

NOTES AND INSTRUCTIONS — FORM BIR82

A. LIST OF ABBREVIATIONS

BTP	Business Tax Portal
BTP Business Account	Business Account under the BTP
BRN	Business Registration Number
CFS	Consolidated financial statements
Commissioner	Commissioner of Inland Revenue
Department	Inland Revenue Department
DFE	Designated filing entity
DLE	Designated local entity
ETR	Effective tax rate
GIR	GloBE information return
HK	Hong Kong
HKMTT	Hong Kong minimum top-up tax
IIR	Income inclusion rule
IRO	Inland Revenue Ordinance (Cap. 112)
JV	Joint venture
MNE	Multinational enterprise
Notes	Notes and instructions – Form BIR82
Notification	Top-up tax notification
PE	Permanent establishment
Return	Top-up tax return
UPE	Ultimate parent entity
UTPR	Undertaxed profits rule

B. PERSONAL INFORMATION COLLECTION STATEMENT

It is obligatory for you to supply the personal data as required by the Return and GIR, if applicable. Breach of the statutory requirement may render you liable to penalty or other actions as provided under the Ordinances administered by the Department. Moreover, if you fail to supply the required information, your Return will not be accepted for processing. The Department will use the information provided by you for the purposes of the Ordinances administered by it and may disclose / transfer any or all of such information to any other parties provided that the disclosure / transfer is authorized or permitted by law. Except where there is an exemption provided under the Personal Data (Privacy)

Ordinance, you have the right to request access to and correction of your personal data. You should send such request in writing to the Assessor at GPO Box 132, Hong Kong and quote your MNE Code and/or JV Code in this Department.

C. INTRODUCTION

- (1) You must read the Notes before completing the Return. If after reading the Notes you still have difficulty in completing the Return, or you require further information, you may:
 - (a) visit the Department's website (www.ird.gov.hk); or
 - (b) send the enquiries to Assessor (Profits Tax) through "Make a request / reply" service in your Business Account under the BTP.
- (2) An expression used in the Return and the Notes, if defined or otherwise explained in any provision of Part 4AA of or Schedule 61, Schedule 62 or Schedule 63 to the IRO, has the same meaning as in the provision of the IRO.
- (3) "Part 4AA entity", as defined in section 1(1) of Schedule 63 to the IRO, in relation to an in-scope MNE group, means:
 - (a) a HK constituent entity of the MNE group;
 - (b) a HK standalone JV of the MNE group;
 - (c) a HK member of a JV group of the MNE group; or
 - (d) a Part 4AA stateless constituent entity of the MNE group.
- (4) "Filing Entity" refers to a Part 4AA entity that completes and files the Return unless otherwise specified.
- (5) "Reporting fiscal year" refers to the particular fiscal year of the UPE of an in-scope MNE group, which will be pre-filled in Item 2.3 of the Return based on the information reported by the Filing Entity in the Notification for the year.
- (6) For the purpose of completing the Return, "covered entities" means:
 - (a) if the Filing Entity is a HK constituent entity of an in-scope MNE group, all HK constituent entities of the group;
 - (b) if the Filing Entity is a HK member of a JV group of an in-scope MNE group, the joint venture and all of its JV subsidiaries which are (i) located in Hong Kong; (ii) stateless and were created in Hong Kong; or (iii) stateless PEs in Hong Kong;
 - (c) if the Filing Entity is a HK standalone JV or a Part 4AA stateless constituent

entity of an in-scope MNE group, the Filing Entity itself.

Information reported in the Return will be used to determine the top-up tax liabilities of the covered entities.

- (7) To alleviate the compliance burden of an in-scope MNE group, some items of the Return will be pre-filled with the information provided by the Filing Entity in the Account Profile under its BTP Business Account, the Pillar Two Portal or the Notification filed for the reporting fiscal year. **The Filing Entity should make sure that all the pre-filled information is true and correct before submitting the Return.**

D. KEEPING SUFFICIENT RECORDS

Sufficient records of transactions, acts or operations relevant to the computation of top-up tax liability of the in-scope MNE group must be kept to enable the correctness and accuracy of the Return to be readily ascertained. The records must be retained at least until the expiry of 9 years after the completion of the transactions, acts or operations to which they relate. Failure to keep sufficient records without reasonable excuse is an offence and may result in a fine of up to \$100,000.

E. OFFENCES AND PENALTIES

- (1) The IRO provides for offences and heavy penalties for any entity, or in the case of an entity which is not a corporation, any person who acts for the entity or is responsible for its management, who:
- (a) fails to file a Return within the statutory time limit or to comply with a requirement of a notice requiring the filing of a Return without reasonable excuse;
 - (b) files, causes or allows to be filed on its behalf, a Return that is misleading, false or inaccurate in a material particular, whether or not because any information is omitted from the Return, without reasonable excuse;
 - (c) provides information in a Return that is misleading, false or inaccurate in a material particular, or omits anything from the statement made or information provided in the Return, wilfully with intent to evade top-up tax; or
 - (d) fails to keep sufficient records without reasonable excuse.
- (2) Evasion of tax is a criminal offence. Maximum penalty is a fine of \$50,000 plus a

further fine of 3 times the top-up tax undercharged amount and imprisonment for 3 years.

- (3) A service provider engaged by an entity under section 13 of Schedule 63 to the IRO to file a Return for or on behalf of the entity commits an offence if the service provider, without reasonable excuse:
- (a) fails to cause a Return to be filed within the statutory time limit; or
 - (b) files on behalf of the entity, or causes or allows the entity to file, a Return not in accordance with the information provided, or instructions given, by the entity to the service provider and the Return is misleading, false or inaccurate in a material particular, whether or not because any information is omitted from the Return.

The above offence is subject to a fine of \$10,000; and the court may order the service provider convicted to do within a specified time the act which the service provider has failed to do.

F. HOW TO COMPLETE THE RETURN

PART 1 INFORMATION OF THE FILING ENTITY

Items 1.1 to 1.3 & 1.5	These items will be pre-filled with the information provided by the Filing Entity in the Account Profile under its BTP Business Account.
Item 1.4	- This item will be pre-filled with the information provided by the Filing Entity in the Notification filed for the reporting fiscal year. - In case the Filing Entity has not filed any Notification for the reporting fiscal year before, this item will be pre-filled with information available to the Department. In case change to the pre-filled information in this item is required, the Filing Entity should request the Department to update or correct the information in writing or through "Make a request / reply" service in its BTP Business Account.
Items 1.6 & 1.7	- These items will be pre-filled with the information provided by the Filing Entity in its profile of the BTP Business Account. - In case change to the pre-filled information in any of these items is required, the Filing Entity should make such change by updating its profile of the BTP Business Account.

PART 2 INFORMATION OF THE IN-SCOPE MNE GROUP / JOINT VENTURE

Item 2.1 The In-scope MNE Group

Item 2.1.1	- This item will be pre-filled with the information from the Pillar Two Portal. - In case change to the pre-filled information in this item is required, the Filing Entity should request the Department to update or correct the information in writing or through “Make a request / reply” service in its BTP Business Account.
Item 2.1.2	- This item will be pre-filled with the information provided by the Filing Entity in the Notification filed for the reporting fiscal year. - In case the Filing Entity has not filed any Notification for the reporting fiscal year before, no pre-filled information will be provided. The Filing Entity should select the “Industry Sector” of the MNE Group from the pull-down menu in this item. Up to five industry sectors can be selected.

Item 2.2 The Ultimate Parent Entity

Item 2.2	- The details in this item will be pre-filled with the information from the Pillar Two Portal. - In case the pre-filled business address of the UPE in the relevant field is outdated or incorrect, the Filing Entity should update it by directly inputting the UPE’s current address into the field. - In case any change to other pre-filled information in this item is required, the Filing Entity should request the Department to update or correct the information in writing or through “Make a request / reply” service in its Business Account under the BTP.
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Item 2.3 Reporting Fiscal Year of the MNE Group

Items 2.3.1 & 2.3.2	- These items will be pre-filled with the information provided by the Filing Entity in the Notification filed for the reporting fiscal year. - In case the Filing Entity has not filed any Notification for the reporting
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	fiscal year before, these items will be pre-filled with the information available to the Department. If the start date or the end date pre-filled is, or both of them are, not correct, the Filing Entity should separately file a Notification for the correct reporting fiscal year.
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Item 2.4 The Joint Venture

Items 2.4.1 to 2.4.4	- If the Filing Entity is a HK standalone JV or a HK member of a JV group of an in-scope MNE group, these items will be pre-filled with the information from the Pillar Two Portal. - In case the pre-filled business address of the joint venture in Item 2.4.4 is outdated or incorrect, the Filing Entity should update it by directly inputting the joint venture's current address into the item. - In case any change to other pre-filled information in these items is required, the Filing Entity should request the Department to update or correct the information in writing or through "Make a request / reply" service in its Business Account under the BTP.
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Item 2.5 Covered Entities for the Reporting Fiscal Year

Item 2.5.1	- If the Filing Entity has filed the Notification for the reporting fiscal year, particulars of covered entities should have been provided in Part 3 of the Notification. The first or the third box should be checked as appropriate. If any addition, deletion or amendment is required to be made to the list previously provided in Part 3 of the Notification, such addition, deletion or amendment should be made in the Pillar Two Portal before submission of the Return. The first or the third box will then be checked based on the updated information, as appropriate. - If the Filing Entity has not filed the Notification for the reporting fiscal year, the second or the third box should be checked as appropriate. If the second box is checked, the particulars of covered entities (including the Filing Entity) should be provided either through online input or by uploading a CSV file. - If the Filing Entity is a HK standalone JV or a Part 4AA stateless constituent entity, the third box will be automatically checked.
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Items 2.5.2.1 & 2.5.2.2	“Investment-related entity” is defined in Article 10.1 of Schedule 61 to the IRO to mean an investment entity or an insurance investment entity. “Investment entity” and “insurance investment entity” are also defined in the Article.
Item 2.5.2.3	If the answer to Item 2.5.2.1 is “Yes” and that to Item 2.5.2.2 is “No”, particulars of investment-related entities should be provided either through online input or by uploading a CSV file.
Item 2.5.3	- If the Filing Entity is a HK member of a JV group of an in-scope MNE group, this item is required to be completed. - A stateless entity, in relation to a HK member of JV group, means: (a) a flow-through entity as defined in Article 10.2.1 of Schedule 61 to the IRO; or (b) a stateless PE which is described in paragraph (d) of the definition of PE in Article 10.1 of Schedule 61 to the IRO.

PART 3 GLOBE INFORMATION RETURN

Item 3.1 Filing of GIR outside Hong Kong

Items 3.1.1 & 3.1.2	- If the Filing Entity declared in the Notification filed for the reporting fiscal year that the group GloBE filing will be effected outside Hong Kong, these items are required to be completed, if appropriate. - If the Filing Entity wishes to effect the group GloBE filing in Hong Kong or locally file the GIR in Hong Kong, instead of filing the GIR outside Hong Kong as declared in the Notification filed, such change should be made in writing or through “Make a request / reply” service in its Business Account under the BTP.
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Item 3.2 Filing of GIR in Hong Kong

Item 3.2.1	- A GIR must be prepared in accordance with the requirements specified under section 10 of Schedule 63 to the IRO, and filed using the standard template developed in accordance with the GloBE implementation framework.
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	- The fields in Item 3.2.1 will be automatically populated after the Filing Entity uploads the GIR data file. - The Filing Entity is strongly advised to keep a copy of the GIR data file for future reference. The data file cannot be downloaded or retrieved from the Pillar Two Portal after it has been uploaded.
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PART 4 ASSESSMENT TRIGGERING INFORMATION

- (1) This part must be completed in accordance with the GIR of the in-scope MNE group for the reporting fiscal year, which is:
 - (a) in the case of the group GloBE filing effected in Hong Kong or local filing of the GIR in Hong Kong, the GIR submitted in Part 3 of this Return; or
 - (b) in the case of the group GloBE filing effected outside Hong Kong, the GIR filed with a tax authority in any GloBE jurisdiction by the UPE or the DFE of the in-scope MNE group.
- (2) The assessment triggering information reported in this part for the reporting fiscal year must:
 - (a) contain the information in respect of all covered entities as specified under Part C(6) of the Notes; and
 - (b) be consistent with the GIR referred to in paragraph (1) above.

Item 4.1 General Matters

Item 4.1.1	- Under the following circumstances, the Filing Entity is assumed to have obtained the necessary consent from all covered entities, or the UPE of an in-scope MNE group / the joint venture of the JV group of an in-scope MNE group for reporting the assessment triggering information in Part 4, and this item will be pre-filled with “Yes”: (a) The Filing Entity is the UPE of an in-scope MNE group; (b) The Filing Entity is the DFE of an in-scope MNE group who has been appointed by the group to file the Return; (c) The Filing Entity is the DLE of an in-scope MNE group who has been appointed by all the HK constituent entities of the group to file the Return; (d) The Filing Entity is the JV of a JV group of an in-scope MNE group; or (e) The Filing Entity is the DLE of a JV group of an in-scope MNE
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	group who has been appointed by all other HK members of the JV group to file the Return. - In any other cases, the Filing Entity must report in this item whether the assessment triggering information in Part 4 of the Return is provided with the consent of (a) all covered entities or the UPE of the in-scope MNE group, or (b) the JV or all covered entities of the JV group, as appropriate. - If the assessment triggering information is provided with consent, other covered entities, who are not the UPE, DFE or DLE, will be relieved from the obligation to provide the assessment triggering information in their Returns for the reporting fiscal year in case where they cannot be relieved from the obligation to file the Returns pursuant to section 3(2) of Schedule 63 to the IRO.
Item 4.1.2	An advance ruling means a ruling obtained from the Commissioner under section 88A of the IRO.

Item 4.2 Hong Kong Minimum Top-up Tax

Item 4.2.1 Chargeable to HKMTT

Items 4.2.1.1 & 4.2.1.2	- Whether a covered entity is chargeable to HKMTT for the reporting fiscal year should be determined in accordance with section 4 of Schedule 62 to the IRO and after taking into account any safe harbours or exclusions. - However, any claim for relief against double HKMTT for joint venture under section 12 of Schedule 62 should have no relevance for completion of these items. In case a covered entity is chargeable to HKMTT under section 4 of Schedule 62, "Yes" should be reported for the appropriate item(s) even if there is no HKMTT payable after applying any relief against double HKMTT for joint venture. - Articles 5.2.3 and 4.1.5 mentioned in Items 4.2.1.1 and 4.2.1.2 respectively refer to the corresponding Articles in Schedule 61 to the IRO, taking into account any modification specified in Part 2 of Schedule 62 to the IRO.
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Item 4.2.2 No HKMTT liability (other than additional current top-up tax) in respect of all covered entities under safe harbours, exclusions or GloBE computations

Item 4.2.2	If “No” is reported in Item 4.2.1.1 to declare that all covered entities do not have any HKMTT payable in respect of excess profit, this item should be completed to report the reasons why there is no HKMTT payable.
Item 4.2.2.1	Investment-related entities are not chargeable to HKMTT. If all covered entities are investment-related entities for the reporting fiscal year, “Yes” should be reported.
Items 4.2.2.2, 4.2.2.3 & 4.2.2.4	- To apply any of the following safe harbours or exclusions for the reporting fiscal year: (a) the transitional CbCR safe harbour for Hong Kong; (b) the de minimis test under the simplified calculations safe harbour or the de minimis exclusion for Hong Kong; or (c) the exclusion from the HKMTT in the initial phase of international activity, such that the HKMTT of all covered entities for the reporting fiscal year is deemed to be zero, the election should be made by reporting “Yes” in the relevant item. - The same election must be made in the GIR of the in-scope MNE group. The Filing Entity of the GIR has to complete the relevant data points in the GIR to report the information needed to demonstrate that the MNE group is eligible for the safe harbour for Hong Kong and/or Hong Kong is eligible for the exclusion.
Item 4.2.2.2.1	Select the “test(s) elected in the GIR” from the pull-down menu in this item with the available options as follows: ● De minimis test ● Simplified ETR test ● Routine profits test More than one test can be selected.
Items 4.2.2.5 & 4.2.2.6	- For the purpose of calculation of HKMTT, “subgroup” means an entity or a group of entities for which a separate ETR applies. - If the Filing Entity is a HK constituent entity, each of the following constitutes a subgroup:

	(a) a minority-owned parent entity and its minority-owned subsidiaries (“minority-owned subgroup”) (b) a minority-owned constituent entity that is not a member of a minority-owned subgroup (“standalone minority-owned constituent entity”); (c) HK constituent entities other than those in (a) and (b) above. - If the Filing Entity is a HK member of a JV group, each of the following constitutes a subgroup: (a) a minority-owned subgroup; (b) a minority-owned member that is not a member of a minority-owned subgroup (“standalone minority-owned member”); (c) a member that would have been a Part 4AA stateless constituent entity, had it been a constituent entity (“stateless member”) (d) HK members other than those in (a) to (c) above, - Those covered entities that were investment-related entities for the reporting fiscal year should not be reported as a subgroup under Item 4.2.2.5 or 4.2.2.6.
Item 4.2.2.5.1	Select the “reason for no HKMTT” from the pull-down menu in this item with the available options as follows: ● ETR test under the simplified calculations safe harbour is met; ● Routine profits test under the simplified calculations safe harbour is met; ● There is no net GloBE income; ● Net GloBE income is the same as or less than substance-based income exclusion; ● ETR is not less than 15%; ● Other reasons (please specify)]: _____ In case of “other reason”, the Filing Entity is required to input the relevant reason in the field.
Item 4.2.2.6.2(A)	- If the Filing Entity is a HK constituent entity of an in-scope MNE group, it can select the “type of subgroup” from the pull-down menu in this item with the available options as follows: ● HK constituent entities other than minority-owned constituent entities ● Minority-owned subgroup

	● Standalone minority-owned constituent entity - If the Filing Entity is a HK member of a JV group, it can select the “type of subgroup” from the pull-down menu in this item with the available options as follows: ● HK members (other than minority-owned members and stateless members) ● Minority-owned subgroup ● Standalone minority-owned member ● Stateless member
Item 4.2.2.6.2(E)	Select the “reason for no HKMTT in respect of the subgroup” from the pull-down menu in this item with the available options as follows: ● ETR test under the simplified calculations safe harbour is met; ● Routine profits test under the simplified calculations safe harbour is met; ● Exclusion from the HKMTT of the in-scope MNE group in the initial phase of international activity under section 7 of Schedule 62 to the IRO is applied; ● There is no net GloBE income; ● Net GloBE income is the same as or less than substance-based income exclusion; ● ETR is not less than 15%; ● Other reasons (please specify) _____ In case of “other reason”, the Filing Entity is required to input the relevant reason in the field.
Item 4.2.2.7.1(B)	Select the “reason for no HKMTT in respect of the stateless member” from the pull-down menu in this item with the available options as follows: ● ETR test under the simplified calculations safe harbour is met; ● Routine profits test under the simplified calculations safe harbour is met; ● There is no net GloBE income; ● Net GloBE income is the same as or less than substance-based income exclusion; ● ETR is not less than 15%; ● Other reasons (please specify) _____ In case of “other reason”, the Filing Entity is required to input the relevant reason in the field.

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Item 4.2.3 Local accounting standard

Items 4.2.3.1 & 4.2.3.2	- “Local accounting standard” means:- (a) the International Financial Reporting Standards; or (b) accounting standards as defined by section 357(1) of the Companies Ordinance (Cap. 622) which cover: (i) Hong Kong Financial Reporting Standards; (ii) Hong Kong Financial Reporting Standard for Private Entities; and (iii) Small and Medium-Sized Entity Financial Reporting Standard. - In case the financial accounting net income or loss of each covered entity is required under section 5(2) of Schedule 62 to the IRO to be determined in accordance with a local accounting standard for the reporting fiscal year, and one or more covered entities do not use Hong Kong dollars as their functional currency, the Filing Entity may make an election under section 10(3) of Schedule 62 to apply Hong Kong dollars or the presentation currency of the CFS of the UPE of the in-scope MNE group in computing HKMTT. - The election is a five-year election which applies to the reporting fiscal year for which the election is made and the following 4 fiscal years. - “Five-year election” is defined in Article 10.1.1 of Schedule 61 to the IRO.
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Item 4.2.4 HKMTT computation and allocation

Items 4.2.4.2 & 4.2.4.3	Please refer to the notes to Items 4.2.2.5 and 4.2.2.6 for the meaning of “subgroup” and the categories of subgroups.
Item 4.2.4.3(A)	- If the Filing Entity is a HK constituent entity of an in-scope MNE group, it can select the “type of subgroup” from the pull-down menu in this item with the available options as follows: ● HK constituent entities other than minority-owned constituent entities ● Minority-owned subgroup

	● Standalone minority-owned constituent entity - If the Filing Entity is a HK member of a JV group, it can select the “type of subgroup” from the pull-down menu in this item with the available options as follows: ● HK members (other than minority-owned members and stateless members) ● Minority-owned subgroup ● Standalone minority-owned member ● Stateless member
Items 4.2.4.3(E)(i) & (ii)	For each of these items, the amount reported should be the total amount of HKMTT chargeable to the covered entities within this subgroup, after excluding the total amount of HKMTT that is claimed to be reduced to zero by applying the exclusion in the initial phase of international activity as reported under Item 4.2.4.3(G), and before the double HKMTT relief for joint ventures as reported under Item 4.2.4.3(H).
Item 4.2.4.3(E)(iv)	- HKMTT computed using a foreign currency should be converted to Hong Kong dollars at the average foreign exchange rate for the reporting fiscal year. The exchange rates quoted by the Hong Kong Monetary Authority should be used for conversion. - Where the exchange rate of the relevant foreign currency is not quoted by the Hong Kong Monetary Authority, a rate reflecting the average exchange rate for the reporting fiscal year on a just and reasonable basis is to be used. For example, the exchange rate published by the central bank that issues the foreign currency may be used.
Item 4.2.4.3(F)	- Select the “reason for no HKMTT in respect of the subgroup” from the pull-down menu in this item with the available options as follows: ● ETR test under the simplified calculations safe harbour is met; ● Routine profits test under the simplified calculations safe harbour is met; ● Exclusion from the HKMTT of the in-scope MNE group in the initial phase of international activity under section 7 of Schedule 62 to the IRO is applied; ● There is no net GloBE income; ● Net GloBE income is the same as or less than substance-based

	income exclusion; ● ETR is not less than 15%; ● Other reasons (please specify) _____ In case of “other reason”, the Filing Entity is required to input the relevant reason in the field. - If the Filing Entity is a HK member of a JV group which has a stateless member and no covered entity of the subgroup is a stateless member, it can select further available options as follows: ● De minimis test under the transitional CbCR safe harbour is met; ● Simplified ETR test under the transitional CbCR safe harbour is met; ● Routine profits test under the transitional CbCR safe harbour is met; ● De minimis test under the simplified calculations safe harbour is met; ● De minimis exclusion is met.
Item 4.2.4.3(H)(i)	- This item is for the Filing Entity that is a HK standalone JV or a HK member of a JV group of an in-scope MNE group to claim double HKMTT relief for the joint venture under section 12(2) of Schedule 62 to the IRO where all of the following conditions are met: (a) a covered entity is a HK standalone JV or HK member of a JV group of the MNE group; (b) the covered entity is also a HK standalone JV or HK member of a JV group of another in-scope MNE group; and (c) HKMTT is chargeable on the covered entity in respect of both groups. - To claim the tax relief, the Filing Entity should report “Yes” for this item and provide the MNE code of another in-scope MNE group in (I) under this item. Pursuant to section 12(2) of Schedule 62, the HKMTT chargeable on the covered entity in respect of the MNE group would be reduced by 50%. Thus, the amount claimed in (II) under this item will be automatically computed by multiplying the amount of HKMTT in Item 4.2.4.3(E)(v) by 50% and the resulting amount will be populated in the field.
Item 4.2.4.3(H)(ii)	- This item is for the Filing Entity to claim double HKMTT relief for a joint venture under section 12(4) of Schedule 62 to the IRO where all

	of the following conditions are met: (a) a covered entity ("Entity A") is a HK standalone JV or a HK member of a JV group of an in-scope MNE group ("Group B"); (b) Entity A is also a HK constituent entity of another in-scope MNE group ("Group C"); and (c) HKMTT is chargeable on Entity A in respect of both groups. - The tax relief can be claimed by: (a) the Filing Entity in respect of a joint venture of Group B where Entity A is a HK standalone JV or HK member of a JV group of Group B; and/or (b) the Filing Entity in respect of Group C where Entity A is a HK constituent entity of Group C, in the relevant Return(s) by reporting "Yes" for this item.
Item 4.2.4.3(H)(iv)	- In relation to a Return for a joint venture of Group B, the Filing Entity should provide the following information in relation to the tax relief claimed in respect of Entity A under this item: (a) the BRN of Entity A in (I). The name of Entity A will then be automatically shown in (II). If Entity A is a standalone JV or the only HK member of a JV group of Group B, (I) is not required to be completed; (b) the MNE code of Group C in (IV); (c) the amount of HKMTT chargeable to Entity A in respect of the joint venture of Group B in (V); (d) the amount of HKMTT chargeable to Entity A in respect of Group C in (VI); and (e) the amount claimed for the tax relief in (VII). The amount claimed must not exceed the amount reported in (V) or (VI), whichever is the lesser. - In relation to a Return for Group C, the Filing Entity should provide the following information in relation to the tax relief claimed in respect of Entity A under this item: (a) the BRN of Entity A in (I). The name of Entity A will then be automatically shown in (II). If Entity A is the only HK constituent entity of Group C, (I) is not required to be completed; (b) the JV code of the joint venture of Group B in (III); (c) the MNE code of Group B in (IV); (d) the amount of HKMTT chargeable to Entity A in respect of Group

	C in (V); and (e) the amount of HKMTT chargeable to Entity A in respect of the joint venture of Group B in (VI); and (f) the amount claimed for the tax relief in (VII). The amount claimed must not exceed the amount reported in (V) or (VI), whichever is the lesser. - In case both the joint venture of Group B, and Group C make claims for the tax relief in respect of Entity A in their respective Returns, the aggregate amount claimed must not exceed the amount reported in (V) or (VI), whichever is the lesser.
Items 4.2.4.3(I)(i), (ii) & (iii)	Amounts required in these items will be automatically computed and populated based on the information reported in relevant items.
Items 4.2.4.3(I)(vi) & (vii)	- For better management of the top-up tax assessments in respect of an in-scope MNE group or a JV group, and the tax payment of the covered entities, the Filing Entity that is the UPE, the DFE or the DLE of the group is strongly encouraged to make use of the designation mechanism as stipulated in section 32(1) of Schedule 63 to the IRO. Under the designation mechanism, one or more than one covered entity of the subgroup may be designated to pay the HKMTT of the subgroup, instead of determining the amount of top-up tax chargeable on each covered entity in accordance with section 4 of Schedule 62 to the IRO, subject to further allocation basis as stipulated in section 31(2)(b) of Schedule 63. Top-up tax assessments will be made on the designated paying entities. - To designate one or more than one covered entity as paying entity, the Filing Entity should report “Yes” for (iv) of Item 4.2.4.3(I) and state the number of designated paying entities in (v) thereof. In relation to a Return for a joint venture, (v) of Item 4.2.4.3(I) is not required to be completed. Instead, the allocation of HKMTT should be reported under Item 4.2.5. - A designated paying entity must be a HK constituent entity of the in-scope MNE group as at the date of filing of the Return (“return-filing date”) for the reporting fiscal year. All the HK constituent entities of the subgroup must have consented to the designated payment arrangements specified in the Return. - A HK constituent entity may not be the designated paying entity if:-

	(a) where it is a partnership— (i) the constituent entity has been dissolved; or (ii) any of its partners has become bankrupt, or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his or her creditors; or (b) where it is a corporation – winding up proceedings have been commenced in relation to the constituent entity or the constituent entity has been dissolved. The election made in this part is irrevocable.
Item 4.2.4.3(I)(vi)	- In case the Filing Entity does not intend to designate any paying entity (i.e. “No” is reported under Item 4.2.4.3(I)(iv)), the amount of HKMTT chargeable on the covered entities of the subgroup should be determined under Section 4 of Schedule 62 to the IRO, subject to further allocation basis as stipulated in section 31(2)(b) of Schedule 63. - In accordance with section 31(2)(b) of Schedule 63, if the covered entity which is chargeable to HKMTT no longer exists on the return-filing date for the reporting fiscal year, the HKMTT chargeable on it should be allocated in the following manner: (a) if the Filing Entity is a HK constituent entity, among the remaining entities of the subgroup as at the return-filing date in proportion to their GloBE income for the reporting fiscal year; (b) if the Filing Entity is a HK member of JV group, among the remaining HK members of the JV group in proportion to their GloBE income for the reporting fiscal year. - The covered entities which no longer exist on the return-filing date must not be allocated any HKMTT payable and must not be included in the number of covered entities chargeable to HKMTT reported in (vi) of Item 4.2.4.3(I).
Item 4.2.4.3(I)(vii)	- The Filing Entity should provide the BRN, amount of HKMTT payable and amount claimed for double HKMTT relief for joint venture in respect of each covered entity of the subgroup which has HKMTT payable (if no paying entity is designated) or each designated paying entity (if any paying entity is designated). - The amount of HKMTT payable in respect of each entity concerned should be determined as follows:

	(a) If any paying entity has been designated, an amount specified to be paid by the designated paying entity under the designated payment arrangement agreed by the covered entities of the subgroup. The aggregate of the amount of HKMTT to be paid by all designated paying entities should be equal to the total HKMTT payable by all covered entities of the subgroup; and (b) If the Filing Entity does not intend to designate any paying entity, the allocation basis as mentioned in the note to Item 4.2.4.3(I)(vi) should be followed. - The covered entities which no longer exist on the return-filing date must not be allocated any HKMTT payable and must not be included in the list reported under this item. - Each paying entity listed in this item must have a BTP Business Account at the time the Return is filed as a notice of top-up tax assessment will be issued electronically to its BTP Business Account. No notice of assessment will be issued in paper form.
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Item 4.2.5 Allocation of HKMTT within the JV group

Item 4.2.5.1	Information required in this item will be automatically retrieved or computed, and populated based on the information reported in the relevant items.
Item 4.2.5.2	If the Filing Entity reports “Yes” for Item 4.2.4.3(I)(iv), it should state the number of designated paying entities in this item.
Item 4.2.5.3	See note to Item 4.2.4.3(I)(vii).

Item 4.2.6 Election for HK Standalone JV / HK member of JV group

Items 4.2.6.1 & 4.2.6.2	- A HK standalone JV or a HK member of a JV group of an in-scope MNE group may elect, under section 11(3)(b) of Schedule 62 to the IRO, to have the HKMTT chargeable on a HK constituent entity of the MNE group. The election should only be made with the consent of the HK constituent entity. - To make the election, the Filing Entity should report “Yes” in Item
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	4.2.6.1 and state the number of HK members of the JV group making the election in Item 4.2.6.2. If the JV group has more than one HK member, those HK members should have been included in the allocation list reported under Item 4.2.5.3. For a HK standalone JV making the election, “1” should be inputted for Item 4.2.6.2.
Item 4.2.6.3	- The Filing Entity is only required to provide the BRN of a HK standalone JV or each HK member of a JV group for which the election is made, and the BRN of the HK constituent entity of the in-scope MNE group which will be responsible for paying the HKMTT in respect of the HK standalone JV or the HK member of the JV group under the relevant descriptions. The amount of HKMTT payable will be automatically populated based on the information in Item 4.2.5.3. - Even where the election is made, a HK standalone JV or a HK member of a JV group remains to be an assessed entity for the purposes of a top-up tax assessment under the HKMTT. The right to object to the assessment rests with the HK standalone JV or the HK member of the JV group, but not with the HK constituent entity. The notice of top-up tax assessment will only be issued to the HK standalone JV or the HK member of a JV group, but not to the HK constituent entity. - Each HK constituent entity listed in this item must have a BTP Business Account at the time the Return is filed as a payment voucher of top-up tax assessment will be issued electronically to its BTP Business Account. No payment voucher will be issued in paper form.

Part 4.3 IIR Top-up Tax

- (1) Under the IIR, top-up tax is imposed on any of the following parent entities:
- (a) UPEs of in-scope MNE groups which are located in Hong Kong;
 - (b) Hong Kong intermediate parent entities of in-scope MNE groups the UPEs of which are located in jurisdictions that do not implement IIR; and
 - (c) Hong Kong partially-owned parent entities of in-scope MNE groups irrespective of whether the UPEs or the intermediate parent entities are required to apply IIR.

These parent entities are charged the IIR top-up tax based on their ownership

interests in their low-taxed constituent entities located outside Hong Kong.

- (2) Apart from the low-taxed constituent entities located outside Hong Kong, joint ventures, subsidiaries of joint ventures and stateless constituent entities (collectively other entities) of in-scope MNE groups located or operated in low-tax jurisdictions outside Hong Kong may render the MNE groups liable to the IIR top-up tax in Hong Kong. IIR top-up tax may be payable by the parent entities (including the UPE, an intermediate parent entity and a partially-owned parent entity) of the MNE group.
- (3) This part is for the Filing Entity to report whether any parent entities of the in-scope MNE group located in Hong Kong are chargeable to the IIR top-up tax in Hong Kong.

Items 4.3.1 & 4.3.2	The Filing Entity should report whether any covered entity that is a parent entity of the in-scope MNE group is chargeable to the IIR top-up tax in Hong Kong for the reporting fiscal year. If so, “Yes” should be reported in Item 4.3.1, the number of the parent entities involved should be reported in Item 4.3.2, and further information should be provided in Item 4.3.3.
Item 4.3.3	- For each parent entity, the BRN and the amount of the allocable share of IIR top-up tax attributable to low-taxed constituent entities, joint ventures, and JV subsidiaries located in jurisdictions outside Hong Kong after applying the IIR offset stipulated in Article 2.3 of Schedule 61 to the IRO should be reported under this item. - IIR top-up tax computed using a foreign currency should be converted to Hong Kong dollars using the average foreign exchange rate for the reporting fiscal year. The exchange rates quoted by the Hong Kong Monetary Authority should be used for conversion. - Where the exchange rate of the relevant foreign currency is not quoted by the Hong Kong Monetary Authority, a rate reflecting the average exchange rate for the reporting fiscal year on a just and reasonable basis is to be used. For example, the exchange rate published by the central bank that issues the foreign currency may be used. - Each parent entity concerned must have a BTP Business Account at the time the Return is filed as a notice of top-up tax assessment under the IIR will be issued electronically to its BTP Business Account. No notice of assessment will be issued in paper form.

PART 5 DECLARATION

- (1) Before signing and submitting the Return, you should ensure that the required information with respect to all covered entities has been reported.
- (2) The Return must be signed by the authorized person of:
 - (a) the Filing Entity, if the Filing Entity is a corporation;
 - (b) the person who acts for the Filing Entity or is responsible for the management of the Filing Entity under section 36(1) of Schedule 63 to the IRO, if the Filing Entity is not a corporation; or
 - (c) the service provider engaged by the Filing Entity under section 13 of Schedule 63 to the IRO.
- (3) The authorized person should sign the Return in any of the following capacities:
 - (a) “director” if the authorized person is a director of the corporation (i.e. a corporate Filing Entity, corporate service provider or corporate entity acting for a non-corporate Filing Entity or being responsible for the management of a non-corporate Filing Entity) that files the Return;
 - (b) “officer” if the authorized person is a manager or company secretary of the corporation (i.e. a corporate Filing Entity, corporate service provider or corporate entity acting for a non-corporate Filing Entity or being responsible for the management of a non-corporate Filing Entity) that files the Return;
 - (c) “principal officer” if the authorized person is a principal officer of a non-corporate entity (i.e. a non-corporate service provider or non-corporate entity acting for a non-corporate Filing Entity or being responsible for the management of a non-corporate Filing Entity) that files the Return;
 - (d) “responsible person” if the authorized person is a responsible person of a non-corporate service provider or non-corporate entity acting for a non-corporate Filing Entity or being responsible for the management of a non-corporate Filing Entity that files the Return, including a partner for a partnership and a trustee for a trust;
 - (e) “liquidator” if the authorized person is a provisional liquidator or liquidator of the Filing Entity that files the Return.
- (4) The Return must be signed by the authorized person using his/her e-cert (Organisational) with AEOI Functions issued by the Hongkong Post Certification Authority.