

PEO

Professional Information for You

Practical Tips on Dealing with New Rules Affecting Treaty Residents and IIT under DTAs

最新雙邊稅收安排 對個人所得稅的影響及應對分析

香港 · 深圳

Hong Kong

Thursday, 2 September 2010 (9:00am - 12:30pm)

Language: Cantonese 廣東話

Shenzhen

Friday, 10 September 2010 (2:00pm - 5:30pm)

Language: Putonghua 普通話

Supported by:

Deloitte.

Background

Since last year, the Chinese tax authorities have issued a series of new rules which step up the enforcement of the Individual Income Tax administration and also adversely affect the individuals who enjoy the favourable income tax benefits under Double Tax Arrangements (“DTAs”) conducted by China with the countries/regions where the foreign individuals are tax residents (“treaty residents”). With these new filing requirements, it enables the tax authorities to counter the abusive use of treaty benefits and even closely scrutinise the existence of permanent establishment in China.

PEO is pleased to have invited *Mona Mak*, Partner, *Jim Chung*, Partner, *Esti Chui*, Senior Manager and *Isabel Liu*, Senior Manager, *Wing Wu*, Tax Manager, Global Employer Services, Deloitte Touche Tohmatsu to share with you the challenges and give you their insights into the individual income tax as well as Hong Kong Salaries Tax implications in light of the latest development.

自去年以來，中國稅務機關頒布了一系列新的法規以加強對個人所得稅的監管，同時也對過往曾受益于“避免雙重徵稅安排”（“DTAs”），並在協議國家擁有稅收居民身份的外籍人士產生了不利影響。

這些新的申報要求，幫助稅務機關約束對優惠協議的濫用，同時對在華可能形成的常設機構進行更嚴密的審查。

PEO很榮幸邀到德勤全球雇主服務的專家們與你一起分享新法規帶來的挑戰，並深入解讀大陸個人所得稅以及香港薪俸稅的最新的發展。

Seminar Outline

PRC Individual Income Tax

- A quick recap of general PRC Individual Income Tax (“IIT”) rules
- Calculation of IIT considering Double pay/13th month salary, Director’s fees and Monthly Allowance for “Overseas Chinese” Guoshuifa [2009] No. 121 (“Circular 121”)
- Recent stepped-up enforcement of IIT administration
 - » Enhancement of the administration of full IIT Reporting and tax withholding on high-income earners Guoshuifa [2010] No. 54 (“Circular 54”)
 - » Filing Requirements for claiming benefits under DTAs Guoshuifa [2009] No. 124 (“Circular 124”)
 - » Implications of demonstration of “commercial substances” for treaty benefit claim
 - » Implications of demonstration of “beneficial ownership” for treaty benefit claim
 - » New Tax Filing Requirements for Expatriates in Guangzhou and other provinces Suidishuifa [2009] No. 222 (“Circular 222”)
- Tax registration and filing requirements for frequent short-term business travellers visiting China projects and services performed by non-residents being assigned to China to work on a projects of for a period of time Guoshuifa [2009] No. 124 (“Circular 124”)
- Clarifications on IIT treatments of employee share appreciation rights (SARs) and restricted shares plans Guoshuifa [2009] No. 461 (“Circular 461”)

Hong Kong Salaries Tax

- Key tax issues of Hong Kong/PRC cross-border travelling employees are facing from HK salaries tax perspectives
 - » Tax relief and exemption under Hong Kong tax law available for cross-border employees
 - » Tax filing obligations for employer and cross-border employees
- A recap on the main changes on the new Double Tax Arrangement between mainland China and Hong Kong from an individual income tax perspective

Practical case studies

中國境內個人所得稅

- 國內個人所得稅相關法規概述
- 年底雙薪、董事費、華僑的身份界定與費用扣除，國稅發[2009]第121號（“121號文”）
- 近期對個人所得稅行政執法的加強
 - » 進一步加強高收入者個人所得稅徵收管理國稅發[2010]54號（“54號文”）
 - » 非居民享受稅收協定待遇管理辦法國稅發[2009]第124號（“124號文”）
 - » 享受稅收協定待遇中進行“商業實質”證明應考量的因素
 - » 享受稅收協定待遇中進行“受益所有人”證明應考量的因素
 - » 廣州及其他省份外籍員工新的稅收申報要求穗地稅發[2009]222號（“222號文”）
- 非居民企業派遣短期來華出差人員的稅務登記與稅務申報要求國稅發[2009]第124號（“124號文”）
- 對雇員股票增值權(SARs)和限制性股票激勵徵收個人所得稅的有關通知國稅函[2009]461號（“461號文”）

香港薪俸稅

- 跨境往返香港與內地之雇員在申報香港薪俸稅時需要注意的問題：
 - » 香港稅法給予跨境雇員的減稅和豁免
 - » 跨境雇員和雇主應承擔的稅務申報義務
- 內地與香港避免雙重徵稅安排中，關於個人所得稅部分的主要變化

實際案例分析

Speakers

Partner, Global Employer Services, Deloitte Hong Kong

Hong Kong Session

麥婉群 *Mona Mak*

Mona is Tax Partner in the Global Employer Services team at Deloitte Touche Tohmatsu Hong Kong office. Prior to joining Deloitte, Mona has worked for the Hong Kong Inland Revenue Department and another "big four" international firm in Hong Kong. Mona specializes in advising multinational companies and high net worth individuals on Hong Kong/PRC cross-border individual tax issues, such as employee's remuneration package planning, structuring and implementing tax assistance program for cross-border employees, termination payments, stock option schemes and various tax related issues. In addition, Mona is very experienced in handling Individual Income Tax controversies with the Hong Kong Inland Revenue Department.

Partner, Global Employer Services, Deloitte Shenzhen

Shenzhen Session

鐘銳文 *Jim Chung*

Jim is the Tax Partner of our Global Employer Services team at Deloitte Touche Tohmatsu Shenzhen office. Prior to joining Deloitte, Jim has worked for another "big four" international firm in Taiwan, Hong Kong and Shenzhen. Jim specializes in advising multinational companies and high net worth individuals on PRC individual tax matters, such as employee's remuneration package review and planning, review and implementing tax assistance program for cross-border employees, termination payments, stock option schemes and various visa and immigration solutions and other global assignment related matters.

In addition, he also specializes in PRC corporate income tax planning, customs, indirect tax planning, transfer pricing, M&A and foreign exchange matters.

Senior Manager, Global Employer Services, Deloitte Hong Kong

Hong Kong Session

徐雪藍 *Esti Chui*

Esti Chui is a Senior Manager of Global Employer Services Group of Deloitte Touche Tohmatsu ("Deloitte") Hong Kong office. She has many years of experience in Hong Kong Salaries Tax and US Individual Income tax compliance and consulting as well as Hong Kong/PRC cross-border individual tax matters. She is experienced in working on major, globally based companies and has been providing advisory on complex tax-related business problems, e.g. equity compensation, structuring termination payments, remuneration package planning, etc. Prior to joining Deloitte, Esti has worked in the Hong Kong Inland Revenue Department dealing with the Hong Kong Salaries Tax.

Senior Manager, Global Employer Services, Deloitte Hong Kong

HK & SZ Session

劉頌 *Isabel Liu*

Isabel Liu is a Senior Manager of Global Employer Services in Deloitte Touche Tohmatsu ("Deloitte") Hong Kong office. She has over eight years of experience in PRC and Hong Kong individual tax services. Prior to Deloitte Hong Kong, she has been working in Deloitte Shenzhen office for many years. Her key area of expertise is the PRC and Hong Kong cross-border individual tax planning, health check, employment and compensation structuring, tax bureau negotiation and other PRC and Hong Kong individual tax compliance and consulting services.

Tax Manager, Global Employer Services, Deloitte Shenzhen

Shenzhen Session

吳玲 *Wing Wu*

Wing Wu is a Tax manager based in Shenzhen, South China. She has more than 7 years of tax professional experience in Deloitte Guangzhou branch and Shenzhen branch. Wing is specialized in Global Employer Services, such as PRC Individual Income Tax compliance services, and consulting services for solutions such as global compensation and benefits review and planning, PRC visa and immigration solutions and other global assignment related matters for the employers and expatriates in China.

About Us

About PEO

<http://www.peo-group.com/>

PEO is the leading information provider, aiming to provide professionals with accurate, timely and professional information. Not only with well known PEO Events, but also with our publications and e-newsletters, PEO has become one critical information source for our customers.

Within the areas of tax, accounting, human resources, business management and legislation, we help professionals stay up-to-date with ever changing business environment and complex regulations. PEO Events are also known as an ideal platform for delegates to engage in discussions as well as to share their ideas and experiences.

About Deloitte

<http://www.deloitte.com/>

"Deloitte" is the brand under which tens of thousands of dedicated professionals in independent firms throughout the world collaborate to provide audit, consulting, financial advisory, risk management, and tax services to selected clients. These firms are members of Deloitte Touche Tohmatsu, a Swiss Verein ("DTT").

Deloitte China are one of the leading professional services providers in the Chinese Mainland, Hong Kong SAR and Macau SAR, with over 8,000 people in 13 offices including Beijing, Chongqing, Dalian, Guangzhou, Hangzhou, Hong Kong, Macau, Nanjing, Shanghai, Shenzhen, Suzhou, Tianjin and Xiamen. Deloitte China have considerable experience in China and have been a significant contributor to the development of China's accounting standards, taxation system and local professional accountants. Deloitte China also provide services to around one-third of all companies listed on the Stock Exchange of Hong Kong.

REGISTRATION FORM

FAX TO: (+852) 3793-3368
(+86) 400-628-5911

PARTICIPANT'S DETAILS

Company Name

Address

Tel No.

Fax No.

Participant (1)

Mr. Ms.

Name

Title

Mobile

E-mail

Participant (2)

Mr. Ms.

Name

Title

Mobile

E-mail

Participant (3)

Mr. Ms.

Name

Title

Mobile

E-mail

Please remind me by phone one day before the seminar.

If specific contact person is assigned, please state.

Contact Person

Mr. Ms.

Name

E-mail

Tel No.

Yes! Please register me for the seminar

Practical Tips on Dealing with New Rules Affecting Treaty Residents and IIT under DTAs
最新雙邊稅收安排對個人所得稅的影響及應對分析

Hong Kong: Thursday, 2 September 2010 (9:00am - 12:30pm)
One Pacific Place, Hong Kong / 香港太古廣場會議中心
Cantonese / 廣東話

Shenzhen: Friday, 10 September 2010 (2:00pm - 5:30pm)
Sunshine Hotel, Shenzhen / 深圳陽光酒店
Putonghua / 普通話

Fee** (HKD / Person)	Discount*
<input type="checkbox"/> 1300	<input type="checkbox"/> 1100
	* for PEO's client

**PEO's client" refers to a company attending any PEO past events. Subscribers of China Employment Watch will be entitled to extra 10% discount.

**The fee includes seminar materials, certificate of attendance & refreshment.

PAYMENT OPTIONS

I enclose a cheque of HK\$ _____ payable to "PEO (HK) Co., Ltd." and will send to PEO HK, Unit 3328, 33/F, China Merchants Tower, Shun Tak Centre, Nos. 168-200 Connaught Road Central, Hong Kong (Attn: Accounting Dep.)

Bank transfer to PEO HK account

Bank Name: **Hang Seng Bank Limited**
Account Name: **PEO (HK) Co., Ltd.**
Account Number: **229213491001**(HKD)

I want to pay in RMB. Normal: RMB1100 / Discount: RMB900

Bank Name: **工商銀行深圳市深圳灣支行**
Account Name: **深圳普岩會議服務有限公司**
Account Number: **4000 0277 0920 0242 980**

****Invoice will be given on site.****

Signature:

Please complete this form and fax to PEO.

Contact person: Belinda Lam

Tel: (+852) 3793-3024

Fax: (+852) 3793-3368

Mainland Tel: (+86) 400-628-5800 Mainland Fax: (+86) 400-628-5911

support@peo.hk

» This seminar is by invitation only. Due to limited seats, early registration is encouraged.

» Reservations will be confirmed on a first come first served basis upon receipt of the registration.

» A substitute delegate is welcome at any time without extra charge if you are unable to attend.

» Any absence without prior notice may cause your enrollment in next activity to be put into waiting list.

» PEO reserves the right to postpone or cancel the event due to unforeseen circumstances.