



## **Housing Allowance and Tax Deductions for Domestic Rents**

Date: 6 June 2022

資料來自香港稅務局

### 僱主提供居所給僱員:

房屋福利來自所擔任的職位，是入息的一部分。如僱主或相聯法團提供居所給僱員，該居所的「租值」須計入僱員的應予評稅的入息內。但計稅的款額按居所的類別而不同。

「租值」是得自僱主和相聯法團的全部入息，減去支出及開支(但不能減個人進修開支)，然後根據獲提供居所的類別按以下百分比計算(請參看例三):

| 居所類別           | 百分比 |
|----------------|-----|
| 一個住宅單位 / 服務式住宅 | 10% |
| 佔酒店、旅舍或公寓的兩間房間 | 8%  |
| 佔酒店、旅舍或公寓的一間房間 | 4%  |

服務式住宅現日漸普遍。這類型住宅通常是置有傢具和家居設備的單位或寓所，也有提供煮食及洗熨服務。這類住宅的租住期通常不能短於一個期限。一般而言，本局不會視服務式住宅等同酒店、旅舍或公寓的房間。因此，若僱員獲提供的居所為服務式住宅，本局會以 10% 來計算這等居所的「租值」。然而，本局會就個別個案審閱其情況以決定居所的類別。

此外，在計算「租值」的時候，還要看僱員是否曾付出租金給業主或其僱主，大致情況如下:

| 情況        | 計稅方法                              |
|-----------|-----------------------------------|
| 僱員無須付出租金  | 將「租值」計入僱員的應予評稅的入息內。               |
| 僱員須付出租金   | 須從「租值」減去僱員付出的租金。                  |
| 如僱員稅款可被減少 | 僱員可選擇以該居所的應課差餉租值代替「租值」(只適用於住宅單位)。 |

Employee is provided with a place of residence (R.V. = Rental Value)

Housing benefits arising from employment are part of the employee's income. If the employee is provided with a place of residence by the employer or an associated corporation of the employer, the RV of that place of residence should be included in his/her Assessable Income. The RV is calculated at 4%, 8% or 10% of his/her total net income from the employer and the associated corporation after deducting outgoings and expenses (excluding expenses of self-education), depending on the type of accommodation provided. See the table below and also Example 3.

| Type of Accommodation                        | Percentage |
|--|------------|
| A residential unit / serviced apartment      | 10%        |
| 2 rooms in a hotel, hostel or boarding house | 8%         |
| 1 room in a hotel, hostel or boarding house  | 4%         |

Serviced apartments are popular nowadays. Typically they are fully furnished units or apartments with domestic facilities such as cooking and laundry available and a minimum period of stay is usually required. The Inland Revenue Department ("IRD") generally does not regard serviced apartments as rooms in hotels, hostels or boarding houses, although individual cases may be examined in detail to determine the nature of the accommodation. Accordingly, where the place of residence is a serviced apartment, the rate of 10% will generally be applied in computing the RV.

To compute the RV, rent paid by the employee to the employer or the landlord can be deducted to arrive at the RV. Furthermore, if the place of residence is a residential property, the employee may elect to include the "Rateable Value" of the property instead of the RV, if that can reduce the amount of tax to be paid.

See analysis below.

| Scenario                                       | Adjustment   |
|--|--|
| No rent paid                                   | No adjustment  |
| Rent paid                                      | Deduct net rent paid from RV   |
| If the employee's tax liability can be reduced | The employee may elect to include the Rateable Value of the residential unit instead of the RV |

## 2022-23政府財政預算案

# 建議的住宅租金稅項扣除

生效：由2022/23課稅年度起

### 合資格人士

- ✓ 薪俸稅和個人入息課稅納稅人
- ✓ 同住配偶訂立的租賃亦可作納稅人扣稅之用
- ✗ 納稅人或同住配偶為香港住宅物業的法定及實益擁有人
- ✗ 租住物業業主為納稅人的相聯者（例如業主為納稅人的配偶；納稅人或其配偶的父母、子女、兄弟姊妹、合夥人；或納稅人或其配偶控制的法團等）
- ✗ 納稅人或其同住配偶獲僱主提供居所（包括獲退還已支付租金）
- ✗ 納稅人或其同住配偶為公共租住房屋單位的租客或認可佔用人

### 合資格租住物業

- ✓ 租住的物業為納稅人在香港的主要居所
- ✓ 所訂租賃有加蓋印花
- ✗ 處所不可作住宅用途，或租賃受任何法律或政府租契禁止
- ✗ 按租賃購買協議租住的住宅

### 可扣除款額

- 扣除上限：每個課稅年度100,000元
  - 如租賃下有多於一名租客：扣除上限會按照合租租客人數按比例減少
  - 如租期只佔某一課稅年度的部分時間：扣除上限會按照該課稅年度內的租期按比例減少
- 可扣除款額：就有關課稅年度根據租賃繳付的租金款額，或是該課稅年度有關租賃的扣除上限，兩者以數額較小者為準
  - 如納稅人已婚並與配偶同住：納稅人或其配偶(或雙方)的可扣除總額根據以上原則計算
  - 如就某一課稅年度涉及超過一份租賃：該課稅年度的可扣除款額為就每份租賃根據以上原則所計算的款額的總和
- 不設年期限制



# The 2022-23 Budget

## Proposed Tax Deductions for Domestic Rents

Effective from: year of assessment 2022/23

### Eligible Persons

- ✓ Taxpayers liable to **salaries tax** and **tax charged under personal assessment**
- ✓ Deduction is also allowed to a taxpayer in respect of a **tenancy agreement entered into by his/her co-habiting spouse**
- ✗ Taxpayer or co-habiting spouse **is legal and beneficial owner of any domestic property in Hong Kong**
- ✗ **Landlord of the rented property is an associate** of the taxpayer (e.g. the landlord is the taxpayer's spouse, or a parent, child, brother/sister or partner of the taxpayer or his/her spouse, or a corporation controlled by the taxpayer or his/her spouse)
- ✗ Taxpayer or co-habiting spouse **is provided with a place of residence by his/her employer** (including those who receive a refund for any rent paid)
- ✗ Taxpayer or co-habiting spouse is a **tenant or authorised occupant of public rental housing flat**

### Eligible Rented Properties

- ✓ The rented property must be the taxpayer's **principal place of residence in Hong Kong**
- ✓ **With a stamped tenancy agreement**
- ✗ Premises **prohibited from being used for residential purposes or tenancy prohibited under any law or Government lease**
- ✗ Domestic property rented under a **lease purchase agreement**

### Allowable Deduction Amount

- **Deduction ceiling: \$100,000 for each year of assessment**
  - **If there is more than one tenant under the tenancy:** deduction ceiling is to be reduced in proportion to the number of co-tenants
  - **If the tenancy period covers only part of a year of assessment:** deduction ceiling is to be reduced in proportion to the tenancy period falling within the year of assessment
- **Amount of deduction allowable:** Amount of rent paid under the tenancy in relation to the year of assessment or deduction ceiling for the tenancy for the year of assessment, whichever is less
  - **If a taxpayer is married and not living apart from his/her spouse:** total amount of deduction allowable to the taxpayer or his/her spouse (or both of them) is calculated in accordance with the above principle
  - **If there is more than one tenancy in relation to a year of assessment:** the amount of allowable deduction for the year of assessment is the aggregate of the amount determined in accordance with the above principle for each of the tenancies
- **No limit for entitlement period**

