



**Application for Certificate of Resident Status
Company, Partnership, Trust or other Body of Persons**

To : The Competent Authority of the Hong Kong Special Administrative Region (“Hong Kong”)

IRD File No. (if any) _____

I submit an application for a certificate of resident status for the purpose of claiming tax benefits under the comprehensive Avoidance of Double Taxation Arrangement (“DTA”) between Hong Kong and _____ (name of relevant jurisdiction). (Note 1)

(1) Calendar Year(s) of Claim _____

(2) Income for which tax benefits under the DTA are to be claimed in the relevant jurisdiction

(a) Nature and Amount of the Income for each year of claim _____

(b) Name and Address of the Beneficial Owner of the Income (Note 2) _____

(3) Particulars of Applicant

(a) Name of Company / Partnership / Trust / Body of Persons _____

(b) Particulars of Establishment of Company / Partnership / Trust / Body of Persons (Note 3)

(i) Place where it was incorporated / established _____

(ii) Date on which it was incorporated / established _____

(iii) Hong Kong Business Registration Number (if any) _____

(iv) Registration Number with the Hong Kong Companies Registry (if any) _____

(c) Business Address in Hong Kong _____

(d) Postal Address in Hong Kong _____

(e) Serial Number of the latest certificate of resident status issued (if any) _____

(f) Reference Number required in Note 3 (if any) _____

(g) Name and Telephone Number of Contact Person in Hong Kong _____

(4) Business Operations during the Calendar Year(s) of Claim

(a) Nature of Business _____

(b) (i) Location of Headquarters _____

(ii) Locations of Main Branches _____

(c) Management and Other Staff

	Number of persons with fixed place of residence in Hong Kong	Number of persons residing outside Hong Kong or without fixed place of residence in Hong Kong
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Directors / Partners / Trustees	_____	_____
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Senior Management Personnel	_____	_____
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Other Staff	_____	_____
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(5) Other Information (please tick as appropriate)

I submit with this application:

the completed Appendix (only applicable if (a) the applicant was incorporated / established outside Hong Kong; or (b) the application is for the purpose of claiming tax benefits under the DTA between Hong Kong and Japan)

supplementary information in separate sheet(s)

(6) Declaration

I hereby declare that the information provided and documents attached, which may be disclosed to the tax authorities of the relevant jurisdiction for the purpose of applying the provisions of the DTA, are true, correct and complete.

Name _____ **Signature** _____

(Person signing the form)

Designation _____ **Date** _____

(Position held) (Note 4)

[Heavy penalties may be incurred under section 80(2D) of the Inland Revenue Ordinance for giving incorrect information]

PERSONAL INFORMATION COLLECTION STATEMENT

The provision of personal data required by this form and during the processing of your application is voluntary. However, if you do not provide sufficient information, the Department may not be able to process your application. 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 authorised or permitted by law. Except where there is an exemption provided under the Personal Data (Privacy) Ordinance, the data subject has the right to request access to and correction of his/her personal data. The data subject should send such request in writing to the Assessor at GPO Box 10851, Hong Kong and quote his/her file number in this Department.

Notes

1. Upon receipt of an application, the competent authority of Hong Kong will examine the information supplied and may request further information from the applicant, and if the case is justified, will issue a certificate of resident status. The certificate of resident status will be sent by ordinary mail to the applicant's postal address unless the applicant requests to collect it in person. Applicant should be aware that issue of a certificate of resident status will not guarantee a successful claim for the tax benefits under the DTA. The decision as to whether the tax benefits can be granted is, ultimately, one to be made by the tax authorities of the relevant jurisdiction. It will be up to the tax authorities of the jurisdiction to determine whether all the relevant conditions are fulfilled and whether the tax benefits can be granted.
2. Where the applicant, for example, is a recipient of dividends, interest or royalties and its right to use and enjoy the income is constrained by a contractual or legal obligation to pass on the payment received to another person, the applicant is not the beneficial owner and the name and address of the beneficial owner of that income have to be provided. The agent, nominee or conduit company acting as a fiduciary or administrator is not regarded as the beneficial owner.
3. The form should be accompanied by:
 - (a) a copy of the certificate of incorporation and, if any, a copy of the certificate of change of name, if the applicant is a company;
 - (b) a certified true copy of the partnership agreement and the particulars of each partner during the calendar year(s) of claim, including the name, Hong Kong identity card number / business registration number and address, if the applicant is a partnership (other than limited partnership fund);
 - (c) a copy of the certificate of registration and, if any, a copy of the certificate of change of name, if the applicant is a limited partnership fund;
 - (d) a certified true copy of the trust deed, if the applicant is a trust; or
 - (e) a certified true copy of the constitution, if the applicant is a body of persons;unless a copy of the same has been provided in another application and the relevant reference number of that application is provided by the applicant in item (f) of Part (3) of the form.
4. The form should be signed by:
 - (a) the director, secretary or manager, if the applicant is a company;
 - (b) the precedent partner, if the applicant is a partnership (other than limited partnership fund);
 - (c) the general partner, authorized representative appointed under the Limited Partnership Fund Ordinance (Cap. 637) or investment manager, if the applicant is a limited partnership fund;
 - (d) the trustee, if the applicant is a trust; or
 - (e) the principal officer, if the applicant is a body of persons.

This Appendix must be completed if (a) the applicant was incorporated / established outside Hong Kong; or (b) the application is for the purpose of claiming tax benefits under the DTA between Hong Kong and Japan. The Appendix should be signed and submitted together with the Application for Certificate of Resident Status (IR1313B). If space provided is insufficient, please continue on additional sheet(s).

IRD File No. (if any) _____ Calendar Year(s) of Claim _____

1. Confirm whether all income are passive income or derived outside Hong Kong.

2. State the place where the business is normally carried on and the nature of business activities carried on in each territory or country. Provide the business address of the establishment in each territory or country.

3. In respect of the establishment in each territory or country, provide a table showing the number of staff and their respective duties.

4. State the business commencement date in Hong Kong. If the company / partnership / trust / body of persons was incorporated / established outside Hong Kong, confirm whether the date was the same as the business commencement date reported to the Business Registration Office of the Inland Revenue Department and the date of establishment of the place of business in Hong Kong reported to the Hong Kong Companies Registry. Explain with reasons if the above dates do not match with each other.

5. If no employer's return was submitted to the Inland Revenue Department, provide a list of staff employed in Hong Kong, if any, showing their names, Hong Kong identity card numbers and total remuneration for each calendar year of claim. In case employer's returns have already been submitted to the Department for the calendar year(s) of claim, provide the file reference under which the employer's returns were submitted.

6. State the place where the management and control of the company / partnership / trust / body of persons was exercised for each calendar year of claim. If there was more than one location in which the company / partnership / trust / body of persons was managed and controlled, state the names of those territories or countries. Indicate which territory or country was the place where the company / partnership / trust / body of persons was centrally managed and controlled.

7. For each director / partner / trustee / principal officer, provide his / her nationality, residential address, key responsibilities and the place where he / she performed the duties.

8. For each meeting of directors / partners / trustees / supervisory body held during the calendar year(s) of claim, provide date of the meeting, names of the directors / partners / trustees / principal officers who attended the meeting, place where the meeting was held, and description of the subject matters discussed and resolutions passed.

9. Provide full details of how, where and by whom, as appropriate, the following activities were carried out:

- (a) formulation of strategic policies;
- (b) determination of business directions;
- (c) setting work plans;
- (d) decision on mode of business financing;
- (e) implementation of management policies / directions / work plans; and
- (f) evaluation of business performance.

10. Identify the principal bankers of the company / partnership / trust / body of persons in Hong Kong and state the total number of bank accounts maintained in Hong Kong.

11. Describe the nature of permanent establishment maintained in Hong Kong and provide the value of fixed assets and balance of cash at bank stated in the statement of financial position as at the end of the last reporting period.

Name _____ **Signature** _____
(Person signing the form)

Designation _____ **Date** _____
(Position held)