



Trade and Industry Department
The Government of the Hong Kong Special Administrative Region

(For internal use only)

Application no. : _____

Date of receipt : _____

Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)

Application Form for Hong Kong Investor (HKI) Certificate

Please read “Notices to Investors” issued by the Trade and Industry Department (TID) from time to time and Notes to this application form before completing this application form.

Section A – General Information of the Applicant (see Note 1)

- I. Name of applicant (see Note 2) : _____
 _____ (in Chinese)
 _____ (in English)
- II. Business address: _____

- III. Address of registered office (if different from business address above):

- IV. Tel no.: _____ Fax no.: _____ Email**: _____
- V. Name of contact person: _____
- VI. Business Registration no. (the first 11 digits): _____ Expiry date (dd/mm/yy): _____
- VII. Company no. of Certificate of Incorporation (if applicable): _____

Section B – Nature and Scope of Business Engaged in by the Applicant and its Intended Investment in Mainland (if the space provided is insufficient, please continue on a separate sheet of paper)

- I. Business engaged in by the applicant in Hong Kong (see Note 3)
- (a) Nature, scope and years of business(es) engaged in by the applicant in Hong Kong (see Note 4)

(b) Sector Code (see Note 5) Name of Sector (see Note 5)

- II. Nature and scope of the applicant's intended investment in Mainland

Sector Code (see Note 5) Name of Sector (see Note 5)

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** TID will use this email address for all future correspondences with the applicant on matters relating to the HKI Certification Scheme. Please notify Hong Kong Service Supplier and Hong Kong Investor Certification Section in writing immediately of any changes to the email address.

Section C – Documents Provided by the Applicant to Support its Application for HKI Certificate

Please refer to Notice to Investors issued by TID from time to time. Please also note that if the applicant is a branch and fails to provide Certificate of Incorporation, Certificate(s) of Change of Name (if applicable), complete Extract of Information on the Business Register, original of annual reports (applicable to listed companies), audited financial statements (applicable to unlisted companies), Profits Tax Returns, Notices of Assessment and Demand for Tax (or Statement(s) of Losses or correspondence stating that annual lodgement of Profits Tax Returns was not required), documentary proof substantiating the owning or renting of business premises, Employer's Return of Remuneration and Pensions and other documents in support of substantive business operations in Hong Kong (such as relevant licences and permits), it should use the relevant documents issued under the name of its entity as documentary proof.

- I. A Statutory Declaration made pursuant to the proceedings and requirements under the Oaths and Declarations Ordinance (Cap. 11 of the laws of the Hong Kong Special Administrative Region (HKSAR)) ^(see Note 6) #

☐ No interpretation is required when making the Statutory Declaration

or

☐ Interpretation is required when making the Statutory Declaration

- II. (Applicable to companies formed and registered under the Companies Ordinance (Cap. 622) or a former Companies Ordinance of the HKSAR) A certified true copy of the valid Certificate of Incorporation (including Certificate(s) of Change of Name, if applicable) of the applicant

Certified by #

☐ the Companies Registry of the HKSAR

or

☐ Professional as designated by Trade and Industry Department (TID) of the HKSAR in accordance with Annex 1 to the Investment Agreement ^(see Note 7)
(Designated Professional)

- III. A certified true copy of the valid Business Registration Certificate of the applicant

Certified by #

☐ the Business Registration Office (BRO) of the Inland Revenue Department of the HKSAR

or

☐ Designated Professional ^(see Note 7)

and

☐ A certified copy of a **complete** Extract of Information on the Business Register issued by the BRO within 90 days prior to the date of lodgement (i.e. date of receipt by TID) of this application (or its copy certified by a Designated Professional ^(see Note 7))

- IV. Documents in support of the applicant's substantive business operations in Hong Kong, for businesses declared in Item I of Section B of this application, within the past 3 consecutive financial years immediately prior to the date of lodgement of this application (applicable to companies formed and registered under the Companies Ordinance (Cap. 622) or a former Companies Ordinance) #

☐ (applicable to listed companies formed and registered under the Companies Ordinance (Cap. 622) or a former Companies Ordinance) Original of each of the applicant's annual reports issued annually during the above period, certified by a Director or the Company Secretary of the applicant (or copies of that annual reports, all certified by Designated Professional ^(see Note 7))

or

☐ (applicable to unlisted companies (including private companies) formed and registered under the Companies Ordinance (Cap. 622) or a former Companies Ordinance) Original of each of the applicant's audited financial statements issued annually during the above period (or copies of that audited financial statements, all certified by Designated Professional ^(see Note 7))

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Remark: If in the above period (whether the whole or part of the period) the applicant engaged or has engaged in substantive business operations of the relevant businesses through its wholly owned subsidiary, please complete also Sections A, B, C [Items I, II and III (if applicable, Items IV and V)] and D of the Supplementary Form for Group of Companies Applying for HKI Certificate.

V. Documents in support of payment of profits tax by the applicant in accordance with the law within the past 3 consecutive years immediately prior to the date of lodgement of this application #

- ☐ A copy of each of the annual Profits Tax Returns furnished by the applicant to the Inland Revenue Department of the HKSAR (IRD) and a copy of each of the respective Notices of Assessment and Demand for Tax issued by the IRD within the past 3 consecutive years immediately prior to the date of lodgement of this application, all certified by Designated Professional ^(see Note 7)

and/or

- ☐ In the event of loss, a copy of each of the annual Profits Tax Returns furnished by the applicant to IRD within the past 3 consecutive years immediately prior to the date of lodgement of this application, a copy of each of the respective Statement(s) of Losses or correspondence issued by IRD to the applicant in the same period stating that annual lodgement of Profits Tax Returns was not required, all certified by Designated Professional ^(see Note 7)

VI. Documentary proof substantiating the owning or renting of premises in Hong Kong by the applicant for use in its substantive business operations for businesses declared in Item I of Section B of this application ^(see Note 8) #

In case the above premises are not the one declared in Item II of Section A of the application, please provide the address of the above premises: _____

No. of branches in Hong Kong: _____

- ☐ For owned premises #: ☐ copy of the Computerized Land Register of the premises concerned, certified by Land Registry of the HKSAR ^(see Note 8)

or

- ☐ copy of the Computerized Land Register of the premises concerned ^(see Note 8), certified by Designated Professional ^(see Note 7)

or

- ☐ copy of other supporting documents ^(see Note 8) (please specify: _____), certified by Designated Professional ^(see Note 7)

- ☐ For rented premises #: ☐ copy of valid lease ^(see Note 8) of the premises concerned, certified by Designated Professional ^(see Note 7)

or

- ☐ copy of other supporting documents ^(see Note 8) (please specify: _____), certified by Designated Professional ^(see Note 7)

Remark: If the substantive business operations in relation to the businesses declared in Item I of Section B of this application have been provided by a wholly owned subsidiary of the applicant, or if the premises used by the applicant for substantive business operations in relation to the businesses declared in Item I of Section B of this application are owned or rented by its wholly owned subsidiary, or the holding company or subsidiary of the group of companies to which the applicant belongs, please complete Sections A, B, C (Item IV) and D of the Supplementary Form for Group of Companies Applying for HKI Certificate.

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VII. Number of employees engaged by the applicant, as of _____ (dd/mm/yy) (this date shall not be more than 90 days prior to the date of lodgement of this application), for its substantive business operations in Hong Kong in relation to the businesses declared in Item I of Section B of this application: _____. Of which, the number of residents staying in Hong Kong without limit of stay and people from the Mainland staying in Hong Kong on One Way Permit is _____. (see Note 9). And furnish copy of the following document, certified by Designated Professional (see Note 7) #

☐ copy of the latest Employer's Return of Remuneration and Pensions (BIR 56A) furnished by the applicant to IRD

or

☐ (if BIR56A is not applicable) copy of other supporting documents (please specify : _____) certified by Designated Professional (see Notes 7)

Remark: If the substantive business operations in relation to the businesses declared in Item I of Section B of this application have been provided by a wholly owned subsidiary of the applicant, or if the staff engaged in the applicant's substantive business operations in relation to the businesses declared in Item I of Section B of this application (whether all or some of the staff) are employed directly by its wholly owned subsidiary, the holding company or subsidiary of the group of companies to which the applicant belongs, please also complete Sections A, B, C (Item V) and D of the Supplementary Form for Group of Companies Applying for HKI Certificate.

VIII. Change in the controlling equity interest of the applicant (i.e. more than 50%) within 1 year prior to the date of lodgement (i.e. date of receipt by TID) of this application #

(a) ☐ No change

or

☐ Has been changed [Applicants choosing this item should provide relevant documents of equity interest transfer to substantiate the identity of the latest immediate controlling shareholder. Such documents should be certified by Designated Professional (see Note 7). Please specify these documents in Item XI (Other supporting documents). Please also complete item (b) below.]

(b) Whether the above change in controlling equity interest is an internal restructuring activity within the group of companies to which the applicant belongs (see Note 10) #

☐ Yes [Applicants choosing this item should provide written confirmation that all parties involved in the above-mentioned change in controlling equity interest (i.e. applicant and the immediate controlling shareholders of the applicant before and after the above-mentioned change in controlling equity interest) belong to the same group of companies, and set out the relationship among all parties concerned in the group of companies. Please specify these documents in Item XI (Other supporting documents).]

☐ No

IX. Authorization document issued by the applicant and identity document of the authorized representative indicating the agreement by the applicant to authorize the authorized person as shown on this application to represent the concerned company to apply for the HKI Certificate pursuant to Annex 1 to the Investment Agreement.

X. (Applicable to companies formed and registered under the Companies Ordinance (Cap 622) or a former Companies Ordinance of the HKSAR) The latest Annual Return, Notice of Change of Company Secretary and Director (if applicable), documents of equity interest transfer, a copy of Return of Allotment (if applicable) indicating the equity situation of the applicant one year prior to the lodgement of this application and the authorized representative has been duly authorized by a director of the company.

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XI. Other supporting documents (if applicable) (see Note 11)

	<u>Type of documents</u>	<u>Reference no.</u> <u>(if applicable)</u>	<u>Certifying agency or person</u> <u>(if applicable)</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

(If the space provided above is insufficient for your listing, please continue on a separate sheet of paper.)

Section D – Declaration

On behalf of the applicant as specified in Section A, I declare that I have read and fully understood the “Notices to Investors” issued by TID from time to time and the notes set out in this application form. I declare that the information provided by me in this application form as well as the accompanying supporting documents are complete and true to the best of my knowledge.

On behalf of the applicant as specified in Section A, I declare that :

- *(i) the premises specified in Item VI of Section C is used by the applicant in a way that is commensurate with the scope and the scale of the applicant’s business as specified in Item I of Section B;
- *(ii) as of the date specified in Item VII of Section C, more than 50% of the employees (including the relevant employees employed directly by the applicant, its wholly owned subsidiary engaging in substantive business operations in the businesses specified in Item I of Section B, and the holding company or subsidiary of the group of companies to which the applicant belongs) who are engaged in the substantive business operations of the applicant for the businesses specified in Item I of Section B, are residents staying in Hong Kong without limit of stay and people from the Mainland staying in Hong Kong on One Way Permit.

I am aware that the TID will rely on the information and supporting documents provided by me to determine the eligibility of the above applicant as “Hong Kong Investor” (HKI) as defined under the Investment Agreement. I undertake that the applicant will immediately cancel this application in writing and lodge a fresh application together with the necessary supporting documents if there is any change in the particulars of the applicant as provided in this application and its accompanying supporting documents which makes the applicant no longer eligible as an HKI under the Investment Agreement. I authorize TID to handle the personal data/information provided in this application form in accordance with the “Notices to Investors” issued by TID from time to time. I understand that TID has the right to review this application and, in the circumstances it considers necessary, to entrust relevant government departments, statutory bodies or any independent professional personnel/institutions to assist the verification or certification of information provided in this application and information contained in the accompanying supporting documents as specified in Section C. All expenses incurred by the above verification/certification will be borne by the applicant. Should the applicant be granted the HKI Certificate, I also declare that I give consent to TID that it may publish and/or disclose the name of the applicant as a holder of valid HKI Certificate to third parties within or outside Hong Kong ^, and undertake that during the validity of the Certificate the applicant may, if considers necessary @, notify TID in writing if there is any change in the particulars of the applicant which makes the applicant no longer eligible as an HKI under the Investment Agreement and at the same time apply for cancellation of the HKI Certificate. I also understand that if it is found that the applicant has obtained its HKI Certificate by means of any omission/misrepresentation of information or any other fraudulent means, TID reserves at all times the absolute right to cancel this application or to revoke any HKI Certificate issued to the applicant. I understand that any omission/misrepresentation of information on my part, or on the part of any person acting on my behalf, with intent to obtaining benefits by deception is an offence and is liable to legal proceedings.

Hong Kong Identity Card no./ Passport no. (please specify nationality_____)*	Name in Chinese (if applicable)	Name in English (if applicable)	Position
Authorized Signature (see Note 13) with Applicant’s Official Stamp		Date (dd/mm/yy)	

[^] Please contact the Customer Service Manager of the Hong Kong Service Supplier and Hong Kong Investor Certification Section of TID at telephone no. 3403 6004 if there are questions on this matter.

[@] During the validity of the HKI Certificates, if more than 50% of the equity interest of the holders of the HKI Certificates has been owned by way of merger or acquisition by investors not from the Mainland or Hong Kong, the investments that have already been made by the holders in the Mainland in the non-services sectors with preferential access to Hong Kong may continue to operate without applying for a new HKI Certificate. However, the holders are not allowed to use the HKI Certificates previously issued to cover new investments in those non-services sectors. The concerned Hong Kong investors may make a fresh application for an HKI Certificate one year after 50% of its shares being acquired by investors not from the Mainland or Hong Kong for covering new investments in those non-services sectors.

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Notes

- Note 1: The applicant must be incorporated or established pursuant to the Companies Ordinance (Cap. 622) or a former Companies Ordinance or other relevant laws of the Hong Kong Special Administrative Region (HKSAR), and have a valid Business Registration Certificate. From the day the Investment comes into effect (i.e. 28 June 2017), where more than 50% of the equity interest of a Hong Kong investor has been owned for at least one year since a merger or acquisition by an investor other than one from the Mainland or Hong Kong, the investor which has been acquired or merged will be regarded as a Hong Kong investor. Any overseas company, representative office, liaison office, “mail box company” and company specifically established for providing certain services to its parent company, which is registered in Hong Kong, is not a Hong Kong investor under the Investment.
- Note 2: If the applicant is granted the Hong Kong Investor Certificate, this name will be printed in full in both Chinese and English on the applicant’s Certificate.
- Note 3: An application form should cover **one** sector only. **One** Hong Kong Investor Certificate will be issued for each approved application.
- Note 4: Please briefly describe the nature and scope of businesses engaged in by the applicant in Hong Kong within the past 3 consecutive years immediately prior to the date of lodgement of the application, such as major business activities, average revenue and expenditure, and nature and types of customers, etc.
- Note 5: Specific commitments on liberalization of investment made by the Mainland under the Investment Agreement are set out in Annex 2 to the Investment Agreement.

To facilitate processing applications for the Hong Kong Investor Certificate, TID has assigned names and codes to the sectors for use in this application form. Please refer to Appendix 5 of the relevant Notice to Investors on “Application Procedures for Hong Kong Investor Certificate” and other relevant Notices to Investors issued by TID from time to time for information relating to the “Sector Code” and the “Name of Sector”.

The “Name of Sector” declared in this section will be printed in full in both Chinese and English on the applicant’s approved Hong Kong Investor Certificate.

- Note 6: Pursuant to the Oaths and Declarations Ordinance (Cap. 11 of the laws of the HKSAR), a justice, notary, commissioner or other person authorized by law to administer an oath may take and receive the declaration of any person made before him in the manner provided by section 14. Please also note that the Legal Practitioners Ordinance (Cap. 159) allows any solicitor who holds a current practising certificate to exercise all the powers of a commissioner for oaths. The relevant list is available at the Hong Kong Law Society’s website (<http://www.hklawsoc.org.hk>).
- Note 7: Designated Professionals include:
- (i). certified public accountants (practising) of Hong Kong (auditors) i.e. certified public accountants registered under the Professional Accountants Ordinance (Cap. 50) of the HKSAR and holding a practising certificate. A register of certified public accountants is available for perusal by the public at the office of the Hong Kong Institute of Certified Public Accountants at Membership Counter, 27/F, Wu Chung House, 213 Queen’s Road East, Wanchai, Hong Kong. The register is also available at the Institute’s website at <http://www.hkicpa.org.hk>; and
 - (ii). practising lawyers in Hong Kong registered under the Legal Practitioners Ordinance (Cap. 159) of the HKSAR. The relevant list is available at the Hong Kong Law Society’s website (<http://www.hklawsoc.org.hk>).

Attesting Designated Professionals should on the relevant documents/reports (a) state the certification result, certification date, full name of the attesting authority/person; and (b) affix the signature of the attesting authority/person. The attested documents/reports should be stamped with the chop of the

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authority, if possible.

- Note 8: If the applicant uses more than one premises for its substantive business operations, it should declare the total number of premises in the application form and furnish a certified true copy of the Computerized Land Register, valid lease or other supporting documents of its head office. However, TID reserves at all times the absolute right to require the applicant to furnish the certified true copy of Computerized Land Register, valid lease or other supporting documents of the other relevant premises.
- Note 9: “Number of Employees” is the number of individual proprietors, partners and shareholders engaged in the work of the business, and salaried employees who are employed in the form of continuous contract of employment (i.e. employees who have worked continuously for the same employer for four weeks or more, with at least 18 hours in each week). These employees must be employed by the applicant for engaging in substantive business operations in Hong Kong for businesses specified in Item I of Section B of this application, and directly paid by the applicant.
- Note 10: The term “group of companies” shall have the same meaning as given in Section 2(1) of the Companies Ordinance (Cap. 622) of the HKSAR, namely any 2 or more bodies corporate one of which is the holding company of the other or others.
- Note 11: Please refer to the relevant Notice to Investors on “Application Procedures for Hong Kong Investor Certificate”. The applicant should also provide additional supporting documents in support of its substantive business operations in Hong Kong, such as the necessary licences, permits or confirmation letters issued by the relevant Hong Kong’s departments on the nature and scope of its businesses in Hong Kong as stipulated in the laws of Hong Kong. Moreover, TID reserves at all times the absolute right to require the applicants to provide other supporting documents or supporting documents that are verified by any independent professional personnel/institutions.
- Note 12: The authorized person should be the sole-proprietor (in the case of sole-proprietorship), one of the partners (in the case of partnership), or a director/responsible officer authorized by the Board of Directors (in the case of a limited company) of the applicant.

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