse living apart from you, to a residential care home in respect of your parent/grandparent or your spouse's parent/grandparent under Salaries Tax and Personal Assessment. A person chargeable to tax at standard rate is also entitled to the deduction.
- (b) To qualify for the deduction, a parent/grandparent must at any time during the year have been aged 60 or above, or under the age of 60, have been eligible to claim an allowance under the Government's Disability Allowance Scheme.
- (c) The deduction is allowed for the expenses **ACTUALLY PAID** to a residential care home in respect of the residential care received. Any amount subsequently reimbursed by any person or organisation should be excluded.
- (d) Only one claimant can be allowed the deduction in respect of a parent/grandparent.
- (e) Should the deduction be allowed to you, you or any other person is not entitled to claim Dependent Parent/Grandparent Allowance and Additional Dependent Parent/Grandparent Allowance for the same parent/grandparent for the same year of assessment.
- (f) The residential care home must be situated in Hong Kong and is licensed or exempted from licensing under the Residential Care Homes (Elderly Persons) Ordinance or Residential Care Homes (Persons with Disabilities) Ordinance, or is a scheduled nursing home which is exempted from licensing under section 128 of the Private Healthcare Facilities Ordinance.

19. HOME LOAN INTEREST

- (a) You may claim a deduction of home loan interest paid from your assessable income under Salaries Tax or from your total income under Personal Assessment.
- (b) To qualify for the deduction, the following conditions must be satisfied:-
- you are the **OWNER** of the dwelling (as a sole owner, or as a joint tenant or tenant in common);
 - the dwelling is a separate rateable unit under the Rating Ordinance, i.e. it is **SITUATED IN HONG KONG**;
 - the dwelling is wholly or partly used by you as your **PLACE OF RESIDENCE** in the year of assessment;
 - home loan interest is paid by you during the year of assessment on a loan **FOR ACQUISITION** of the dwelling;
 - the loan is secured by a **MORTGAGE OR CHARGE** over the dwelling or over any other property in Hong Kong; **AND**
 - the **LENDER** is the Government, a financial institution, a registered credit union, a licensed money lender, the Hong Kong Housing Society, your employer, or any organisation or association approved by the Commissioner of Inland Revenue.
- (c) The amount of deduction is allowed as follows:-
- If you are a sole owner of the dwelling, the amount deductible is the home loan interest **ACTUALLY PAID** by you in the year of assessment, subject to the maximum deductible amount for that year of assessment.
 - If you are a joint tenant or tenant in common of the dwelling, the home loan interest is regarded as having been paid by the joint tenants each in proportion to the number of joint tenants, or by the tenants in common each in proportion to his/her share of ownership in the dwelling. The amount deductible to you is calculated accordingly. In each case, the maximum deduction is also similarly **REDUCED**. For example, if the property is jointly owned by you and your spouse, the maximum deductible amount available to you for the year of assessment is \$50,000 (i.e. \$100,000 x 50%).
 - If the home loan is applied, or the dwelling is used, partly for other purposes, the home loan interest paid would be reduced proportionately in calculating the allowable deduction.
 - Home loan interest paid before the dwelling is used as a place of residence (e.g. during construction period) is not deductible.
 - For any car parking space which is in the same development as the dwelling and used by you, the home loan interest on the car parking space is also deductible provided that home loan interest in respect of the dwelling is also claimed for the same year of assessment.
 - If you have more than one place of residence, you are only entitled to claim the deduction in respect of **YOUR PRINCIPAL** place of residence. Likewise, where you and your spouse each have a dwelling separately, only one of you is entitled to claim the deduction in respect of the dwelling which you and your spouse regard as **YOUR PRINCIPAL** place of residence.
 - From the year of assessment 2012/13 onwards, the number of years of deduction is extended from 10 to 15 years of assessment and further extended to 20 years of assessment commencing from the year of assessment 2017/18, whether consecutively or not.
- (d) If you are married and your spouse, being owner of the dwelling, has no income derived from employment, property, trade, profession or business chargeable to tax during the year of assessment, he/she may nominate you to claim the deduction. Your spouse would be regarded as having been allowed the deduction for that year of assessment.

20. QUALIFYING PREMIUMS PAID UNDER VOLUNTARY HEALTH INSURANCE SCHEME (VHIS) POLICY

Qualifying premiums paid by you or your spouse for an insured person under a VHIS policy are deductible under Salaries Tax and Personal Assessment. The deductible amount shall not exceed the amount prescribed in the Inland Revenue Ordinance. The insured person under a VHIS policy is either yourself or your specified relative, i.e. your spouse, child, your/your spouse's brother, sister, parent or grandparent. The insured person is either a HKID Card holder or if under the age of 11 and not a HKID card holder at any time during the year of assessment, his/her natural parent or adoptive parent must be a HKID Card holder when he/she was born or adopted. If the specified relative is your child, your/your spouse's brother/sister, he/she must be at any time during the year of assessment under the age of 18; or aged 18 or more but under the age of 25 and receiving full time education at a university, college, school or other similar educational establishment; or aged 18 or more but incapacitated for work by reason of physical or mental disability. If the specified relative is your or your spouse's parent/grandparent, he/she must be at any time during the year of assessment at the age of 55 or more, or eligible to claim an allowance under the Government's Disability Allowance Scheme.

21. QUALIFYING ANNUITY PREMIUMS AND TAX DEDUCTIBLE MPF VOLUNTARY CONTRIBUTIONS

- (a) Qualifying annuity premiums and tax deductible MPF voluntary contributions (TVC) are deductible under Salaries Tax and Personal Assessment.
- (b) Eligibility for deduction
- Qualifying Annuity Premiums: The policy holder of a Qualifying Deferred Annuity Policy must be yourself and/or your spouse. The qualifying annuity premiums must be paid by you and/or your spouse (not living apart). The annuitant of the policy must be yourself and/or your spouse (being your spouse at any time during the year of assessment). The annuitant must be a HKID card holder during the relevant year of assessment.
 - TVC: TVC is a type of contribution under the MPF system. To be eligible for deduction, you must be a TVC account holder and only contributions made to your TVC account are deductible. **Other types of MPF voluntary contributions are not deductible.**
- (c) You may claim deduction for qualifying annuity premiums paid for your spouse, but premiums claimed in your spouse's return should be excluded.
- (d) If you claim deductions in respect of both qualifying annuity premiums and TVC in a year of assessment, TVC are to be firstly allowed and qualifying annuity premiums are to be secondly allowed by the Department.
- (e) The deductible amount shall not exceed the aggregate of qualifying annuity premiums paid for yourself and spouse and TVC paid during the year of assessment or the specified maximum deduction, whichever is lower.

22. CLAIM FOR DEDUCTION FOR DOMESTIC RENTS

- (a) If you are chargeable to Salaries Tax or tax charged under Personal Assessment, you may claim deduction of the rents paid by you or your spouse (not living apart) as a tenant under a qualifying tenancy (e.g. stamped tenancy agreement) of domestic premises. The deduction is applicable to the year of assessment 2022/23 and after.
- (b) The rented domestic premises must be used by you as your principal place of residence in Hong Kong.
- (c) Amount of allowable deduction
- (i) The maximum amount of deduction allowable to you is \$100,000 for each year of assessment ("**Maximum Deduction**")
 - (ii) The amount of deduction allowable is (A) the **Qualifying Rental Amount** or (B) the **Deduction Ceiling** for the tenancy in relation to the year of assessment, whichever is less.
 - (iii) The Qualifying Rental Amount is (i) the amount of rents paid under the tenancy in relation to the period, divided by the number of tenants under the tenancy; and (ii) if the premises are used partly as a place of residence and partly for other purposes, it is such part of the amount that is reasonable in the circumstances of the case.
 - (iv) The Deduction Ceiling for a tenancy is the Maximum Deduction reduced in proportion to:
 - the number of co-tenants, if any; and
 - the contractual period of the tenancy falling within the year of assessment.
 - (v) If you are married and not living apart from your spouse, the total amount of deduction allowable to you or your spouse is the amount determined in accordance with paragraph (c)(ii) above. You may claim deduction for total amount of rents paid by you and / or your spouse, or in accordance with an agreement on the respective claim amount reached by you and your spouse, but the amount already claimed in your spouse's return should be excluded.
 - (vi) If there is more than one qualifying tenancy in relation to a year of assessment, the total amount allowable is the aggregate of the amount determined in accordance with paragraph (c)(ii) above for each of the tenancies.
- (d) Circumstances in which deduction is **not** allowed
- (i) You or your spouse (not living apart):
 - is the legal and beneficial owner of any domestic premises in Hong Kong;
 - is provided with a place of residence by employer or an associated corporation of the employer (including a refund for any rent paid); or
 - is a tenant or an authorised occupant of a public rental housing flat.
 - (ii) The landlord of the rented property is an associate of you or your spouse (e.g. spouse, parents, child, brother/sister, partner, or a corporation controlled by you or your spouse, etc).
 - (iii) The premises concerned is prohibited from being used for residential purposes or tenancy is prohibited under any law or a Government lease.
 - (iv) The rents are allowable as a deduction under any other provision of the Inland Revenue Ordinance.
 - (v) Any rent paid in respect of any other domestic premises has been allowed to you or your spouse (not living apart) as a deduction for the same period for which the rent is paid.
 - (vi) You or your spouse has entered into a lease purchase agreement in respect of the premises.
- (e) More information is available at www.ird.gov.hk/eng/tax/drd.htm.

23. OTHERS

- (a) If you need further information or assistance you may:-
- visit www.ird.gov.hk for Related Tax Rules, Allowances, Deductions and Tax Rate Table, Tax Calculator and other information under "Tax Information: Individuals"
 - use the 'Fax-A-Form' Service (2598 6001), select the language and press the following keys to obtain: Related Tax Rules [Key (2) (5)], Proforma Profits Tax Computation Form [IR957A(e)] [Key (2) (8)]
 - write (G.P.O. Box 132, Hong Kong) or fax (2877 1232) to the Assessor, quoting your file number and day-time contact telephone number
 - telephone 187 8022
 - call at the Central Enquiry Counter at G/F of the Inland Revenue Centre, 5 Concorde Road, Kai Tak, Kowloon, Hong Kong
- (b) Documentary evidence in support of your deduction and allowance claims should be retained for a period of **6 years** after the expiration of the relevant year of assessment. You may be required to provide such evidence in the event that your case is subsequently selected for review.
- (c) Please retain a copy of the completed tax return for reference.