

**Inland Revenue (Amendment) (No. 7) Bill 2018**

**List of follow-up actions arising from the discussion  
at the meeting on 8 January 2019**

The Administration is requested to:

- (a) explain whether and why it is necessary to include the proposed new section 50L to provide that the Commissioner of Inland Revenue may publish non-statutory guidelines on the interpretation of any provisions of Part 8A (Returns by Reporting Financial Institutions) of, and Schedules 17C (Non-reporting Financial Institutions and Excluded Accounts), 17D (Due Diligence Requirements) and 17E (Reportable Jurisdictions and Participating Jurisdictions) to, the Inland Revenue Ordinance (Cap. 112) (collectively "Part 8A-related provisions");
- (b) explain the consequences, including any criminal consequences, of the failure on the part of a person to comply with: (i) any Part 8A-related provisions; and (ii) the provisions of any such guideline published under the proposed new section 50L, in particular in the light of the proposed section 50L(2)(b) which stipulates that "... the provision of the guideline *must* be taken into account in interpreting the Part 8A-related provisions..." (*emphasis added*) in any proceedings under Cap. 112 before a court; and
- (c) provide examples of other ordinances or subsidiary legislation that contain a provision similar to the proposed new section 50L(2)(b) requiring the court to take into account a relevant guideline in interpreting a statutory provision or in determining a question arising in the proceedings.