



Chinese-Foreign Joint Job Intermediaries

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Pursuant to the Decision of the State Council on Matters such as Cancellation and Delegation of a Batch of Administrative Examination and Approval Items (Guo Fa [2013] No.19), the Circular of the State Council on Issuing the Reform Proposals for the Registered Capital Registration System (Guo Fa [2014] No.7) and the Decision of the State Council on Matters relating to Cancelling and Adjusting a Batch of Administrative Examination and Approval Items (Guo Fa [2014] No.50), the Ministry of Human Resources and Social Security has decided on relevant departmental rules. Here is a revision of the Interim Provisions on the management of Chinese-foreign Joint Job Intermediaries.

Foreign-invested job intermediary in China

Any foreign company, enterprise or other economic organization providing job intermediary services that plans to deliver job intermediary services in China, must operate jointly with a Chinese company, enterprise or other economic organization to offer job intermediary services through a jointly-established intermediary.

No wholly foreign-owned job intermediaries are permitted to found job intermediary services in China. Some organisations, such as foreign enterprises' resident representative offices in China, or chambers of commerce established in China by any foreign enterprise, are permitted to provide job intermediary services in China.

Cancel the minimum Registered Capital

1. Delete the provision of "with a registered capital of no less than USD300,000"

In new provisions, the incorporation of any Chinese-foreign joint job intermediaries shall meet the following requirements:

The Chinese investor who applies to be incorporated into Chinese-foreign joint job intermediaries must have been a job intermediary for no less than three years. On the other hand, the foreign investor must be a foreign company, enterprise or other economic organization that has been offering job intermediary services for no less than three years. Finally, both investors must have good reputations;

1. The intermediary to be incorporated shall possess a sound organization structure, shall have personnel who are familiar with the management of human resources, including five or more full-time employees who are graduates of junior college or above, and shall possess a qualification certificate for job intermediary services;
2. The intermediary to be incorporated shall have a permanent place of business, sufficient funds and sufficient office facilities for the business it applies to carry out. The contribution made by the foreign investors shall be no less than 25%, and the contribution made by the Chinese investors shall be no less than 51%;
3. The intermediary to be incorporated shall have sound and practical articles of association, a practical management system, sound working rules and a clear scope of business;

4. The intermediary to be incorporated shall possess independent civil rights and obligations; and

5. Other requirements as prescribed by laws or regulations.

II. Delete the provision of “the minimum registered capital shall be USD125,000, and the proportion of equity owned by it may not exceed 70%”

According to new provisions, if the joint equity talent intermediary organization was established in the Mainland by a service provider from Hong Kong or Macao, the Mainland party to the joint equity shall be a talent intermediary organization that has been established for more than one year.

Special approval before business license is no longer needed

III. Revise the provision of “the Notice of Advance Approval of Enterprise Name issued by the administrative department of industry and commerce” set forth in Item 4 of Article 8 as “the Business License (Duplicate)”

In new provisions, the application documents for the establishment of a Sino-foreign joint equity talent intermediary organization must contain the following articles:

1. A written application and a feasibility study report;
2. An agreement and statute with signatures of all investors of the Sino-foreign joint equity talent intermediary organization ;
3. Qualification certificates showing that all of the investors have provided job intermediary services for no less than three years;
4. The business license (copy); and
5. Other materials required.

IV. Delete Article 10

Previous articles state that the administrative department of personnel of provincial government, autonomous region or municipality directly under the jurisdiction of the Central Government shall, according to the capital, personnel and management level of the Chinese-foreign joint job intermediary, approve the intermediary to undertake one or more of the businesses listed below:

1. Collection, classification, storage and publication of information about the employment market and related advisory services;
2. Talent recommendation;
3. Talent recruitment;
4. Career test and appraisal;
5. Career training within China; and
6. Other relevant businesses ordained by laws and regulations.



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Founded in 2001, LehmanBrown is a China-focused accounting, taxation and business advisory firm, operating in Beijing, Shanghai, Hong Kong, Macau, Shenzhen, Guangzhou and Tianjin. Our firm also manages an extensive affiliate network, providing service throughout China and reach across the globe.

Combining years of international expertise with practical Chinese experience and knowledge, LehmanBrown offers expert advice and support to both local and international clients. Within the mid - tier, we are regarded as a market leader and our clients enjoy access to a combination of senior and experienced counsellors from both China and abroad.

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Professional Services

Audit & Assurance

External Audit

China Statutory Audit
US GAAP Audit
IFRS Audit
Hong Kong Statutory Audit

Internal Audit

Fraud Investigation
Forensic Accounting

Special Purpose Audit

Foreign Currency Audit
Royalty Audit
Capital Verification Audit

Valuation Services

Corporate Valuation

Damage Assessment Valuation
Intellectual Property Valuation
Asset Valuation
Special Purposes Valuation

Corporate Finance

Debt Restructuring
Acquisition, Disposal & Financing

Mergers & Acquisitions

Transaction Advisory
M&A Divesture
M&A Integration
Financial Due Diligence

Business Services

Company Registration & Maintenance

Market Entry Advisory
Updating Company Certificates
Annual Inspection & Reporting
Company Secretarial Services
Company Ownership Transferring/Corporate Restructuring
Background/Credit Checking
Company Deregistration & Bankruptcy

HR Support Services

China Visa Services for Expatriates
Social Welfare Structures

Outsourcing Services

Accounting & Bookkeeping

Budgeting & Forecasting
Financial Statement Preparation
Head Office Reporting

Financial Management

Interim Financial Management
Finance Manager Function
CFO Function
Cash Flow Management

Treasury Management

Set-up of Bank Account

Payroll Services

Payroll Processing Setup
Expatriate Employees
Local Employees

Secondment & Temping Service
Chop Custodian Services

Taxation Services

Individual Tax Planning (IIT)

Tax Immigration & Investment Review
US & Overseas Personal Income Tax Planning & Filing
IIT Tax Payment Facilitation
Application for Individual Income Tax Refund
Expatriate Staff Individual Income Tax Staff Filing
Local Staff Individual Income Tax

Company Taxation (CIT)

Tax Consulting

Corporate Tax Planning
Business Restructuring
Value Chain Review
Onshore / Offshore Investment
Transfer Pricing

Tax Compliance

Tax Due Diligence
Tax Deregistration
Negotiation of Tax Penalties
Tax Refund Application
Tax Representatives for Tax Audit
VAT & Customs Duty Clearance
PRC Tax Receipt Verification
VAT Application
VAT & Sales Tax Filing
Corporate Income Tax Reporting

Specialist Accounting & Risk Management

Internal Controls

Systems
Risk Management
Sarbanes - Oxley (SOX 404)

GAAP, SEC & IFRS Compliance

US GAAP

US GAAP Financial Statement Preparation
US GAAP Conversion

Other GAAP

GAAP Conversion
Public Company Compliance
Financial Statement Preparation

IFRS

IFRS Accounting Repackaging
IFRS Financial Statement Preparation
IFRS Public Company Compliance

SEC

SEC Public Company Compliance

Legal Services

Legal Advisory

Labour Legal Advisory

Workforce Downsizing Advisory
Labour Tribunal Assistance & Advisory
Labour Law Review & Audits
Review & Preparation of Employment Contracts

Corporate Legal Advisory

Legal Due Diligence
Corporate Restructuring Advisory
Review & Preparation of Articles of Association (AoA)
Review & Preparation of JV Contracts
Review & Preparation of Repatriation Agreements

Other Legal Services

Dispute Mediation & Advisory
Trademark & Intellectual Property Advisory
Debt Collection Assistance
Litigation Support

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Beijing 北京

6/F, Dongwai Diplomatic Building, 23 Dongzhimenwai Dajie,
Beijing 100600, China
中国北京市朝阳区东直门外大街 23 号，东外外交办公大楼
602
Tel: +86 10 8532 1720
Fax: +86 10 8532 2746
E-mail: beijing@lehmanbrown.com

Tianjin 天津

Unit 2901-04, The Exchange Tower 2 189 Nanjing Road, Heping
District Tianjin 300051, China
中国天津市和平区南京路 189 号 津汇广场 2 座 29 层 2901-
104 室
Tel: +86 22 2318 5056
Fax: +86 22 2318 5001
E-mail: tianjin@lehmanbrown.com

Shanghai 上海

Room 1501 & 1504, WanTai International Building, No. 480 North
Urumqi Road, Shanghai 200040, China
中国上海市静安区乌鲁木齐北路（华山路）480 号 1501 &
1504
Tel: +86 21 6249 0055
Fax: +86 21 6288 1636
E-mail: shanghai@lehmanbrown.com

Hong Kong 香港

Unit 1902, 19/F, Asia Orient Tower, 33 Lockhart Road,
Wanchai, Hong Kong
中国香港湾仔骆克道 33 号中央广场汇汉大厦 19 楼 1902 室
Tel: +852 2426 6426
Fax: +852 2426 6427
E-mail: hongkong@lehmanbrown.com

Guangzhou 广州

Room 3317, China Shine Plaza, 9 Lin He Xi Road, Guangzhou
510610, China
中国广州市林和西路 9 号耀中广场 3317 室
Tel: +86 20 2205 7883
Fax: +86 20 2205 7880
E-mail: guangzhou@lehmanbrown.com

Macau 澳门

No. 367, Avenida da Praia Grande, "Keng Ou" Commercial
Building #16, A & B, Macau
中国澳门南湾大马路 367 号京澳商业大厦 16 楼 AB 座
Tel: +853 2835 5015
Fax: +853 2837 1884
E-mail: macau@lehmanbrown.com

Shenzhen 深圳

Room 3206, News Building 2, Shennan Middle Road, Shenzhen
518027, China
中国深圳市深南中路 2 号新闻大厦 3206
Tel: +86 755 8209 1244
Fax: +86 755 8209 0672
E-mail: shenzhen@lehmanbrown.com



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