As mentioned in our *China Tax Weekly Update (Issue 8, March 2016)*, on 5 March 2016, Premier Li Keqiang of the State Council announced in *the Report on the Work of the Government* at the opening of the National People’s Congress (NPC) that VAT reform will be fully implemented in 2016. The construction, real estate, financial and lifestyle service industries will all be subject to VAT with effect from 1 May 2016. The VAT incurred for purchase of new immovable properties will be included into the scope of creditable input VAT for all enterprises at the same time, to ensure that the effective tax burden of all industries is reduced.

On the occurrence of the policy announcement, KPMG immediately issued a newsletter, *KPMG’s response to China’s tax reform initiatives*, to explain the key impacts on multinational businesses.

To set out detailed analysis of the impact of the final full implementation of the VAT reforms, and key issues for the relevant industries, KPMG also immediately issued a *China Tax Alert: China’s Value Added Tax expanded to fully replace Business Tax in major new announcement (Issue 7, March 2016)*.

The announcement by Premier Li precedes the release of detailed implementation rules, which are expected imminently. Upon their release, KPMG will be issuing a further China Tax Alert.

As for other tax related contents of the *Report on the Work of the Government*, further excerpts are as follows:

**Speed up finance and tax mechanism reform**

- Work toward ensuring that the central and local governments receive an appropriate share of VAT revenue. Taxes suitable as sources of local government revenue will be handed over to local governments along with the corresponding administrative powers
- Extend the resource tax reform of changing from a quantity-based to price-based tax levy
- Promote the law-based administration of tax collection
<table>
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<th>Deepen reforms to streamline administration, delegate more powers, improve regulation, and provide better services</th>
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<td>• Continue to cancel the requirement of government review and approval for more matters. Focus on addressing unsynchronized, uncoordinated and incomplete delegation of powers</td>
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<td>• Deepen reform of the business license system. Launch trials to separate operating permits and business licenses</td>
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<td>• Release the lists of all powers and responsibilities of local governments</td>
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<td>• Begin piloting a negative list for market access in some regions</td>
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<td>• Develop new ways of conducting oversight over the whole process of business operations. Introduce across the board an oversight model drawing on random inspections by randomly selected law enforcement officers or inspectors and requiring the prompt release of results</td>
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<td>• Implement the reform for coordinated administrative law enforcement. Adopt a unified approach to gathering information on enterprise credit rating. Release such information in accordance with the law, ensure joint punitive action is taken where necessary, and encourage public oversight</td>
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<th>Fully release the whole country's potential for starting businesses and making innovations</th>
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<td>• Implement super deduction policies for research and development (R&amp;D) expenses. Increase tax policy support for high and new technology enterprises (HNTEs) and science and technology business incubators</td>
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<td>• Move faster to achieve nationwide implementation of the policy of national innovation demonstration zones. Establish another set of national innovation demonstration zones and high-tech development zones to establish pilot reform zones for all-round innovation</td>
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<tr>
<td>• Policies and measures will be implemented to support the transfer and commercialization of scientific and technological results. Tax incentives for stocks and options, and profit sharing and bonus plans will be improved to encourage researchers to start businesses and make innovations</td>
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<th>Promote innovative development of foreign trade</th>
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<td>• Improve the structure of export tax rebate rates. Ensure rebates are paid promptly and in full, and crack down on fraudulent claims</td>
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<td>• Expand trials in cross-border e-commerce, and support enterprises in developing overseas warehouses for export products. Promote the development of enterprises that provide comprehensive foreign trade services</td>
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<tr>
<td>• Launch trials to create innovative ways of developing trade in services, and add model cities of outsource services. Accelerate the development of foreign trade in cultural goods and services</td>
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### China Tax Weekly Update (Issue 9)

#### Make better use of foreign investment
- Further integrate and improve special customs regulation zones. Encourage processing trade to move to the central and western regions and extend to the medium-high end of the industrial chain.
- Fully implement the single window system for international trade nationwide. Reduce the frequency of inspections for exports.
- Increase the import of advanced technology and equipment, key spare parts and components, and energy and raw materials in short supply in China.

#### Others
- Fully implement the single window system for international trade nationwide. Reduce the frequency of inspections for exports.
- Increase the import of advanced technology and equipment, key spare parts and components, and energy and raw materials in short supply in China.

#### Make better use of foreign investment
- Continue to relax market access restrictions on investment, and further open the service sector and the general manufacturing sector. Simplify procedures for establishing foreign invested enterprises, and step up efforts to attract more investment.
- Create new models of opening up for inland and border areas, and develop new overseas-oriented industrial clusters. Encourage more foreign investment in the central and western regions.
- Pilot free trade zones will be established in more parts of the country.
- Improve the systems and mechanisms for governing development zones.

#### Others
- Significantly relax restrictions on entry into markets such as electricity, telecommunications, transport, petroleum, natural gas, and municipal public utilities. Remove hidden barriers, and encourage private companies to increase investment in these areas and participate in state-owned enterprise (SOE) reform. In these fields, private companies will enjoy the same treatment afforded to SOEs in terms of project verification and approval, financing, fiscal and tax policies, and land availability.
- Decrease import tariffs on some consumer goods and increase the number of duty-free stores.
- Improve the tax and credit policies for supporting justified personal housing consumption.
- Improve and implement related supporting fiscal, tax, and financial policies to establish an RMB overseas cooperation fund. Make good use of bilateral industrial-capacity cooperation funds.
Based on a recent news published on the official website of China’s central government, press center of the NPC and the Chinese People’s Political Consultative Conference (CPPCC) held a press conference on 7 March 2016. During the conference, Minister of the MOF, Mr. Lou Jiwei, and his assistant, Mr. Xu Hongcai, answered questions from Chinese and foreign journalists which related to the fiscal work and the financial and tax reform. Hot topics include: progress of the financial and tax reform, reduction of fiscal revenue and IIT reform, etc.

As mentioned in the Report on the Work of the Government that the coming VAT reform shall ensure the reduction of effective tax burdens of all industries, Minister Lou said that because VAT on newly-added immovable properties has been included into the scope of creditable VAT, the reduction of effective tax burdens of all industries could be ensured. However, the situations of different enterprises will naturally vary and so it cannot be said for certain that the effective tax burden of every enterprise will reduce.

After the VAT reform, all immovable properties have been included into the scope of creditable VAT, which reduces the tax base. The central and local revenue will both be reduced. But BT is local tax purely collected by the local government while VAT revenue is shared between the central and local government. Therefore, tax revenue of the local government will reduce more. At present, the overall consideration is to arrange an interim mechanism for the division of central and local tax revenue to solve the problem of local revenue reduction. This is still based on the circumstances of keeping the current central and local revenue division.

Minister Lou also mentioned that the IIT reform program has been submitted to the State Council and the draft IIT Law will be submitted to the NPC for consideration. The draft IIT Law will be a preliminary one which combines the comprehensive and classified collection method of IIT. Mr. Lou also clearly mentioned that the IIT reform is complex and include lots of key difficult problems of tax administration and enforcement. The introduction and implementation of the reform will be step by step according to the situation. The simple part will be implemented firstly, and be improved gradually with the establishment of information system, collection and management conditions and habits of taxpayers.
MOF: Tax incentives will generally continue during the VAT reform period

Based on a recent news published on the official website of the MOF, on 8 March 2016, general office director and press spokesman of the MOF, Mr. Ou Wenhan, clarified that in order to further reduce the tax burden of enterprises, tax incentives will generally continue during the fully implementation period of VAT reform. There will be transition measures for specific industries to ensure that the tax burden of all sectors is not increased.

Since May 1st, the pilot scope of VAT reform will be expanded to construction, real estate, finance and lifestyle service industries. Considering the pressure of economic downturn, especially the difficulties of the real economy, when designing the reform program, the intensity and rhythm of the reform has been properly considered and arranged.

Regarding the improving of the tax regime encouraging the mass entrepreneurship and innovation, tax incentive policies will be designed to support investment in innovative activities for both seed period and initial periods, such as angel investment. Tax incentive policies in supporting the entrepreneur investment enterprises will be improved and the restriction on entrepreneur investment enterprises making investment in HNTEs will be relaxed. Tax incentives provided to technology business incubators and science and technology parks of universities will also be improved and there will also be supporting policies to group innovation spaces (GIS).

In 2016, in addition to implementation of the existing structural tax reduction policies, the MOF will also seek to take more measures to further reduce the effective tax burden and transaction cost. These new measures shall cover a wider scope, benefit more and be more specific.

- You may click here to access full content of the circular.
Based on a recent news published on the website of China’s central government, the Report on the Work of the Government mentioned the work tasks that “further integrate and improve special customs regulation zones, encourage processing trade to move to the central and western regions and extend to the medium-high end of the industrial chain”. Regarding this, Minister of the GAC, Mr. Yu Guangzhou, said that:

- The State Council held a meeting in Chongqing with all national special customs regulation zones in last September. According to the requirements of that meeting, the Customs will accelerate the integration of eligible special customs regulation zones being transitioned to comprehensive bonded zones. Newly established zones will be inclined to locate towards the central and western regions in order to promote the gradual transfer of processing trade.

- The Customs will make efforts in support those enterprises with good quality and strong power, in order to extend the industrial chain of processing trade toward the two ends. The Customs will also explore and implement full industrial chain customs bond supervision mechanism led by R&D enterprises, in order to promote the processing and manufacturing extended to R&D, inspection and maintenance, after-sale services, etc. This is also to support traditional products to upgrade to medium-to-high level so as to form new foreign trade growth point.

- The Customs will also positively support the development of strategic emerging industries by improving the policies and making innovations on the supervision models. The Customs will implement supervision model of “self-check by enterprises” so as to support the development of manufacturing industry of large equipment, such as aircraft, vessel, etc. and the development of the national strategic emerging industries.
GAC: Create new foreign trade growth point and guide the backflow of overseas consumption

Based on a recent news published on the official website of China’s central Government, the Report on the Work of the Government mentioned the work tasks that “Expand trials in cross-border e-commerce” and “Decrease import tariffs on some consumer goods and increase the number of duty-free stores”. Regarding this, Minister of the GAC, Mr. Yu Guangzhou, said that:

- Since the pilot work of cross-board e-commerce carried out, the GAC continually promote innovative ideas and methods to improve the new customs clearance supervision mode which adapted to the development of cross-board e-commerce. The Customs adopted such supporting measures as concluding the customs procedures within 24 hours all year around with no holidays to cross-board e-commerce. In addition, the Customs, jointly with other relevant authorities, formulated and improved the import tax policies for cross-border e-commerce retailing.

- Recently, the State Council approved to establish Pilot Cross-Border E-commerce Zones in 12 Cities, such as Tianjin. The Customs are studying and drawing up management measures that can be copied and promoted from the pilot zones to nationwide. The next step is improving the customs supervision model as soon as possible. Meanwhile, the Customs will jointly with other relevant authorities revise the existing department regulations which are not suitable to the innovative development of cross-board e-commerce. This is to provide regulatory supporting for the development of pilot zones and to ensure the smooth implementation of the pilot work.

- Moreover, in addition to the reduction of import tariff rates of a substantial portion of consumer goods, the Customs will continue to study and put forward policies and suggestion about tax reduction. The State Council has also decided to establish or resume additional 19 duty-free shops at the ports to attract the backflow of overseas consumption.

* You may click here to access KPMG China Tax Weekly Update (Issue 3, January 2016) to understand more details about the Approval of the State Council on Establishing Cross-Border E-Commerce Comprehensive Pilot Zones in 12 Cities (Guo Han [2016] No. 17).
On 29 January 2016, the Ministry of Science and Technology (MOST), the MOF and the State Administration of Taxation (SAT) jointly issued the revised Measures for Administration of Recognition of HNTE (Guo Ke Fa Huo [2016] No. 32, “the Recognition Measures”). The revised Recognition Measures revised the recognition criteria, procedures, supervision and administration to the existing recognition measures of HNTE.

Based on a recent news published on the SAT website, recently, the three people in charge of the Torch Center of the MOST, the Tax Administration of the MOF, the Income Tax Department of the SAT jointly answered questions about the content of the revised Recognition Measures. They explained the main revised content of the recognition measures and the change of the scope of high and new technologies strongly supported by the government. They also emphasized that:

- Upon obtaining the HNTE qualification, an enterprise does not need to get further approval from the tax authority. It can enjoy the relevant tax incentives directly upon performing the relevant recordal filing.
- Where the HNTE qualification of an enterprise is revoked, the recognition authority shall notify the tax authority about this. The tax authority will, based on the Tax Collection and Administration Law and the relevant provisions, recover the HNTE tax incentives claimed by the enterprise starting from the year in which the revoke happens.

* You may click to access KPMG China Tax Alert: New Version of Administrative Measures for Recognition of High and New Technology Enterprise (HNTE) Released (Issue 5, February 2016) to understand the main changes and impacts of the revised Recognition Measures.
SAT clarifies certain issues concerning the tax administrative approvals

Pursuant to the requirements of the State Council on intensifying the reform of the administrative approval system, the SAT has only retained 7 tax administrative approval items. Recently, the SAT issued SAT Announcement [2016] No. 11 (“Announcement 11”) to clarify the implementation procedures and supervision and examination measures of these 7 tax administrative approval items. Announcement 11 also publishes the templates of 14 tax administrative approval documents, sets forth the List of Tax Administrative Approval Sub-Items, and lists the implementation basis and organizations, conditions, quantities, application materials and application deadlines of the 7 administrative approval items. Announcement 11 will take effect from 1 April 2016.

* The remaining 7 tax administrative approval items including:

- Approval for printing of invoices by enterprises
- Approval for extension of time for tax payment
- Approval for extension of time for filing of tax return
- Approval for change of deemed tax payment in a lump-sum
- Approval for maximum invoicing amount for special VAT invoice (VAT tax control system)
- Approval for CIT prepayment methods other than prepayment based on actual profit amount
- Approval for a non-resident enterprise opting for its main organisation or premises to make consolidated payment of CIT

SAT issues guidance opinions on enhancing the in-process and post administration

For the purposes of implementation of the Intensified Reform Program for Administration of Tax Collection by State Tax Bureau and Local Tax Bureau (“the Collection and Administration Reform”), the SAT recently issued Shui Zong Fa [2016] No. 28 (“Circular 28”) putting forward guidance opinions. The purpose of Circular 28 is to further strengthening the in-process and post administration, and the following is three goals proposed:

- Continue to deepen the reform of tax administrative approval system, and achieve the transformation of taxation management from relying on advanced approval to enhancing in-process and post administrations
- Strengthen voluntary declaration by taxpayers. Improve the in-process and post administration mechanism which includes: recordal management, invoice management and filing management, etc.
- Guided by tax risk management, utilize the ideas, technologies and resources of big data to implement the action plan of “Internet Plus Tax” and promote the social co-governance

For the above 3 goals, Circular 28 also put forward 13 detailed measures.

* You may click to access KPMG China Tax Weekly Update (Issue 4, February 2016) to understand more about the Collection and Administration Reform.