

康栢通訊 Newsletter

Issue No.8 January 2017

China Commences the Declaration of Financial Account Information by Implementation of CRS

中國落實CRS， 啟動金融賬戶信息申報

Hong Kong Innovation and Technology Bureau
Promotes Economic Diversification
香港創新及科技局，推動經濟多元發展

Remember to Apply for Patent
When Doing Business in China
營商在中國，勿忘申請專利

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Welcome to Conpak Newsletter

歡迎閱讀《康栢通訊》

Conpak Newsletter regularly provides readers with information on the latest news of Conpak CPA Limited, plus related research on policy changes in Mainland China and Hong Kong, tax planning, operations of capital markets, human resources, business and risk management, up to intellectual property rights. Through this newsletter, we intend to help you improve corporate governance standards, enhance your competitiveness, and share with you how the decision-maker of the business will face future challenges.

If you have any inquiries about this newsletter, please feel free to contact us.

《康栢通訊》定期向讀者傳遞康栢會計師事務所有限公司的最新動向及有關研究，內容涵蓋中國內地及香港的政策變化、稅務籌劃、資本市場運作、人力資源、企業管理、風險管理及知識產權等。我們希望透過本刊助您提高企業管治水平、提升競爭力，並為商業決策者如何應對各種挑戰帶來一些啟發。

如閣下對本刊內容有任何疑問，歡迎隨時與我們聯絡。



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春回大地，旭日華年，花團錦簇賀新年。
康栢會計師事務所祝您新年快樂，萬事如意！

With the coming of spring, rising sun shines through good time.
Celebrating the new year with riot of colours.
Conpak wishes you a happy new year, may everything go well with you!



August
2016
八月

Co-organising Seminar on "Cross-Border Enterprises for Business Opportunity" with Hang Seng Bank

與恒生銀行聯合舉辦「跨境企業創商機」研討會

Identifying new business opportunities is an effective way to move forward during an economic downturn. Accordingly, Conpak co-organised a Seminar on "Cross-Border Enterprises for Business Opportunity" with Hang Seng Bank in Beijing on 17 August 2016.

Several experts in the industry were invited to explain the global economic development and trends of RMB in detail and share cross-border business financing solutions with the participants. Ms. Helen Hu, Deputy CEO Greater China Division of Conpak, explored how to leverage Hong Kong as a platform for business development in view of tax. With the help of our professional analysis and collaboration, we hope to both alleviate tax liability for enterprises and enhance their competitiveness.

面對持續低迷的經濟環境，發掘新商機是企業走出困境的有效途徑。有鑑於此，康栢於 2016 年 8 月 17 日在北京與恒生銀行聯合舉辦「跨境企業創商機」研討會。

研討會邀請多位業內專家出席，為現場嘉賓詳細解讀環球經濟發展和人民幣趨勢，分享跨境業務融資方案。而康栢大中華區副總經理胡端英女士則從稅負角度，與參會嘉賓探討如何利用香港平台拓展業務。我們希望我們的專業剖析和經驗分享，有助企業減輕稅負，提升企業競爭力。

October
2016
十月

Participating in "The Community Chest's Dress Casual Day 2016"

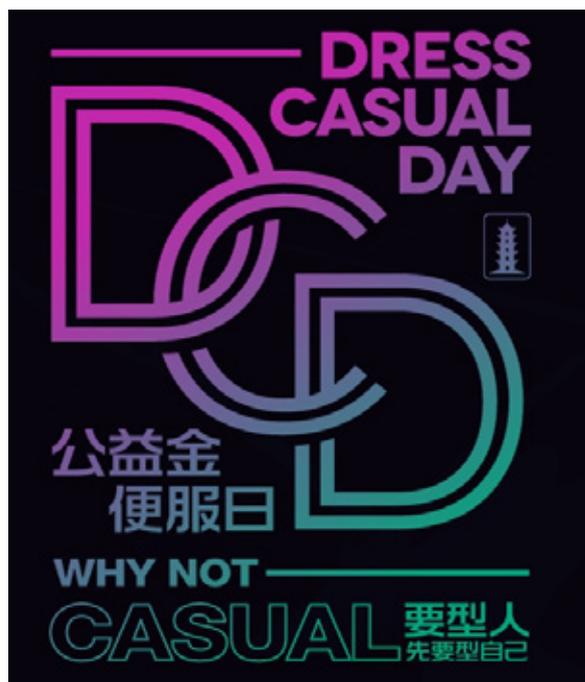
參加2016年「公益金便服日」活動

Conpak participated in the "Dress Casual Day 2016" held by The Community Chest again on 6 October 2016.

We put on our casual wear with a special sticker on to work to raise fund for supporting 158 social welfare organisations of Hong Kong. Never will we stop taking part in charity activities, but by participating in more similar-nature activities in the future, we hope to express our attention to people in need.

由香港公益金組織的「公益金便服日」活動於 2016 年 10 月 6 日舉行，康栢再次參加這項有意義的活動。

活動當天，我們貼上特製標貼，穿着輕鬆便服上班，並捐出善款用以資助香港 158 間社會福利機構。公益之路無止境，未來我們將參與更多類似活動，為有需要人士送去關懷。



October
2016
十月

Visiting Children at Shanghai Huaxin Rehabilitation and Education Institution for Disabled Children

探訪上海華新殘疾兒童康育院小朋友

Children with developmental disorders as if angels without wings, they, thus, need further attention and support from the society. On 22 October 2016, Conpak's volunteer team initiated a volunteer activity called "Gather Love, Share Dream", visiting the children at Shanghai Huaxin Rehabilitation and Education Institution for Disabled Children.

During the visit, we had sports training with and gifted stationaries and sweet treats to the children. Later on, we taught the children to sing the song "隱形的翅膀" (Vanished Wings, a Chinese song), ending our visit alongside beautiful singing.

在我們身邊，發展障礙兒童猶如缺翼的天使，需要社會更多的關愛。有鑒於此，康栢義工隊於2016年10月22日舉辦「匯聚愛心，傳遞夢想」義工活動，前往上海華新殘疾兒童康育院探訪小朋友。

活動當天，我們陪同小朋友們進行體育鍛煉，並送上學習用具、糖果糕點等小禮物。隨後，我們教導小朋友們演唱《隱形的翅膀》，在愉快的歌聲中結束了活動。

October
2016
十月

Interviewed by Television Broadcasts Limited (TVB)

接受香港無線電視翡翠台 (TVB) 訪問

On 23 October 2016, Mr. Man Law, CEO of Greater China Division of Conpak, interviewed by "Finance Magazine" on TVB Jade, explaining the latest requirements for opening bank accounts in Hong Kong.

In recent years, as banks in Hong Kong have introduced tighter requirements for opening new accounts, Man thoroughly illustrated the requirements and flows for opening bank accounts as well as explored the challenges brought by the difficulties in opening accounts to SMEs on doing business. He also shared professional advice on smooth bank accounts opening.



2016年10月23日，康栢大中華區行政總裁羅漢文先生接受香港無線電視翡翠台 (TVB) 《財經透視》訪問，解讀香港銀行最新開戶要求。

近年來，香港銀行對企業的開戶要求越來越高，為此，羅漢文在訪談中詳細說明了開戶規則以及流程，並探討了開戶困難給中小企業營商帶來的挑戰。此外，羅漢文還就如何順利開戶分享了專業意見。

November 2016
十一月

Visiting Children at Shenzhen Baoan Social Welfare Centre

探訪深圳市寶安區社會福利中心小朋友



Conpak's volunteer team organised a volunteer activity "Walking with Love Heart to Heart" on 26 November 2016, visiting children with developmental disorders at Shenzhen Baoan Social Welfare Centre.

During the visit, we performed a wonderful show for, interacted joyfully with, and gifted sweet treats, toys and such to the children. We are well aware that, as a specific group, children with developmental disorders face extra obstacle in their lives. We wish to bring more joy to and give fond memory to them along with our attention and company.

2016年11月26日，康栢義工隊舉辦「與愛同行心連心」義工活動，前往深圳市寶安區社會福利中心探訪發展障礙兒童。

期間，我們為小朋友們表演了精彩節目，與之愉快互動，並送上了糖果、糕點、玩具等小禮物。我們深知，作為特殊群體，發展障礙兒童在人生道路上要面對更多困難。我們希望我們的關懷與陪伴，能給他們帶來更多歡樂，留下美好回憶。

November
2016
十一月

Having A Day Out with Elderly from HKSKH Lady MacLehose Centre 陪同聖公會麥理浩夫人中心長者外出遊玩



On 26 November 2016, Conpak's volunteer team co-organised a volunteer activity with HKSKH Lady MacLehose Centre, having a great day out with the elderly from the Centre.

Our first stop was Hong Kong Heritage Museum, visiting the "Cantonese Opera Heritage Hall" and the special exhibition of "Bruce Lee: Kung Fu • Art • Life". We headed for Wun Chuen Sin Kwoon for a delicate and healthy lunch. During the lunch, we started a Q&A section and a role-playing in order to bring more enjoyment to the day out. We have been committed to enriching elderly's life, and this was our first day out with the elderly from the Centre. By sending our attention to the elderly in accompaniment, we hope them all a happy old age.

2016年11月26日，康栢義工隊與香港聖公會麥理浩夫人中心聯合舉辦義工活動，陪同中心長者外出遊玩。

是次活動的第一站是香港文化博物館，我們陪同長者參觀了「粵劇文物館」和「武·藝·人生——李小龍」。隨後，我們又前往雲泉仙館共進美味健康午餐，而我們為增添長者的遊玩樂趣，更玩起了問答和角色扮演的遊戲。一直以來，我們致力豐富長者的日常生活，而此次活動亦是我們與中心長者的首次外出活動。我們以此方式表達對長者的關懷，希望長者擁有快樂晚年。

December
2016
十二月

Participating in the “World SME Expo 2016” 參加「國際中小企博覽2016」博覽會



The World SME Expo 2016 was organised by the Hong Kong Trade and Development Council from 1 to 3 December 2016 at the Hong Kong Convention and Exhibition Centre. Conpak shared ideas about intellectual property protection with local and overseas enterprises and participants in the industries during the SME Expo.

Conpak Intellectual Property Services Team, by means of the SME Expo, explored the importance of intellectual achievement in market development and expansion with the participants and provided specific advice on intellectual property protection. Being a consulting firm which provides diversified services, Conpak looks forward to working with more enterprises towards success.

由香港貿易發展局舉辦的「國際中小企博覽 2016」於 2016 年 12 月 1 日至 3 日在香港會議展覽中心舉行。康栢應邀參展，與境內外企業及業界人士交流知識產權保護問題。

借助博覽平台，我們的知識產權團隊與觀展人士探討了智力成果在市場拓展過程中的重要作用，並因應個別情況提供適切的知識產權保護建議。作為一家提供多元服務的顧問公司，我們期待與更多企業合作，共同邁向成功之路。

China Commences the Declaration of Financial Account Information by Implementation of CRS

中國落實CRS， 啟動金融賬戶信息申報

To enhance the transparency of taxation and suppress cross-border tax evasion, the Organisation for Economic Co-operation and Development (hereinafter referred to as "OECD") announced the Common Reporting Standard (as "CRS" below) in July 2014, which lists the relevant requirements and procedures for financial institutions to collect and deliver personal and enterprise account information of foreign residents for tax purposes. Since its announcement, CRS has been generally welcomed by governments of various countries. At present, with over 100 countries and regions guaranteeing to implement this standard, China, Hong Kong and Macau officially commenced the declaration of financial account information on 1 January 2017, and China has even guaranteed to externally exchange financial account tax-related information of non-residents for the first time in September 2018.

為了提高稅收透明度、打擊跨境逃避稅行為，經濟合作與發展組織（Organisation for Economic Co-operation and Development，以下簡稱「OECD」）於2014年7月發布《共同申報準則》（Common Reporting Standard，以下簡稱「CRS」），載述金融機構收集和報送外國稅收居民個人和企業賬戶信息的相關要求和程序。CRS自公布以來便受到各國政府的普遍歡迎，目前，已有超過100個國家及地區承諾實施該準則，其中中國、香港及澳門已於2017年1月1日正式啟動金融賬戶信息申報，而中國更承諾將於2018年9月首次對外交換非居民金融賬戶涉稅信息。

China Announcing Administrative Measures of Due Diligence for Financial Account Tax-related Information

To localise the internationally accepted CRS, on 14 October 2016, the State Administration of Taxation of China published the “Administrative Measures for Due Diligence of Tax-related Information in respect of Non-resident Financial Account” (hereinafter referred to as “Administrative Measures”). As a crucial initiative for implementation of CRS, the Administrative Measures are basically consistent with suggestions of OECD, and the relevant definitions, which are shown below, have been organised in line with Chinese actual circumstance:

- **Non-residents**

Non-residents mean persons or enterprises other than Chinese residents for tax purposes, but not including government institutions, international organisations, financial institutions or listed companies and their affiliates. Moreover, residents who have emigrated are also regarded as “non-residents” that have to make declaration of account information.

中國公布金融賬戶涉稅信息調查管理辦法

為了將國際通用的 CRS 本土化，中國國家稅務總局於 2016 年 10 月 14 日公布《非居民金融賬戶涉稅信息盡職調查管理辦法（徵求意見稿）》（以下簡稱「管理辦法」）。作為落實 CRS 的重要舉措，管理辦法與 OECD 的建議基本一致，同時因應中國實際對相關定義進行了整理，具體如下：

- **非居民**

非居民指的是中國稅收居民以外的個人或企業，但不包括政府機構、國際組織、金融機構或上市公司及其關聯公司。此外，已移民海外的居民，亦被視為「非居民」而須進行賬戶信息申報。

- **金融機構**

履行申報義務的金融機構包括銀行、接受公眾存款的金融機構、證券公司、期貨公司、保險公司、投資機構及信託公司，而財務公司、消費金融公司、汽車金融公司等則不屬於申報主體。

• **Financial Institutions**

Financial Institutions which have to take on the obligation of declaration include banks, financial institutions that accept public deposits, security companies, future companies, insurance companies, investment institutions and trust companies, while finance companies, consumer financing companies and auto financing companies do not assume the obligation of declaration.

• **Financial Accounts**

Financial accounts include deposit accounts, policy contracts, equities and creditor's rights, as well as security accounts, financial products and escrow accounts like funds, trusts, etc.

• **Contents of Declaration**

Financial institutions are required to submit information of the account owners annually, such as names, addresses, taxpayer identification numbers, account numbers, account balances, as well as interests, dividends generated

from financial assets, and incomes by selling financial assets, etc.

• **Account Categorisation**

By following the categorisation of OECD, accounts are grouped into new accounts, existing accounts, institution accounts and personal accounts, and different verification procedures and standards are adopted under the Administrative Measures. Enterprises and persons who open new accounts in financial institutions also have to sign an identity declaration document of residents for tax purposes.

Exchange Procedures of Financial Account Information

Based on CRS, if overseas residents for tax purposes open financial accounts, their account information will be delivered and exchanged to the countries which the residents for tax purposes belong to. Taking the example of a mainland resident opening personal account in Hong Kong, the operation procedures are listed as follows:

• **金融賬戶**

金融賬戶包括存款賬戶、保險合同、股權或債權權益，以及包括證券賬戶、理財產品、基金、信託等在內的託管賬戶。

• **申報內容**

金融機構須每年提交賬戶持有人資料，例如：名稱、地址、納稅人識別號、賬號、賬戶餘額以及持有金融資產所產生的利息、股息和出售金融資產的收入等。

• **賬戶分類**

沿用 OECD 的分類方法，管理辦法對新開賬戶和現有賬戶、機構賬戶和個人賬戶進行了劃分，並採用不同的審查程序和標準。在金融機構新開戶的企業和個人，還須簽署一份稅收居民身份聲明文件。

金融賬戶信息互換流程

根據CRS，境外稅收居民開立金融賬戶，其賬戶信息將被報送和交換給所屬稅收居民國。以內地居民在香港開立個人賬戶為例，其運作流程如下：

Further legal actions will be taken once tax evasion behaviour is found
若發現逃稅行為，採取進一步的法律措施

Personal information has to be submitted when opening account
開戶時提交個人資料





Handling Due Diligence for Tax-related Information

Apart from new accounts, financial institutions are also specifically required to conduct due diligence under the Administrative Measures, in which the deadline of due diligence for high net value accounts with total balances exceeding RMB 6 million is at the end of 2017. Not only the unprecedented disclosure of wealth has concerned the enterprises, but also brought worry and anxiety to persons who possess overseas financial accounts. However, being not to introduce a new tax, and as a way to enhance the management of cross-border taxation, the Administrative Measures have been formulated and implemented to cope with persons and enterprises who make use of overseas accounts to avoid tax. Taxpayers possessing overseas financial accounts and financial assets are advised to review whether declaration of taxation is in compliance with regulations as soon as possible so as to avoid tax penalty imposed by the resident countries.

In addition, there is no lack of offshore jurisdictions like the British Virgin Islands (BVI), the Cayman Islands and Seychelles among countries and

regions which have guaranteed to implement CRS. In the age of increasing transparency in tax-related information, it would be a wise choice to invest in countries and regions which have double taxation agreement or investment protection agreement.

Although it still takes time from collecting account information to conducting taxation management by making use of this information, the possibility of using overseas information will certainly increase as currently China is reviewing and reforming its domestic tax law at a faster pace. In other words, the risk of tax-evasion by means of opening overseas accounts to conceal assets will significantly increase, thus business operators or taxpayers who earn income from abroad should organise the relevant accounts as soon as possible and derive long-term plans in order to proactively respond to new challenges.

涉稅信息盡職調查的應對

除了新開賬戶，管理辦法還明確金融機構須對現有賬戶進行盡職調查，賬戶加總餘額超過 600 萬元人民幣的高淨值賬戶完成時限為 2017 年底。前所未有的財富大起底，在引發企業關注的同時，亦引起擁有海外金融賬戶的人士的不安和焦慮。然而，管理辦法的制定和實施並非增加新的稅種。作為加強跨境稅務管理的方法，管理辦法針對的是利用境外賬戶逃避稅的個人和企業。在此建議持有境外金融賬戶和金融資產的納稅人，儘快對稅務申報合規情況進行檢討，以免遭受所屬居民國的稅務處罰。

此外，在現今承諾實施 CRS 的國家及地區中，不乏像英屬維爾京群島 (BVI)、開曼群島、塞舌爾這樣的離岸法區。在涉稅信息日趨透明的新時代，選擇投資在具有雙重徵稅協定或投資保護協議的國家及地區不失為明智之舉。

儘管從賬戶信息收集到運用這些信息進行徵稅管理還需要一些時間，但目前中國正加快國內稅法的修訂和改革，未來運用境外信息的機會勢必增多。換言之，通過開立海外賬戶隱匿資產的逃避稅風險將大大提升，企業經營者或取得境外收入的納稅人須儘快對相關賬戶進行整理，並作好長遠規劃，積極應對新挑戰。

Hong Kong Innovation and Technology Bureau Promotes Economic Diversification

香港創新及科技局， 推動經濟多元發展

Innovation and technology have been a major trend of modern world development. In order to open up business opportunities and promote economic development, on 20 November 2015 Hong Kong established the Innovation and Technology Bureau (hereinafter referred to as “ITB”), which leads Hong Kong’s innovation and technology development and through formulating comprehensive policies, supporting infrastructures and cultivating talents. The public generally welcome the establishment of the ITB, and the industry thinks that it can help to create economic diversification and more job opportunities in Hong Kong.

創新及科技是現今世界發展的大勢趨。為開拓商機及促進經濟發展，香港於2015年11月20日成立創新及科技局（以下簡稱「創科局」）。創科局負責制訂全面政策，通過支持基建及人才培育，引領香港創新及科技發展。創科局的成立獲市場普遍歡迎，業界認為，這將使香港經濟更多元，並可創造更多就業機會。

The Advantages of Hong Kong’s Innovation and Technology Development

A great number of advantages in innovation and technology, such as well-established legal system, effective intellectual property protection, comprehensive technology infrastructures and financial system, and marvellous pool of talents provides Hong Kong a friendly environment to develop high-value-added industry and attracts world-leading scientific research institutions to settle down. In

2015, Karolinska Institute and Massachusetts

Institute of Technology respectively announced the establishment of the first overseas scientific research base and innovation centre in Hong Kong. The Academy of Science of Hong Kong which has been recently established can also facilitate Hong Kong’s scientific research development.

Programme Highlights

The ITB is committed to promoting



香港創新及科技發展優勢

香港在創科方面具有諸多優勢，例如：法例制度優良、知識產權保護完備、科技基建和金融體系完善、人才儲備豐富等。這些優勢為香港發展高增值產業提供了沃土，並吸引世界頂級科研機構落戶。2015年，瑞典卡羅琳醫學院和美國麻省理工學院先後宣布在港成立首個海外科研基地和創新中心，而新近成立的香港科學院亦有助推動香港科研發展。

commercialisation of R&D results and will explore the development of cross-technology projects which are recently derived. Key tasks in future include:

- Creating cooperation opportunities with world-leading scientific research institutions
- Promoting smart productions and developing industries which are suitable to take Hong Kong as the base
- Planning and launching new measures to encourage private institutions to invest in innovation and technology
- Formulating and implementing measures for smart city
- Forging Hong Kong into a well-connected Wi-Fi city
- Helping solve social problems through applied innovation and technology
- Studying the application of innovation and technology products and services
- Enlarging the pool of innovation and technology talents, etc.

Supporting Measures

The establishment of the ITB aims to create an energetic ecosystem allowing the government, industry, academia and research sector to collaborate with each other under the support of quality hardware and software in order to create more opportunities. In regard to this, the ITB will provide the following supporting services:

- **Encouraging Scientific Research**
Hong Kong government injected a capital of HKD 2 billion into the Innovation and Technology Venture Fund for establishing the “Midstream Research Programme for University” subsidising universities to carry out research projects in key technology areas. Moreover, to support the mainland scientific institutions set up in

Hong Kong, the government also offers a maximum of HKD 5 million subsidies annually for each of the 22 Partner State Key Laboratories (SKLs) and the Hong Kong branch of Chinese National Engineering Research Centre.

- **Re-Industrialisation**
In view of the labour cost raised in the mainland, some Hong Kong enterprises consider to move their production lines back to Hong Kong. The ITB has actively promoted “re-industrialisation”, encouraging the enterprises to develop high-value-added industries and production processes for facilitating smart production.
- **New Enterprises in Innovation and Technology**
Currently there are more than 1,600 new enterprises, 40 incubators and co-working spaces in Hong Kong. To further support these new enterprises, the government injected HKD 2 billion to set up the “Innovation and Technology Venture Fund” and cooperate with private venture capital by means of pairing. It is expected that the Fund will attract more venture capitals to invest in Hong Kong, Hong Kong new enterprises can also develop rapidly by leveraging the knowledge and commercial networks of the venture capitals.
- **Forging a Well-connected Wi-Fi City**
Within the next 3 years, the number of free “Wi-Fi.HK” hotspots will increase from 17,000 to 34,000. Moreover, the ITB has a great intention to enhance the Wi-Fi speed and security.
- **Developing a Smart City**
The ITB plans to build a smart city with scientific research and private and public institutions, specific measures include releasing more public data, developing smart homes, appointing consultant

工作重點

創科局致力推動研發成果商品化，並將會探索發展一些新近衍生的跨技術項目，未來工作重點包括：

- 推動與世界頂尖科研機構合作的機會
- 推動智能生產以及發展適合香港為基地的工業
- 研究和推出措施，鼓勵私營機構投資創新科技
- 研究和推行智慧城市措施
- 建設香港成為連通 Wi-Fi 城市
- 透過應用創新科技協助解決社會問題
- 研究應用創科產品和服務
- 壯大創科人才庫等

支援措施

創科局的設立，旨在締造一個充滿活力的生態系統，讓政府、業界、學術界及研究界（即「官產學研」）在優質軟硬件的支持下，互動合作，創造更多機遇。為此，創科局將提供以下支援服務：

- **鼓勵科研**
港府向創新及科技基金額外注資 20 億港元，成立「院校中游研發計劃」，資助院校進行重點科技領域的主題研究。此外，為支援內地在港科研機構，港府還向 22 所國家重點實驗室的夥伴實驗室和國家工程技術研究中心香港分中心，提供每年每所上限 500 萬港元的資助。
- **再工業化**
隨着內地勞工成本的攀升，部分港商考慮把生產線遷回香港。創科局積極推動「再工業化」，鼓勵企業發展高增值產業和生產工序，推動智能生產。
- **創科初創企業**
現時香港擁有 1,600 多家初創企業，40 多個孵化器和共享工作空間。為進一步支援初創企業，港府注資 20 億港元成立「創科創投基金」，以配對的形式與私人風投基金合作。該基金有望吸引更多風投基金投資香港，而香港初創企業亦可運用風投基金的知識和商貿網絡，高速成長。

companies to define digital structure of city and technology standard, strengthening the cooperation with relevant policy bureau and departments.

- **Big Data**

Big data can be used extensively, and public data is the raw material for big data analysis, mobile application development of emerging industries. Earlier the government has launched a public data portal “data.gov.hk” in order to provide enterprises and citizens more than 5,000 data set in various fields for free. In future, the government will keep on promoting public service institutions and commercial organisations to release more data.

- **Innovation and Technology Fund for Better Living**

The government allocated HKD 500 million to establish the “Innovation and Technology Fund for Better Living” which subsidises innovation and technology projects aiming to improve people’s living and encouraging the market to implement digital inclusion projects by using innovation and technology so as to support the elderly and underprivileged groups.

Along with social development and industry transformation and upgrading, innovation and technology will be increasingly important. We believe that the operation of the ITB will cover the upper, middle and lower segments of scientific research and bring a new picture to Hong Kong’s economic development.

- **建設連通Wi-Fi城市**

在未來 3 年內，免費「Wi-Fi.HK」熱點覆蓋率將由 17,000 個增至 34,000 個。此外，創科局還將銳意提升 Wi-Fi 服務速度及安全性。

- **發展智慧城市**

創科局與科研及公私營機構研究建設智慧城市，具體措施包括：開放更多公共數據、發展智能家居、委聘顧問公司制定智慧城市數碼架構和技術標準、加強與相關決策局和部門的合作等。

- **大數據**

大數據的應用範疇非常廣泛，而公共數據是大數據分析、移動應用程式開發等新興行業的原材料。早前港府推出公共資料入門網站「data.gov.hk」，提供超過 5,000 個不同範疇的數據集供企業及市民免費使用。未來，政府還將繼續推動公共服務機構和商業機構開放更多數據。

- **創科生活基金**

政府撥款 5 億港元成立「創科生活基金」，資助用以改善市民生活的創新意念和科技項目。基金還鼓勵市場應用創新及科技推行數碼共融項目，以支援長者及弱勢群體。

隨着社會發展以及產業轉型升級，創新及科技的重要性與日俱增。我們相信，創科局的營運將貫通科研的上中下游，為香港的經濟發展帶來新氣象。

Inspection Exemption of Chinese Export Commodities Facilitates Market Development

中國商品免驗出口，助益市場拓展



Since joining the WTO, China has progressively relaxed its control over import and export, and implemented the system of export inspection exemption for quality commodities. The commodities which are exempted from inspection can be free from various quality supervision and examination and directly undergone export clearance procedures. The exemption system has significantly simplified the export workflows of enterprises which not only can promote outgoing trade and economy but also help to build up international brands.

Commodities Exempted from Inspection

In recent years, for the purpose of adapting to the changes of international trade and enhancing the competitiveness of export commodities, the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China

(hereinafter referred to as "AQSIQ") has continuously adjusted the catalogue of commodity inspection and quarantine. Currently, general finished goods, such as household electrical appliances, construction materials, industrial raw materials and toys and so forth, can be exported without inspection.

中國加入 WTO 後，逐步放寬了進出口管理，並對優質商品實行出口免驗制度。獲准免驗之商品，可在中國境內豁免各種質量監督檢查，直接辦理出口放行手續。免驗制度大大簡化了企業出口流程，在促進對外經濟貿易的同時，亦有助於培育國際品牌。

免驗商品

近年來，為適應國際貿易變化以及提升出口商品競爭力，中國質量監督檢驗檢疫總局（以下簡稱「質檢總局」）不斷調整檢驗檢疫商品目錄。目前，一般製成品，例如：家庭電器、建築型材、工業原料、玩具等可以免驗出口。

免驗申請

申請人申請商品免驗，應先向所在地檢驗檢疫機構提出，初審合格後，再向質檢總局提出正式申請。受理申請後，質檢總局將對申請免驗之商品以及生產企業的有關資料進行審查，並進行抽樣測驗。若審查合格則發放免驗證書，並予公布。

免驗證書有效期為 3 年，在免驗證書期滿前 3 個月，申請人可向質檢總局提出續延申請。複檢合格後，質檢總局將重新頒發免驗證書。

Application for Inspection Exemption

To apply for inspection exemption of commodity, applicant firstly has to submit the application to the inspection and quarantine institution where he resides. Once passing the initial evaluation, he needs to file a formal application to the AQSIQ, which will then verify the information of commodity under application for exemption and the manufacturing enterprises, as well as conduct sampling tests. The certificate of inspection exemption will be issued and announced once the verification is passed.

The certificate of inspection exemption is valid for 3 years. The applicant may apply for a renewal to the AQSIQ 3 months before the certificate expires, and the certificate will be re-issued once the re-verification is passed.

Application Requirements

The system of inspection exemption is presently China's quality supervision system with the highest standard. Enterprises must meet the following requirements when applying for inspection exemption of commodity:

- The commodity maintains a stable quality in a long term, has good reputation in the international market without complaints, claims and returns due to poor quality arising from the manufacturing enterprise, and attains 100% inspection passing rate for 3 consecutive years;
- While having its own brand, the quality of commodity takes a leading position when compared with the other products in the same industry in the country or regions;
- The quality management system of manufacturing enterprise meets ISO9000 quality management standard or is consistent with the



standard of management system which is corresponding with the features of the exempted commodity, and receives authorised certification;

- The manufacturing enterprise possesses certain ability in inspection;
- The manufacturing enterprise meets the requirements of "Examination Conditions for Inspection Exemption of Import and Export Commodities".

Being an effective quality supervision management practice, inspection exemption imposes higher requirements in terms of management systems and manufacturing workflows of the enterprises. Not only can it help the enterprises reduce inspection costs, but also guarantee the quality of export commodities which benefit the enterprises to open up international market. It is worth noting that inspection exemption of commodities is a practice implemented only by the inspection and quarantine department but not the customs. At present, although the customs offers class AA and A enterprises convenience of quick clearance, it still conducts sampling inspections on their export commodities.

申請條件

免驗制度是現今中國最高標準的質量監督制度，企業申請商品免驗須符合以下條件：

- 商品品質長期穩定，在國際市場上擁有良好信譽，無生產企業引起的質量異議、索賠和退貨，檢驗合格率連續3年達到100%
- 商品有自主品牌，在國家或地區同行業中，質量處於領先地位
- 生產企業的質量管理體系符合ISO9000質量管理標準或與免驗商品特點相應的管理體系標準一致，並獲得權威機構認證
- 生產企業具有一定的檢測能力
- 生產企業符合《進出口商品免驗審查條件》之要求

作為一種有效的質量監督管理方法，免驗制度對企業的管理體系、生產流程等有較高要求。它不僅有助企業節約檢驗費用，而且可保證出口商品質量，裨益企業開拓國際市場。需要注意的是，商品免驗只是針對檢驗檢疫部門而言，海關環節並沒有免驗的做法。目前，海關給予AA類和A類企業快捷通關的便利，但仍會隨機抽查其出口商品。

Taxation Considerations of Subsidiaries and Branches in China

在中國，子公司和分公司的稅務考量

Along with bigger business scale, enterprises often need to establish subsidiaries or branches for the sake of business expansion. Subsidiaries have corporate capacity, and status of independent accounting and self-financing; and branches which do not have corporate capacity are the branches or affiliates of the headquarters established for business operations. In the market with more fierce competition, comprehensively evaluating taxation features for different organisations and structures can help the enterprises relieve tax burdens in line with the circumstances.

隨着經營規模的擴大，企業往往需要設立子公司或分公司來拓展業務。其中子公司具有法人資格、獨立核算、自負盈虧，而分公司則不具有法人資格，是總公司下屬從事業務經營的分支或附屬機構。在市場競爭日益激烈的背景下，綜合評估不同組織架構的稅務特點，有助企業因勢利導，減輕稅負。

Taxation Managements of Subsidiaries and Branches

Income tax and value-added tax of enterprises are currently the 2 major taxes paid by the Chinese enterprises. In the aspect of taxation management, different approaches are respectively applicable to the subsidiaries and branches, as specified below:

• Enterprise Income Tax

Referring to the Enterprise Income Tax Law, subsidiaries should calculate the amount of payable tax independently and pay the enterprise income tax at their place of registration. The information of approval and filing matters related to enterprise income tax have to be collected by the subsidiaries and declared to the local tax department.

子公司和分公司的稅務處理

企業所得稅和增值稅是現今中國企業繳納的 2 種主要稅種。在稅務處理方面，子公司和分公司分別適用不同的處理方法，具體如下：

• 企業所得稅

根據企業所得稅法，子公司應單獨計算應納稅額，並在註冊地繳納企業所得稅。有關企業所得稅的審批、備案事項等，由子公司自行收集資料，並向當地稅務部門申報。

而分公司的所得稅繳納遵循「就地預繳、匯總清算」原則，匯總計算的所得稅，50% 在各分支機構間分攤，50% 由總公司繳納。與子公司不同，分公司有關所得稅的審批和備案資料由總公司收集，並在總公司所在地申報。

The payment of income tax of branches complies with the principle of “prepayment at the locality, final settlement and payment”. 50% of the income tax payment calculated by final settlement will be shared by each branch, while 50% will be paid by the headquarters. Different from the case of subsidiaries, the information of approval and filing matters related to enterprise income tax of branches are collected by the headquarters and declared at the place where the headquarters locates.

• **Value-added Tax**

In China, both subsidiaries and branches have to declare and pay the value-added tax to the tax department where the enterprise locates. If the branches locate in the same province as the headquarters, the value-added tax, which can be paid to their local tax department by the headquarters through final settlement under the approval of the Ministry of Finance and State Administration of Taxation, is only applicable to taxable services, while the tax of salable goods and provision of processing and repairing services have to be declared and paid locally.

Taxation Planning of Subsidiaries and Branches

With different tax features, implementing feasible taxation planning for subsidiaries and branches can help the enterprise relieve its tax burden and enhance its profitability.

• **Tax Concessions**

Currently tax concessions of governments in various places are mainly provided to corporate enterprises. If tax concessions are provided in the place where the headquarters locates but not the branches, it is suggested to

establish a branch office in order to take relevant advantage of the policy. On the contrary, if the benefits are more attractive in the place where the branch locates, establishing subsidiary should take the priority.

• **Foreign Institutions**

When enterprises set up branches abroad, the government where the branches locate will levy tax according to the income of those branches. Some countries, which even do not take whether the profits would be transferred back to the headquarters into consideration, additionally impose a “branch office tax” without providing relevant tax concessions.

• **增值稅**

在中國，無論是子公司還是分公司，都須向企業所在地稅務部門申報繳納增值稅。若分公司與總公司在同一省份，經財政廳和稅務局批准，可以由總公司向其所在地稅務部門匯總繳納增值稅，但僅限於應稅服務項目，銷售貨物、提供加工修理勞務仍須就地申報繳納。

子公司和分公司的稅務籌劃

子公司和分公司具有不同的稅務特點，對其進行可行的稅務籌劃有助企業降低稅負，提升營利能力。

• **稅務優惠**

目前，各地政府的稅收優惠主要針對法人企業。如果總公司所在地推出稅



Relatively speaking, taxation management of overseas subsidiaries has more advantages. After paying the enterprise income tax, the subsidiaries usually only need to pay the withholding tax according to the dividends transferred back to the headquarters. Besides, the overseas subsidiaries also enjoy a variety of tax concessions which are provided to the resident enterprises by the local government. When the local tax rate is lower than the country where the headquarters locates, the subsidiaries can also gain the benefits from deferring paying the tax for their cumulative profits.

• **Profits and Losses of Enterprises**

As an independent tax payer, while profits and losses of the subsidiaries cannot be carried forward to the headquarters, the ones of the branches can be offset by the headquarters during taxation.

Therefore if the company can make profit shortly after establishment, setting up subsidiaries not only can gain business convenience of independent legal entity, but also enjoy benefits from deferring paying the tax for the undistributed profits and various tax concessions provided by the government. If the new company cannot make profit shortly, tax expenses of the headquarters can be reduced through setting up branches and offsetting profits of the headquarters by the losses of the branches.

Tax reduction outcomes of subsidiaries and branches, in fact, are affected by the business condition of the enterprises, tax systems and other factors, which cannot be simply summed up by one reason. When conducting taxation consideration, we have to make comprehensively evaluation and also introduce flexible planning ideas, such as with higher possibility of losses when the enterprise is initially established, payable tax of the headquarters can be reduced by setting up branches, and then convert the branches, which will have already made profits, into subsidiaries. Only through this practice, the enterprise can enjoy the benefits from the policy to a largest extent and increase return on investment.

務優惠而分支機構所在地沒有，建議選擇設立分公司，以便能享受相關政策紅利。反之，如果分支機構所在地的優惠力度更大，則首選設立子公司。

• **境外機構**

企業在境外設立分公司，分公司所在地政府將對歸屬於該分公司的收入課稅。有些國家甚至不管稅後利潤是否匯回總公司，再加徵一道「分支機構稅」，並且不給予相關稅務優惠。

相較而言，境外子公司的稅務處理更具優勢。通常，子公司在繳納企業所得稅後，僅須就其匯回母公司的股息徵收預提稅。此外，境外子公司還享有當地政府為其居民企業提供的各項稅務優惠，當地稅率低於母公司所在國時，子公司還可獲得累積利潤遞延納稅的好處。

• **企業盈虧**

作為獨立納稅人，子公司的利潤或虧損不能結轉至母公司，而分公司的盈虧在計稅時可與總公司相抵。因此，若組建的公司短期內即可盈利，那麼設立子公司不僅可獲得獨立法人的經營便利，更可享受未分配利潤遞延納稅以及政府提供的各項稅務優惠。若新公司短期內不能盈利，通過設立分公司，用分公司虧損彌補總公司利潤，可減低總公司稅務支出。

事實上，子公司和分公司的節稅效果受企業經營情況、稅制等因素影響，不能一概而論。我們在進行相關稅務考慮時，除了要全面評估，還要引入靈活籌劃的理念，例如：企業設立初期虧損機率高，可以通過設立分公司減少總公司應納稅額，待該分公司營利後再改為子公司。只有這樣，企業才能最大限度享受政策紅利，提升投資回報率。



Family Trust Sustainably Secures Your Business

家族信託，助您基業常青

Modern commercial society has yielded a lot of billionaires. According to statistical figures from the Forbes, in 2016 the number of rich people whose global net assets were more than USD 1 billion reached 1,810, where Mainland China, Hong Kong and Taiwan accounted for about 19%. The way to break the curse of “from clogs to clogs is only three generations”, as well as passing the business empire and the accumulated wealth to their next generations have become a hot topic among the billionaires. In western countries, many renowned families, such as the Rockefeller, the Ford, and the Du Pont, have successfully secured their family businesses by means of establishing family trusts or family foundations.

現代商業社會成就大量富豪。據《福布斯》數據統計，2016年全球淨資產超過10億美元的富豪多達1,810位，其中中國內地、香港、台灣佔比約19%。如何打破「富不過三代」的魔咒，讓其商業帝國及點滴累積的財富傳承下去，是富豪們關注的話題。在西方國家，許多超級世家，例如：洛克菲勒、福特、杜邦等，都通過家族信託或家族基金會，實現了家族基業常青。

Advantages of Family Trust

Family Trust is a way of wealth management, in which the trustor entrusts his/her property to a trust institution to make management on behalf of the trustor. For people who have high net value of assets in excess of USD 5 million, family trust can provide the following advantages:

• Inheritance of Wealth

Based on the trustor's preference, family trust, in which the wealth can be assigned to any beneficiary or institution to inherit, has a longer management duration to cover several generations so as to ensure the family business be long-lasting.

家族信託優勢

家族信託是指委託人將財產委託給信託機構，由其代為管理和處置的財富管理方式。對資產超過500萬美元的高淨值人士而言，家族信託具有以下優勢：

• 財富傳承

家族信託可根據委託人意願，將財富指定給任意受益人或機構繼承。此外，家族信託管理期限較長，可以延綿數代，確保家族長治不衰。

• 稅務籌劃

信託財產不屬於遺產，富裕階層可以藉此規避高額遺產稅。此外，家族信託還可設立一個較長的收益分配週期，讓受益人的年度收益控制在一定範圍。



- **Tax Planning**

As trust property is not heritage, thus rich people can avoid large amount of estate duties. Also a longer income allocation cycle can be set in family trust so as to control the annual income of beneficiary into a certain range.

- **Isolation of Risk**

The main feature of family trust is the separation of ownership and

income right. Once the trust is established, while the ownership of asset will be affiliated to the trust institution, the corresponding income will still be allocated according to the trustor's preference. It implies that once the trustor is filed for death or divorce, the trusted asset can be isolated from risk by changing the ownership.

- **風險隔離**

家族信託的最大特點在於所有權和收益權分離，即信託成立後，資產的所有權歸屬信託機構，但相應收益仍按委託人意願分配。這意味一旦委託人身故、離婚等，信託資產可因所有權的改變隔絕於風險之外。

- **保障企業經營**

為避免家族矛盾、離婚、分家等因素攤薄股權，委託人可讓家族信託持股企業，確保企業的永續營運。



- **Protecting Your Business**

In avoidance of dilution of equity due to family conflict, divorce or separation, the trustor may arrange the family trust to hold the enterprise shares so as to ensure sustainable operation of the enterprise.

- **Asset Appreciation**

Trustee can make sure appreciation of asset through asset allocation and re-investment according to the trustor's preference.

- **Flexible Provisions**

Provisions of family trust can be set at discretion, and trust amendment and adjustment mechanism can also be made in the trust contract to accommodate the development requirements of the family in various period of time.

- **Privacy Protection**

The management and operation of the trust asset are performed on behalf of the trustee. The trustor needs not to disclose the relevant information to the public, and even not needs to inform the beneficiaries about the respective benefit proportions so as to prevent conflict among the family members.

The Focal Problems

Along with growth of wealth and lowered possibility of tax avoidance, the rich sector has actively searched for comprehensive ways of wealth preservation and inheritance. Clarifying the follow questions would help to develop a flexible and efficient trust plan.

- **Customising Trust Provisions**

Talking about trust, the case of Anita Mui can be regarded as a classic example of trust plan. In the case, Anita had designated her mother, who had gambling addiction, as the primary beneficiary and provided that her mother would

be entitled to receive a considerable living expense each month until death. After the death of Anita, her mother sued the trust company for the validity of the trust for more than ten times but still lost the lawsuit eventually.

Devising a trust plan is a complicated and professional task, which does not have a model answer. With ample professional knowledge, the devisers must have worldly wisdom and also draw up the trust provisions according to the family condition and the beneficiaries' particular situations. In the above example, though Anita had made a special arrangement based on her mother's gambling addiction problem, she had overlooked her mother's greed and concealed the contents of the trust, leading to a regrettable result.

- **Making Good Use of the Protector's Role**

Including cash, equities, properties, trust asset involves a vast amount of money. How can we prevent the asset be squandered by the beneficiary, or coveted or cheated by others? In case the trustee is a person, his health status and life span would bring uncertainty to the asset management, and the trust asset may be mixed with his personal asset, which will impair the trust asset.

Assigning a familiar and trustable relative or friend to be the trust protector or supervisor can effectively solve this problem. Under this condition, as the beneficiary has to get the protector's consent before using the trust asset, the asset can be safeguarded and well managed. In the above example, if Anita had made a more detailed consideration and assigned a protector for the trust, her mother would not have to deal with those

- **資產增值**

受託人根據委託人風險偏好，通過資產配置以及再投資，確保財富增值。

- **條款靈活**

家族信託條款可任意設定，並可在信託合約中設定信託修改及調整機制，以適應不同時期家族發展需要。

- **私隱保護**

信託資產的管理和運作以受託人名義進行，委託人無須對外披露相關資料，甚至無須告知不同受益人彼此的收益份額，避免同室操戈。

焦點問題

隨着財富的增長以及避稅空間的縮小，近年來，富裕階層積極探尋完善的財富保全和傳承方式。釐清以下問題，有助設立靈活高效的信託方案。

- **量身訂制信託條款**

提起信託，梅豔芳案被視為信託設計的經典案例。該案中，梅豔芳將其有賭博習性的母親作為主要受益人，規定其母每月可領取可觀的生活費直到去世。梅豔芳辭世後，其母質疑信託的有效性，前後十多次起訴信託公司，均以敗訴告終。

信託方案設計是一項複雜的專業事項，沒有標準版本。設計者除了須具備豐富的專業知識，還要根據家族情況以及受益人特點擬定信託條款，並精通人情世故。上述案例中，梅豔芳針對其母的賭博習性作了特殊安排，卻忽略其母貪欲的一面，並隱瞞了信託內容，結局令人唏噓。

- **善用保護人角色**

信託資產涵蓋現金、股權、房產等，涉及金額巨大，如何避免受益人揮霍無度或他人覬覦欺詐？當受託人為個人時，其健康及壽命長短將給資產管理帶來不確定性，並有機會使信託資產與個人資產混雜，令信託資產受損。

讓熟悉、可信賴的親朋好友擔任信託保護人或監督者可有效解決這些問題。在此條件下，受益人動用信託資



affectionless financial institutes alone, and the subsequent violent conflicts could have probably been avoided.

- **Solving Potential Problems by Discretionary Trust**

When conducting trust arrangement, many rich people worry that their successors would lose their ambitions or even go astray, and some of them have a worry about the non-filial behaviour of the successors once they have inherited the huge amount of money. As such, discretionary trust is devised to solve the above problems. As its name suggests, discretionary trust means the trustee can adjust the benefit arrangement in line with various conditions according to the trustor's preference. This mechanism of "conditional acquisition" of benefits is commonly implemented in Europe, America and Hong Kong. By viewing the examples, to avoid the trustee getting too much power, the definitions of beneficiary, asset management approaches, rules of allocation should be stipulated in the trust contract.

- **Trust Makes No Change to the Corporate Right of Control**

Some points of view think that the

family will lose the corporate right of control after setting up the trust if the trust asset involves corporation shares. Honestly, if the successors do not have the intention to inherit the corporation, the trustor may assign professional institutions to manage the corporation through the trust, and can safeguard the living of successors at the same time. Setting up the trust, however, does not mean there is a loss of corporate right of control. The trustor can make arrangements like stipulating the trustee to make no interference to the company operation, and appointing family members to be directors in the trust contract in order to retain the right of control. Besides, establishing an investment company structure can also achieve the aim of family control.

Presently the most preferred trustees by the trustors are those professional institutions with high reliability and credibility. In view of the particularity of family trust, trustors should be highly aware of the professional quality of the management team when choosing trustees. A team with rich legal and taxation knowledge would be the hinge to determine the effectiveness of the trust.

產須經保護人同意，既可保障資產安全，又可讓信託更有溫度。上述案例中，假若梅豔芳多想一步，為信託設置保護人，其母自不必獨自面對冰冷的金融機構，想必也不會有後面的激烈衝突。

- **酌情信託解隱憂**

許多創富者在進行信託安排時，擔心後代因繼承巨額財富喪失進取心，甚至步入歧途，亦有部分人擔心後代掌握家產後對長者不孝。酌情信託應運而生。顧名思義，酌情信託是指受託人可根據委託人意願，因應情境變化調整受益安排。這種權益「有條件獲得」的機制在歐美及香港地區被廣泛使用。從眾多案例來看，為避免受託人權力過大，應在信託合約中對受益人定義、資產管理方式、分配規則等進行約定。

- **信託不改企業控制權**

有觀點認為，若信託資產包含企業股份，信託成立後家族將失去企業控制權。誠然，如繼承人無意繼承企業，委託人可通過信託將企業交由專業機構管理，同時保障後代生活無虞。但設立信託並不意味失去企業控制權。委託人可通過在信託合約中規定受託人不得干預公司營運、委任家族成員擔任董事等安排，保留企業控制權。此外，設置投資公司架構亦可達到家族控制的目的。

目前，委託人最青睞的受託人是有可靠信譽的專業機構。鑒於家族信託的特殊性，委託人在選擇受託人時尤其要關注管理團隊的專業質素。一個擁有豐富的法律和財稅知識的團隊將是決定信託成效的關鍵。

Remember to Apply for Patent When Doing Business in China

營商在中國，勿忘申請專利

In the backdrop of Mainland China paying effort to develop knowledge-based economy in recent years, relevant implementation and management of patent protection continuously have new progression. According to the statistical figures of World Intellectual Property Organisation, the number of China PCT patent application was up to 17,473, which had 36.8% increase year on year and was accounting for 15.9% of global applications.

近年來，中國內地致力發展知識型經濟，有關專利保護的實踐和管理不斷有新進展。據世界知識產權組織數據統計，2016年上半年，中國PCT專利申請量累計達到17,473件，同比增長36.8%，佔全球申請量的15.9%。

Patent Protection of China

China comprehensively revised its patent law after joining the WTO as far back as 2001. Later, to accommodate the requirements of economic transformation and solve the new problems derived from implementing patent protection, China has imposed new patent law in October 2009, and has been continuously updating the implementation regulations, departmental rules and judicial interpretations. Besides, to further suppress infringement, China has

lowered the standard of confession on intellectual property crimes since December 2004 and those illegal actions will incur criminal responsibility, and has specifically explained that probation is not applicable to reconvicted offenders who have already hold administrative or criminal responsibilities.

We can say that at present the intellectual protection practice of China has been connected to international standard. When doing business in China, timely applying for

中國專利保護

早在2001年加入世界貿易組織後，中國便對專利法進行了全面修訂。隨後，中國為配合經濟轉型升級的需要以及解決專利保護實踐中衍生的新問題，自2009年10月起施行新的專利法，與之對應的執行條例、部門規章、司法解釋等亦不斷更新。此外，為加強對侵權行為的打擊，中國自2004年12月起，降低了知識產權犯罪行為的認定標準，有關行為依法追究刑事責任，並明確指出已經被追究行政或刑事責任者再次犯罪不適用緩刑。

patent not only can monopolise the market of patented products and safeguard the enterprises' interests, but also earn economic benefits through transferring, licensing and pledging.

Patent Priority

China patent is categorised into invention patent, utility model patent and design patent. China, as a member of international organisations like the World Intellectual Property Organisation and Paris Convention, enjoys international priority. If an application is submitted to the State Intellectual Property Office of the PRC for invention or utility model patent and the same application is made within 12 months, the applicant will then have a priority. Moreover, the applicant will get international priority within 12 months from the date of first application for the same invention or

utility model patent in a foreign country, or within 6 months from the date of first application for the same design patent in a foreign country, together with filing patent application in China, according to the agreement signed by that country and China or the international treaties joined by both countries. Fully utilising the priority can better protect the intellectual results of enterprises, helping the multinational enterprises and investors grasp the market opportunities.

Patent Application

As the principle of prior application is adopted in China patent authorisation, investors have to catch a right timing to avoid others making the application one step ahead. In China, information, such as the document of request, specification, summary of specification, pictures of specification

可以說，現今中國的知識產權保護已與國際接軌。在華營商，及時申請專利不僅可獨佔專利產品銷售市場，維護企業權益，而且可以通過轉讓、授權許可、質押等方式獲得經濟利益。

專利優先權

中國專利分為發明專利、實用新型專利和外觀設計專利。作為世界知識產權組織、巴黎公約等國際組織的成員國，中國享有國際範圍的優先權。若申請人向中國國家知識產權局專利局提出發明或實用新型專利申請，12個月內又就相同主題提出申請，享有優先權。此外，若申請人就同一發明或實用新型在外國第一次提出專利申請之日起12個月內，或就同一外觀設計在外國第一次提出專利申請之日起6個月內，又在中國提出專利申請，根據該國與中國簽訂的協議或共同參加的國際條約，享有國際優先權。充分使用優先權，可令企業的智力成果得到更好的保護，有助跨國企業和投資者搶佔市場先機。



Say No to Frequent Resignation

對頻繁離職說不

People enjoy freedom of choosing their jobs in modern workplace. Some people, however, resign frequently and regard job change as a solution to problems like salary, work, and interpersonal relationship. But we should know that frequent resignation would only continuously devalue ourselves and severely break down our career development.

現代職場，人們享有選擇職業的自由。部分人動輒離職，把更換工作當作解決薪資、工作、人際關係等問題的方法。孰不知，頻繁的離職只會讓你的價值不斷流失，令職業發展跌入低谷。

Losses from Resignation

Salary is the most common problem among the many incentives of resignation. Being once attracted by competitive salary or high rank, many employees fail to be aware of the smaller company scale and limited development prospect, as well as the shrunken market after job change. In this regard, career development of these employees will be restricted and the only solution is to change job again which will lead to a vicious circle. As if those “busy beavers”, these employees have devoted their time and efforts to hunting or adapting new jobs but neither can make any performance at work nor enhance their abilities.

Moreover, another negative effect of frequent resignation is downgrading our loyalty. During recruitment, companies usually take the applicants' work experience into consideration

離職損失

在眾多離職誘因中，薪資問題最為常見。許多員工被一時的高薪或高職位吸引，卻忽略轉職後公司規模和發展前景變小了，市場也變窄了。員工的職業發展因此受限，只能再次轉職，從此陷入惡性循環。就像最繁忙的「跳蚤」，這類員工的所有時間和精力都用於找工作或適應新工作，工作上沒有業績產出，個人能力亦無法提升。

此外，頻繁離職的另一個負面影響便是對個人忠誠度的損害。企業在聘請員工時通常會考量應聘者的工作經歷，若離職次數較多，會被視為穩定性差而遭到拒絕。

讓自己無可替代

調查發現，一份工作不能達到期望，原因通常不在企業，而在員工自己。許多員工把離職當作迴避困難的藉口，以薪資為例，加薪有兩種途徑，一種是從一家公司跳槽至另一家公司，每

and will reject the applications of those with frequent resignation records due to regarding them as unsteady workers.

Making Ourselves Unreplaceable

Investigation tells us that a job failing to meet our expectation is not because of the companies but the employees themselves. Many employees regard leaving the job is the solution to avoid difficulties. Take salary as an example, with two ways to get pay rise, one is hopping from one company to another in which salary can easily be raised \$1,000-2,000 for each hop and will be increased about \$4,000-8,000 after 5 years, usually without great changes in position however. Another way is to keep working in the original company and gradually get promoted through sustainably accumulating work experience and enhancing work abilities, and pay rise will then be the consequence. In some occasions, of course, some employees fail to gain appreciation even considering themselves to be excellent in performance. At this moment, it is better for them to wait for a while and not to be impatient as companies have to go through detailed assessment in considering pay rise or promotion, in which the particular employee may be being assessed by the company.

In fact, many people feel regret about their unthoughtful resignation and realise the good job is exactly the one they forewent. Employees are advised to pay effort and work hard in one position instead of hopping on and off at the workplace, making ourselves unreplaceable in the company or in a certain position.

Effective Resignation

We are not disallowed to resign for sure. If employees hit bottlenecks of



career development in their companies, they can create opportunities for themselves by effective resignation. Experts say people resigning under the age of 30 should try their best to get into companies with larger size compared with the original companies they served. When necessary, they may search for lower ranks in order to gain work opportunities in big companies in return. For the older resigning employees, they are suggested to choose to work in small to medium size or less well known companies in case of having work experience in big ones, so that they can get higher ranks in the new companies and extend their career lives through their resources, hierarchical concepts and management abilities accumulated in the past.

It is a fact that while turnover is a natural phenomenon in the operation of companies, moderate staff turnover not only can make closer correspondence between talents and posts, but also vitalise the companies and give new opportunities to the employees. Frequent resignation, which only brings negative effects, will make impact to the normal operation of the companies and also incur losses to the employees and we should draw a lesson from it.

跳一次可以輕鬆上調 1,000-2,000 元，5 年後薪資大約上漲 4,000-8,000 元，但職位通常不會有大變化；另一種是繼續留在原公司，通過不斷積累工作經驗和提升工作能力，逐步晉升，薪資隨之水漲船高。當然，也有這種情況，員工感覺自己表現優異卻未得到賞識。這時候，不妨克服浮躁，等待一段時間。因為對企業來說，給員工加薪或升職須經慎重評估，該員工或許正處於公司考核期。

事實上，很多人都為自己輕率的離職而後悔，原來好工作正是之前放棄的那一份。在此建議在職者，與其跳來跳去，不如在一個崗位上沉澱和努力，讓自己成為該公司或該職位上不可或缺的一員。

有效離職

當然，我們並不是不可以離職，若員工在一家公司的職業發展遇到瓶頸，便可通過有效離職為自己創造機遇。專家建議，年齡在 30 歲以下的離職者，轉職時應爭取跳槽到比原來服務的公司更大型的企業上去。如有必要，甚至可以調低職級，以換取在大公司工作的機會。而年紀較大的離職者，如有大公司的工作經驗，則可選擇中小型或知名度較低的企業，利用過往積累的資源以及體系化的思維和管理能力換取一個較高的職級，延展職業生涯。

眾所周知，人員流動是企業營運過程中的自然現象，適度的人員更替不僅能提高人才與崗位的匹配程度，還能為企業注入活力，給員工帶來新的機遇。但員工頻繁離職則有弊無利，除了會影響企業的正常運作，對員工更是一種損失，值得我們引以為鑒。

Have You Acquired These Middle Management Skills?

這些中層管理技巧，您掌握了嗎？



Taking the task to connect different levels in managerial pyramid, middle management is a bridge of communication for the senior and general staff and also a key to future success of an enterprise. While most of the people in this rank are business masters, they may not be management experts. Here, we would like to share 6 middle management skills with you.

在管理金字塔中，中層管理者起着承上啟下的作用，是高層管理者與普通員工之間的橋樑，也是企業決勝未來的關鍵。他們大都是業務高手，卻未必是管理專家。在此，我們分享6個中層管理技巧。

Defining the Role Clearly

Often being described as an “adhesive”, middle management is a leader of subordinates; and is an executor for the senior ones. In practical business, work efficiency of many people in middle management is lowered because they have devoted lots of efforts to taking subordinates’ tasks or overruling the senior’s

decisions, making business plans difficultly be implemented. The role of middle management, in fact, should be understanding their bosses, reaching their targets and helping their subordinates.

Keeping a Proper Distance

Keeping a proper distance is a good way to establish authority, which can

釐清角色定位

中層管理者常被喻為「黏合劑」，對下，他是領導者；對上，他是執行者。在實際工作中，許多中層管理者傾注大量精力從事下屬的工作，或者抵觸上司決定，致使工作效率降低，企業決策難以執行。事實上，中層管理者真正的角色定位應是：理解上司、完成目標及幫助下屬。

be proven by the strict corporation ranking system in Japan. Though amiable people can be found among many outstanding managers, humanised management should not involve emotions. Once an intimate relationship is built up, it would undermine the authority, making the system difficultly be implemented.

Bearing Responsibilities

The first step for people of middle management to exercise their leadership is willing to bear responsibilities. They should acknowledge the faults and apologise forthwith instead of shirking responsibilities when making mistakes at work. It is important to pay attention to the way of offering apology to subordinates so as to avoid being questioned your working ability.

Implementing the Rules Consistently

People in middle management have to set up rules for others to obey and follow, and make oneself an example. They should treat all staff equally in the system and establish their authority through upholding fairness and justice of the system.

Controlling Emotions

The middle management should properly control his emotions at work

without obviously showing your feelings. A mature, steady and open-minded manager should even have personal charisma and be respected and supported by his subordinates.

Promises Don't Come Easy

From the view based on the role of middle management, it is not difficult to find that people in that rank are not empowered to have too much authority by the enterprises in terms of salaries and benefits, marketing decisions, as well as processing systems. Thus they should never make promises which are beyond their authority to the subordinates, otherwise the promises must be fulfilled once have been made.

Every person in the middle management has to take both roles as a manager and a managee. Being a team member, not only he has to keep upgrading his management ability, but also as a subordinate has to observe the management system of the enterprise. It is unbeneficial to establish an efficient team if just focusing on individual personality or acting in undue confidence of one's own ability. Conversely, he should behave properly in line with his position so as to gain support from the others.

保持適當距離

適當的距離有助建立權威，這從日本森嚴的企業等級制度中可以得到佐證。在眾多知名經理人中，並不乏和藹可親者，但管理人性化並不等於人情化，一旦中層管理者與下屬員工模糊了界限，變得親密無間，制度的實施勢必難以為繼。

承擔責任

中層管理者發揮領導力的第一步，便是勇於承擔責任。若工作中犯錯，切忌推卸責任，而應第一時間坦承錯誤並表示歉意。需要注意的是，對下屬致歉應注意方式，以免其質疑你的工作能力。

貫徹規則

建立令行禁止的工作規則，並以身作則。在制度面前，所有員工應一視同仁。通過維護制度的公平公正，樹立管理者權威。

控制情緒

在工作中做情緒的主導者，不輕易顯露喜怒哀樂。一位成熟穩重、虛懷若谷的管理者更具人格魅力，並將獲得下屬更多尊重和擁戴。

不輕易許諾

從中層管理者的角色定位中不難發現，對於薪資福利、市場決策、流程制度等，企業賦予中層管理者的權限並不多。因此，請勿對下屬作出超越權限的承諾，而一旦作出，則必須無條件兌現。

每位中層管理者都身兼管理者和被管理者的雙重角色，作為團隊的一員，除了不斷提升管理能力，還要作為下屬職員服從企業的管理制度。若只強調個性或恃才傲物，並不利於構建高效團隊。相反，管理好自己的言行，使之符合職位要求更受擁戴。





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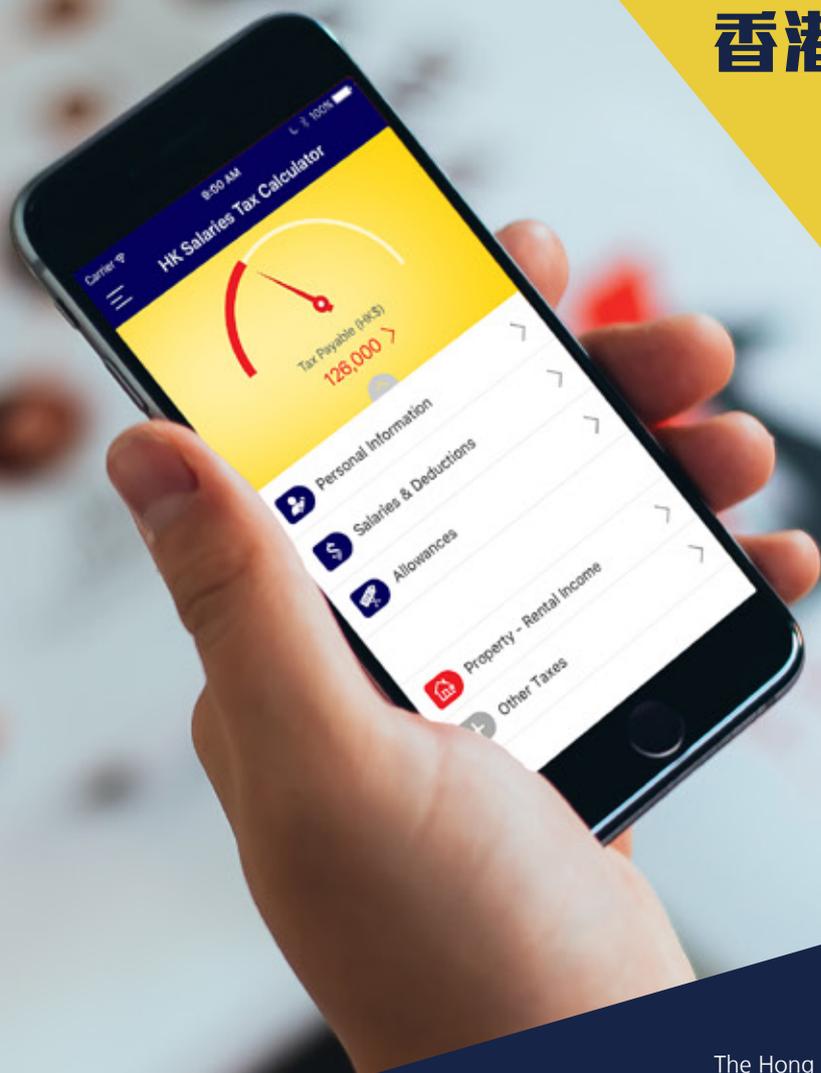
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Hong Kong Salaries Tax Calculator

香港薪俸稅計算機



The Hong Kong tax law is simple and a lot of tax relief items are available. To help tax payers quickly calculate the salaries tax or personal assessment, Conpak launches the "Hong Kong Salaries Tax Calculator". This tax calculating application is designed in accordance with the current laws and regulations of the Hong Kong Inland Revenue Department. It is easy to use, convenient, and accurate, giving users a clear idea about their tax burdens each year.

香港稅制簡單，稅務寬免項目眾多。為幫助納稅人快速計算薪俸稅或個人入息稅，康栢推出「香港薪俸稅計算機」。該稅務計算應用程式根據香港稅務局現行法例設計，具有簡單易用、便捷準確等優點，可幫助用戶清晰了解每年稅務負擔。



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About Conpak

Founded in Hong Kong, Conpak is a practicing accounting firm providing “one-stop” professional services. With support and trust from our clients, Conpak currently has offices in Hong Kong, Beijing, Shanghai and Shenzhen. The quality and standard of our professional services are highly recognised.

Focusing on the long-term growth of enterprises, we endeavour to devise the best tailor-made solutions for our domestic and overseas clients for their business development, ranging from auditing, accounting, tax advisory, company incorporation, corporate financing, IPO in Hong Kong, trademark registration, patent application, valuation services and etc. We also actively participate in community services such as charity, environmental protection and voluntary works to fulfil our social responsibilities.

關於康栢

康栢建基香港，是一家提供「一站式」專業服務的會計師事務所。得益於客戶的支持和信任，康栢目前已在香港、北京、上海、深圳設立辦事處，專業質素及服務水平備受認同。

立足於企業的長遠發展，我們致力為國內外客戶量身定做最佳的業務發展方案，服務範圍涵蓋審計、會計、稅務諮詢、成立公司、企業融資、香港上市策劃、商標註冊、專利申請、評估服務等。此外，我們亦積極參與社會公益，通過慈善、環保、義工服務等多種方式履行社會責任。

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