



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

I. 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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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

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Internal Controls

Systems

Risk Management

Sarbanes - Oxley (SOX 404)

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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

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