



HKICPA seminar: An Update On Cross Border Tax Issues

Programme Code: TFP140117S

China taxable presence exposures arising from secondment arrangements had been a major area of concern in recent years for Hong Kong businesses operating in China. The release of a tax notice, SAT Announcement [2013] No. 19 (Announcement 19), clarifies the criterion and factors that the tax authorities will consider when deciding whether a secondment arrangement is genuine should help Hong Kong companies in managing their secondment tax exposures.

From a foreign exchange (forex) perspective, the recent forex circular, Announcement 40, which eliminates the existing tax clearance requirement for certain outbound remittance (including cross-border secondment/ service fees) will significantly expedite cash transfers from China to overseas. However, overseas taxpayer's obligation to pay Chinese taxes will still exist regardless of the forex requirement.

In respect of cross border remittance of passive income such as dividends to Hong Kong parents, the series of recent tax circulars, such as Shuizonghan [2013] No. 165 (Circular 165) and SAT Announcement [2013] No. 53 (Announcement 53), may radically improve access to tax treaty relief on dividends for Hong Kong tax resident enterprises through the adoption of a 'totality of facts' approach in determining 'beneficial ownership' and less stringent requirement on the presentation of a tax residency certificate.

In this seminar, the speakers will introduce Announcement 19, and how management processes and contractual and financial arrangements covering secondments need to be tightened up in order to limit tax risks arising from secondment arrangements. Further, they will discuss the new tax recordal filing system under Announcement 40, and what taxpayers may need to do in order to not face greater penalty risks as a result of a failure to settle Chinese taxes in compliance with the laws in connection with the service fee remittance. Lastly, they will discuss the latest developments in tax treaty relief application, and what these developments mean for Hong Kong companies with investments in China.

Date **Friday, 17 January 2014**

Time **6:30 p.m. – 8:30 p.m.**

Venue Hong Kong Institute of CPAs,
27/F., Wu Chung House, 213 Queen's Road East, Wanchai, Hong Kong.

Language English

Fee

- Taxation Faculty member: HK\$150
- HKICPA member or student; and IA/ HKIAAT member or student: HK\$190 or HK\$180 (online enrolment)
- Non-member: HK\$330

Not a faculty member? [Click here](#) to join.

Objectives

- Issues to consider when structuring cross border secondment arrangement in view of the new tax guidelines
- What does the simplification of tax clearance and forex procedures for cross border service fees means for Hong Kong companies
- Latest developments on claiming tax treaty relief by Hong Kong companies

Speakers **Ms. Karmen Yeung**, Partner, China Tax, KPMG

Miss Yvette Chan, Senior Manager, China Tax, KPMG

Participants

- HR personnel/ personnel responsible for arranging secondment arrangements and policies
- Financial controller/ accountants
- In-house tax manager
- Personnel responsible for foreign exchange remittance

Competency Taxation

Rating Intermediate Level (Please refer to the [Institute's online CPD Learning Resource Centre](#))

CPD hours 2



TAXATION FACULTY EVENT ENROLMENT FORM (For Support Programme)

An Update On Cross Border Tax Issues (TFP140117S)

Finance & Operations Department,
Hong Kong Institute of CPAs,
37/F, Wu Chung House, 213 Queen's Road East, Hong Kong

Payment & Enrolment Status Enquiry: 2287 7381
e-mail: finance@hkicpa.org.hk
Fax : 2893 9853

Event Information Enquiry:
2287 7386 / 2287 7253
e-mail: cpd@hkicpa.org.hk

FOR OFFICE USE

Seq. no.: _____

Please click here for online enrolment
(for HKICPA members only)

Deadline: 7 working days before the date of the programme

No.	Membership		Full Name of Participant(s) (Block Letters)	Company	Email address ^{*(2)} (Block Letters)	Fee		
	No.	Status (1)				Taxation Faculty Member HK\$150	HKICPA member, student /IA/HKIAAT member, student HK\$190	Non- member HK\$330
1								
2								
3								
4								
						Total	HK\$	

* Email address is for enrolment confirmation purpose. Please refer to note (2) for details.

☐ I am unemployed and not working. I am planning to rejoin the workforce.

The Institute reserves the right to allocate places to enable the enjoyment of more members in this event.

The Institute's decision is final. Applicant must submit the enrolment form 10 working days before the event.

Contact Person : _____ Tel No. : _____ Fax No. : _____ E-mail : _____

Payment Method (Please tick the appropriate box)

<input type="checkbox"/> Cheque (no. _____) payable to "Hong Kong Institute of Certified Public Accountants" or "HKICPA"	
<input type="checkbox"/> VISA / MasterCard <input type="checkbox"/> BOC HKICPA UnionPay card	
Card Number: _____	Card Expiry Date (MM/YY): _____
Cardholder's Name (block letters): _____	Cardholder's Signature: _____
Date: _____	
If you require a receipt, please put a "✓" indicate your choice of delivery: <input type="checkbox"/> by email <input type="checkbox"/> by post (to the address as shown below)	
Name : _____	Name : _____
Address : _____	Address : _____

- Notes:**
- Membership Status: **TF** = Taxation Faculty member, **NP** = Non-Practising, **P** = Practising, **IA** = International Affiliate, **S** = Student, **HKIAAT** = HKIAAT Student or Member, **GAA** = GAA Passport holder, **NM** = Non-Member.
 - Successful applicants will receive confirmation of registration by email at least 3 working days before the event. Unsuccessful applicants will also be notified around the same time. If you have not heard from the Institute regarding your registration 2 working days before the event and if you have other enquiries related to the programme, please make enquiry at 2287 7386 or 2287 7253.
 - NO ADMISSION TICKET will be issued. Please bring your HKICPA membership card or confirmation email for admission purpose.
 - All applications are on a first-come-first-served basis.
 - Application by fax will ONLY be accepted when payment is made by Visa/Master credit card and BOC HKICPA UnionPay card. Please ensure all the particulars relating to payment are completed, otherwise the application cannot be processed. There is NO need to send in the enrolment form again if it has already been faxed to the Institute.
 - Cheque(s) should be made payable to "Hong Kong Institute of Certified Public Accountants" or "HKICPA". Please issue SEPARATE CHEQUE for each event.
 - NO REFUND/CANCELLATION will be entertained after the application is processed.
 - All scheduled events will be cancelled and postponed to a date to be announced in the event of typhoon signal no. 8 or above or if a Black Rainstorm warning is hoisted. For details of bad weather arrangement for CPD programmes, please refer to the Institute's homepage.
 - The Institute reserves the right to change the venue, date, speaker or to cancel the event due to unforeseen circumstances.
 - Personal data collected from the enrolment process and administration of courses will be used for the purpose of the administration of the course on which applicants are enrolled. Data collected may be accessible by the Institute's officers, persons or committees processing the application and related matters. In addition, the Institute may use the collected data for statistical research and analysis, for keeping members informed of its services and validation of CPD hours. The Institute intends to use the personal data of your name, email address and correspondence address to inform you of CPD activities, members' benefits, goods, services, facilities and events organized or provided by the Institute or other organizations. For member and registered student you may opt out from receiving such materials at any time by login the following link <https://www.hkicpa.org.hk/en/members-area/comm-preference/>. For non-member you may opt out from receiving such materials at any time by sending an email to the Institute at privacyofficer@hkicpa.org.hk or a letter to the Institute's privacy officer.
 - No unauthorized audio or video recording is allowed at CPD events.