

SOUTH AFRICAN REVENUE SERVICE

NO. 1623

17 December 2021

CORRECTION NOTICE**INCOME TAX ACT, 1962****AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME**

By the addition of Articles 27 and 28, as reflected in the abovementioned ratified Agreement, omitted in Notice 1173 of Government Gazette No. 39444 dated 24 November 2015.

ARTICLE 27**ENTRY INTO FORCE**

1. Each of the Contracting Parties shall notify the other in writing of the completion of the procedures required by its law for the bringing into force of this Agreement. The Agreement shall enter into force on the date of the later of these notifications.

2. The provisions of the Agreement shall apply:

- (a) in the case of the Hong Kong Special Administrative Region, in respect of Hong Kong Special Administrative Region tax, for any year of assessment beginning on or after the first day of April next following the date upon which the Agreement enters into force;
- (b) in the case of South Africa,
 - (i) with regard to taxes withheld at source, in respect of amounts paid or credited on or after the first day of January next following the date upon which the Agreement enters into force; and
 - (ii) with regard to other taxes, in respect of years of assessment beginning on or after the first day of January next following the date upon which the Agreement enters into force.

ARTICLE 28**TERMINATION**

1. This Agreement shall remain in force until terminated by a Contracting Party. Either Contracting Party may terminate the Agreement by giving the other Contracting Party written notice of termination at least six months before the end of any calendar year.

2. In such event, the Agreement shall cease to apply:

- (a) in the case of the Hong Kong Special Administrative Region, in respect of Hong Kong Special Administrative Region tax, for any year of assessment beginning after the end of the calendar year in which such notice is given;
- (b) in the case of South Africa,
 - (i) with regard to taxes withheld at source, in respect of amounts paid or credited after the end of the calendar year in which such notice is given; and
 - (ii) with regard to other taxes, in respect of years of assessment beginning after the end of the calendar year in which such notice is given.

SUID-AFRIKAANSE INKOMSTEDIENS

NO. 1623

17 December 2021

VERBETERINGSKENNISGEWING**INKOMSTEBELASTINGWET, 1962****OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN DIE HONGKONG SPESIALE ADMINISTRATIEWE STREEK VAN DIE VOLKSREPUBLIEK VAN CHINA TER VERMYDING VAN DUBBELE BELASTING EN TER VOORKOMING VAN FISKALE ONTDUIKING MET BETREKKING TOT BELASTINGS OP INKOMSTE**

By die insluiting van Artikels 27 en 28, soos aangetoon in die bogenoemde bekragtigde Ooreenkoms, uitgesluit in Kennisgewing 1173 in Staatskoerant Nr. 39444 gedateer 24 November 2015.

ARTIKEL 27**INWERKINGTREDING**

1. Elk van die Kontrakterende Partye stel die ander skriftelik in kennis van die afhandeling van die prosedures wat ingevolge sy reg vir die inwerkingtreding van hierdie Ooreenkoms vereis word. Die Ooreenkoms tree in werking op die datum van die laaste van hierdie kennisgewings.

2. Die bepalinge van die Ooreenkoms is van toepassing:-

- (a) in die geval van die Hongkong Spesiale Administratiewe Streek, ten opsigte van belasting van die Hongkong Spesiale Administratiewe Streek, vir enige jaar van aanslag wat begin op of na die eerste dag van April wat eerste volg op die datum waarop die Ooreenkoms van krag word;
- (b) in die geval van Suid-Afrika,
 - (i) met betrekking tot belastinge wat by die bron teruggehou word, ten opsigte van bedrae betaal of gekrediteer op of na die eerste dag van Januarie wat eerste volg op die datum waarop die Ooreenkoms van krag word; en
 - (ii) met betrekking tot ander belastinge, ten opsigte van jare van aanslag beginnende op of na die eerste dag van Januarie wat eerste volg op die datum waarop die Ooreenkoms van krag word.

ARTIKEL 28**OPSEGGING**

1. Hierdie Ooreenkoms bly van krag totdat dit deur 'n Kontrakterende Party opgesê word. Enigeen van die Kontrakterende Partye kan hierdie Ooreenkoms opsê deur aan die ander Kontrakterende Party skriftelik kennis van opsegging te gee ten minste ses maande voor die einde van enige kalenderjaar.

2. In so 'n geval hou die Ooreenkoms op om van toepassing te wees:-

- (a) in die geval van die Hongkong Spesiale Administratiewe Streek, ten opsigte van belasting van die Hongkong Spesiale Administratiewe Streek, vir enige jaar van aanslag beginnende na die einde van die kalenderjaar waarin sodanige kennis gegee is;
- (b) in die geval van Suid-Afrika,
 - (i) met betrekking tot belastings wat by die bron teruggehou word, ten opsigte van bedrae betaal of gekrediteer na die einde van die kalenderjaar waarin sodanige kennis gegee is; en
 - (ii) met betrekking tot ander belastings, ten opsigte van jare van aanslag beginnende na die einde van die kalenderjaar waarin sodanige kennis gegee is.