

NOTES AND INSTRUCTIONS – SUPPLEMENTARY FORM (S10)

1. The basis period must be the same as that stated in item 7.2 of the Profits Tax Return.
2. “Multinational enterprise group” means a group that includes:
 - (a) two or more enterprises of which the tax residence is in different jurisdictions; or
 - (b) an enterprise that is resident for tax purposes in one jurisdiction and is subject to tax in another jurisdiction with respect to the business carried out through a permanent establishment in that other jurisdiction.
3. This refers to the total consolidated group revenue as reflected in the group’s consolidated financial statements for the period that ends immediately before the basis period. For a group with its ultimate parent entity resident in Hong Kong, the threshold amount of the total consolidated group revenue is HK\$6.8 billion. For a group with its ultimate parent entity resident in a jurisdiction other than Hong Kong, the threshold amount is the one specified under the laws or regulations of that jurisdiction for country-by-country reporting or an amount equivalent to EUR750 million as at January 2015.
4. “Qualifying aircraft leasing management activity” means an aircraft leasing management activity carried out by a corporation in the ordinary course of its business carried on in Hong Kong for a qualifying aircraft lessor in respect of an aircraft owned by the qualifying aircraft lessor and leased to an aircraft operator.
5. Only activities that generate income to the Corporation are taken into account.
6. “Safe harbour rule” refers to the requirements in relation to a corporation’s profits and assets as stipulated in section 14K of the Inland Revenue Ordinance (Cap.112) (“IRO”).
7. Section 14L of the IRO empowers the Commissioner to determine whether a corporation is a qualifying aircraft leasing manager for a year of assessment.
8. “Qualifying aircraft lessor” is a corporation which is not an aircraft operator and solely carries out qualifying aircraft leasing activities in Hong Kong. “Qualifying aircraft leasing activity” means an aircraft leasing activity carried out by a corporation in the ordinary course of its business carried on in Hong Kong where the aircraft concerned is owned by the corporation.
9. “Total income” means all types of income including service income, interest income, exchange gains, hedging gains, other ordinary business income, proceeds from the sale of capital assets and other non-taxable income derived from any business activities of the Corporation.
10. “Connected person” means a person as defined in section 14G(1) of the IRO.
11. “Concessionary trading receipts” means the trading receipts and other sums in respect of which assessable profits are chargeable at concessionary tax rate under section 14J(1) of the IRO.
12. “Normal trading receipts” means any trading receipts and other sums, other than concessionary trading receipts.
13. The Relevant Activities refer to the core income generating activities undertaken by the Corporation in relation to its business as a qualifying aircraft leasing manager for producing qualifying profits chargeable at concessionary tax rate.
14. A person is associated with another person if one of the relevant persons was participating in the management, control or capital of the other relevant person, or the same person or persons was or were participating in the management, control or capital of each of the relevant persons.
15. An example of such situation is that the employees concerned were employed by an associated person of the Corporation and were seconded by the associated person to the Corporation for the carrying out of the Relevant Activities. The remunerations of the employees were fully or partially borne by the Corporation.
16. An example of such situation is that an associated person of the Corporation engaged in the provision of services related to aircraft leasing management. The Relevant Activities were carried out by the associated person at a fee charged to the Corporation on an arm’s length basis.
17. If associated person(s) was/were involved in the carrying out of the Relevant Activities, the details reported should include those of the employees of the associated person(s) who carried out the Relevant Activities.
18. If associated person(s) was/were involved in the carrying out of the Relevant Activities, the amount of operating expenditure reported should include the remunerations borne by the Corporation in respect of the employees of the associated person(s) who carried out the Relevant Activities (see Note 15), and/or the service fee incurred by the Corporation for the Relevant Activities carried out by the associated person(s) (see Note 16).
19. This supplementary form must be signed by the same person signing the tax return.