



China Tax Alert

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The Catalogue of Industries for Encouraged Foreign Investment (2019 Edition) has been expanded

Regulations discussed in this issue:

- *The Catalogue of Industries for Encouraged Foreign Investment (Decree No. 27 of the State Development and Reform Commission and the Ministry of Commerce)*
- *The Announcement of the General Administration of Customs on Issues Concerning the Implementation of the Catalogue of Industries for Encouraged Foreign Investment (2019 Edition) (GAC Announcement [2019] No. 125)*

Background

In order to further promote opening-up, to accelerate the construction of a new open economy and to improve foreign investment policies, the State Development and Reform Commission and the Ministry of Commerce issued the Catalogue of Industries for Encouraged Foreign Investment (2019 Edition) (hereinafter referred to as the "Encouragement Catalogue (2019 Edition)") on 30 July 2019. On the same date, the encouraged fields detailed in the Catalogue of Industries for Guiding Foreign Investment (Amended in 2017) (hereinafter referred to as the "Catalogue of Industries Guidance (2017 Edition)") [see more details in KPMG's China Tax Alert ([Edition 21](#), June 2017)] and in the Catalogue of Priority Industries for Foreign Investment in Central and Western China (Amended in 2017) (hereinafter referred to as the "Catalogue of Industries for Central and Western China (2017 Edition)") have been abolished.

In addition, the General Administration of Customs issued its Announcement on Issues Concerning the Implementation of the Catalogue of Industries for Encouraged Foreign Investment (2019 Edition) (hereinafter referred to as "GAC Announcement [2019] No. 125"), which further clarifies issues related to the implementation of the Encouragement Catalogue (2019 Edition). Both became effective on 30 July 2019.

Main Contents

The Encouragement Catalogue (2019 Edition) includes two sub-catalogues: one is the Catalogue of Industries for Guiding Foreign Investment Nationwide (hereinafter referred to as the "National Catalogue"), which is applicable throughout the entire country. The other is the Catalogue of Priority Industries for Foreign Investment in Central and Western China (hereinafter referred to as the "Central and Western Catalogue"), which is only applicable to China's central, western and northeastern regions. Compared with the Catalogue of Industries Guidance (2017 Edition) and the Catalogue of Industries for

Central and Western China (2017 Edition), the industries where foreign investment are encouraged have been expanded. More specifically, there are in total 1,108 entries in the Encouragement Catalogue (2019 Edition), among which 415 entries are in the National Catalogue with 67 entries added and 45 entries revised, while 693 entries in the Central and Western Catalogue with 54 entries added and 165 entries revised. More than 80 percent of the new additions and revisions of National Catalogue fall within the manufacturing sector, which supports and encourages foreign investment into high-end manufacturing, intelligent manufacturing, green manufacturing and relevant areas. The Central and Western Catalogue is more focused on labor-intensive industries, advanced and applicable technology industries as well as the construction of supplementary facilities, encouraging foreign-invested businesses transferred to the central and western regions. The main adjustments are listed as below:

National Catalogue		
Key Encouraged Area	Encouraged Industries/Areas	Adjustments
Manufacturing industries	Electronic and information industry	Adding entries for core components of 5G, etching machines for integrated circuitry, chip packaging equipment and cloud computing equipment, etc.
	Equipment manufacturing industry	Adding or revising entries for industrial robots, new energy vehicles and key components of smart cars, etc.
	Modern medical and pharmaceutical industries	Adding entries for key raw materials for the production of cell therapy drugs and large-scale cell culture products, etc.
	New material industries	Adding or revising entries for new materials for aerospace, monocrystalline silicon and large silicon wafers, etc.
Producer services industries	Commercial services area	Adding or revising entries for project consulting, accounting, tax consulting, inspection and testing verification services, etc.
	Supply chain area	Adding or revising entries for cold chain logistics, e-commerce, special railway lines, etc.
	Technical services area	Adding entries for artificial intelligence, clean production, carbon capture and circular economy, etc.

Central and Western Catalogue		
Provinces	Characteristics	Adjustments
Yunnan, Inner Mongolia, Hunan, etc.	Specialty agriculture resources and labour advantages	Adding or revising entries for agricultural products manufacturing, textile garments, furniture manufacturing, etc.
Anhui, Sichuan, Shaanxi, etc.	Electronic products manufacturing industry clusters	Adding entries for digital integrated circuitry, tablet and communication terminals, etc.
Henan, Hubei, etc.	Convenient traffic and logistics networks	Adding entries for warehousing facilities related to logistics and vehicle fuelling stations, etc.

In addition, GAC Announcement [2019] No. 125 further clarified potential customs issues related to equipment, technology and accessories, and spare parts imported for self-use purposes during the implementation of the Encouragement Catalogue (2019 Edition).

Approval, verification or record filing date prior to 30 July 2019		
Applicable Catalogue	Application Process	Applicable Policy
<ul style="list-style-type: none"> Catalogue of Industries Guidance (2017 Edition) Catalogue of Industries for Central and Western China (2017 Edition) 	<ul style="list-style-type: none"> Confirmation of Domestic and Foreign Investment Projects Encouraged by the State issued by the competent investment authorities prior to 1 August 2020 Relevant documents issued by the competent commerce bureau prior to 1 August 2020, such as approval for the establishment (capital increase) of foreign-invested enterprises or the record filing receipt for the establishment (change) of foreign-invested enterprises, etc. 	<ul style="list-style-type: none"> Subject to import VAT only, with Customs duty exempted
<ul style="list-style-type: none"> Catalogue of Industries Guidance (2017 Edition) Catalogue of Industries for Central and Western China (2017 Edition) Simultaneously within the scope of the Encouragement Catalogue (2019 Edition) 	<ul style="list-style-type: none"> Confirmation of Domestic and Foreign Investment Projects Encouraged by the State issued by the competent investment authorities in accordance with the Encouragement Catalogue (2019 Edition) Relevant documents issued by the competent commerce bureau in accordance with the Encouragement Catalogue (2019 Edition), such as approval for the establishment (capital increase) of foreign-invested enterprises or the record filing receipt for the establishment (change) of foreign-invested enterprises, etc. 	

Approval, verification or record filing on and after 30 July 2019		
Applicable Catalogue	Application Process	Applicable Policy
The Encouragement Catalogue (2019 Edition)	<ul style="list-style-type: none"> Confirmation of Domestic and Foreign Investment Projects Encouraged by the State issued by the competent investment authorities in accordance with the Encouragement Catalogue (2019 Edition) 	<ul style="list-style-type: none"> Subject to import VAT only, with Customs duty exempted
Not within the scope of the Catalogue of Industries Guidance (2017 Edition) or within that of the Catalogue of Industries for Central and Western China (2017 Edition), but within the scope of the Encouragement Catalogue (2019 Edition)	<ul style="list-style-type: none"> Relevant documents issued by the competent commerce bureau in accordance with the Encouragement Catalogue (2019 Edition), such as approval for the establishment (capital increase) of foreign-invested enterprises or the record filing receipt for the establishment (change) of foreign-invested enterprises, etc. 	<ul style="list-style-type: none"> Subject to import VAT only, with Customs duty exempted Paid Customs duty not refundable

KPMG Insights

- Further expansion of the industry fields open to foreign investment

In order to adapt to the ever-changing global economy and in light of the unique characteristics of China's industrial development, the Encouragement Catalogue (2019 Edition) has expanded its scope and added more fields to encourage foreign investment in China. More than 80 percent of the new entries and revisions in the Encouragement Catalogue (2019 Edition) fall under the manufacturing sector. These changes provide more support for foreign investment in high-end manufacturing, intelligent manufacturing, green manufacturing and other areas. The catalogue will provide continued support for the further opening-up of producer services, while also promoting the transformation and upgrading of the service industries.

The catalogue also encourages foreign-invested businesses to transfer to China's central and western regions from other regions of the country. In this way, the catalogue aims to promote foreign investment, optimize industrial structures, and better balance the allocation of foreign-invested businesses among the country's regions. In particular, the Central and Western Catalogue promotes labor-intensive industries, Appropriate Technology industries, and the construction of supporting facilities.

- Preferential policies for encouraged foreign investment projects

According to the Encouragement Catalogue (2019 Edition), the scope of encouraged foreign investment projects has been expanded, while tax incentives remain unchanged. These policies mainly include:

- Encouraged foreign investment projects are eligible to enjoy customs duty exemption on the imported self-use equipment within the total maximum investment amount.
- Qualified enterprises investing in encouraged industries in western regions are eligible for a lower CIT rate of 15%.
- The land for encouraged foreign investment projects of intensive use can be offered preferentially. The base price of land transfer fee can be carried out at that no lower than 70% of the corresponding lowest national standard price for industrial-used land.

The release of the Encouragement Catalogue (2019 Edition) demonstrates China's determination and confidence in entering an entirely new era of opening-up, and represents a significant stride in the country's efforts to promote foreign investment. Meanwhile, the relevant incentive policies will remain unchanged, which provides certainty and sustainability for numerous foreign-invested enterprises. The catalogue has expanded the scope of encouraged foreign investment projects in order to encourage foreign-invested enterprises to enter and take root in the China market more quickly. The Encouragement Catalogue (2019 Edition) will stimulate the high-quality development of China's economy, the upgrading of traditional industries, and the accelerated development of emerging industries. At the same time, it will also play a positive role in expanding investment channels for the flow of foreign capital into China so that foreign investors can share in the opportunities and achievements of China's development.

KPMG Services

With an overall deepening of reform and opening-up, and in light of the ever-changing domestic and international economy, China is exerting even more effort to further its opening-up. Meanwhile, KPMG will continue to pay close attention to relevant policies. We are well-positioned to provide assistance to foreign-invested enterprises with respect to the following:

- Evaluating whether an investment project falls within the scope of industries listed in the Encouragement Catalogue (2019 Edition);
- Assessing whether specific imported equipment can enjoy the reduction or exemption of customs duty;
- Submitting applications to in-charge customs authorities for tax deductions, duty exemptions of imported equipment, and etc.

Contact us

Northern Region



Eric Zhou
China Trade and Customs Services
Lead Partner
Email: ec.zhou@kpmg.com
Tel: +86 (10) 8508 7610



Helen Han
Partner
Email: h.han@kpmg.com
Tel: +86 (10) 8508 7627

Eastern and Western Region



Anthony Chau
Partner
Email: anthony.chau@kpmg.com
Tel: +86 (21) 2212 3206



Dong Cheng
Partner
Email: cheng.dong@kpmg.com
Tel: +86 (21) 2212 3410



Rachel Tao
Director
Email: rachel.tao@kpmg.com
Tel: +86 (21) 2212 3473

Southern Region



Grace Luo
Partner
Email: grace.luo@kpmg.com
Tel: +86 (20) 3813 8609



Vivian Chen
Partner
Email: vivian.w.chen@kpmg.com
Tel: +86 (755) 2547 1198



Phillip Xia
Director
Email: Philip.xia@kpmg.com
Tel: +86 (20) 3813 8674

Hong Kong



Daniel Hui
Partner
Email: daniel.hui@kpmg.com
Tel: +852 2522 7815

并肩赋能
税道渠成

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For any enquiries, please send to our public mailbox: taxenquiry@kpmg.com or contact our partners/directors in each China/HK offices.

Khoonming Ho
Head of Tax,
KPMG Asia Pacific
Tel. +86 (10) 8508 7082
khoonming.ho@kpmg.com

Lewis Lu
Head of Tax,
KPMG China
Tel. +86 (21) 2212 3421
lewis.lu@kpmg.com

Beijing/Shenyang/Qingdao
Vincent Pang
Tel. +86 (532) 8907 1728
vincent.pang@kpmg.com

Tianjin
Eric Zhou
Tel. +86 (10) 8508 7610
ec.zhou@kpmg.com

Shanghai/Nanjing/Chengdu
Anthony Chau
Tel. +86 (21) 2212 3206
anthony.chau@kpmg.com

Hangzhou
John Wang
Tel. +86 (571) 2803 8088
john.wang@kpmg.com

Guangzhou
Lilly Li
Tel. +86 (20) 3813 8999
lilly.li@kpmg.com

Fuzhou/Xiamen
Maria Mei
Tel. +86 (592) 2150 807
maria.mei@kpmg.com

Shenzhen
Eileen Sun
Tel. +86 (755) 2547 1188
eileen.gh.sun@kpmg.com

Hong Kong
Karmen Yeung
Tel. +852 2143 8753
karmen.yeung@kpmg.com

Northern Region

Vincent Pang
Head of Tax,
Northern Region
Tel. +86 (10) 8508 7516
+86 (532) 8907 1728
vincent.pang@kpmg.com

Conrad TURLEY
Tel. +86 (10) 8508 7513
conrad.turley@kpmg.com

Yali Chen
Tel. +86 (10) 8508 3036
yali.chen@kpmg.com

Milano Fang
Tel. +86 (10) 8507 1724
milano.fang@kpmg.com

Tony Feng
Tel. +86 (10) 8508 7531
tony.feng@kpmg.com

Flora Fan
Tel. +86 (10) 8508 7611
flora.fan@kpmg.com

John Gu
Tel. +86 (10) 8508 7095
john.gu@kpmg.com

Helen Han
Tel. +86 (10) 8508 7627
h.han@kpmg.com

Michael Wong
Tel. +86 (10) 8508 7085
michael.wong@kpmg.com

Henry Kim
Tel. +86 (10) 8508 5000
henry.kim@kpmg.com

Ruby Jiang
Tel. +86 (10) 8553 3680
ruby.jiang@kpmg.com

David Ling
Tel. +86 (10) 8508 7083
david.ling@kpmg.com

Lisa Li
Tel. +86 (10) 8508 7638
lisa.h.li@kpmg.com

Shirley Li
Tel. +86 (10) 8553 3758
shirley.s.li@kpmg.com

Lucia Liu
Tel. +86 (10) 8508 7570
lucia.jj.liu@kpmg.com

Alan O'Connor
Tel. +86 (10) 8508 7521
alan.oconnor@kpmg.com

Shirley Shen
Tel. +86 (10) 8508 7586
yinghua.shen@kpmg.com

Joseph Tam
Tel. +86 (10) 8508 7605
laiyiu.tam@kpmg.com

Joyce Tan
Tel. +86 (10) 8508 7666
joyce.tan@kpmg.com

Christopher Xing
Tel. +86 (10) 8508 7072
christopher.xing@kpmg.com

Kensuke MATSUDA
Tel. +86 (10) 8508 7034
kensuke.matsuda@kpmg.com

Irene Yan
Tel. +86 (10) 8508 7508
irene.yan@kpmg.com

Adams Yuan
Tel. +86 (10) 8508 7596
adams.yuan@kpmg.com

Jessie Zhang
Tel. +86 (10) 8508 7625
jessie.j.zhang@kpmg.com

Sheila Zhang
Tel. +86 (10) 8508 7507
sheila.zhang@kpmg.com

Tracey Zhang
Tel. +86 (10) 8508 7509
tracy.h.zhang@kpmg.com

Eric Zhou
Tel. +86 (10) 8508 7610
ec.zhou@kpmg.com

Vivian Zhou
Tel. +86 (10) 8508 3360
v.zhou@kpmg.com

Carol Cheng
Tel. +86 (10) 8508 7644
carol.y.cheng@kpmg.com

Ally Mi
Tel. +86 (10) 8508 7583
ally.mi@kpmg.com

Kenny Wang
Tel. +86 (10) 8508 7655
kenny.wang@kpmg.com

Nathan Wang
Tel. +86 (10) 8553 3713
nathan.s.wang@kpmg.com

Fiona Yu
Tel. +86 (10) 8508 7663
fiona.yu@kpmg.com

Lily Zhang
Tel. +86 (10) 8508 7545
lily.l.zhang@kpmg.com

Eric Zhao
Tel. +86 (10) 8508 7493
eric.zhao@kpmg.com

Laura Xu
Tel. +86 (532) 8907 1731
laura.xu@kpmg.com

Eastern and Western Region

Anthony Chau
Head of Tax,
Eastern & Western Region
Tel. +86 (21) 2212 3206
anthony.chau@kpmg.com

Cheng Chi
Tel. +86 (21) 2212 3433
cheng.chi@kpmg.com

Johnny Deng
Tel. +86 (21) 2212 3457
johnny.deng@kpmg.com

Cheng Dong
Tel. +86 (21) 2212 3410
cheng.dong@kpmg.com

Chris Ge
Tel. +86 (21) 2212 3083
chris.ge@kpmg.com

Chris Ho
Tel. +86 (21) 2212 3406
chris.ho@kpmg.com

Henry Wong
Tel. +86 (21) 2212 3380
henry.wong@kpmg.com

Sunny Leung
Tel. +86 (21) 2212 3488
sunny.leung@kpmg.com

Michael Li
Tel. +86 (21) 2212 3463
michael.y.li@kpmg.com

Karen Lin
Tel. +86 (21) 2212 4169
karen.w.lin@kpmg.com

Benjamin Lu
Tel. +86 (21) 2212 3462
benjamin.lu@kpmg.com

Christopher Mak
Tel. +86 (21) 2212 3409
christopher.mak@kpmg.com

Maggie Mao
Tel. +86 (21) 2212 3020
maggie.y.mao@kpmg.com

Naoko Hirasawa
Tel. +86 (21) 2212 3098
naoko.hirasawa@kpmg.com

Ruqiang Pan
Tel. +86 (21) 2212 3118
ruqiang.pan@kpmg.com

Amy Rao
Tel. +86 (21) 2212 3208
amy.rao@kpmg.com

Shirley Shi
Tel. +86 (21) 2212 2105
shirley.y.shi@kpmg.com

Wayne Tan
Tel. +86 (28) 8673 3915
wayne.tan@kpmg.com

Tanya Tang
Tel. +86 (25) 8691 2850
tanya.tang@kpmg.com

Rachel Tao
Tel. +86 (21) 2212 3473
rachel.tao@kpmg.com

Janet Wang
Tel. +86 (21) 2212 3302
janet.z.wang@kpmg.com

John Wang
Tel. +86 (571) 2803 8088
john.wang@kpmg.com

Mimi Wang
Tel. +86 (21) 2212 3250
mimi.wang@kpmg.com

Jennifer Wang
Tel. +86 (21) 2212 3431
jennifer.weng@kpmg.com

Grace Xie
Tel. +86 (21) 2212 3422
grace.xie@kpmg.com

Bruce Xu
Tel. +86 (21) 2212 3396
bruce.xu@kpmg.com

Jie Xu
Tel. +86 (21) 2212 3678
jie.xu@kpmg.com

Robert Xu
Tel. +86 (21) 2212 3124
robert.xu@kpmg.com

Jason Yu
Tel. +86 (21) 2212 3316
jim.yu@kpmg.com

William Zhang
Tel. +86 (21) 2212 3415
william.zhang@kpmg.com

Hanson Zhou
Tel. +86 (21) 2212 3318
hanson.zhou@kpmg.com

Michelle Zhou
Tel. +86 (21) 2212 3458
michelle.b.zhou@kpmg.com

Eric Zhang
Tel. +86 (21) 2212 3398
eric.zhang@kpmg.com

Kevin Zhu
Tel. +86 (21) 2212 3346
kevin.x.zhu@kpmg.com

Leon Shao
Tel. +86 (21) 2212 3622
leon.shao@kpmg.com

Joyce Wang
Tel. +86 (21) 2212 3387
joyce.t.wang@kpmg.com

Robin Xiao
Tel. +86 (21) 2212 3273
robin.xiao@kpmg.com

Ellen Yan
Tel. +86 (21) 2212 3484
ellen.yan@kpmg.com

Tim Zeng
Tel. +86 (21) 2212 3759
tim.zeng@kpmg.com

Southern Region

Lilly Li
Head of Tax,
Southern Region
Tel. +86 (20) 3813 8999
lilly.li@kpmg.com

Vivian Chen
Tel. +86 (755) 2547 1198
vivian.w.chen@kpmg.com

Nicole Cao
Tel. +86 (20) 3813 8619
nicole.cao@kpmg.com

Felix Feng
Tel. +86 (20) 3813 7060
Felix.feng@kpmg.com

Ricky Gu
Tel. +86 (20) 3813 8620
ricky.gu@kpmg.com

Fiona He
Tel. +86 (20) 3813 8623
fiona.he@kpmg.com

Cloris Li
Tel. +86 (20) 3813 8829
cloris.li@kpmg.com

Jean Li
Tel. +86 (755) 2547 1128
jean.j.li@kpmg.com

Sisi Li
Tel. +86 (20) 3813 8887
sisi.li@kpmg.com

Kelly Liao
Tel. +86 (20) 3813 8668
kelly.liao@kpmg.com

Patrick Lu
Tel. +86 (755) 2547 1187
patrick.c.lu@kpmg.com

Grace Luo
Tel. +86 (20) 3813 8609
grace.luo@kpmg.com

Ling Lin
Tel. +86 (755) 2547 1170
ling.lin@kpmg.com

Maria Mei
Tel. +86 (592) 2150 807
maria.mei@kpmg.com

Chris Xiao
Tel. +86 (20) 3813 8630
chris.xiao@kpmg.com

Eileen Sun
Tel. +86 (755) 2547 1188
eileen.gh.sun@kpmg.com

Koko Tang
Tel. +86 (755) 2547 4180
koko.tang@kpmg.com

Bin Yang
Tel. +86 (20) 3813 8605
bin.yang@kpmg.com

Lixin Zeng
Tel. +86 (20) 3813 8812
lixin.zeng@kpmg.com

Nicole Zhang
Tel. +86 (20) 3813 8644
nicole.ll.zhang@kpmg.com

Bruce Liu
Tel. +86 (20) 3813 8636
bruce.liu@kpmg.com

Sophie Lu
Tel. +86 (20) 2547 1141
ss.lu@kpmg.com

Fiona Wu
Tel. +86 (20) 3813 8606
fiona.wu@kpmg.com

Wayne Wu
Tel. +86 (755) 2547 4311
wayne.w.wu@kpmg.com

Philip Xia
Tel. +86 (20) 3813 8674
philip.xia@kpmg.com

Hong Kong

Curtis Ng
Head of Tax, Hong Kong
Tel. +852 2143 8709
curtis.ng@kpmg.com

Ayesha M. Lau
Tel. +852 2826 7165
ayasha.lau@kpmg.com

Darren Bowdern
Tel. +852 2826 7166
darren.bowdern@kpmg.com

Patrick Cheung
Tel. +852 3927 4602
patrick.p.cheung@kpmg.com

Wade Wagatsuma
Tel. +852 2685 7806
wade.wagatsuma@kpmg.com

Natalie To
Tel. +852 2143 8509
natalie.to@kpmg.com

Elizabeth DE LA CRUZ
Tel. +852 2826 8071
elizabeth.delacruz@kpmg.com

Matthew Fenwick
Tel. +852 2143 8761
matthew.fenwick@kpmg.com

Sandy Fung
Tel. +852 2143 8821
sandy.fung@kpmg.com

Charles Kinsley
Tel. +852 2826 8070
charles.kinsley@kpmg.com

Stanley Ho
Tel. +852 2826 7296
stanley.ho@kpmg.com

Nigel HOBLER
Tel. +852 2978 8266
nr.hobler@kpmg.com

Becky Wong
Tel. +852 2978 8271
becky.wong@kpmg.com

Kate Lai
Tel. +852 2978 8942
kate.lai@kpmg.com

Travis Lee
Tel. +852 2143 8524
travis.lee@kpmg.com

Irene Lee
Tel. +852 2685 7372
irene.lee@kpmg.com

Alice Leung
Tel. +852 2143 8711
alice.leung@kpmg.com

Ivor Morris
Tel. +852 2847 5092
ivor.morris@kpmg.com

Benjamin Pong
Tel. +852 2143 8525
benjamin.pong@kpmg.com

Malcolm Prebble
Tel. +852 2684 7472
malcolm.j.prebble@kpmg.com

David Siew
Tel. +852 2143 8785
david.siew@kpmg.com

Murray Sarelius
Tel. +852 3927 5671
murray.sarelius@kpmg.com

Michelle Sun
Tel. +852 2927 5625
michelle.sun@kpmg.com

John Timpany
Tel. +852 2143 8790
john.timpany@kpmg.com

Lachlan Wolfers
Tel. +852 2685 7791
lachlan.wolfers@kpmg.com

Daniel Hui
Tel. +852 2685 7815
daniel.hui@kpmg.com

Karmen Yeung
Tel. +852 2143 8753
karmen.yeung@kpmg.com

Adam Zhong
Tel. +852 2685 7559
adam.zhong@kpmg.com

Eva Chow
Tel. +852 2685 7454
eva.chow@kpmg.com

Anthony Pak
Tel. +852 2847 5088
anthony.pak@kpmg.com

Gabriel Ho
Tel. +852 3927 5570
gabriel.ho@kpmg.com

Vivian Tu
Tel. +852 2913 2578
vivian.l.tu@kpmg.com

Eugene Yeung
Tel. +852 2143 8575
eugene.yeung@kpmg.com

Alexander ZEGERS
Tel. +852 2143 8796
zegers.alexander@kpmg.com

kpmg.com/cn

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