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Relevant industries: All (especially for industries of construction, real estate, financial and lifestyle services)
Relevant companies: All (especially for enterprises which are engaged in construction, real estate, finance and lifestyle services)
Relevant taxes: VAT / Business Tax

Potential impacts on businesses:

- Preparation of VAT reform needs to speed up for specific industries
- Effective tax burden reduced

You may click here to access full content of the circular.

The Director of SAT responds to the hot issues of VAT reforms

Recent news published on 13 March 2016 on the website of the State Administration of Taxation (SAT) noted that Wang Jun, Director of the SAT had been interviewed by journalists at the "Ministers' channel" of 2016 NPC & CPPCC on the hot issues of VAT reform. Mr Wang made the following observations.

- After the close of the 4th Session of the 12th National People's Congress (NPC) and Chinese People's Political Consultative Conference (CPPCC), the standing committee meeting of the State Council is slated to deliberate upon the scheme for VAT reforms. Once the scheme is finalized, the SAT will work closely with the Ministry of Finance (MOF) to issue the implementation scheme as soon as possible as well as to develop a series of measures to push forward the reform for compliance by the taxpayers
- The scale of the latest VAT reforms, in comparison with the previous VAT reforms, is notable. A large number of taxpayers are involved and the timeframe for transition is tight. Natural persons who are not carrying on a business (e.g. selling their residence) are included in the VAT collection and administration for the first time. For instance, second-hand housing transactions by individuals are now in scope. There are also lots of new taxpayers of VAT who have never been accessed to VAT in the past. Therefore, the SAT has issued the schedule of tasks, timetable, roadmap and letter of responsibility. The State tax bureaux and the local tax bureaux are instructed to work together to ensure that the work is done properly
- To assist enterprises to implement the VAT reforms in a better way, tax departments will carry out trainings and provide consulting services to taxpayers to familiarize the taxpayers with the policies. The tax authorities will also extend the deadline for tax payment for VAT filing of June 2016 from 15 June to 25 June. Tax departments will also launch the green channel of VAT reforms in the taxation service halls across the country to provide further convenience to the taxpayers
- In principle, while the existing preferential policies under Business Tax continue to be valid, corresponding transitional measures will be developed depending on the circumstances and characteristics of different industries to ensure that the tax burdens of all industries will reduce rather than increase. Wang Jun also mentions that he talked to Lou Jiwei, Minister of MOF, several days ago and they planned to add a transition policy for one specific industry so as to make sure that the tax burden of that industry will reduce rather than increase

* With regard to the relevant content of full implementation of VAT reforms in 2016 and responses on VAT reforms by MOF, you may click to access KPMG *China Tax Weekly Update (Issue 8, March 2016)* and *China Tax Weekly Update (Issue 9, March 2016)*

* With regard to the impact of the final full implementation of the VAT reforms, and key issues for the relevant industries, you may click to access KPMG *China Tax Alert China's Value Added Tax expanded to fully replace Business Tax in major new announcement (issue7, March 2016)*. It is expected that the detailed implementation rules will be released soon, KPMG will then issue new *China Tax Alert* to provide a detailed analysis in this regard.

2016 NPC & CPPCC: Proposals for advancing financial and tax reforms and legislations by NPC

Reference: N/A
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Effective date: N/A

Relevant industries: All
Relevant companies: All
Relevant taxes: All

Potential impacts on businesses:

- Need to pay close attention to the progress of relevant financial and tax reform and legislative work

You may click here to access full content of the circular.

Based on recent news published on the official website of the NPC, on 9 March 2015, Zhang Dejiang, chairman of the NPC Standing Committee delivered the *Report on the Work of the NPC Standing Committee,* indicating that *Environmental Protection Tax Law*, *Vessel Tonnage Dues Law* and *Tobacco Tax Law* will be legislated in 2016.

On 13 March 2016, the NPC Financial and Economic Affairs Committee reviewed and reported on the *Implementation of 2015 Central and Local Budgets and the Draft of 2016 Central and Local Budgets* which was submitted by the State Council, and made the following proposals in advancing the financial and tax reforms and legislations actively in 2016:

- Fully complete the VAT reforms
- Actively boost the IIT reforms which combines the comprehensive and classified collection method
- Further straighten the division of income between the central and local governments, accelerate the establishment of system that is adapted to the powers and expenditure responsibilities, strengthen the powers and expenditure responsibilities at central level moderately, motivate the initiatives of both the central and local governments
- China has a policy of giving a proper statutory basis to tax law. In line with this, the government will accelerate the process of replacing existing tax regulations, issued by ministerial bodies, with equivalent tax laws passed by the National People's Congress
- The drafts of separate tax laws, such as *Environmental Protection Tax Law, Vessel Tonnage Dues Law* and *Tobacco Tax Law* etc., will be submitted to Standing Committee of NPC for deliberation in 2016. In addition, NPC will continue to arrange the revision works for tax collection and administration law actively
- For the adjustment of tax items and tax rate as well as the formulation of tax relief policies, the relevant laws and administrative regulations should be followed strictly

* The abovementioned proposals made by the NPC Financial and Economic Affairs Committee are consistent with the tax related topics in *Report on the Work of the Government* (the "*Report")* delivered at 2016 NPC and CPPCC. You may click to access KPMG *China Tax Weekly Update (Issue 9, March 2016)* to know about the tax related topics in the *Report*.

Reference: N/A
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Relevant industries: All
Relevant companies: All
Relevant taxes: Real Estate Tax

Potential impacts on businesses:
- Need to pay close attention to the progress of legislative work of real estate tax

You may click here to access full content of the circular.

Real estate tax law included in the preparatory item of 2016 legislation plans

Based on a recent news published on the official website of NPC, at the press conference of NPC held on 11th March, the Budgetary Affairs Commission of NPC said that the real estate tax law has been classified as first-tier item of legislation and been included in the legislation planning of NPC Standing Committee, it has also been included in the preparatory item of 2016 legislation plans of the Standing Committee.

According to the requirements of the legislation planning and 2016 legislation plan, NPC now is carrying out an in-depth investigation, research and argumentation on the important and difficult points encountered in the real estate tax reform and legislation, as well as to drawing up the draft of real estate tax law in the meantime. The draft bill will be submitted to NPC Standing Committee for deliberation upon it is ready with various factors are considered.

Reference: N/A
Issuance date: N/A
Effective date: N/A

Relevant industries: All
Relevant companies: All
Relevant taxes: CIT / IIT / Import Customs Duty / Import VAT

Potential impacts on businesses:
- Effective tax burden reduced

You may click here to access full content of the circular.

Charity law adopted by National People's Congress (NPC)

On 16 March 2016, Xi Jinping, the President of the PRC, signed Presidential Decree No. 43 and announced that the *Charity Law of the People's Republic of China* ("Charity law"), adopted at the 4th Session of the 12th NPC on 16 March 2016, shall be effective from 1 September 2016. In order to promote the development of charitable activity in China, the Charity law has not only clarified that charitable organizations, donors and donees are entitled to enjoy the preferential tax policies, but also stipulated the pre-tax deduction for donations with large amount:

- Natural person, legal person and other organizations who donate the properties for charitable activities, are entitled to enjoy the preferential tax policies in accordance with the law
- Where enterprise's expenditures for charitable donation exceed the allowable limit of deduction for computing the taxable income for Corporate Income Tax (CIT), the balances are allowed to be carried forward and be deducted from the taxable income within the next 3 years
- Imported goods and materials which are donated for charitable activities from overseas, import customs duty and import VAT shall be reduced or exempted in accordance with the law

* The existing provisions with regard to pre-tax deduction of public welfare donations are:

- ❑ For enterprises: According to Article 9 of *Corporate Income Tax Law of the People's Republic of China,* expenditure in the form of charitable donations and gifts within 12% of the gross annual profit by an enterprise may be deducted when computing the taxable amount of income
- ❑ For individuals: According to Article 6 of *Individual Income Tax Law of the People's Republic of China* and Article 24 of *Implementation Regulations for the Individual Income Tax Law of the People's Republic of China*, donations made by individuals through social groups and State organs in China to educational and other public welfare undertakings and to areas hit by severe natural disasters and poverty-stricken areas, the part of donation which does not exceed 30% of the taxable income amount declared by a taxpayer may be deducted from the taxable income amount

Reference: SAT Announcement [2016] No.12
Issuance date: 9 March 2016
Effective date: 29 December 2015

Relevant industries: All
Relevant companies: All
Relevant taxes: CIT

Potential impacts on businesses:

- Effective tax burden reduced
- Risks of being challenged due to non-compliance issues increase

You may click here to access full content of the circular.

The 4th Protocol to China-HK DTA enters into force

As mentioned in KPMG *China Tax Weekly update (issue 4, February 2016)*, *the Fourth Protocol ("the Protocol") to the Arrangement between the Mainland China and the Hong Kong Special Administrative Region for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income* (" *the Arrangement*") was effective from 29 December 2015. On 9 March 2016, SAT issued the SAT Announcement [2016] No.12, officially announcing that *the Protocol* entered into force from 29 December 2015, and shall be applied to the income generated on and after 29 December 2015.

SAT also issued the interpretation on the *Announcement* at the same time, in which the revisions made to *the Arrangement* are summarized as below:

	Revisions
Paragraph 1, Article 8 of *the Arrangement* (Shipping, air and land transport)	• Incomes and profits derived by an enterprise of One Side from the operation of ships, aircraft or land transport vehicles in shipping, air and land transport in the Other Side shall be exempted from the taxes (including the VAT and other similar taxes in the mainland China) in that Other Side • The revision is made based on the original intention of Article 8 of *the Arrangement* in response to VAT reforms in the mainland China by replacing "Business Tax" in Paragraph 1 of Article 8 with "VAT", to keep continuity of implementation on *the Arrangement*
Paragraph 2, Article 12 of *the Arrangement* (Royalties)	• Taxes collected on the royalties paid for aircraft and vessel leasing shall not exceed 5% of total amount of the royalties, and the tax rate on royalties shall remain unchanged under other circumstances
Article 13 of *the Arrangement* (Capital Gains)	• Divides the right of tax collection on the gains derived by a resident of One Side from the transfer of shares of a resident company of the Other Side listed on a recognized stock exchange
Article 10 (Dividends), Article 11 (Interest), Article 12 (Royalties) and Article 13 (Capital Gains) of *the Arrangement*	• Incorporates additional provisions on the test of the main objectives to prevent abuse of *the Arrangement* • If the creation or disposition of the interests acquired is caused by any person with the main purpose of taking advantages of any of the relevant Articles, the Articles shall not apply
Article 24 of *the Arrangement* (Information exchange)	• Expands the scopes of tax types in mainland subject to information exchange from CIT and IIT to include VAT, Consumption Tax, Business Tax, Land Appreciation Tax and Real Estate Tax, so as to improve the intensity and transparency of tax information exchange between the mainland China and HK

SAT published the text of *the Protocol* on its website, you may click here to access full content of *the Protocol*.

You may also click to access KPMG *China Tax Alert (Issue 5, April 2015)* to understand the impacts of *the Protocol*.

Reference: N/A
Issuance date: N/A
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Relevant industries: All
Relevant companies: Multinational enterprises
Relevant taxes: All

Potential impacts on businesses:

- Risks of being challenged due to cross-border tax anti-avoidance arrangements increased

You may click here to access full content of the circular.

SAT & OECD jointly set up a multilateral tax centre

As mentioned in KPMG *China Tax Weekly Update (Issue 8, March 2016)*, the SAT, in collaboration with OECD, set up a multi-lateral tax centre in Yangzhou, which is the first one established in a non-OECD country.

Recently, based on news published on the website of SAT, on 14 March 2016, the OECD Multi-Lateral Tax Centre jointly established by the OECD and the SAT was inaugurated at the Cadres Training College of the SAT. This is the first multi-lateral tax centre set up in a non-OECD country, to provide the tax officials of the developing countries with tax training and assist the developing countries to enhance their tax collection administration capabilities.

In 2016, the Centre will launch 7 training programs surrounding the hot issues concerning international taxation as well as the development of capabilities of the tax authorities. More than 100 tax officials from developing countries will be invited to attend the programs. On the date of inauguration, the first round of multi-lateral tax training was initiated and 90 Chinese tax officials communicated with 14 tax officials from 8 developing countries including the Philippines and the Maldives on the theme of "tax policy assessment and analysis".

* The consensus on global tax cooperation was a highlight of the Communiqué of the G20 Finance Ministers and Central Bank Governors Meeting held in Shanghai from 26 to 27 February 2016. Establishment of multi-lateral centre is one of contributions that the SAT has made for global tax cooperation across all of the dimensions on which the Communiqué focuses. You may click to access KPMG *China Tax Weekly Update (Issue 8, March 2016)* for more details.

Reference: N/A
Issuance date: 16 March 2016
Effective date: 16 March 2016

Relevant industries: All (especially for ecommerce, telecommunications, courier, public utility, etc.)
Relevant companies: All enterprises based in Beijing (especially for enterprises which are engaged in ecommerce, telecommunications, courier, public utility, etc.)
Relevant taxes: VAT

Potential impacts on businesses:

- Compliance costs reduced
- Operational costs reduced

You may click here to access full content of the circular.

Beijing State Tax Bureau promotes issuance of electronic ordinary VAT invoices through the electronic VAT invoice system

On 16 March 2016, Beijing State Tax Bureau issued the *Notice in respect of Promoting Issuance of Electronic Ordinary VAT Invoices Through the Electronic VAT Invoice System* (hereinafter referred as the "*Notice*"). The *Notice* clarifies certain issues regarding the issuance of electronic invoice, such as application procedures, generation of data and layout files and search of layout files, etc., effective from the date of issuance, i.e. 16 March 2016.

- Focus on industries with high volume of invoices such as ecommerce, telecommunications, courier and public utility, etc. for promoting issuance of electronic VAT ordinary invoices through the electronic VAT invoice system
- Taxpayers who apply to issue the electronic invoices through the electronic VAT invoice system, shall be upgrading their VAT invoice system first and then submit the application in the system as the procedures stipulated in the *Notice*

Reference: Gong Xin Ting Lian Cai [2016] No. 40
Issuance date: 11 March 2016
Effective date: N/A

Relevant industries: Manufacturing Industry
Relevant companies: Enterprises which import the key technical equipment
Relevant taxes: Import Customs Duty / import VAT

Potential impacts on businesses:

- Compliance risks due to regulatory uncertainties reduced

You may click here to access full content of the circular.

Application for enjoyment of preferential import tax policies for the key technical equipment clarified

On 11 March 2016, the Ministry of Industry and Information Technology (MIIT), MOF and General Administration of Customs (GAC) jointly issued Gong Xin Ting Lian Cai [2016] No. 40 ("Circular 40"), in which the application matters, such as the handling procedures, for enjoyment of preferential import tax policies for the key technical equipment have been clarified.

Circular 40 clarifies which authorities that the local enterprises and central enterprises may apply for the tax exemption with, and time of application, review of application documents, change of business matters and etc., are also stipulated. In addition, Circular 40 explicitly mentions that the catalogue of import tax policies for the key technical equipment will be adjusted on a dynamic basis.

* You may click the following linkages to access the relevant import tax policies for the key technical equipment:

- ❑ *Announcement on Adjusting Import Tax Policies for Key Technical Equipment (Cai Guan Shui [2014] No.2)*
- ❑ *Notice on Adjusting Catalogues and Provisions concerning Import Tax Policies for Key Technical Equipment (Cai Guan Shui [2015] No.51)*

Reference: GAC Announcement [2016] No.15
Issuance date: 15 March 2016
Effective date: N/A

Relevant industries: All
Relevant companies: Enterprises which are engaged in import and export business
Relevant taxes: Import Customs Duty / Import VAT/ Import Consumption Tax

Potential impacts on businesses:

- Compliance costs reduced

You may click here to access full content of the circular.

GAC ceases the pre-approval of deferred payment of Tariffs and Duties collected by the customs on imports

On 15 March 2016, the GAC issued Announcement [2016] No.15 and pointed out that, in accordance with *Decision of the State Council to Revise Certain Administrative Laws and Regulations (State Council Order No.666)*, pre-approval of deferred payment of tariffs and duties collected by the Customs on imports is cancelled. In case of failure to pay the taxes in a timely manner as a result of force majeure or adjustment to the tax policy of the State, the taxpayers may go to the Customs to complete the procedures concerning deferred payment directly after providing the guarantee for the taxes.

* With regard to the revisions on other regulations that related to tax, customs, administration on registration of company, etc., in the *Decision of the State Council to Revise Certain Administrative Laws and Regulations (State Council Order No.666)*, you may click to access KPMG *China Tax Weekly Update (Issue 8, March 2016)* to understand more details.

MOF and SAT Clarify Preferential Tax Policies for Urban and Township Land Use Tax (UTLUT) on Urban Public Transport Yards & Stations and Urban Rail Transit System (Cai Shui [2016] No. 16)

On 22 February 2016, the MOF and the SAT jointly issued Cai Shui [2016] No.16, clarifying that the land use for operation of the urban public transport yards & stations, road passenger transport yards & stations and urban rail transit systems shall be exempted from the UTLUT from 1 January 2016 to 31 December 2018. Units that meet the tax emption requirements set forth in the Circular shall go to the in-charge tax authority to complete the filing procedures with the relevant documents and the statement of land use.

You may click here to access full content of the circular.

MOF and SAT Continue to Grant the Preferential Tax Treatments for Construction & Operation of Rural Safe Drinking Water Projects (Cai Shui [2016] No.19)

On 25 February 2016, the MOF and the SAT jointly issued Cai Shui [2016] No.19 ("Circular 19") and continued to grant the preferential tax treatments for the eligible construction and operation of rural safe drinking water projects. The preferential tax treatments apply to Deed Tax, Stamp Duty, Real Estate Tax, UTLUT, VAT and CIT. Circular 19 shall remain valid between 1 January 2016 through 31 December 2018 except for the preferential tax treatment for CIT.

You may click here to access full content of the circular.

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