

EXPLANATORY NOTES FOR THE COMPLETION OF APPENDIX 8B - DETAILS OF GAINS OR PROFITS FROM EMPLOYEE STOCK OPTION (ESOP) PLANS / OTHER FORMS OF EMPLOYEE SHARE OWNERSHIP (ESOW) PLANS FOR THE YEAR ENDED 31 DEC 2011

1. The Appendix 8B must be completed and signed by the company secretary/director, manager, honorary secretary/treasurer of Clubs and Associations, local representative of a non-resident company or a person authorised by the employer, in respect of an employee (including Singaporean and Singapore permanent resident who ceased employment or posted overseas) who has derived gains or profits directly or indirectly by reason of any office or employment:
 - from the exercise, assignment or release of any share option right or benefit; or
 - from the grant or vesting of any shares under an ESOW Plan.
2. Please give the completed form to your employees **by 1 Mar 2012** for them to submit their income tax return. However, for all Singaporeans and Singapore permanent resident employees, who have **ceased employment or are posted overseas**, please **send their Appendix 8B to IRAS**.
3. Generally, ESOP is taxable in the year in which it is exercised. The date of exercise is the date when the gains accrued to your employee. ESOW is taxable in the year in which it is granted. However, if there is a vesting period imposed on the ESOW, the gains will be taxed in the year in which it is vested. If a moratorium (selling restriction) is imposed on ESOP/ESOW plan, the gains are accrued on the date when the moratorium is lifted.

Taxability of ESOP / ESOW plan:

ESOP/ESOW plan granted while an individual is exercising employment in Singapore	
Granted before 1 Jan 2003	The gains from any ESOP/ESOW plans are taxable in Singapore if the ESOP/ESOW plans are exercised/ vested while you are physically present in Singapore or holding an employment in Singapore.
Granted on or after 1 Jan 2003	The gains from any ESOP/ESOW plans are taxable in Singapore. This is regardless of where you exercise/vest the ESOP/ESOW plans, as the gains will be taxed to the extent that they are connected with Singapore employment.

ESOP/ESOW plan granted while an individual is NOT exercising employment in Singapore *	
Exercised before 1 Jan 2002	The gains from any ESOP/ESOW plans are taxable in Singapore if the ESOP/ESOW plans are exercised/vested while you are physically present in Singapore or holding an employment in Singapore.
Exercised on or after 1 Jan 2002	The gains from any ESOP/ESOW plans are not taxable in Singapore even if the ESOP/ESOW plans are exercised/vested while you are physically present in Singapore or holding an employment in Singapore. Please note that you need NOT report such gains.

* This does not apply to an employee who was temporarily away as such absence from Singapore would be treated as incidental to his Singapore employment.

For more information, you may refer to our website at www.iras.gov.sg > **Individuals (For locals)** > **Filing tax** > **Know what is taxable, what is not** > **Employment income: Gains from exercise of stock options**.

4. Give details of the gains from each ESOP /ESOW plan derived by the employee in the year 2011 and segregate the gains into the following schemes, where applicable:
 - Section A – Employee Equity-based Remuneration (EEBR) Scheme
 - Section B – Equity Remuneration Incentive Scheme (ERIS) SMEs
 - Section C – Equity Remuneration Incentive Scheme (ERIS) All Corporations
 - Section D – Equity Remuneration Incentive Scheme (ERIS) Start-Ups
(Sections B to D: the details are shown in paragraph 8)

5. Points to note:

Item	What you need to know
(a) Company registration number	Complete these 2 columns only if the name of employer granting the stock option is not the same as the company making the declaration.
(b) Name of company	
(c) Indicate type of plan granted	Whether it is ESOP or ESOW plan granted
(d) Date of exercise of ESOP or date of vesting of ESOW plan (if applicable). If moratorium (i.e. selling restriction) is imposed, state the date the moratorium is lifted.	<ul style="list-style-type: none"> • If ESOP is granted without moratorium, to indicate the date the ESOP is exercised. • If ESOW plan is granted without moratorium but with vesting imposed, to indicate the date of vesting of ESOW plan. • If ESOP / ESOW plan is granted with moratorium, to indicate the date the moratorium is lifted for the ESOP / ESOW plans.
(e) Open market value per share as at the date reflected at Column (d) of Appendix 8B	<ul style="list-style-type: none"> • Where the shares acquired are listed on the Singapore Exchange, please use the last done price on the listing date of the shares so acquired. • Where it is not possible to determine the open market value of the shares or an arm's length price for the shares and the shares are not listed on the Singapore Exchange, please use the net asset value of the shares.

6. Section E - Total Gross amount Of Stock Option Gains (**This amount must be reflected in item d(8) of Form IR8A**).

7. Tax exemptions under the ERIS (SMEs), ERIS (All Corporations) and ERIS (Start-Ups), will NOT apply under circumstances where the employee receives cash compensation for the release of his right or benefit to acquire shares in a qualifying company by reason of **resignation or termination of employment due to misconduct**. For such employee, state the amount of cash compensation in item d3 “Other allowances” of the Form IR8A. **DO NOT complete Appendix 8B**.

8. When completing Sections **B to D** of the Appendix 8B, please ensure that your company’s stock plan had satisfied the required vesting or holding period as well as the qualifying and administrative requirements as elaborated in the following IRAS circulars.

Scheme	IRAS Circular	Date of Publication
ERIS (SMEs) (Previously known as EEEBR)	Entrepreneurial Employee Stock Option Scheme	22 May 2000 (Revised on 5 Aug 2008)
	Changes to tax treatment of employee stock options and other forms of employee share ownership plans	31 Aug 2002 (Revised on 5 Aug 2008)
ERIS (All Corporations) (Previously known as CEEBR)	Company Stock Option Scheme	31 March 2001 (Revised on 5 Aug 2008)
	Changes to tax treatment of employee stock options and other forms of employee share ownership plans	31 Aug 2002 (Revised on 5 Aug 2008)
ERIS (Start-Ups)	Equity Remuneration Incentive Scheme (Start-Ups)	1 Aug 2008

You may refer to the IRAS circulars from our website at www.iras.gov.sg > **e-Tax Guides** (under Quick Link)