



20 December 2018
2018年12月20號

Dear Valuable Client,
尊貴的客户：

Hong Kong Tax Update – December 2018

香港稅務更新消息 — 2018年12月號

Enhanced tax deduction regime for qualifying research and development (“R&D”) activities

為合資格的研究及開發活動的開支提供稅務扣減

The Hong Kong Government introduced a legislative bill on 20 April 2018. For specific qualifying R&D expenditure on a specific qualifying R&D activity, there will be a super tax deduction of 300% for the first HK\$2 million of R&D expenditure and 200% deduction for the remaining balance (without limitation).

The increased tax deductions are only eligible for payments made to a designated local research institute if the R&D activities are subcontracted out. For in-house R&D activities, the expenditure must be incurred for qualifying R&D activities undertaken and carried on by a taxpayer wholly within Hong Kong.

Other R&D expenditure that does not qualify for the above deduction (but qualify for deduction under the old legislation) will continue to be eligible for the normal 100% tax deduction.

香港政府於2018年4月20日刊憲，為企業進行合資格研發活動的合資格開支提供額外稅務扣減。符合資格的首200萬元研發開支，可得到300%稅務扣減，餘額(不設上限)亦有200%稅務扣減。

若是外判的研發活動，必須外判予「指定本地研發機構」才能獲得額外稅務扣減。而公司內部的研發活動，相關開支必須用作合資格的研發活動並由納稅人在香港境內進行，才能夠獲得扣減。

CHENG & CHENG TAXATION SERVICES LIMITED

漢能稅務有限公司

10/F., Allied Kajima Building, 138 Gloucester Road, Wanchai, Hong Kong
Tel: 3962 0000 Fax: 2598 8178 E-mail: cheng@chengcpa.com.hk Home Page: <http://www.chengcpa.com.hk>



至於其餘不符合以上稅務扣減資格(但符合舊稅例下的稅務扣減資格)的研發活動會繼續享有現時 100%的稅務扣減。

Introduction of new tax on vacant properties

建議對一手物業徵收空置稅

To encourage developers to release residential units more quickly into the market to reduce the overheat of the property price in Hong Kong, the Hong Kong government is intended to introduce new tax on vacant properties. The tax is targeted at newly built flats and will apply where properties remain unoccupied for six months in any year.

It is proposed that the tax will be levied at the rate of 200% of the property's annual rental value, calculated by reference to market rates as determined by government assessors. A grace period will apply for the first twelve months after obtaining an occupation permit. The new tax will not apply to vacant properties held by persons other than developers.

為避免囤積及壓抑物業炒賣風氣及鼓勵發展商更快放售已落成物業，香港政府正研究向一手物業徵收物業空置稅。物業空置稅是應用於新落成的單位及於任何年度空置長達六個月或以上。

物業空置稅將會是物業年度租金價值的 200%，而物業的年度租金將根據政府人員按照市場定價作計算。物業空置稅的寬限期為獲得佔用許可證後首十二個月。而以上的物業空置稅只應用於發展商。

Deduction of capital expenditure for purchase of three new types of intellectual property rights ("IPRs")

新增三類知識產權的資本開支可享稅務扣減

The Hong Kong Government introduced a legislative bill on 23 March 2018. The object is to extend the current tax deduction regime for acquiring IPRs to cover three new types of IPRs, namely: (i) a performer's economic right; (ii) a protected layout-design (topography) right; and (iii) a protected plant variety right. Capital expenditures on the purchase of the above three types of newly added IPRs will

CHENG & CHENG TAXATION SERVICES LIMITED

漢能稅務有限公司

10/F., Allied Kajima Building, 138 Gloucester Road, Wanchai, Hong Kong
Tel : 3962 0000 Fax : 2598 8178 E-mail: cheng@chengcpa.com.hk Home Page: <http://www.chengcpa.com.hk>



generally be allowable for deduction over five consecutive years on a straight-line basis starting from the year of purchase.

The Bill also proposes to expand the scope of deduction of registration expenses for trade mark, design or patent under Section 16(1)(g) to cover the newly added 3 types of IPRs. Moreover, the existing deeming provisions (Section 15(1)(b) and (ba) of the IRO) will be revised by adding these 3 types of IPRs so that sums received for the use or right to use these IPRs are deemed taxable receipts. Subject to the enactment of legislation, the proposed provision applies to capital expenditures incurred in the year of assessment 2018/19 and onwards.

香港政府於 2018 年 3 月 23 日刊憲，其旨在把購買知識產權的資本開支的利得稅扣稅範圍擴增，針對《稅務條例》新增了以下三類新增知識產權：

- (i) 表演的權利；
- (ii) 集成電路的布圖設計（拓撲圖）；
- (iii) 植物品種

購買以上三項知識產權所產生的資本開支將按直線法自購買年度起的連續五年按年均計算作稅務扣除。

草案亦擬擴大在《稅務條例》第 16 (1) (g) 條下所需註冊費用的扣稅範圍，在商標、設計和專利的基礎上新增以上三類知識產權。此外，鑒於以上三類知識產權的資本開支將可獲扣稅，草案因而修改《稅務條例》第 15 (1) (b) 條和 (ba) 條，訂明就新增三類知識產權的使用費或有關權利的使用權的款項將視為應課稅收入。若草案獲得通過，擬議條文將適用於自 2018/19 課稅年度起的資本開支。

For additional information regarding the above, please feel free to contact our Tax Department at info@chengtax.com.hk.

如有任何查詢，請透過以下電郵與我們的稅務部門聯絡：

info@chengtax.com.hk

CHENG & CHENG TAXATION SERVICES LIMITED

漢能稅務有限公司

10/F., Allied Kajima Building, 138 Gloucester Road, Wanchai, Hong Kong
Tel : 3962 0000 Fax : 2598 8178 E-mail: cheng@chengcpa.com.hk Home Page: <http://www.chengcpa.com.hk>