

土耳其共和國政府與中華人民共和國香港特別行政區政府關於對
收入稅項消除雙重課稅和防止逃稅及規避繳稅的協定

土耳其共和國政府與中華人民共和國香港特別行政區政府：

願意進一步發展雙方的經濟關係並加強雙方在稅務事宜上的合作；

有意締結協定，以消除就收入稅項的雙重課稅，同時防止透過逃稅或規避繳稅行為造成的不課稅或少課稅(包括透過擇協避稅安排，以獲取本協定所規定的稅務寬免而間接惠及第三司法管轄區的居民)；

協議如下：



第一條

所涵蓋的人

1. 本協定適用於屬締約一方的居民或同時屬締約雙方的居民的人。
2. 就本協定而言，凡任何實體或安排，根據任何締約方的稅務法律，視為非稅務法人或某程度屬非稅務法人，則該實體或安排取得的收入，或透過該實體或安排取得的收入，須視為締約一方的居民的收入，但僅以該收入就該締約方的徵稅而言視為該締約方的某居民的收入的範圍為限。

第二條

所涵蓋的稅項

1. 本協定適用於代締約方或其政治分部或地方當局課徵的收入稅項，不論該等稅項以何種方式徵收。
2. 對總收入或收入的組成部分課徵的所有稅項，包括對自轉讓動產或不動產的收益以及企業支付的工資或薪金總額課徵的稅項，須視為收入稅項。
3. 本協定尤其適用於以下現有稅項：
 - (a) 就香港特別行政區而言：
 - (i) 利得稅；

(a) 就香港特別行政區而言：

(i) 利得稅；

(ii) 薪俸稅；及

(iii) 物業稅，

不論是否按個人入息課稅徵收

(以下稱為“香港特別行政區稅項”);

(b) 就土耳其而言：

(i) 所得稅；及

(ii) 公司稅

(以下稱為“土耳其稅項”)。

4. 本協定亦適用於在本協定的簽訂日期後，在現有稅項以外課徵或為取代現有稅項而課徵的任何與現有稅項相同或實質上類似的稅項。締約雙方的主管當局須將其各自的稅務法律的任何重大改變，通知對方的主管當局。

第三條

一般定義

1. 就本協定而言，除文意另有所指外：



(a) (i) “香港特別行政區”一詞指中華人民共和國香港特別行政區的稅務法律所適用的任何地區；

(ii) “土耳其”一詞指其土地領土、內陸水域、領海及上述各處的上空，以及土耳其按照國際法就勘探、開發及保存自然資源(不論是生物或非生物)方面擁有主權權利或管轄權的海洋領域；

(b) “公司”一詞指任何法團或就稅務事宜而言視為法團的任何實體；

(c) “主管當局”一詞：

(i) 就香港特別行政區而言，指稅務局局長或其獲授權代表；

(ii) 就土耳其而言，指庫務及財政部部長或其獲授權代表；

(d) “締約方”、“締約一方”及“另一締約方”各詞指香港特別行政區或土耳其，按文意所需而定；

(e) “締約一方的企業”及“另一締約方的企業”兩詞分別指締約一方的居民所經營的企業和另一締約方的居民所經營的企業；



(f) “國際運輸”一詞指由締約一方的企業營運的船舶或航空器進行的任何載運，但如該船舶或航空器只在另一締約方內的不同地點之間營運，則屬例外；

(g) “法定總辦事處”一詞，就土耳其而言，指根據《土耳其商法》註冊的註冊辦事處；

(h) “國民”一詞，就土耳其而言，指：

(i) 擁有土耳其國籍或公民身分的任何個人；及

(ii) 藉土耳其現行的法律而取得法人、合夥或組織地位的任何法人、合夥或組織；

(i) “人”一詞包括個人、公司及任何其他團體；

(j) “稅項”一詞指香港特別行政區稅項或土耳其稅項，按文意所需而定。

2. 在締約方於任何時候施行本協定時，凡有任何詞語在本協定中並無界定，則除文意另有所指外，該詞語須具有它當其時根據該締約方就本協定適用的稅項而施行的法律所具有的涵義，而在根據該締約方適用的稅務法律給予該詞語的涵義與根據該締約方的其他法律給予該詞語的涵義兩者中，以前者為準。



第四條

居民

I. 就本協定而言，“締約一方的居民”一詞：

(a) 就香港特別行政區而言，指：

- (i) 通常居住於香港特別行政區的任何個人；
- (ii) 在某課稅年度內在香港特別行政區逗留超過 180 天或在連續兩個課稅年度(其中一個是有關的課稅年度)內在香港特別行政區逗留超過 300 天的任何個人；
- (iii) 在香港特別行政區成立為法團的公司，或在香港特別行政區以外成立為法團而通常在香港特別行政區內受管理或控制的公司；
- (iv) 根據香港特別行政區的法律組成的任何其他人，或在香港特別行政區以外組成而通常在香港特別行政區內受管理或控制的任何其他人；

(b) 就土耳其而言，指根據土耳其的法律，因其居籍、居所、法定總辦事處、管理場所，或任何性質類似的其他準則而在土耳其有繳稅法律責任的人。然而，該詞並不包括僅就源自土耳其的收入而在土耳其有繳稅法律責任的任何人；



(c) 就任何締約方而言，指該締約方的政府及其任何政治分部或地方當局。

2. 如任何個人因第 1 款的規定而同時屬締約雙方的居民，則該人的身分須按照以下規定斷定：

(a) 如該人在其中一締約方有可供其使用的永久性住所，則該人須當作只是該締約方的居民；如該人在締約雙方均有可供其使用的永久性住所，則該人須當作只是與其個人及經濟關係較為密切的締約方(“重要利益中心”)的居民；

(b) 如無法斷定該人在哪一締約方有重要利益中心，或該人在任何締約方均沒有可供其使用的永久性住所，則該人須當作只是其慣常居所所在的締約方的居民；

(c) 如該人在締約雙方均有或均沒有慣常居所，則該人須當作只是其擁有居留權(就香港特別行政區而言)的締約方或屬國民(就土耳其而言)的締約方的居民；

(d) 如該人既擁有香港特別行政區的居留權亦屬土耳其的國民，或該人既沒有香港特別行政區的居留權亦不屬土耳其的國民，則締約雙方的主管當局須透過共同協商解決該問題。



3. 如並非個人的人因第 1 款的規定而同時屬簽約雙方的居民，則簽約雙方的主管當局須致力透過共同協商，經考慮該人成立為法團或以其他方式組成的地點、該人的法定總辦事處所在的地方，以及任何其他有關因素後，斷定就本協定而言，該人須當作是哪一簽約方的居民。如未能達成協議，除非按簽約雙方的主管當局所議定的方式及在它們所議定的範圍內，該人無權享有本協定所規定的任何稅務寬免或豁免。

第五條

常設機構

1. 就本協定而言，“常設機構”一詞在企業透過某固定營業場所經營全部或部分業務的情況下，指該固定營業場所。
2. “常設機構”一詞尤其包括：
 - (a) 管理場所；
 - (b) 分支機構；
 - (c) 辦事處；
 - (d) 工廠；
 - (e) 作業場所；及



(f) 磺場、油井或氣井、石礦場或任何其他開採自然資源的場所。

3. “常設機構”一詞亦包括：

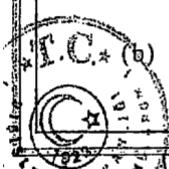
(a) 建築工地或建築、裝配或安裝工程，或與之有關連的監督管理活動，但前提是該工地、工程或活動持續 183 天以上；

(b) 企業提供的服務(包括顧問服務)，而該等服務由該企業透過僱員或其他由該企業為提供該等服務而聘用的人員提供，但前提是屬該等性質的活動須於在有關的課稅期內開始或結束的任何十二個月的期間內，在締約一方(為同一個項目或相關連的項目)持續一段或多於一段期間，而該段期間超過 183 天，或該等期間累計超過 183 天。

4. 純粹就斷定是否已超過第 3 款(a)項提述的 183 天而言：

(a) 凡締約一方的企業，在另一締約方、於某構成建築工地或建築、裝配或安裝工程的場所進行活動，或進行與上述場所有關連的監督管理活動，且該等活動是在一段或多於一段期間內進行，該段期間(如多於一段期間則累計)超過 30 天，但不超過 183 天；及

與首述企業密切相關的一間或多於一間企業，在該另一締約方、於同一建築工地或建築、裝配或安裝工程進行



相關活動，或進行與上述工地或工程有關連的監督管理活動，而該等活動是在另一時間段的期間內進行的，每段期間均超過 30 天，

則該另一時間段的期間須計入首述企業於該建築工地或建築、裝配或安裝工程進行活動的期間內。

5. 儘管有本條上述的規定，“常設機構”一詞須當作不包括：

- (a) 純粹為了儲存或陳列屬於有關企業的貨物或商品而使用設施；
- (b) 純粹為了儲存或陳列而維持屬於有關企業的貨物或商品的存貨；
- (c) 純粹為了讓另一企業對屬於該企業的貨物或商品進行加工，而維持該等貨物或商品的存貨；
- (d) 純粹為了替有關企業採購貨物或商品或收集資訊而維持固定營業場所；
- (e) 純粹為了替有關企業進行任何其他活動而維持固定營業場所；
- (f) 純粹為了任何(a)項至(e)項所述活動的組合而維持固定營業場所，

前提是上述活動(或(如屬~~必須~~的~~必須~~情況)該固定營業場所的整體

活動)屬準備性質或輔助性質。

6. 在以下情況下，第 5 款不適用於某企業所使用或維持的固定營業場所：同一企業或與其密切相關的企業於同一場所進行業務活動，或於位處同一締約方的另一場所進行業務活動，而且：

- (a) 根據本條的規定，該場所或另一場所，構成首述企業或與其密切相關的企業的常設機構；或
- (b) 因兩間企業於同一場所進行的該等活動的組合所產生的整體活動，或因同一企業或與其密切相關的企業於上述兩個場所進行的該等活動的組合所產生的整體活動，並不屬準備性質或輔助性質，

前提是兩間企業於同一場所進行的業務活動，或同一企業或與其密切相關的企業於上述兩個場所進行的業務活動，構成相輔相成功能，而該等功能屬一項整體業務運作的組成部分。

7. 儘管有第 1 款及第 2 款的規定，但除第 8 款另有規定外，如某人在締約一方代表另一締約方的企業行事，並符合以下說明，則就該人為該企業所進行的任何活動而言，該企業須當作在首述締約方設有常設機構：

- (a) 該人慣常訂立合約，或慣常擔當致使合約能得以訂立的主要角色(而該等合約在不經該企業作一定幅度修改的情況下訂立，屬於常態)且該等合約：

- (i) 以該企業名義訂立；或
- (ii) 是就該企業擁有的或享有使用權的財產，作出擁有權的轉讓或使用權的授予而訂立的；或
- (iii) 是為由該企業提供服務而訂立的，

但如該人的活動僅限於第 5 款所述的活動，而假若該等活動透過固定營業場所(第 6 款適用的固定營業場所除外)進行的話，是不會令該固定營業場所根據該款的規定成為常設機構的，則屬例外；或

- (b) 該人並不慣常訂立合約或擔當致使合約能得以訂立的主要角色，但慣常在前述締約方維持貨物或商品的存貨，並經常代表該企業，利用該等存貨交付貨物或商品。

8. 凡某人在締約一方代表另一締約方的企業行事，而該人是以獨立代理人的身分在前述締約方經營業務，並在該業務的通常運作中為該企業行事的，則第 7 款不適用。然而，凡某人僅代表或幾乎僅代表一間或多於一間與其密切相關的企業行事，則就任何該等企業而言，該人不得視為本款所指的獨立代理人。

9. 即使屬締約一方的居民的某公司，控制屬另一締約方的居民的其他公司或在該另一締約方(不論是透過常設機構或以其他方式)經營業務的其他公司，或受上述其他公司所控制，此項

事實本身並不會令上述其中一間公司成為另一間公司的常設機構。

10. 就本條而言，在以下情況下，某人或某企業即屬與另一企業密切相關：如基於所有相關事實及情況，一方控制另一方，或雙方均受相同的人或企業控制。在任何情況下，如符合以下條件，則某人或某企業須視為與另一企業密切相關：一方直接或間接擁有另一方超過百分之五十的實益權益(或(如屬公司的情況)該公司超過百分之五十的股份的總票數及總價值、或該公司超過百分之五十的實益股權權益)，或第三方直接或間接擁有該人及該另一企業(或該企業及該另一企業)每方超過百分之五十的實益權益(或(如屬公司的情況)該公司超過百分之五十的股份的總票數及總價值、或該公司超過百分之五十的實益股權權益)。

第六條

來自不動產的收入

1. 締約一方的居民自位於另一締約方的不動產取得的收入(包括自農業或林業取得的收入)，可在該另一締約方徵稅。

2. “不動產”一詞具有該詞根據有關財產所在的締約方的法律而具有的涵義。該詞在任何情況下須包括：附屬於不動產的財產、用於農業(包括繁殖及養殖魚類)及林業的牲畜和設備、關於房地產的一般法律規定適用的權利、不動產的使用收益權。

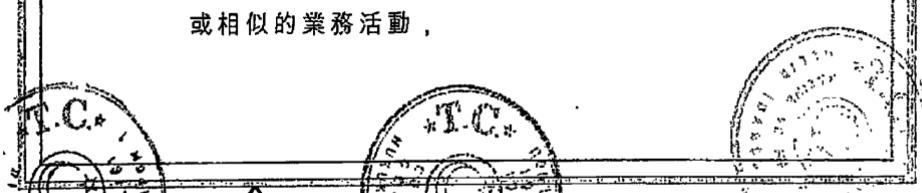
以及作為開採或有權開採礦藏、水源及其他自然資源的代價而取得不固定或固定收入的權利；船舶及航空器不得視為不動產。

3. 第 1 款的規定適用於自直接使用、出租或以任何其他形式使用不動產而取得的收入。
4. 第 1 款及第 3 款的規定亦適用於來自企業的不動產的收入，以及來自用作從事獨立個人勞務的不動產的收入。

第七條

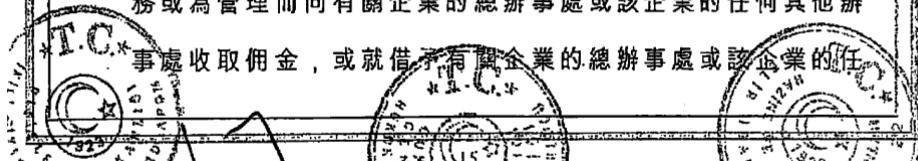
營業利潤

1. 締約一方的企業的利潤只可在該締約方徵稅，但如該企業透過位於另一締約方的常設機構在該另一締約方經營業務則除外。如該企業如前述般經營業務，其利潤可在該另一締約方徵稅，但以該等利潤中可歸因於下述項目的利潤為限：
 - (a) 該常設機構；
 - (b) 在該另一締約方出售種類與透過該常設機構出售的相同或相似的貨品或商品；或
 - (c) 在該另一締約方經營種類與透過該常設機構經營的相同或相似的業務活動。



但企業若能夠顯示，該等出售或業務活動是為根據本協定獲取利益以外的理由而進行的，則(b)或(c)項不適用。

2. 在符合第 3 款的規定下，如締約一方的企業透過位於另一締約方的常設機構，在該另一締約方經營業務，則須在每一締約方將該常設機構在有關情況下可預計獲得的利潤歸因於該機構，上述有關情況是指假設該常設機構是一間可區分且獨立的企業，在相同或類似的條件下從事相同或類似的活動，並在完全獨立的情況下，與前述企業進行交易。
3. 在斷定某常設機構的利潤時，為該常設機構的業務的目的而招致的開支(包括如此招致的行政和一般管理開支)須容許扣除，不論該等開支是在該常設機構所在的締約方或其他地方招致的。然而，如該常設機構為得以使用專利權或其他權利而向有關企業的總辦事處或該企業的任何其他辦事處支付特許權使用費、費用或其他類似款項，或就所提供的特定服務或為管理而向有關企業的總辦事處或該企業的任何其他辦事處支付佣金，或就借予該常設機構的款項而向有關企業的總辦事處或該企業的任何其他辦事處支付利息(經營銀行業務的企業除外)，則所支付的任何款額(作為實際開支的付還除外)，不准扣除。同樣地，如某常設機構以使用專利權或其他權利作交換而向有關企業的總辦事處或該企業的任何其他辦事處收取特許權使用費、費用或其他類似款項，或就所提供的特定服務或為管理而向有關企業的總辦事處或該企業的任何其他辦事處收取佣金，或就借予有關企業的總辦事處或該企業的任



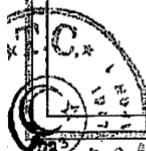
何其他辦事處的款項而向該總辦事處或其他辦事處收取利息
(經營銀行業務的企業除外)，則向該總辦事處或其他辦事處所
收取的任何款額(作為實際開支的付還除外)，在斷定該常設機
構的利潤時，不得被計算在內。

4. 不得僅因某常設機構為有關企業採購貨物或商品，而將利潤
歸因於該常設機構。
5. 如利潤包括在本協定其他各條另有規定的收入項目，該等條
文的規定不受本條的規定影響。

第八條

航運及空運

1. 締約一方的企業自營運船舶或航空器從事國際運輸所得的利
潤，只可在該締約方徵稅。
2. 第1款的規定亦適用於來自參與聯營、聯合業務或國際營運
機構的利潤。



第九條

相聯企業

1. 凡：

- (a) 締約一方的企業直接或間接參與另一締約方的企業的管理、控制或資本；或
- (b) 相同的人直接或間接參與締約一方的企業的和另一締約方的企業的管理、控制或資本，

而在上述任何一種情況下，該兩間企業之間在商業或財務關係上訂立或施加的條件，是有別於互相獨立的企業之間會訂立的條件的，則若非因該等條件便本應會產生而歸於其中一間企業，但因該等條件而未有產生而歸於該企業的利潤，可計算在該企業的利潤之內，並據此徵稅。

- 2. 凡締約一方將某些利潤計算在該締約方的某企業的利潤之內，並據此徵稅，而另一締約方的某企業已在該另一締約方就該等被計算在內的利潤課稅，如首述締約方聲稱假設上述兩間企業之間訂立的條件正如互相獨立的企業之間所訂立的條件一樣，該等被計算在內的利潤是會產生而歸於首述締約方的該企業的，則若該另一締約方認為有充分理由作出調整，該另一締約方須適當地調整其對該等利潤徵收的稅額。在釐定上述調整時，須充分顧及本協定的其他規定，而締約雙方的主管當局在有必要的情況下須與對方磋商。



第十條 股息

1. 由屬締約一方的居民的公司支付予另一締約方的居民的股息，可在該另一締約方徵稅。
2. 然而，由屬締約一方的居民的公司支付的股息，亦可在該締約方按照該締約方的法律徵稅，但如該等股息的實益擁有人是另一締約方的居民，則如此徵收的稅款不得超過：
 - (a) (如該實益擁有人是公司(合夥除外)，並在包括支付該等股息當日在內的 365 天期間內直接持有支付該等股息的公司的資本至少百分之二十五(就該段 365 天的期間的計算而言，因持有該等股份的公司或支付該等股息的公司進行法團重組(例如合併重組或分立重組)而直接導致的擁有權變更，不予考慮))該等股息總額的百分之五；
 - (b) (在所有其他情況下)該等股息總額的百分之十。

如有關公司從利潤中支付股息，本款並不影響就該等利潤對該公司徵稅。

3. “股息”一詞用於本條中時，指來自股份、分享利潤股份或分享利潤權利、創辦人股份或其他分享利潤的權利(但並非債權)的收入(如作出分派的公司屬締約一方的居民，而按照該締約方的法律，來自其他法團權利的收入，須與來自股份的收入受到

相同的稅務待遇，則“股息”亦包括該等來自其他法團權利的收入)；以及自投資基金或投資信託取得的收入。

4. 締約一方的公司透過位於另一締約方的常設機構在該另一締約方經營業務，其利潤按第七條徵稅後，剩餘利潤可在該常設機構所在的締約方根據本條第2款(a)項的規定徵稅。
5. 凡就某股份所支付的股息的實益擁有人是締約一方的居民，而支付該等股息的公司則是另一締約方的居民，如該擁有人在該另一締約方內透過位於該另一締約方的常設機構經營業務，或在該另一締約方內自位於該另一締約方的固定基地從事獨立個人勞務，而持有該股份是與該常設機構或固定基地有實際關係的，則第1款及第2款的規定並不適用。在此情況下，第七條或第十四條(視屬何情況而定)的規定適用。

第十一條

利息

1. 產生於締約一方而支付予另一締約方的居民的利息，可在該另一締約方徵稅。
2. 然而，產生於締約一方的利息，亦可在該締約方按照該締約方的法律徵稅，但如該等利息的實益擁有人是另一締約方的居民，則如此徵收的稅款不得超過：



(a) (如該等利息是財務機構就超過兩年才到期的貸款或債務票據所收取的利息)該等利息總額的百分之七點五；

(b) (在所有其他情況下)該等利息總額的百分之十。

3. 儘管有本條第 2 款的規定，在締約一方產生的利息如屬支付予下列機構者，則可在該締約方獲豁免徵稅：

(a) 就香港特別行政區而言：

(i) 香港特別行政區政府；

(ii) 香港金融管理局；

(iii) 外匯基金；

(b) 就土耳其而言：

(i) 土耳其政府、其政治分部或地方當局；

(ii) 土耳其中央銀行 (Türkiye Cumhuriyet Merkez Bankası)；

(iii) 土耳其進出口銀行 (Türkiye İhracat Kredi Bankası A.S.)。

4. “利息”一詞用於本條中時，指來自任何類別的債權的收入，不論該債權是否以按揭作抵押，亦不論該債權是否附有分享債務人的利潤的權利，並尤其指來自政府證券和來自債券或債權證的收入，包括該等證券、債券或債權證所附帶的溢價及獎

賞，以及所有其他被收入產生所在的締約方的稅務法律視為來自借款的收入。就本條而言，逾期付款的罰款不被視作利息。

5. 凡就某項債權所支付的利息的實益擁有人是締約一方的居民，並在該等利息產生所在的另一締約方內，透過位於該另一締約方的常設機構經營業務，或在該另一締約方內自位於該另一締約方的固定基地從事獨立個人勞務，而該債權是與(a)該常設機構或固定基地，或(b)第七條第 1(c)款所述的業務活動有實際關係的，則第 1 款、第 2 款及第 3 款的規定並不適用。在此情況下，第七條或第十四條(視屬何情況而定)的規定適用。
6. 凡就某項債務支付利息的人是締約一方的居民，則該等利息須當作是在該締約方產生。然而，如支付利息的人在締約一方設有常設機構或固定基地(不論該人是否締約一方的居民)，而該債務是在與該常設機構或固定基地有關連的情況下招致的，且該等利息是由該常設機構或固定基地負擔的，則該等利息須當作是在該常設機構或固定基地所在的締約一方產生。
7. 凡因支付人與實益擁有人之間或他們兩人與某其他人之間的特殊關係，以致就有關債權所支付的利息的款額，在顧及該債權下，屬超出支付人與實益擁有人在沒有上述關係時會議定的款額，則本條的規定只適用於上述會議定的款額。在此情況下，多付的部分仍須在充分顧及本協定的其他規定下，按照每締約方的法律徵稅。



第十二條
特許權使用費

1. 產生於締約一方而支付予另一締約方的居民的特許權使用費，可在該另一締約方徵稅。
2. 然而，產生於締約一方的特許權使用費，亦可在該締約方按照該締約方的法律徵稅，但如該等特許權使用費的實益擁有人是另一締約方的居民，則如此徵收的稅款不得超過：
 - (a) (如該等特許權使用費是為了使用或有權使用工業、商業或科學設備)該等特許權使用費總額的百分之七點五；
 - (b) (在所有其他情況下)該等特許權使用費總額的百分之十。
3. “特許權使用費”一詞用於本條中時，指作為使用或有權使用文學作品、藝術作品或科學作品(包括電影影片，或供電台或電視廣播使用的膠片或磁帶)的任何版權、任何專利、商標、設計或模型、圖則、秘密程式或程序的代價，或作為使用或有權使用工業、商業或科學設備的代價，或作為取得關於工業、商業或科學經驗的資料的代價，因而收取的各種付款。
4. 凡就某權利或財產所支付的特許權使用費的實益擁有人是締約一方的居民，並在該等特許權使用費產生所在的另一締約

方內，透過位於該另一締約方的常設機構經營業務，或在該另一締約方內自位於該另一締約方的固定基地從事獨立個人勞務，而該權利或財產是與(a)該常設機構或固定基地，或(b)第七條第1(c)款所述的業務活動有實際關連的，則第1款及第2款的規定並不適用。在此情況下，第七條或第十四條(視屬何情況而定)的規定適用。

5. 凡支付特許權使用費的人是締約一方的居民，則該等特許權使用費須當作是在該締約方產生。然而，如支付特許權使用費的人在締約一方設有常設機構或固定基地(不論該人是否締約一方的居民)，而支付該等特許權使用費的法律責任，是在與該常設機構或固定基地有關連的情況下招致的，且該等特許權使用費是由該常設機構或固定基地負擔的，則該等特許權使用費須當作是在該常設機構或固定基地所在的締約一方產生。
6. 凡因支付人與實益擁有人之間或他們兩人與某其他人之間的特殊關係，以致就有關使用、權利或資料所支付的特許權使用費的款額，在顧及該使用、權利或資料下，屬超出支付人與實益擁有人在沒有上述關係時會議定的款額，則本條的規定只適用於上述會議定的款額。在此情況下，多付的部分仍須在充分顧及本協定的其他規定下，按照每一締約方的法律徵稅。



第十三條

資本收益

1. 締約一方的居民自轉讓第六條所述的並位於另一締約方的不動產所得的收益，可在該另一締約方徵稅。
2. 如某動產屬某常設機構的業務財產的一部分，而該常設機構是締約一方的企業在另一締約方設立的，或某動產是與某固定基地有關的，而該固定基地是供締約一方的居民在另一締約方用作從事獨立個人勞務的用途的，則自轉讓該動產所得的收益，包括自轉讓該常設機構(單獨或隨同整個企業)或自轉讓該固定基地所得的收益，可在該另一締約方徵稅。
3. 締約一方的企業自轉讓板舊運從事國際運輸的船舶或航空器所得的收益，或自轉讓關於上述船舶或航空器的營運的動產所得的收益，只可在該締約方徵稅。
4. 凡締約一方的居民自轉讓股份或相當於股份的權益(例如在合夥或信託中的權益)而取得收益，而在該項轉讓前 365 天內的任何時間，該等股份或相當於股份的權益超過百分之五十的價值是直接或間接來自位於另一締約方屬於第六條所界定的不動產的，則該收益可在該另一締約方徵稅。
5. 如自轉讓第 1 款、第 2 款、第 3 款及第 4 款所述的財產以外的任何財產所得的收益，是源自締約一方並由另一締約方的居民取得，則該收益可在該另一締約方徵稅。

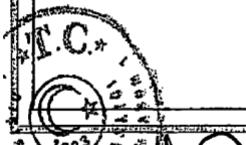
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第十四條

獨立個人勞務

1. 屬締約一方的居民的個人自專業服務或其他具獨立性質的活動取得的收入，只可在該締約方徵稅；但如有以下情況，該收入也可在另一締約方徵稅：
 - (a) 該人在另一締約方有可供其經常使用的固定基地讓該人從事其活動；在此情況下，該收入中只有屬可歸因於該固定基地的收入可在該另一締約方徵稅；或
 - (b) 該人於在有關的課稅期內開始或結束的任何十二個月的期間內，在另一締約方停留一段或多於一段期間，而該段期間或該等期間達或累計超過 183 天；在此情況下，該收入中只有自在該另一締約方從事的活動取得的收入可在該另一締約方徵稅。
2. “專業服務”一詞特別包括獨立的科學、文學、藝術、教育或教學活動，以及醫生、律師、工程師、建築師、牙醫及會計師的獨立活動。



第十五條

非獨立個人勞務

1. 除第十六條、第十八條及第十九條另有規定外，締約一方的居民自受僱工作取得的薪金、工資及其他類似報酬，只可在該締約方徵稅，但如受僱工作是在另一締約方進行則除外。如受僱工作是在另一締約方進行，則自該受僱工作取得的報酬可在該另一締約方徵稅。
2. 儘管有第 1 款的規定，締約一方的居民自於另一締約方進行的受僱工作而取得的報酬如符合以下條件，則只可在前述締約方徵稅：
 - (a) 收款人於在有關的課稅期內開始或結束的任何十二個月的期間內，在該另一締約方的逗留期間(如多於一段期間則須累計)不超過 183 天；及
 - (b) 該報酬由一名並非該另一締約方的居民的僱主支付，或由他人代該僱主支付；及
 - (c) 該報酬並非由該僱主在該另一締約方所設的常設機構或固定基地所負擔。
3. 儘管有本條上述規定，自於締約一方的企業所營運從事國際運輸的船舶或航空器上進行受僱工作而取得的報酬，只可在該締約方徵稅。



第十六條

董事酬金

締約一方的居民以其作為屬另一締約方的居民的公司的董事會的成員身分所取得的董事酬金及其他類似付款，可在該另一締約方徵稅。

第十七條

演藝人員及運動員

1. 儘管有第十四條及第十五條的規定，締約一方的居民作為演藝人員(例如戲劇、電影、電台或電視藝人，或樂師)或作為運動員在另一締約方以上述身分進行其個人活動所取得的收入，可在該另一締約方徵稅。
2. 演藝人員或運動員以其演藝人員或運動員的身分在締約一方進行個人活動所取得的收入，如並非歸於該演藝人員或運動員本人，而是歸於另一人，則儘管有第十四條及第十五條的規定，該收入可在該締約方徵稅。
3. 如演藝人員或運動員到訪締約一方的行程完全或主要是以另一締約方或其政治分部或地方當局的公帑贊助的，則該演藝人員或運動員就該行程在前述締約方進行活動而取得的收入，應在該締約方獲豁免徵稅。



第十八條

退休金及年金

1. 除第十九條第2款另有規定外，在締約一方產生的，因過往的受僱工作或過往的自僱工作而支付予另一締約方的居民的退休金及其他類似報酬(包括整筆付款)，以及社會保障退休金，只可在首述締約方徵稅。本條的規定亦適用於支付予締約一方的居民的年金。
2. “年金”一詞指根據一項為換取金錢或金錢的等值作為足夠和十足代價而須作出付款的責任，於某人在生期間或在某指明或可確定的期間內，按指定的時間定期支付的一筆指定金額。

第十九條

政府服務

1. (a) 締約一方的政府或其政治分部或地方當局，就提供予該締約方或該分部或該當局的服務而向任何個人支付的薪金、工資及其他類似報酬(退休金除外)，只可在該締約方徵稅。
- (b) 然而，如上述服務是在另一締約方提供，而上述個人屬該另一締約方的居民，並且：
 - (i) 就香港特別行政區而言，擁有香港特別行政區的居留權；以及就土耳其而言，屬土耳其的國民；或



(ii) 不是純粹為提供該等服務而成為該另一締約方的居民，

則該等薪金、工資及其他類似報酬只可在該另一締約方徵稅。

2. (a) 就任何個人提供予締約一方或其政治分部或地方當局的服務而由該締約方的政府或該分部或該當局向該個人支付的退休金及其他類似報酬(包括整筆付款)，或從該締約方的政府或該分部或該當局所設立或供款的基金向該個人支付的退休金及其他類似報酬(包括整筆付款)，只可在該締約方徵稅。

(b) 然而，如上述個人屬另一締約方的居民，並且：

(i) 就香港特別行政區而言，擁有香港特別行政區的居留權；

(ii) 就土耳其而言，屬土耳其的國民，

則該等退休金或類似報酬(包括整筆付款)可在該另一締約方徵稅。

3. 第十五條、第十六條、第十七條及第十八條的規定，適用於就在與締約一方或其政治分部或地方當局所經營的業務有關連的情況下提供的服務而取得的薪金、工資、退休金(包括整筆付款)及其他類似報酬。

第二十條

學生

凡某學生或業務學徒是、或在緊接前往締約一方之前曾是另一締約方的居民，而該學生或業務學徒逗留在前述締約方純粹是為了接受教育或培訓，則該學生或業務學徒為了維持其生活、教育或培訓的目的而收取的款項，如是在該締約方以外的來源產生，則不得在該締約方徵稅。

第二十一條

其他收入

1. 締約一方的居民的各項收入，無論在何處產生，如在本協定以上各條未有規定，均只可在該締約方徵稅。
2. 凡就某權利或財產支付的收入(來自第六條第2款所界定的不動產的收入除外)的收款人是締約一方的居民，並在另一締約方內透過位於該另一締約方的常設機構經營業務，或在該另一締約方內自位於該另一締約方的固定基地從事獨立個人勞務，而該權利或財產是與該常設機構或固定基地有實際關連的，則第1款的規定不適用於該收入。在此情況下，第七條或第十四條(視屬何情況而定)的規定適用。



第二十二條

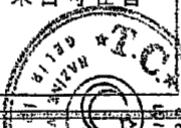
消除雙重課稅

1. 就香港特別行政區而言，須按以下方式消除雙重課稅：

在不抵觸香港特別行政區的法律中關乎容許在香港特別行政區以外的司法管轄區繳付的稅項用作抵免香港特別行政區稅項的規定(該等規定不得影響本條的一般性原則)的情況下，如已根據土耳其的法律和按照本協定的規定(但在該等規定純粹因為該收入亦是土耳其的居民所取得的收入而容許由土耳其徵稅的範圍內除外)，就屬香港特別行政區的居民的人自土耳其的來源取得的收入繳付土耳其稅項，則不論是直接繳付或以扣除的方式繳付，所繳付的土耳其稅項須容許用作抵免就該收入而須繳付的香港特別行政區稅項，但如此獲容許的抵免，不得超過按照香港特別行政區的稅務法律就該收入計算的香港特別行政區稅項的款額。

2. 就土耳其而言，須按以下方式消除雙重課稅：

(a) 凡按照本協定的規定，某土耳其的居民取得的收入是可在香港特別行政區徵稅的，土耳其須在不抵觸其稅務法律中關乎抵免外地稅項的規定的情況下，容許在就該居民的收入徵收的稅項中，扣除相等於已在香港特別行政區就該收入所繳付的稅項。然而，該項扣除不得超過在給予扣除前在土耳其計算的所得稅稅項中，來自可在香港特別行政區徵稅的收入的部分。



(b) 凡土耳其的居民取得的收入按照本協定的規定只可在香港特別行政區徵稅，土耳其在釐定其稅項的漸進稅率時，仍可將該收入計算在內。

第二十三條

無差別待遇

1. 任何人如擁有香港特別行政區的居留權或在該處成立為法團或以其他方式組成，或屬土耳其的國民，則該人在另一締約方不得受符合以下說明的任何課稅或與之有關連的任何規定所規限：該課稅或規定是有別於(如該另一締約方是香港特別行政區)擁有香港特別行政區的居留權或在該處成立為法團或以其他方式組成的人，或有別於(如該另一締約方是土耳其)土耳其的國民，在相同情況下(尤其是在居民身分方面)須受或可受的課稅及與之有關連的規定，或較之為嚴苛。
2. 無國籍人如屬締約一方的居民，則在任何締約方均不得受符合以下說明的任何課稅或與之有關連的任何規定所規限：該課稅或規定是有別於(如該締約方是香港特別行政區)擁有香港特別行政區的居留權的人，或有別於(如該締約方是土耳其)土耳其的國民，在相同情況下(尤其是在居民身分方面)須受或可受的課稅及與之有關連的規定，或較之為嚴苛。

3. 締約一方的企業設於另一締約方的常設機構在該另一締約方的課稅待遇，不得遜於進行相同活動的該另一締約方的企業。

的課稅待遇。凡締約一方以民事地位或家庭責任的理由，而為課稅的目的授予其本身的居民任何個人免稅額、稅務寬免及扣減，本規定不得解釋為該締約方也必須將該免稅額、稅務寬免及扣減授予另一締約方的居民。

4. 除第九條第 1 款、第十一條第 7 款、或第十二條第 6 款的規定適用的情況外，締約一方的企業支付予另一締約方的居民的利息、特許權使用費及其他支出，為斷定該企業的須課稅利潤的目的，須按猶如該等款項是支付予前述締約方的居民一樣的相同條件而可予扣除。
5. 如締約一方的企業的資本的全部或部分，是由另一締約方的一名或多於一名居民直接或間接擁有或控制，則該企業在前述締約方不得受符合以下說明的任何課稅或與之有關連的任何規定所規限：該課稅或規定是有別於前述締約方的其他類似企業須受或可受的課稅及與之有關連的規定，或較之為嚴苛。

第二十四條

相互協商程序

1. 如任何人認為締約一方或締約雙方的行動導致或將導致對該人作出不符合本協定規定的課稅，則無論該等締約方的內部法律的補救辦法如何，該人可將其個案呈交任何締約方的主



管當局。該個案須於就導致不符合本協定規定課稅的行動發出首次通知之時起計的三年內呈交。

2. 如有關主管當局覺得反對屬有理可據，而它不能獨力達致令人滿意的解決方案，它須致力與另一締約方的主管當局透過共同協商解決有關個案，以避免不符合本協定的課稅。任何達成的協議均須予以執行，不論締約雙方的內部法律所設的時限為何。
3. 締約雙方的主管當局須致力透過共同協商，解決就本協定的解釋或適用而產生的任何困難或疑問。締約雙方的主管當局亦可共同磋商，以消除在本協定沒有對之作出規定的雙重課稅。
4. 締約雙方的主管當局可為達成以上各款所述的協議而直接（包括透過由雙方的主管當局或其代表組成的聯合委員會）與對方聯絡。

第二十五條

資料交換

1. 締約雙方的主管當局須交換可預見攸關實施本協定的規定或施行或強制執行締約雙方關乎本協定所涵蓋的稅項的內部法律的資料，但以根據該等法律作出的課稅不違反本協定為限。

該項資料交換不受第一條所限制。



2. 締約一方根據第 1 款收到的任何資料須保密處理，其方式須與處理根據該締約方的內部法律而取得的資料相同，該資料只可向與第 1 款所述的稅項的評估或徵收、強制執行或檢控有關，或與關乎該等稅項的上訴的裁決有關的人員或當局(包括法院及行政部門)披露，以及就土耳其而言，亦可向關涉監察上述事宜的人員或當局披露。該等人員或當局只可為該等目的使用該資料。他們可在公開的法庭程序中或在司法裁定中披露該資料。不得為任何目的向任何第三司法管轄區披露資料。

3. 在任何情況下，第 1 款及第 2 款的規定均不得解釋為向締約一方施加採取以下行動的義務：

(a) 實施有異於該締約方或另一締約方的法律及行政慣例的行政措施；

(b) 提供根據該締約方或另一締約方的法律或正常行政運作不能獲取的資料；

(c) 提供會將任何貿易、業務、工業、商業或專業秘密或貿易程序披露的資料，或提供若遭披露即屬違反公共政策(公共秩序)的資料。

4. 如締約一方按照本條請求提供資料，則即使另一締約方未必為其本身的稅務目的而需要該等資料，該另一締約方仍須以其收集資料措施取得所請求的資料。前句所載的義務須受第



款的限制所規限，但在任何情況下，該等限制不得解釋為容許
締約一方純粹因資料與該締約方稅務事宜無關而拒絕提供該
等資料。

5. 在任何情況下，第 3 款的規定不得解釋為容許締約一方純粹
因資料是由銀行、其他財務機構、代名人或以代理人或受信人
身分行事的人所持有，或純粹因資料關乎某人的擁有權權益，
而拒絕提供該等資料。

第二十六條

政府使團成員

本協定不影響政府使團(包括領館)成員根據國際法的一般規則或特
別協定規定享有的財政特權。

第二十七條

利益享有權

1. (a) 凡：

(i) 締約一方的企業自另一締約方取得收入，而首述締
約方將該收入視為可歸因於該企業位於第三司法管
轄區的常設機構的；及



(ii) 可歸因於該常設機構的利潤，在前述締約方獲豁免徵稅，

而且，如有任何收入項目在該第三司法管轄區的稅項，少於假使該常設機構位於前述締約方的話便會在前述締約方對該收入項目徵收的稅項的百分之六十，則本協定的優惠，並不適用於該收入項目。在該情況下，儘管有本協定的任何其他規定，本款的規定適用的任何收入，仍須按照該另一締約方的內部法律徵稅。

(b) 在以下情況下，本款前述規定即不適用於自另一締約方取得的收入：該收入是來源於透過有關常設機構經營的業務的積極經營的，或是附帶於上述業務的積極經營的(前提是有關業務並非為有關企業本身而作出投資、管理投資、或僅持有投資的業務，但如該等活動是由銀行進行的銀行業活動、由保險企業進行的保險活動或由註冊證券交易商進行的證券活動，則此前提不適用)。

(c) 如有依據本款前述規定，拒絕就締約一方的居民取得的某收入項目，給予本協定所訂的優惠，則如另一締約方的主管當局應該居民的要求，並鑑於該居民不符合本款的規定(例如蒙受虧損)，斷定就該收入項目給予該等優惠是有理可據的，則該另一締約方的主管當局仍可給予該等優惠。如締約一方的主管當局，接獲另一締約方的居民根據前述句子所提出的要求，則該主管當局在批准或拒絕該要求前，須與另一締約方的主管當局磋商。*

2. 儘管有本協定的其他規定，如經考慮所有相關事實及情況後，可以合理斷定就某收入項目獲取本協定所訂的優惠，是進行任何會直接或間接產生該優惠的安排或交易的其中一個主要目的，則除非能夠確定在該等情況下給予該優惠符合本協定有關規定的宗旨和目的，否則不得給予該優惠。
3. 本協定不損害每一締約方施行其關於逃稅或規避繳稅(不論其稱謂是否如此)的內部法律及措施的權利。

第二十八條

生效

1. 締約雙方均須以書面通知對方已完成其法律規定的使本協定生效的程序。
2. 本協定自第1款所述較後一份通知的日期起計三十天後生效。本協定一旦生效，其規定即：

(a) 在香港特別行政區：

就香港特別行政區稅項而言，就始於本協定生效的年份的翌年4月1日或之後的任何課稅年度具有效力；

(b) 在土耳其：

(i) 就在來源預扣的稅項而言，就本協定生效的年份的



翌年 1 月 1 日或之後支付或存入貨方帳戶的款項具
有效力；及

(ii) 就其他稅項而言，就始於本協定生效的年份的翌年 1
月 1 日或之後的稅務年度具有效力。

第二十九條

終止

本協定維持有效，直至被任何締約方終止為止。任何締約方均可在
本協定生效日期起滿五年之後開始的任何公曆年完結的最少六個
月之前，以官方渠道向另一締約方發出書面終止通知而終止本協定。
在此情況下，本協定：

(a) 在香港特別行政區：

就香港特別行政區稅項而言，不再就始於該通知發出的
年份的翌年 4 月 1 日或之後的任何課稅年度具有效力；

(b) 在土耳其：

(i) 就在來源預扣的稅項而言，不再就在該通知發出的
年份的翌年 1 月 1 日或之後支付或存入貨方帳戶的
款項具有效力；及

(ii) 就其他稅項而言，不再就始於該通知發出的年份的
翌年 1 月 1 日或之後的稅務年度具有效力。

下列代表，經正式授權，已在本協定上簽字為證。

本協定於二零二四年九月二十四日在香港簽訂，一式兩份，每份均以土耳其文、中文及英文寫成，三種文本具有同等效力。如在文本上有任何分歧，以英文文本為準。

土耳其共和國政府

代表

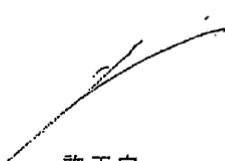

Bekir BAYRAKDAR

稅務局局長

中華人民共和國

香港特別行政區政府

代表


許正宇

財經事務及庫務局局長



議定書

在簽訂《土耳其共和國政府與中華人民共和國香港特別行政區政府關於對收入稅項消除雙重課稅和防止逃稅及規避繳稅的協定》(下稱“協定”)時，下列代表同意以下規定，並構成協定的組成部分。

1. 關於第十條第 2 款

按締約雙方理解，該等股息不會在香港特別行政區被徵稅；如該等股息在香港特別行政區被徵稅，香港特別行政區主管當局會根據第二條第 4 款的規定，通知土耳其主管當局，而第 2 款(a)項所述的稅率須由百分之五增加至百分之十，及第 2 款(b)項所述的稅率須由百分之十增加至百分之十五。

2. 關於第十條第 3 款

- (a) 就香港特別行政區而言，“投資基金”及“投資信託”指獲香港證券及期貨事務監察委員會根據《證券及期貨條例》(第 571 章)認可的集體投資計劃；
- (b) 就土耳其而言，“投資基金”及“投資信託”指受資本市場法(2012 年 12 月 30 日法定憲報，法例第 6362 號)規管及監察的投資工具。

3. 關於第二十四條第 2 款

T.C.* 按締約雙方理解，就土耳其而言，納稅人必須在稅務機關就共

同協商的結果向其發出通知後一年內，就該共同協商引致的退款提出申索。

4. 關於第二十五條第2款

按締約雙方理解，土耳其主管當局可向土耳其審計法院、土耳其稅務檢查委員會、土耳其申訴專員公署及該等機構的職員披露資料。如上述監察機構的名單其後有任何變動，土耳其主管當局須通知香港特別行政區主管當局。

下列代表，經正式授權，已在本議定書上簽字為證。

本議定書於二零零四年九月二十四日在香港簽訂，一式兩份，每份均以土耳其文、中文及英文寫成，三種文本具有同等效力。如在文本上有任何分歧，以英文文本為準。

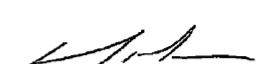
土耳其共和國政府

中華人民共和國

代表

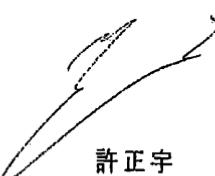
香港特別行政區政府

代表



Bekir BAYRAKDAR

稅務局局長



許正宇

財經事務及庫務局局長



AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TÜRKİYE AND THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA FOR THE ELIMINATION OF DOUBLE TAXATION WITH RESPECT TO TAXES ON INCOME AND THE PREVENTION OF TAX EVASION AND AVOIDANCE

The Government of the Republic of Türkiye and the Government of the Hong Kong Special Administrative Region of the People's Republic of China;

Desiring to further develop their economic relationship and to enhance their cooperation in tax matters;

Intending to conclude an Agreement for the elimination of double taxation with respect to taxes on income without creating opportunities for non-taxation or reduced taxation through tax evasion or avoidance (including through treaty-shopping arrangements aimed at obtaining reliefs provided in this Agreement for the indirect benefit of residents of third jurisdictions);

Have agreed as follows:



Article 1

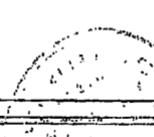
Persons Covered

1. This Agreement shall apply to persons who are residents of one or both of the Contracting Parties.
2. For the purposes of the Agreement, income derived by or through an entity or arrangement that is treated as wholly or partly fiscally transparent under the tax law of either Contracting Party shall be considered to be income of a resident of a Contracting Party but only to the extent that the income is treated, for purposes of taxation by that Contracting Party, as the income of a resident of that Contracting Party.

Article 2

Taxes Covered

1. This Agreement shall apply to taxes on income imposed on behalf of a Contracting Party or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.
2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income, including taxes on gains from the alienation of movable or immovable property and taxes on the total amounts of wages or salaries paid by enterprises.
3. The existing taxes to which the Agreement shall apply are in particular:
 - (a) in the case of the Hong Kong Special Administrative Region:
 - (i) profits tax;
 - (ii) salaries tax; and
 - (iii) property tax,



whether or not charged under personal assessment

(hereinafter referred to as "Hong Kong Special Administrative Region tax");

(b) in the case of Türkiye:

(i) the income tax; and

(ii) the corporation tax

(hereinafter referred to as "Turkish tax").

4. The Agreement shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Contracting Parties shall notify each other of any significant changes that have been made in their respective taxation laws.

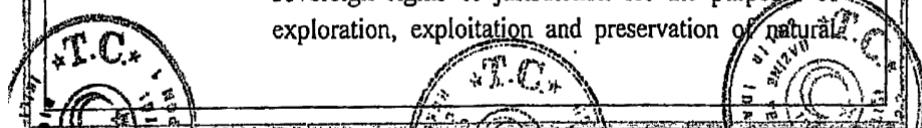
Article 3

General Definitions

1. For the purposes of this Agreement, unless the context otherwise requires:

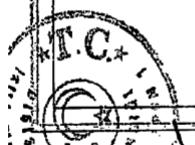
(a) (i) the term "Hong Kong Special Administrative Region" means any place where the tax laws of the Hong Kong Special Administrative Region of the People's Republic of China apply;

(ii) the term "Türkiye" means the land territory, internal waters, the territorial sea and the airspace above them, as well as the maritime areas over which Türkiye has sovereign rights or jurisdiction for the purposes of exploration, exploitation and preservation of natural



resources, whether living or non-living pursuant to international law;

- (b) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
- (c) the term "competent authority" means:
 - (i) in the case of the Hong Kong Special Administrative Region, the Commissioner of Inland Revenue or his authorized representative;
 - (ii) in the case of Türkiye, the Minister of Treasury and Finance or his authorized representative;
- (d) the terms "a Contracting Party" and "the other Contracting Party" mean the Hong Kong Special Administrative Region or Türkiye, as the context requires;
- (e) the terms "enterprise of a Contracting Party" and "enterprise of the other Contracting Party" mean respectively an enterprise carried on by a resident of a Contracting Party and an enterprise carried on by a resident of the other Contracting Party;
- (f) the term "international traffic" means any transport by a ship or aircraft operated by an enterprise of a Contracting Party, except when the ship or aircraft is operated solely between places in the other Contracting Party;
- (g) the term "legal head office", in the case of Türkiye, means the registered office registered under the Turkish Code of Commerce;



(h) the term "national", in relation to Türkiye, means:

- (i) any individual possessing the nationality or citizenship of Türkiye; and
- (ii) any legal person, partnership or association deriving its status as such from the laws in force in Türkiye;

(i) the term "person" includes an individual, a company and any other body of persons;

(j) the term "tax" means Hong Kong Special Administrative Region tax or Turkish tax, as the context requires.

2. As regards the application of the Agreement at any time by a Contracting Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Contracting Party for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that Contracting Party prevailing over a meaning given to the term under other laws of that Contracting Party.

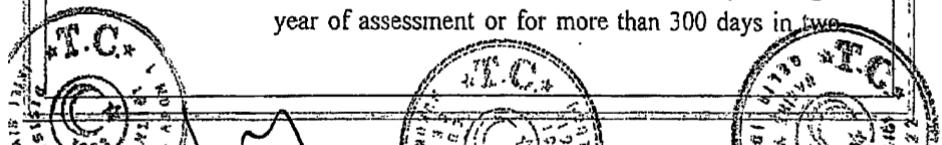
Article 4

Resident

1. For the purposes of this Agreement, the term "resident of a Contracting Party" means:

(a) in the case of the Hong Kong Special Administrative Region:

- (i) any individual who ordinarily resides in the Hong Kong Special Administrative Region;
- (ii) any individual who stays in the Hong Kong Special Administrative Region for more than 180 days during a year of assessment or for more than 300 days in two



consecutive years of assessment one of which is the relevant year of assessment;

- (iii) a company incorporated in the Hong Kong Special Administrative Region or, if incorporated outside the Hong Kong Special Administrative Region, being normally managed or controlled in the Hong Kong Special Administrative Region;
- (iv) any other person constituted under the laws of the Hong Kong Special Administrative Region or, if constituted outside the Hong Kong Special Administrative Region, being normally managed or controlled in the Hong Kong Special Administrative Region;

(b) in the case of Türkiye, any person who, under the laws of Türkiye, is liable to tax therein by reason of his domicile, residence, legal head office, place of management or any other criterion of a similar nature. This term, however, does not include any person who is liable to tax in Türkiye in respect only of income from sources in Türkiye;

(c) in the case of either Contracting Party, the Government of that Contracting Party and any political subdivision or local authority thereof.

2. Where by reason of the provisions of paragraph 1, an individual is a resident of both Contracting Parties, then his status shall be determined as follows:

- (a) he shall be deemed to be a resident only of the Contracting Party in which he has a permanent home available to him; if he has a permanent home available to him in both Contracting Parties, he shall be deemed to be a resident only of the Contracting Party with which his personal and economic relations are closer ("centre of vital interests");



(b) if the Contracting Party in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Contracting Party, he shall be deemed to be a resident only of the Contracting Party in which he has an habitual abode;

(c) if he has an habitual abode in both Contracting Parties or in neither of them, he shall be deemed to be a resident only of the Contracting Party in which he has the right of abode (in the case of the Hong Kong Special Administrative Region) or of which he is a national (in the case of Türkiye);

(d) if he has the right of abode in the Hong Kong Special Administrative Region and is also a national of Türkiye, or if he does not have the right of abode in the Hong Kong Special Administrative Region nor is he a national of Türkiye, the competent authorities of the Contracting Parties shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1, a person other than an individual is a resident of both Contracting Parties, the competent authorities of the Contracting Parties shall endeavour to determine by mutual agreement the Contracting Party of which such person shall be deemed to be a resident for the purposes of the Agreement, having regard to the place where it is incorporated or otherwise constituted, the place where its legal head office is situated and any other relevant factors. In the absence of such agreement, such person shall not be entitled to any relief or exemption from tax provided by the Agreement except to the extent and in such manner as may be agreed upon by the competent authorities of the Contracting Parties.



Article 5
Permanent Establishment

1. For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.
2. The term "permanent establishment" includes especially:
 - (a) a place of management;
 - (b) a branch;
 - (c) an office;
 - (d) a factory;
 - (e) a workshop; and
 - (f) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources.
3. The term "permanent establishment" also encompasses:
 - (a) a building site, a construction, assembly or installation project or supervisory activities in connection therewith, but only if such site, project or activities last more than 183 days;
 - (b) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by the enterprise for such purpose, but only if activities of that nature continue (for the same or a connected project) within a Contracting Party for a period or periods aggregating more than 183 days in any twelve-month period commencing or ending in the taxable period concerned.



4. For the sole purpose of determining whether the 183-day period referred to in paragraph 3(a) has been exceeded:

- (a) where an enterprise of a Contracting Party carries on activities in the other Contracting Party at a place that constitutes a building site or a construction, assembly or installation project, or carries on supervisory activities in connection with such a place, and these activities are carried on during one or more periods of time that, in the aggregate, exceed 30 days without exceeding 183 days; and
- (b) connected activities are carried on in the other Contracting Party at the same building site or construction, assembly or installation project, or supervisory activities are carried on in connection with such site or project, during different periods of time, each exceeding 30 days, by one or more enterprises closely related to the first-mentioned enterprise,

these different periods of time shall be added to the period of time during which the first-mentioned enterprise has carried on activities at that building site or construction, assembly or installation project.

5. Notwithstanding the preceding provisions of this Article, the term "permanent establishment" shall be deemed not to include:

- (a) the use of facilities solely for the purpose of storage or display of goods or merchandise belonging to the enterprise;
- (b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage or display;
- (c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;

- (d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information, for the enterprise;
- (e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity;
- (f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (e),

provided that such activity or, in the case of subparagraph (f), the overall activity of the fixed place of business, is of a preparatory or auxiliary character.

6. Paragraph 5 shall not apply to a fixed place of business that is used or maintained by an enterprise if the same enterprise or a closely related enterprise carries on business activities at the same place or at another place in the same Contracting Party and:

- (a) that place or other place constitutes a permanent establishment for the enterprise or the closely related enterprise under the provisions of this Article; or
- (b) the overall activity resulting from the combination of the activities carried on by the two enterprises at the same place, or by the same enterprise or closely related enterprises at the two places, is not of a preparatory or auxiliary character,

provided that the business activities carried on by the two enterprises at the same place, or by the same enterprise or closely related enterprises at the two places, constitute complementary functions that are part of a cohesive business operation.

7. Notwithstanding the provisions of paragraphs 1 and 2, but subject to the provisions of paragraph 8, where a person is acting in a Contracting Party on behalf of an enterprise of the other Contracting Party, that enterprise shall be deemed to have a permanent

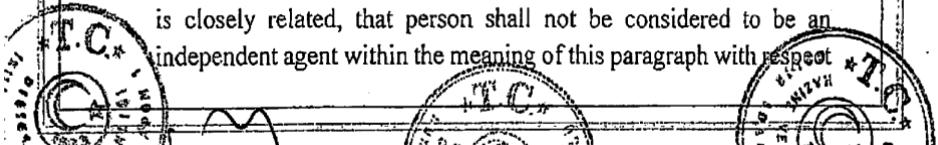
establishment in the first-mentioned Contracting Party in respect of any activities which that person undertakes for the enterprise, if such a person:

- (a) habitually concludes contracts, or habitually plays the principal role leading to the conclusion of contracts that are routinely concluded without material modification by the enterprise, and these contracts are:
 - (i) in the name of the enterprise; or
 - (ii) for the transfer of the ownership of, or for the granting of the right to use, property owned by that enterprise or that the enterprise has the right to use; or
 - (iii) for the provision of services by that enterprise,

unless the activities of such person are limited to those mentioned in paragraph 5 which, if exercised through a fixed place of business (other than a fixed place of business to which paragraph 6 would apply), would not make this fixed place of business a permanent establishment under the provisions of that paragraph; or

- (b) does not habitually conclude contracts nor play the principal role leading to the conclusion of such contracts, but habitually maintains in the first-mentioned Contracting Party a stock of goods or merchandise from which that person regularly delivers goods or merchandise on behalf of the enterprise.

8. Paragraph 7 shall not apply where the person acting in a Contracting Party on behalf of an enterprise of the other Contracting Party carries on business in the first-mentioned Contracting Party as an independent agent and acts for the enterprise in the ordinary course of that business. Where, however, a person acts exclusively or almost exclusively on behalf of one or more enterprises to which it is closely related, that person shall not be considered to be an independent agent within the meaning of this paragraph with respect



to any such enterprise.

9. The fact that a company which is a resident of a Contracting Party controls or is controlled by a company which is a resident of the other Contracting Party, or which carries on business in that other Contracting Party (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.
10. For the purposes of this Article, a person or enterprise is closely related to an enterprise if, based on all the relevant facts and circumstances, one has control of the other or both are under the control of the same persons or enterprises. In any case, a person or enterprise shall be considered to be closely related to an enterprise if one possesses directly or indirectly more than 50 per cent of the beneficial interest in the other (or, in the case of a company, more than 50 per cent of the aggregate vote and value of the company's shares or of the beneficial equity interest in the company) or if another person or enterprise possesses directly or indirectly more than 50 per cent of the beneficial interest (or, in the case of a company, more than 50 per cent of the aggregate vote and value of the company's shares or of the beneficial equity interest in the company) in the person and the enterprise or in the two enterprises.

Article 6

Income from Immovable Property

1. Income derived by a resident of a Contracting Party from immovable property (including income from agriculture or forestry) situated in the other Contracting Party may be taxed in that other Contracting Party.

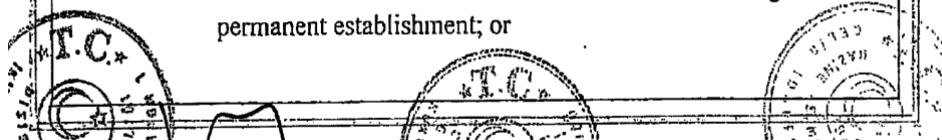


2. The term "immovable property" shall have the meaning which it has under the law of the Contracting Party in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture (including the breeding and cultivation of fish) and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships and aircraft shall not be regarded as immovable property.
3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.
4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of independent personal services.

Article 7

Business Profits

1. The profits of an enterprise of a Contracting Party shall be taxable only in that Contracting Party unless the enterprise carries on business in the other Contracting Party through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other Contracting Party, but only so much of them as is attributable to:
 - (a) that permanent establishment;
 - (b) sales in that other Contracting Party of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or



(c) other business activities carried on in that other Contracting Party of the same or similar kind as those effected through that permanent establishment,

provided that subparagraph (b) or (c) shall not apply where an enterprise is able to demonstrate that the sales or business activities were carried out for reasons other than obtaining benefits under this Agreement.

2. Subject to the provisions of paragraph 3, where an enterprise of a Contracting Party carries on business in the other Contracting Party through a permanent establishment situated therein, there shall in each Contracting Party be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.
3. In the determination of the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the business of the permanent establishment including executive and general administrative expenses so incurred, whether in the Contracting Party in which the permanent establishment is situated or elsewhere. However, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment. Likewise, no account shall be taken, in the determination of the profits of a permanent establishment, for amounts charged (otherwise than towards reimbursement of actual expenses), by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights;

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or by way of commission for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the head office of the enterprise or any of its other offices.

4. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.
5. Where profits include items of income which are dealt with separately in other Articles of the Agreement, then the provisions of those Articles shall not be affected by the provisions of this Article.

Article 8

Shipping and Air Transport

1. Profits of an enterprise of a Contracting Party from the operation of ships or aircraft in international traffic shall be taxable only in that Contracting Party.
2. The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.



Article 9
Associated Enterprises

1. Where:

- (a) an enterprise of a Contracting Party participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting Party; or
- (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting Party and an enterprise of the other Contracting Party,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

2. Where a Contracting Party includes in the profits of an enterprise of that Contracting Party - and taxes accordingly - profits on which an enterprise of the other Contracting Party has been charged to tax in that other Contracting Party and the profits so included are claimed by the first-mentioned Contracting Party to be profits which would have accrued to the enterprise of the first-mentioned Contracting Party if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other Contracting Party shall make an appropriate adjustment to the amount of the tax charged therein on those profits, where that other Contracting Party considers the adjustment justified. In determining such adjustment, due regard shall be had to the other provisions of this Agreement and the competent authorities of the Contracting Parties shall if necessary consult each other.



Article 10

Dividends

1. Dividends paid by a company which is a resident of a Contracting Party to a resident of the other Contracting Party may be taxed in that other Contracting Party.
2. However, dividends paid by a company which is a resident of a Contracting Party may also be taxed in that Contracting Party according to the laws of that Contracting Party, but if the beneficial owner of the dividends is a resident of the other Contracting Party, the tax so charged shall not exceed:
 - (a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends throughout a 365 day period that includes the day of the payment of the dividends (for the purpose of computing that period, no account shall be taken of changes of ownership that would directly result from a corporate reorganization, such as a merger or divisive reorganization, of the company that holds the shares or that pays the dividends);
 - (b) 10 per cent of the gross amount of the dividends in all other cases.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3. The term "dividends" as used in this Article means income from shares, "jouissance" shares or "jouissance" rights, founders' shares or other rights, not being debt-claims, participating in profits, as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the Contracting Party of which the company making the distribution is a resident, and income derived from an investment fund or investment trust.

4. Profits of a company of a Contracting Party carrying on business in the other Contracting Party through a permanent establishment situated therein may, after having been taxed under Article 7, be taxed on the remaining amount in the Contracting Party in which the permanent establishment is situated and in accordance with paragraph 2(a) of this Article.
5. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting Party, carries on business in the other Contracting Party of which the company paying the dividends is a resident, through a permanent establishment situated therein, or performs in that other Contracting Party independent personal services from a fixed base situated therein, and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

Article 11

Interest

1. Interest arising in a Contracting Party and paid to a resident of the other Contracting Party may be taxed in that other Contracting Party.
2. However, interest arising in a Contracting Party may also be taxed in that Contracting Party according to the laws of that Contracting Party, but if the beneficial owner of the interest is a resident of the other Contracting Party, the tax so charged shall not exceed:
 - (a) 7.5 per cent of the gross amount of the interest if it is received by a financial institution in respect of a loan or debt instrument with a maturity period exceeding 2 years;

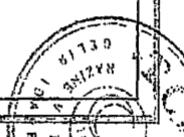


(b) 10 per cent of the gross amount of the interest in all other cases.

3. Notwithstanding the provisions of paragraph 2 of this Article, interest arising in a Contracting Party is exempt from tax in that Contracting Party, if it is paid:

- (a) in the case of the Hong Kong Special Administrative Region:
 - (i) to the Government of the Hong Kong Special Administrative Region;
 - (ii) to the Hong Kong Monetary Authority;
 - (iii) to the Exchange Fund;
- (b) in the case of Türkiye:
 - (i) to the Government of Türkiye, its political subdivisions or local authorities;
 - (ii) to the Central Bank of Türkiye (Türkiye Cumhuriyet Merkez Bankası);
 - (iii) to Eximbank of Türkiye (Türkiye İhracat Kredi Bankası A.S.).

4. The term "interest" as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures, as well as all other income treated as income from money lent by the laws, relating to tax, of the Contracting Party in which the income arises. Penalty charges for late payment shall not be regarded as interest for the purpose of this Article.



5. The provisions of paragraphs 1, 2 and 3 shall not apply if the beneficial owner of the interest, being a resident of a Contracting Party, carries on business in the other Contracting Party in which the interest arises, through a permanent establishment situated therein, or performs in that other Contracting Party independent personal services from a fixed base situated therein, and the debt-claim in respect of which the interest is paid is effectively connected with (a) such permanent establishment or fixed base, or with (b) business activities referred to in paragraph 1(c) of Article 7. In such cases the provisions of Article 7 or Article 14, as the case may be, shall apply.
6. Interest shall be deemed to arise in a Contracting Party when the payer is a resident of that Contracting Party. Where, however, the person paying the interest, whether he is a resident of a Contracting Party or not, has in a Contracting Party a permanent establishment or fixed base in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment or fixed base, then such interest shall be deemed to arise in the Contracting Party in which the permanent establishment or fixed base is situated.
7. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting Party, due regard being had to the other provisions of this Agreement.



Article 12

Royalties

1. Royalties arising in a Contracting Party and paid to a resident of the other Contracting Party may be taxed in that other Contracting Party.
2. However, royalties arising in a Contracting Party may also be taxed in that Contracting Party according to the laws of that Contracting Party, but if the beneficial owner of the royalties is a resident of the other Contracting Party, the tax so charged shall not exceed:
 - (a) 7.5 per cent of the gross amount of the royalties for the use of, or the right to use, industrial, commercial or scientific equipment;
 - (b) 10 per cent of the gross amount of the royalties in all other cases.
3. The term "royalties" as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph films, or films or tapes used for radio or television broadcasting, any patent, trademark, design or model, plan, secret formula or process, or for the use of, or the right to use, industrial, commercial or scientific equipment or for information concerning industrial, commercial or scientific experience.
4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting Party, carries on business in the other Contracting Party in which the royalties arise, through a permanent establishment situated therein, or performs in that other Contracting Party independent personal services from a fixed base situated therein, and the right or property in respect of which the royalties are paid is effectively connected with (a) such permanent establishment or fixed base, or with (b) business activities referred to in paragraph 1(c) of Article 7. In such cases the provisions of Article 7 or Article 14, as the case may be, shall apply.

5. Royalties shall be deemed to arise in a Contracting Party when the payer is a resident of that Contracting Party. Where, however, the person paying the royalties, whether he is a resident of a Contracting Party or not, has in a Contracting Party a permanent establishment or fixed base in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the Contracting Party in which the permanent establishment or fixed base is situated.
6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting Party, due regard being had to the other provisions of this Agreement.

Article 13

Capital Gains

1. Gains derived by a resident of a Contracting Party from the alienation of immovable property referred to in Article 6 and situated in the other Contracting Party may be taxed in that other Contracting Party.
2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting Party has in the other Contracting Party or of movable property pertaining to a fixed base available to a resident of a Contracting Party in the other Contracting Party for the purpose of performing independent personal services, including such gains from the alienation of such a permanent establishment (alone or with

the whole enterprise) or of such fixed base, may be taxed in that other Contracting Party.

3. Gains derived by an enterprise of a Contracting Party from the alienation of ships or aircraft operated in international traffic, or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that Contracting Party.
4. Gains derived by a resident of a Contracting Party from the alienation of shares or comparable interests, such as interests in a partnership or trust, may be taxed in the other Contracting Party if, at any time during the 365 days preceding the alienation, these shares or comparable interests derived more than 50 per cent of their value directly or indirectly from immovable property, as defined in Article 6, situated in that other Contracting Party.
5. Gains sourced in a Contracting Party from the alienation of any property other than those referred to in paragraphs 1, 2, 3 and 4 and derived by a resident of the other Contracting Party may be taxed in the first-mentioned Contracting Party.

Article 14

Independent Personal Services

1. Income derived by an individual who is a resident of a Contracting Party in respect of professional services or other activities of an independent character shall be taxable only in that Contracting Party except in the following circumstances, when such income may also be taxed in the other Contracting Party:
 - (a) if he has a fixed base regularly available to him in the other Contracting Party for the purpose of performing his activities; in that case, only so much of the income as is attributable to that fixed base may be taxed in that other Contracting Party; or

(b) if his stay in the other Contracting Party is for a period or periods amounting to or exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the taxable period concerned; in that case, only so much of the income as is derived from his activities performed in that other Contracting Party may be taxed in that other Contracting Party.

2. The term "professional services" includes especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

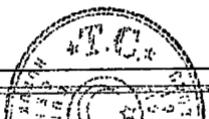
Article 15

Dependent Personal Services

1. Subject to the provisions of Articles 16, 18 and 19, salaries, wages and other similar remuneration derived by a resident of a Contracting Party in respect of an employment shall be taxable only in that Contracting Party unless the employment is exercised in the other Contracting Party. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other Contracting Party.

2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting Party in respect of an employment exercised in the other Contracting Party shall be taxable only in the first-mentioned Contracting Party if:

(a) the recipient is present in the other Contracting Party for a period or periods not exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the taxable period concerned; and



- (b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other Contracting Party; and
- (c) the remuneration is not borne by a permanent establishment or a fixed base which the employer has in the other Contracting Party.

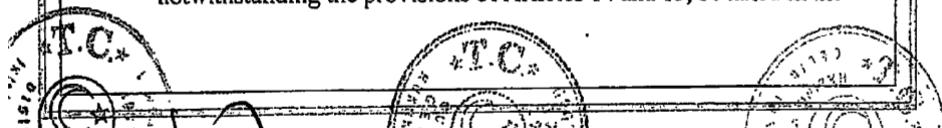
3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting Party shall be taxable only in that Contracting Party.

Article 16 Directors' Fees

Directors' fees and other similar payments derived by a resident of a Contracting Party in his capacity as a member of the board of directors of a company which is a resident of the other Contracting Party may be taxed in that other Contracting Party.

Article 17 Entertainers and Sportspersons

1. Notwithstanding the provisions of Articles 14 and 15, income derived by a resident of a Contracting Party as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsperson, from that resident's personal activities as such exercised in the other Contracting Party, may be taxed in that other Contracting Party.
2. Where income in respect of personal activities exercised by an entertainer or a sportsperson acting as such accrues not to the entertainer or sportsperson but to another person, that income may, notwithstanding the provisions of Articles 14 and 15, be taxed in the



Contracting Party in which the activities of the entertainer or sportsperson are exercised.

3. Income derived by an entertainer or a sportsperson from activities exercised in a Contracting Party shall be exempt from tax in that Contracting Party, if the visit to that Contracting Party is supported wholly or mainly by public funds of the other Contracting Party or a political subdivision or a local authority thereof.

Article 18

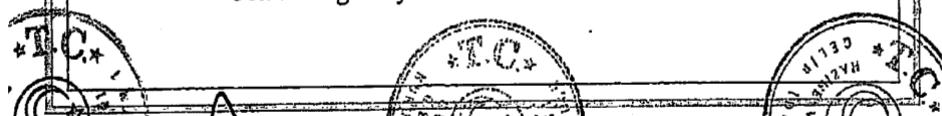
Pensions and Annuities

1. Subject to the provisions of paragraph 2 of Article 19, pensions and other similar remuneration (including a lump sum payment) arising in a Contracting Party and paid to a resident of the other Contracting Party in consideration of past employment or self-employment and social security pensions shall be taxable only in the first-mentioned Contracting Party. This provision shall also apply to annuities paid to a resident of a Contracting Party.
2. The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

Article 19

Government Service

1. (a) Salaries, wages and other similar remuneration, other than a pension, paid by the Government of a Contracting Party or a political subdivision or a local authority thereof to an individual in respect of services rendered to that Contracting Party or subdivision or authority shall be taxable only in that Contracting Party.



(b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting Party if the services are rendered in that Contracting Party and the individual is a resident of that Contracting Party who:

- (i) in the case of the Hong Kong Special Administrative Region, has the right of abode therein and in the case of Türkiye, is a national thereof; or
- (ii) did not become a resident of that Contracting Party solely for the purpose of rendering the services.

2. (a) Any pension and other similar remuneration (including a lump sum payment) paid by, or paid out of funds created or contributed by, the Government of a Contracting Party or a political subdivision or a local authority thereof to an individual in respect of services rendered to that Contracting Party or subdivision or authority shall be taxable only in that Contracting Party.

(b) However, such pension or similar remuneration (including a lump sum payment) may also be taxed in the other Contracting Party if the individual is a resident of that Contracting Party who:

- (i) in the case of the Hong Kong Special Administrative Region, has the right of abode therein;
- (ii) in the case of Türkiye, is a national thereof.

3. The provisions of Articles 15, 16, 17 and 18 shall apply to salaries, wages, pensions (including a lump sum payment), and other similar remuneration in respect of services rendered in connection with a business carried on by a Contracting Party or a political subdivision or a local authority thereof.

Article 20

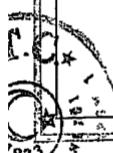
Students

Payments which a student or business apprentice who is or was immediately before visiting a Contracting Party a resident of the other Contracting Party and who is present in the first-mentioned Contracting Party solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that Contracting Party, provided that such payments arise from sources outside that Contracting Party.

Article 21

Other Income

1. Items of income of a resident of a Contracting Party, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that Contracting Party.
2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting Party, carries on business in the other Contracting Party through a permanent establishment situated therein, or performs in that other Contracting Party independent personal services from a fixed base situated therein, and the right or property in respect of which the income is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.



Article 22

Elimination of Double Taxation

1. In the case of the Hong Kong Special Administrative Region, double taxation shall be eliminated as follows:

Subject to the provisions of the laws of the Hong Kong Special Administrative Region relating to the allowance of a credit against Hong Kong Special Administrative Region tax of tax paid in a jurisdiction outside the Hong Kong Special Administrative Region (which shall not affect the general principle of this Article), Turkish tax paid under the laws of Türkiye and in accordance with the provisions of this Agreement (except to the extent that these provisions allow taxation by Türkiye solely because the income is also income derived by a resident of Türkiye), whether directly or by deduction, in respect of income derived by a person who is a resident of the Hong Kong Special Administrative Region from sources in Türkiye, shall be allowed as a credit against Hong Kong Special Administrative Region tax payable in respect of that income, provided that the credit so allowed does not exceed the amount of Hong Kong Special Administrative Region tax computed in respect of that income in accordance with the tax laws of the Hong Kong Special Administrative Region.

2. In the case of Türkiye, double taxation shall be eliminated as follows:

- (a) Where a resident of Türkiye derives income which, in accordance with the provisions of this Agreement, may be taxed in the Hong Kong Special Administrative Region, Türkiye shall, subject to the provisions of Turkish taxation laws regarding credit for foreign taxes, allow as a deduction from the tax on income of that person, an amount equal to the tax on income paid in the Hong Kong Special Administrative Region. Such deduction shall not, however, exceed that part of the income tax calculated in Türkiye before the deduction is given, which is appropriate to the income which may be taxed in the Hong Kong Special Administrative Region.

(b) Where a resident of Türkiye derives income which, in accordance with the provisions of the Agreement, shall be taxable only in the Hong Kong Special Administrative Region, Türkiye may, when determining the graduated rate of Turkish tax, take into account the income which shall be taxable only in the Hong Kong Special Administrative Region.

Article 23

Non-Discrimination

1. Persons who, in the case of the Hong Kong Special Administrative Region, have the right of abode or are incorporated or otherwise constituted therein, and, in the case of Türkiye, are Turkish nationals, shall not be subjected in the other Contracting Party to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which persons who have the right of abode or are incorporated or otherwise constituted in that other Contracting Party (where that other Contracting Party is the Hong Kong Special Administrative Region) or nationals of that other Contracting Party (where that other Contracting Party is Türkiye) in the same circumstances, in particular with respect to residence, are or may be subjected.
2. Stateless persons who are residents of a Contracting Party shall not be subjected in either Contracting Party to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which persons who have the right of abode in the Contracting Party (where the Contracting Party is the Hong Kong Special Administrative Region) or nationals of the Contracting Party (where the Contracting Party is Türkiye) in the same circumstances, in particular with respect to residence, are or may be subjected.



3. The taxation on a permanent establishment which an enterprise of a Contracting Party has in the other Contracting Party shall not be less favourably levied in that other Contracting Party than the taxation levied on enterprises of that other Contracting Party carrying on the same activities. This provision shall not be construed as obliging a Contracting Party to grant to residents of the other Contracting Party any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.
4. Except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11, or paragraph 6 of Article 12, apply, interest, royalties and other disbursements paid by an enterprise of a Contracting Party to a resident of the other Contracting Party shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned Contracting Party.
5. Enterprises of a Contracting Party, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting Party, shall not be subjected in the first-mentioned Contracting Party to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned Contracting Party are or may be subjected.

Article 24

Mutual Agreement Procedure

1. Where a person considers that the actions of one or both of the Contracting Parties result or will result for him in taxation not in accordance with the provisions of this Agreement, he may, irrespective of the remedies provided by the internal laws of those Contracting Parties, present his case to the competent authority of either Contracting Party. The case must be presented within three

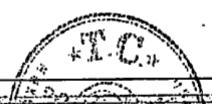
years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting Party, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the internal laws of the Contracting Parties.
3. The competent authorities of the Contracting Parties shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement. They may also consult together for the elimination of double taxation in cases not provided for in the Agreement.
4. The competent authorities of the Contracting Parties may communicate with each other directly, including through a joint commission consisting of themselves or their representatives, for the purpose of reaching an agreement in the sense of the preceding paragraphs.

Article 25

Exchange of Information

1. The competent authorities of the Contracting Parties shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the internal laws of the Contracting Parties concerning taxes covered by the Agreement, insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Article 1.



2. Any information received under paragraph 1 by a Contracting Party shall be treated as secret in the same manner as information obtained under the internal laws of that Contracting Party and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, or the determination of appeals in relation to the taxes referred to in paragraph 1, and in the case of Türkiye, the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions. Information shall not be disclosed to any third jurisdiction for any purpose.
3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting Party the obligation:
 - (a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting Party;
 - (b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting Party;
 - (c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information the disclosure of which would be contrary to public policy (*ordre public*).
4. If information is requested by a Contracting Party in accordance with this Article, the other Contracting Party shall use its information gathering measures to obtain the requested information, even though that other Contracting Party may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting Party to decline to supply information solely because there is no tax interest in such information to that Contracting Party.

5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting Party to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

Article 26

Members of Government Missions

Nothing in this Agreement shall affect the fiscal privileges of members of government missions, including consular posts, under the general rules of international law or under the provisions of special agreements.

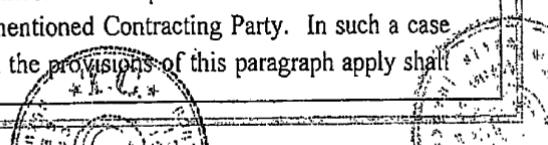
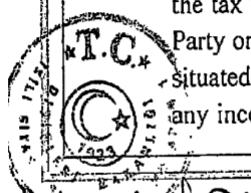
Article 27

Entitlement to Benefits

I. (a) Where:

- (i) an enterprise of a Contracting Party derives income from the other Contracting Party and the first-mentioned Contracting Party treats such income as attributable to a permanent establishment of the enterprise situated in a third jurisdiction; and
- (ii) the profits attributable to that permanent establishment are exempt from tax in the first-mentioned Contracting Party,

the benefits of this Agreement shall not apply to any item of income on which the tax in the third jurisdiction is less than 60 per cent of the tax that would be imposed in the first-mentioned Contracting Party on that item of income if that permanent establishment were situated in the first-mentioned Contracting Party. In such a case any income to which the provisions of this paragraph apply shall



remain taxable according to the internal laws of the other Contracting Party, notwithstanding any other provisions of the Agreement.

- (b) The preceding provisions of this paragraph shall not apply if the income derived from the other Contracting Party emanates from, or is incidental to, the active conduct of a business carried on through the permanent establishment (other than the business of making, managing or simply holding investments for the enterprise's own account, unless these activities are banking, insurance or securities activities carried on by a bank, insurance enterprise or registered securities dealer, respectively).
- (c) If benefits under the Agreement are denied pursuant to the preceding provisions of this paragraph with respect to an item of income derived by a resident of a Contracting Party, the competent authority of the other Contracting Party may, nevertheless, grant these benefits with respect to that item of income if, in response to a request by such resident, such competent authority determines that granting such benefits is justified in light of the reasons such resident did not satisfy the requirements of this paragraph (such as the existence of losses). The competent authority of the Contracting Party to which a request has been made under the preceding sentence shall consult with the competent authority of the other Contracting Party before either granting or denying the request.

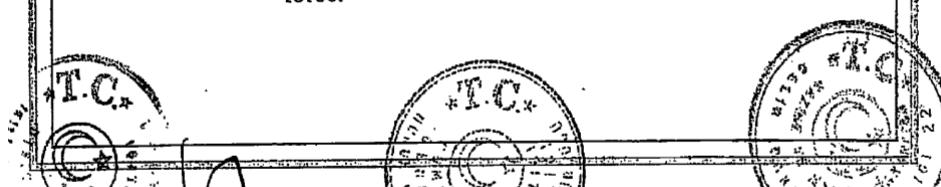
2. Notwithstanding the other provisions of the Agreement, a benefit under the Agreement shall not be granted in respect of an item of income if it is reasonable to conclude, having regard to all relevant facts and circumstances, that obtaining that benefit was one of the principal purposes of any arrangement or transaction that resulted directly or indirectly in that benefit, unless it is established that granting that benefit in these circumstances would be in accordance with the object and purpose of the relevant provisions of the Agreement.

3. Nothing in the Agreement shall prejudice the right of each Contracting Party to apply its internal laws and measures concerning tax evasion or avoidance, whether or not described as such.

Article 28

Entry into Force

1. The Contracting Parties shall notify each other in writing of the completion of the procedures required by its law for the bringing into force of this Agreement.
2. The Agreement shall enter into force thirty days after the date of the later of the notifications referred to in paragraph 1 and the provisions of the Agreement shall thereupon have effect:
 - (a) in the Hong Kong Special Administrative Region:
with regard to Hong Kong Special Administrative Region tax, for any year of assessment beginning on or after the first day of April of the year following that in which the Agreement enters into force;
 - (b) in Türkiye:
 - (i) with regard to taxes withheld at source, in respect to amounts paid or credited on or after the first day of January of the year following that in which the Agreement enters into force; and
 - (ii) with regard to other taxes, in respect of taxable years beginning on or after the first day of January of the year following that in which the Agreement enters into force.



Article 29

Termination

This Agreement shall remain in force until terminated by a Contracting Party. Either Contracting Party may terminate the Agreement, through official channels, by giving the other Contracting Party written notice of termination at least six months before the end of any calendar year beginning after the expiry of a period of five years from the date on which the Agreement enters into force. In such event, the Agreement shall cease to have effect:

(a) in the Hong Kong Special Administrative Region:

with regard to Hong Kong Special Administrative Region tax, for any year of assessment beginning on or after the first day of April of the year following that in which the notice is given;

(b) in Türkiye:

- (i) with regard to taxes withheld at source, in respect to amounts paid or credited on or after the first day of January of the year following that in which the notice is given; and
- (ii) with regard to other taxes, in respect of taxable years beginning on or after the first day of January of the year following that in which the notice is given.



IN WITNESS WHEREOF, the undersigned, duly authorized hereto, have signed the Agreement.

DONE in duplicate at Hong Kong this 24th day of September 2024, in the Turkish, Chinese and English languages, all three texts being equally authentic. In case of divergence between the texts, the English text shall prevail.

For the Government of
the Republic of Türkiye

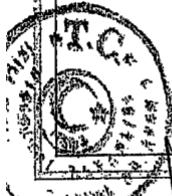
For the Government of
the Hong Kong Special
Administrative Region of the
People's Republic of China



Bekir BAYRAKDAR
Commissioner of Revenue
Administration



Christopher HUI
Secretary for Financial
Services and the Treasury



PROTOCOL

At the time of signing the Agreement between the Government of the Republic of Türkiye and the Government of the Hong Kong Special Administrative Region of the People's Republic of China for the Elimination of Double Taxation with respect to Taxes on Income and the Prevention of Tax Evasion and Avoidance (hereinafter referred to as "the Agreement"), the undersigned have agreed upon the following provisions which shall constitute an integral part of the Agreement.

1. With reference to Article 10, paragraph 2

It is understood that the dividends are not taxed in the Hong Kong Special Administrative Region. In case of taxation of such dividends in the Hong Kong Special Administrative Region, the rates mentioned in paragraph 2(a) shall be increased from 5 per cent to 10 per cent, and in paragraph 2(b) shall be increased from 10 per cent to 15 per cent and the competent authority of the Hong Kong Special Administrative Region will inform the competent authority of Türkiye according to paragraph 4 of Article 2.

2. With reference to Article 10, paragraph 3

- (a) in the case of the Hong Kong Special Administrative Region, "investment fund" and "investment trust" refer to collective investment schemes which are authorized by the Hong Kong Securities and Futures Commission under the Securities and Futures Ordinance (Cap. 571);
- (b) in the case of Türkiye, "investment fund" and "investment trust" are investment vehicles which are regulated and supervised by the law on capital market (Law No. 6362, Official Gazette on 30 December 2012).



3. With reference to Article 24, paragraph 2

It is understood that the taxpayer must, in the case of Türkiye, claim the refund resulting from such mutual agreement within a period of one year after the tax administration has notified the taxpayer of the result of the mutual agreement.

4. With reference to Article 25, paragraph 2

It is understood that the competent authority of Türkiye may disclose information to the Turkish Court of Accounts, the Turkish Tax Inspection Board, the Turkish Ombudsman Institution and their staff. The competent authority of Türkiye shall notify the competent authority of the Hong Kong Special Administrative Region of any subsequent changes to the aforesaid oversight bodies.



IN WITNESS WHEREOF, the undersigned, duly authorized hereto, have signed the Protocol.

DONE in duplicate at Hong Kong this 24th day of September 2024, in the Turkish, Chinese and English languages, all three texts being equally authentic. In case of divergence between the texts, the English text shall prevail.

For the Government of
the Republic of Türkiye



Bekir BAYRAKDAR
Commissioner of Revenue
Administration

For the Government of
the Hong Kong Special
Administrative Region of the
People's Republic of China



Christopher HUI
Secretary for Financial
Services and the Treasury

