

Inland Revenue (Amendment) Bill 2016
Debate and voting arrangements

Object of the Bill : To amend the Inland Revenue Ordinance (Cap. 112) (“the Ordinance”) to comply with the international standard for automatic exchange of financial account information regarding tax matters.

First debate	:	Clauses with no amendment – Clauses 1 to 8 and 10
Voting	:	To vote on the above clauses standing part of the Bill
Second debate	:	Clauses with amendments – Clauses 9 and 11 proposed by Hon James TO
Joint debate on the original clauses and the amendments thereto.		
Debate theme: Offence for providing a misleading, false or incorrect self-certification		
Clause 9		
<ul style="list-style-type: none"> - Clause 9 of the Bill proposes to add new subsections (2E) and (2F) to section 80 of the Ordinance to provide for a new offence and penalty against any account holder who provides, knowingly or recklessly, “misleading, false or incorrect” information in a material particular, in making a self-certification required to be collected under the proposed new Schedule 17D to the Bill by a reporting financial institution. The amendment seeks to amend the above proposed section 80(2E) of the Ordinance, and add new subsections (2G) and (2H) thereto, to achieve the following effect: <ul style="list-style-type: none"> (a) the new offence would be confined only to the provision of a “false” statement, and would not apply to the provision of a “misleading” or “incorrect” statement, in a material particular in the self-certification; (b) no prosecution for the new offence would be instituted unless the Inland Revenue Department (“IRD”) has verified the statement in the self-certification in question by obtaining a further statement from the account holder concerned; and (c) the self-certification in question would be inadmissible as evidence in any proceedings for the new offence unless the statement in the self-certification is the same as the further statement verified by IRD. 		
Clause 11		
<ul style="list-style-type: none"> - In view of the addition of the proposed new section 80(2H) to the Ordinance, to correspondingly add the reference to that proposed new section to the new Schedule 17D proposed in clause 11 of the Bill. 		
Voting	:	To vote on the above amendments together, and then the original clauses or the clauses as amended standing part of the Bill

Hon James TO’s amendments

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