NOTES AND INSTRUCTIONS – SUPPLEMENTARY FORM (S19)

1. An MNE entity (Note 2) is required to complete this supplementary form for submission together with its Profits Tax Return if in the basis period:
   (a) a specified foreign-sourced income (Note 3) accrued to the entity;
   (b) a specified foreign-sourced income was received in Hong Kong by the entity (Note 7); or
   (c) the circumstances referred to in Note 47(c) or (d) occurred in respect of the foreign-sourced income concerned.

2. "MNE group" means a group that includes at least one entity or permanent establishment that is not located or established in the jurisdiction of the ultimate parent entity of the group. "MNE entity" means a person that is, or acts for, an MNE group or an entity included in an MNE group.

3. "Specified foreign-sourced income" means any interest, dividend, disposal gain (Note 14) or IP income (Note 13) arising in or derived from a territory outside Hong Kong, but does not include:
   (a) any interest, dividend or non-IP disposal gain that accrues to a regulated financial entity (Note 4);
   (b) any interest, dividend or non-IP disposal gain that accrues to an entity the assessable profits of which are chargeable to tax at the rate specified in a concession provision (as defined by section 19CA) other than section 14A(1) of the Inland Revenue Ordinance (Cap. 112) ("IRO");
   (c) any interest, dividend or non-IP disposal gain that accrues to an entity that is exempt from tax chargeable in respect of its assessable profits under section 20AC, 20ACA, 20AN or 20AO of the IRO;
   (d) any interest, dividend or non-IP disposal gain that accrues to an entity that is a ship-owner and has any exempt sums excluded under section 23B(4AA) of the IRO from the amount of relevant sums earned by or accrued to the entity; or
   (e) any non-IP disposal gain that accrues to an entity that is a trader (Note 5);

   and is derived from, or is incidental to:
   (i) for an entity in (a) above – the entity's business as a regulated financial entity;
   (ii) for an entity in (b) and (c) above – the activity that produces the assessable profits to which the tax concession or exemption applies;
   (iii) for an entity in (d) above – the activity that produces the exempt sums;
   (iv) for an entity in (e) above – the entity's business as a trader.

4. "Regulated financial entity" means:
   (a) an insurer (as defined by section 2(1) of the Insurance Ordinance (Cap. 41)) authorized under that Ordinance, Lloyd's or an approved association of underwriters;
   (b) an authorized institution as defined by section 2(1) of the Banking Ordinance (Cap. 155); or
   (c) an entity licensed under Part V of the Securities and Futures Ordinance (Cap. 571) to carry on a business in any regulated activity as defined by Part 1 of Schedule 5 to that Ordinance.

5. "Trader" means an entity that sells, or offers to sell, property in the entity's ordinary course of business. "Property" means any movable or immovable property.

6. A specified foreign-sourced income is regarded as a receipt arising in or derived from Hong Kong for the basis period of the year of assessment during which the income is received in Hong Kong (Note 7) and not arising from the sale of capital assets if:
   (a) the income is so received by an MNE entity carrying on a trade, profession or business in Hong Kong;
   (b) section 15, 15D or 15F of the IRO does not apply to the income; and
   (c) the MNE entity does not fall within the applicable exceptions prescribed in sections 15K, 15L, 15M and 15OA of the IRO, namely the economic substance requirement (for interest, dividend or non-IP disposal gain (Note 16)), the nexus requirement (for qualifying general IP income or qualifying IP disposal gain), the participation requirement (for dividend or equity interest disposal gain (Note 16)) and the intra-group transfer relief (for disposal gain).

7. A specified foreign-sourced income is regarded as "received in Hong Kong" if:
   (a) the income is remitted to, or is transmitted or brought into, Hong Kong;
   (b) the income is used to satisfy any debt incurred in respect of a trade, profession or business carried on in Hong Kong; or
   (c) the income is used to buy movable property (such as equipment, raw materials, etc.), and the property is brought into Hong Kong.

8. The basis period must be the same as that stated in the relevant Profits Tax Return.

9. Specified foreign-sourced income is considered as accrued to an MNE entity when it is recognised in the accounts of the entity in accordance with applicable accounting principles.

10. “Hong Kong resident person” means a person who is resident for tax purposes in Hong Kong within the meaning of section 50AAC(1) of the IRO.

11. Whether a non-Hong Kong resident person has a permanent establishment in Hong Kong is determined as follows:

    (a) for a tax resident of a jurisdiction that has a comprehensive avoidance of double taxation arrangement (“DTA”) in effect with Hong Kong (“DTA territory”) ─ in accordance with the relevant provisions under the DTA concerned; or

    (b) for a non-DTA territory resident person ─ in accordance with Part 3 of Schedule 17G to the IRO.

12. Interest income includes interest from bank deposits, lending of money or holding of debt securities.

13. “Intellectual property income” or “IP income” means income derived from an intellectual property as defined in section 15H(1) of the IRO in respect of the exhibition or use of, or a right to exhibit or use, (whether in or outside Hong Kong) the property; or the imparting of, or undertaking to impart, knowledge directly or indirectly connected with the use (whether in or outside Hong Kong) of the property. “Qualifying intellectual property” means (a) a patent granted under the Patents Ordinance (Cap. 514) or under the law of any place outside Hong Kong; (b) a patent application made under Cap. 514 or under the law of any place outside Hong Kong; or (c) a copyright subsisting in software under the Copyright Ordinance (Cap. 528) or under the law of any place outside Hong Kong. Generally, qualifying intellectual properties only cover patents and other IP assets which are functionally equivalent to patents if those IP assets are both legally protected and subject to similar approval and registration processes (e.g. copyrighted software). Intellectual properties that are not qualifying intellectual properties (e.g. marketing-related intellectual properties such as trademark and copyright) are non-qualifying intellectual properties. Gross amount of IP income should be stated for each of the two types of IP incomes.

14. “Disposal gain” means any IP disposal gain (Note 15) or non-IP disposal gain (Note 16). The amount of disposal gain stated in section 2.2.4 should be the gain or profit derived from the sale of property before the application of the intra-group transfer relief (Note 45) prescribed in section 15OA(3) of the IRO.

15. “IP Disposal gain” means any gain or profit derived from the sale of intellectual property on or after 1 January 2024.

16. “Non-IP disposal gain” means any gain or profit derived from the sale of property, but does not include IP disposal gains. Only the non-IP disposal gains derived on or after the following date would fall within the scope of specified foreign-sourced income:

    (a) Equity interest disposal gains (i.e. gains or profits derived from the sale of equity interests (other than partnership interests) in an entity) ─ 1 January 2023

    (b) Other non-IP disposal gains ─ 1 January 2024

17. An advance ruling referred to in this form is a ruling made by the Commissioner under section 88A of the IRO under which the Taxpayer is accepted as having complied with the economic substance requirement in respect of its foreign-sourced interest, dividend or non-IP disposal gain for a specified period under the specified circumstances and arrangements. A Commissioner's opinion on compliance with the economic substance requirement is a transitional arrangement in place before the coming into operation of the relevant amendment ordinance. The basis period should fall within the specified period to which the ruling or opinion is applicable.

    In case the Taxpayer would like to rely on the economic substance requirement to claim tax exemption in respect of a new type of specified foreign-sourced income not yet covered by the ruling or opinion obtained for the year of assessment, the circumstances specified in that ruling or opinion should be regarded as no longer valid. As such, “No” should be ticked for section 3.3(c) and section 3.4 should be completed to provide information concerning the economic substance requirement in respect of all foreign-sourced interest, dividend or non-IP disposal gains.

18. “Pure equity-holding entity” means an entity that (a) only holds equity interests in other entities; and (b) only earns dividends, equity interest disposal gains and income incidental to the acquisition, holding or sale of such equity interests. A pure equity-holding entity must comply with every applicable registration and filing requirement under the following Ordinances:

    (a) the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32);

    (b) the Limited Partnerships Ordinance (Cap. 37);

    (c) the Business Registration Ordinance (Cap. 310);

    (d) the Companies Ordinance (Cap. 622).

19. “Specified economic activities” means:

(a) in relation to an MNE entity that is a pure equity-holding entity (Note 18) – holding and managing its equity participations in other entities; or

(b) in relation to an MNE entity that is not a pure equity-holding entity – making necessary strategic decisions in respect of any assets the entity acquires, holds or disposes of; and managing and bearing principal risks in respect of such assets.

20. If the specified economic activities were carried out in Hong Kong by the Taxpayer’s employees, appropriate boxes for section 3.4(e) to (g) under the heading “Taxpayer” should be ticked to provide details of the employees employed and the total amount of operating expenditure incurred by the Taxpayer for carrying out the specified economic activities. The amount of operating expenditure should include remunerations of the relevant employees in connection with the specified economic activities.

21. If the specified economic activities were arranged to be carried out in Hong Kong through outsourcing to an outsourced entity, appropriate boxes for section 3.4 (e) to (g) under the heading “Outsourced entity” should be ticked to provide:

(a) for an outsourcing arrangement covering specified economic activities carried out by the outsourced entity for the Taxpayer only ─ details of the employees employed by the outsourced entity and the service fee paid to that outsourced entity (or the operating expenditure incurred by the outsourced entity) for carrying out the specified economic activities for the Taxpayer in Hong Kong;

(b) for an outsourcing arrangement covering specified economic activities carried out by the outsourced entity for the Taxpayer and other MNE entities that are within the same MNE group as the Taxpayer ─ details of the employees employed by the outsourced entity and the total amount of service fees paid to that outsourced entity (or the total operating expenditure incurred by the outsourced entity) for carrying out the specified economic activities for the Taxpayer and those other MNE entities in Hong Kong.

22. If the specified economic activities were carried out partly by the Taxpayer itself and partly by an outsourced entity, appropriate boxes for section 3.4(e) to (g) under both the headings “Taxpayer” and “Outsourced entity” should be ticked. The amount of operating expenditure should include remunerations of the relevant employees and the service fee paid to the outsourced entity (or the operating expenditure incurred by the outsourced entity) in connection with the specified economic activities. There must be no double-counting for the numbers of employees and the amounts of operating expenditure provided under the headings “Taxpayer” and “Outsourced entity”.

23. Number of MNE entities for which the outsourced entity carried out the specified economic activities with the total number of employees stated in section 3.4(e) and the amount of operating expenditure stated in section 3.4(g) under the heading “Outsourced entity”. For outsourcing arrangements referred to in Note 21(a), the number inputted should be “1” (i.e. the Taxpayer). For outsourcing arrangements referred to in Note 21(b), the Taxpayer and those other MNE entities should be included.

24. “Excepted portion of qualifying IP income” is the amount of qualifying IP income (Note 25) to which section 15I of the IRO does not operate to bring it into charge under profits tax. It is ascertained in accordance with the following formula:
Excepted portion = Qualifying IP income x R&D fraction applicable to the qualifying IP income.

25. “Qualifying IP income” means:

(a) any qualifying general IP income (Note 26); or

(b) any qualifying IP disposal gain (Note 27).

26. “Qualifying general IP income” means any income derived from qualifying intellectual property (Note 13) in respect of:

(a) the exhibition or use of, or a right to exhibit or use, (whether in or outside Hong Kong) the property; or

(b) the imparting of, or undertaking to impart, knowledge directly or indirectly connected with the use (whether in or outside Hong Kong) of the property.

27. “Qualifying IP disposal gain” means any gain or profit derived from the sale of qualifying intellectual property (Note 13).

28. The definition of “qualifying intellectual property” is provided in Note 13. The number of qualifying intellectual properties can be counted in terms of the number of groups or collections of patents covering the same invention or similar technical content. The Taxpayer is required to provide details in sections 4.4 and 4.5 in respect of each qualifying intellectual property covered in section 4.3. Details of up to 20 qualifying intellectual properties can be provided in this form. In case there are more than 20 qualifying intellectual properties, please provide details of the remaining qualifying intellectual properties in the same format on a separate sheet. In the separate sheet, please add your file number, year of assessment concerned and a remark “Additional” and sign at the bottom of the sheet.

29. For a qualifying intellectual property that is a registered patent, the date should be the date of registration of that patent. For a qualifying intellectual property that is a patent application, the date should be the one on which the Taxpayer filed the patent application to the Intellectual Property Department in Hong Kong or an equivalent authority outside Hong Kong. For a qualifying intellectual property that is a copyright subsisting in software, please input "99/99/9999" for section 4.4(c).

30. Where a qualifying general IP income accrues to an MNE entity during the period from 1 January 2023 to the last day of its basis period for the year of assessment 2024/25 and that MNE entity has insufficient records to track and trace the R&D expenditure in respect of the qualifying intellectual property involved, the transitional arrangement provided in section 10 of Schedule 17FC to the IRO may be adopted for ascertaining the R&D fraction (Note 34). That is, the amounts of qualifying R&D expenditure (Note 32) and non-qualifying expenditure (Note 33) in the formula for calculating the R&D fraction would be the respective amounts for any intellectual property of the MNE entity during a period of 3 years ending on the last day of its basis period for the year of assessment during which the qualifying general IP income accrues.

31. The transitional arrangement as mentioned in Note 30 may also apply to a qualifying IP disposal gain accrued to an MNE entity during the period from 1 January 2024 to the last day of its basis period for the year of assessment 2025/26.

32. "Qualifying R&D expenditure" ("QE") means expenditure incurred by the Taxpayer for an R&D activity that is connected to the subject intellectual property and is carried out:

(a) by the Taxpayer;

(b) on behalf of the Taxpayer by a non-associated person; or

(c) in Hong Kong on behalf of the Taxpayer by its associated person that is a Hong Kong resident person.

QE does not include interest payments; payments for any land or building, or for any alteration, addition or extension to any building; and acquisition cost of the subject intellectual property. For details, please refer to section 5 of Schedule 17FC to the IRO.

An R&D activity is–

(a) an activity in the fields of natural or applied science to extend knowledge;

(b) a systematic, investigative or experimental activity carried on for the purposes of any feasibility study or in relation to any market, business or management research;

(c) an original and planned investigation carried on with the prospect of gaining new scientific or technical knowledge and understanding; or

(c) the application of research findings or other knowledge to a plan or design for producing or introducing new or substantially improved materials, devices, products, processes, systems or services before they are commercially produced or used.

33. "Non-qualifying expenditure" ("NE") includes the following expenditures:

(a) acquisition cost of the subject intellectual property;

(b) any expenditure incurred by the Taxpayer for an R&D activity (Note 32) that is connected to the subject intellectual property and is carried out:

(i) on behalf of the Taxpayer by its associated person that is a non-Hong Kong resident person; or

(ii) outside Hong Kong on behalf of the Taxpayer by its associated person that is a Hong Kong resident person.

NE does not include interest payments and payments for any land or building, or for any alteration, addition or extension to any building. For details, please refer to section 6 of Schedule 17FC to the IRO.

34. The "R&D fraction" in respect of a qualifying intellectual property is computed in accordance with the following formula and capped at 100%:

$$\frac{\text{QE} \times 130\%}{\text{QE} + \text{NE}}$$

35. The intra-group transfer relief for disposal gain applies if:

(a) an MNE entity (selling entity) receives in Hong Kong any specified foreign-sourced income which is a disposal gain;

(b) the sale from which the gain is derived (subject sale) is an intra-group transfer (Note 36);

(c) the property to which the subject sale relates (subject property) is acquired by an entity (acquiring entity); and

(d) both the selling entity and the acquiring entity are, at the time of the subject sale, chargeable to profits tax.

36. The subject sale is an intra-group transfer if the selling entity and the acquiring entity are, at the time of the sale, associated with each other. (Note 37)

37. Two entities are associated with each other if:

(a) one of them has an associating interest (Note 38) in the other; or

(b) a third entity has an associating interest in both of them.

38. An entity (entity A) has an associating interest in another entity (entity B) if:

(a) entity A has at least 75% of direct or indirect beneficial interest in, or in relation to, entity B; or

(b) entity A is, directly or indirectly, entitled to exercise, or control the exercise of, at least 75% of the voting rights in, or in relation to, entity B.

39. Participation exemption for foreign-sourced dividends and equity interest disposal gains will apply (i.e. the income concerned will be tax-exempt) if:

(a) the Taxpayer is a Hong Kong resident person (in relation to a company, it means a company incorporated in Hong Kong or, if incorporated outside Hong Kong, normally managed or controlled in Hong Kong) or a non-Hong Kong resident person that has a permanent establishment in Hong Kong; and

(b) the Taxpayer has continuously held not less than 5% of equity interests in the investee entity for a period of not less than 12 months immediately before the specified foreign-sourced income accrues.

The participation exemption is subject to the anti-abuse rules, namely the switch-over rule, anti-hybrid mismatch rule and main purpose rule, prescribed in section 15N of the IRO.

40. A sum is subject to a qualifying similar tax in a territory outside Hong Kong if it is subject to a tax that is of substantially the same nature as profits tax under the IRO in that territory and the applicable rate or the highest applicable rate of that tax is equal to or higher than 15%.

41. “Underlying profits”, in relation to a dividend distributed by a subject investee entity (Note 43), means the profits of the entity out of which the dividend is paid.

42. “Related downstream income”, in relation to a subject investee entity’s underlying profits that consist wholly or partly of dividends (underlying dividends), means:

(a) the underlying dividends;

(b) if the underlying dividends-

(i) are paid out of the profits of a direct investee entity of the subject investee entity; or

(ii) are derived from the profits of an indirect investee entity of the subject investee entity through another investee entity of the subject investee entity,

those profits (downstream profits); or

(c) if the downstream profits consist wholly or partly of dividends – those dividends.

Underlying dividends or downstream profits in respect of a maximum of 4 tiers of direct or indirect investee entities of the subject investee entity can be included in the related downstream income.

43. “Subject investee entity”, in relation to an MNE entity that receives a dividend, means the entity that distributes the dividend.

44. Headline tax rate refers to the highest tax rate of the relevant jurisdiction for the year of assessment in which the income or profits of the investee entity giving rise to the foreign-sourced dividend were taxable. However, if the income or profits are taxable under the special tax legislation at a lower rate than in the main legislation, and the lower rate is not a tax incentive for carrying out substantive activities, the headline tax rate should be the highest stipulated tax rate in the special legislation.

45. If intra-group transfer relief applies, section 15OA(3) of the IRO provides that the selling entity is to be regarded as having sold the subject property for a consideration of such amount as would secure that neither a gain nor a loss would accrue to the selling entity. For the conditions under which the intra-group transfer relief applies, refer to Note 35.

46. Specified foreign-sourced income is chargeable to profits tax for the year of assessment if:

(a) the conditions in Note 6 are met;

(b) the circumstances referred to in Note 47(c) occurred in respect of a foreign-sourced IP income; or

(c) the circumstances referred to in Note 47(d) occurred in respect of a disposal gain.

47. Table A should be completed in case the Taxpayer had the following circumstances:

(a) Foreign-sourced interest, dividend or non-IP disposal gain was received in Hong Kong during the basis period but no advance ruling or Commissioner's opinion had been obtained on compliance with the economic substance requirement or the advance ruling or Commissioner's opinion obtained was not applicable to the year of accrual in respect of the income received;

(b) Foreign-sourced IP income or IP disposal gain derived from an intellectual property (qualifying or non-qualifying) was received in Hong Kong during the basis period;

(c) The excepted portion of qualifying IP income derived from a patent application was exempted from profits tax by virtue of the exception provided under section 15L of the IRO in previous years of assessment but that patent application was withdrawn, abandoned or refused in the basis period; or

(d) A disposal gain received by the Taxpayer from the sale of property (subject sale) to an associated entity (acquiring entity) was not chargeable to profits tax by virtue of the intra-group transfer relief provided under section 15OA(3) of the IRO in previous years of assessment, but one of the following events occurred in relation to the disposal gain during the basis period:

(i) within 2 years after the subject sale, the Taxpayer or the acquiring entity ceased to be chargeable to profits tax under the IRO; or

(ii) within 2 years after the subject sale, the Taxpayer and the acquiring entity ceased to be associated with each other.

Only information on specified foreign-sourced income falling within items (a) to (d) above is required to be completed in Table A. Foreign-sourced IP income and IP disposal gains derived from different intellectual properties should be reported by separate lines of entries. Information of up to 20 lines of entries can be provided in this form. In case you have to provide more than 20 lines of entries of information, please furnish the remaining information in the same format on a separate sheet. In the separate sheet, please add your file number, year of assessment concerned and a remark "Additional" and sign at the bottom of the sheet.

48. You must export the filled form to XML file and upload the XML file via the eTAX services under GovHK for submission. If you do not choose to submit Profits Tax Return through electronic filing or semi-electronic filing, you have to print and sign a paper Control List (containing details of the XML file uploaded and QR code) generated by the eTAX services for submission together with the Profits Tax Return in order to complete the submission process. The Control List of this supplementary form must be signed by the same person signing the tax return.

49. The definition of "received in Hong Kong" is provided in Note 7. For disposal gains, the amount of the gross realised gain or profit derived from the sale of property received in Hong Kong should be provided. For other specified foreign-sourced income, the amount of gross income received in Hong Kong should be provided. In case of the circumstances mentioned in Note 47(c), the amount of excepted portion of qualifying IP income previously exempted from profits tax in respect of the relevant patent application should be provided.

50. In respect of each type of specified foreign-sourced income, you should report the details of the income on the basis of the year of assessment in which the income accrued to the Taxpayer. For example, if a taxpayer received, in the basis period, foreign-sourced interest in Hong Kong, which accrued to it in two previous years of assessment, and that interest was chargeable to profits tax in the year of receipt, the taxpayer should provide the required information for each of the previous two years of assessment in which the interest accrued by two separate lines of entries.

51. The amount to be input in column (C) should be specified foreign-sourced income received in Hong Kong that is not subject to profits tax for the reason that the conditions of the economic substance requirement (for interest, dividends and non-IP disposal gains), nexus requirement (for qualifying IP income), participation exemption (for dividends and equity interest disposal gains) and/or intra-group transfer relief (for disposal gains) are satisfied. For foreign-sourced IP income or IP disposal gains derived from a qualifying intellectual property with a R&D fraction of less than 100%, the non-taxable amount should be the amount of relevant income received in Hong Kong multiplied by the R&D fraction.

52. If there is no taxable amount for a particular type of specified foreign-sourced income, no information is required to be provided in columns (E) to (K) for such income (i.e. profits or loss attributable to taxable amount and double taxation relief or deduction).

53. The profits or loss attributable to taxable amount is the net profit or loss of specified foreign-sourced income after deducting outgoings and expenses that are incurred in, and taking into account the balancing charge or allowance relating to, the production of the relevant income. In completing columns (E) and (F), the loss of one type of specified foreign-sourced income should not be set off against the profit of another type of specified foreign-sourced income.

If the relevant income is a disposal gain (subject disposal gain) derived from the sale of property which was acquired by the Taxpayer from an associated entity (selling entity) under an intra-group transfer arrangement and the intra-group transfer relief (Note 45) prescribed in section 15OA(3) of the IRO has been applied to the disposal gain of the selling entity (intra-group disposal gain):

(a) an outgoing or expense incurred by the selling entity in the production of the intra-group disposal gain that would be deductible under profits tax but for the operation of section 15OA(3) is to be regarded as having been incurred by the Taxpayer in the production of the subject disposal gain;

(b) any balancing charge directed to be made on, or any balancing allowance made to the selling entity in respect of the intra-group disposal gain that would be taken into account when calculating the amount of the selling entity's assessable profits or loss but for the operation of section 15OA(3) is to be regarded as having been directed to be made on, or having been made to, the Taxpayer and as relating to the subject disposal gain.

54. This part is to be completed if:

(a) the Taxpayer has profits attributable to the taxable amount of specified foreign-sourced income and foreign tax has been paid in relation to the income; or

(b) in relation to a disposal gain derived from the sale of property which was acquired by the Taxpayer from an associated entity (selling entity) under an intra-group transfer arrangement to which section 15OA of the IRO applies, the selling entity has paid tax outside Hong Kong in respect of its disposal gain and the tax paid would be allowable as a credit against tax payable for the disposal gain by the selling entity in Hong Kong but for the operation of section 15OA(3).

55. The amount of foreign tax paid attributable to the taxable amount of specified foreign-sourced income should be input in column (G). Where the income concerned is a dividend received by the Taxpayer, the amount reported in column (G) should be the total of the foreign tax paid on the dividend and the foreign tax paid on the underlying profits or income attributable to the dividend in respect of a chain of a maximum of 5 tiers of entities held by the Taxpayer provided that the Taxpayer has held at least 10% of direct or indirect beneficial interest in, or in relation to, the investee entity or is directly or indirectly entitled to exercise, or control the exercise of at least 10% of the voting rights in, or in relation to, the investee entity when the dividend is distributed.

56. If the Taxpayer is a Hong Kong resident person and intends to claim bilateral tax credit in respect of any foreign tax in column (G) (which was paid in a DTA territory) pursuant to the DTA concerned, it should report the amount of such tax credit in column (H).

57. If the Taxpayer is a Hong Kong resident person and intends to claim unilateral tax credit in respect of any foreign tax in column (G) (which was paid on underlying profits or income in a DTA territory) because the DTA concerned does not allow any tax credit in respect of the relevant profits or income, it should report the amount of such tax credit in column (I).

58. If the Taxpayer is a Hong Kong resident person and intends to claim unilateral tax credit in respect of any foreign tax in column (G) (which was paid in a non-DTA territory), it should report the amount of such tax credit in column (J).

59. If the Taxpayer is a non-Hong Kong resident person and intends to claim deduction of any foreign tax in column (G) in respect of which no tax credit is to be allowed, it should report the amount of such deduction in column (K).

60. The total amount of columns (H), (I), (J) and (K) should not exceed that in column (G).

61. The name of the qualifying intellectual property and the date of registration or application must be the same as those reported in IR1478 and/or Supplementary Form S19 for the year of assessment in which the IP income or IP disposal gain accrued to the Taxpayer.