

# ETF taxation report for investors

## Mainland China

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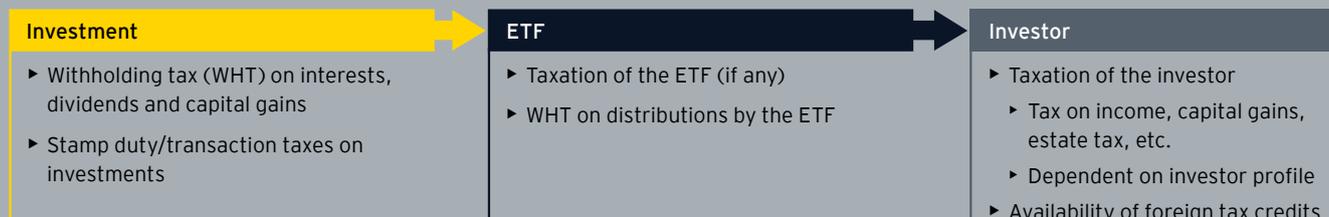
## Introduction

Exchange Traded Funds (ETFs) continue to gain popularity by investors as an efficient mechanism to gain a broad array of desired market access. Whilst return on investment (ROI) is a key priority, costs play an important role in maximizing ROI. One significant yet lesser understood cost with investing in ETFs is taxation. This is especially true for any cross-border investment which are normally subject to multiple instances of taxation.

In this Report we will examine the impact of different types of ETFs on Mainland China based investor returns across key markets, ETF types and domiciles.

## Multiple instances of taxation on ETFs

An investor's ETF returns can generally be subject to tax at three levels:



The extent of tax costs will vary widely depending on:

- 1 Domicile of the investor
- 2 Domicile and type of ETF\*
- 3 Jurisdiction of the underlying portfolio investments

\* Especially important because this should have an impact on the following:

- ▶ The applicable WHT rate at both the investment and investor levels
- ▶ The applicable taxes at the ETF level
- ▶ Access to any available tax treaty benefits

## Types of ETFs compared

Common forms of ETFs compared in this Report include the following:

- ▶ Hong Kong ETF is a Hong Kong unit trust authorized by the Securities and Futures Commission of Hong Kong.
- ▶ The Irish ETF is an Irish Collective Asset-management Vehicle (ICAV) authorized as an Undertaking for Collective Investment in Transferable Securities (UCITS).
- ▶ Luxembourg ETF is a capital company constituted as a Société d'Investissement à Capital Variable (SICAV)/Société d'Investissement à Capital Fixe (SICAF).
- ▶ US ETF is a Regulated Investment Company and satisfies specific requirements.

## General basis of preparation

1. General in nature.
2. Does not include any transfer taxes such as stamp duty.
3. Considers only income tax/WHT effect on dividend and interest income received by the ETFs, and excludes capital gains tax or tax on trading profits/losses.
4. Distribution from the ETFs are considered to be normal dividend and/or distribution (practically subject to local variances).
5. All investors are institutional corporate investors and tax residents in their domicile location(s) and subject to standard corporate income tax rate. Individual circumstances have not been considered.
6. To the extent domestic unilateral tax credit is available and considered, it is assumed that the necessary criteria are satisfied and the available tax credit would be within the prescribed limit.
7. Some jurisdictions may have regulatory restrictions on cross-border investments. Investors should seek separate legal and regulatory advice in this regard as this Report focuses solely on the potential tax implications of investing into different types of ETFs.

## Application of reduced tax treaty rates

1. We have assumed the following minimum conditions for tax treaty eligibility are met:
  - ▶ ETFs are assumed to be the tax residents in their domicile and are able to obtain certificates of residence from their local tax authorities.
  - ▶ ETFs are assumed to be regarded as beneficial owner of the income.
  - ▶ ETFs are assumed to hold less than 5% of the total share capital of a single investment.
2. Ultimately, the ability to claim tax treaty benefits by ETFs and investors depends on each of their individual facts and circumstances in meeting the prescribed conditions under the relevant tax treaty provisions or domestic laws for domestic relief (if any). This is also subject to the practices of ETF sponsors and withholding agents and the local tax authorities in each jurisdiction. Each investor should consult its own tax advisor regarding the specific requirements to qualify for tax treaty benefits under the relevant tax treaties.

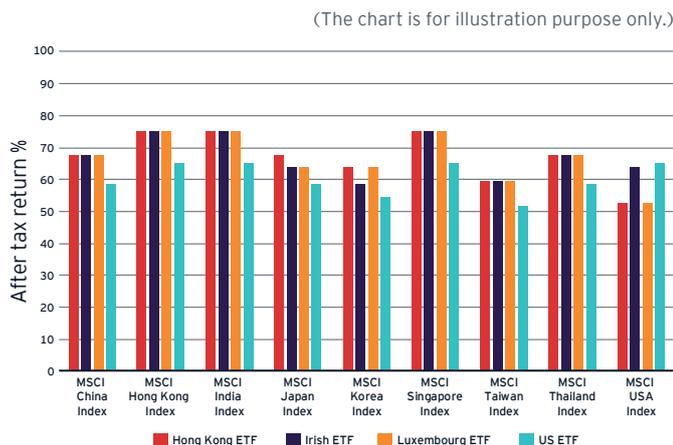
## Other jurisdiction-specific assumptions

1. The Irish ETF principal class of shares is substantially and regularly traded on a recognized stock exchange.
2. All US-source dividends are considered ordinary dividends for US federal income tax (US Tax) purposes.
3. All US-source government and corporate interest qualifies for the portfolio debt exemption under section 881(c) of the US Internal Revenue Code of 1986, as amended and currently in effect.
4. Non-resident institutional investors are temporarily exempt from WHT with respect to interest income derived from Mainland China corporate bonds (from 7 November 2018 to 6 November 2021).

This Report is prepared for informational purposes and supported by the ETF Tax Calculator. For details of preparation basis as well as underlying assumptions, please visit <https://www.hkex.com.hk/ETFTaxCalculator>.

## Mainland China investor after tax returns compared

Figure 1. Single market equity indices\*\*



In India, Finance Act, 2020 abolished dividend distribution tax and replaced it with a new regime where dividend will be taxed in the hands of the recipients from 1 April 2020. While the new regime is applicable from 1 April 2020, given this Report only takes into account tax changes until 31 December 2019, this change has not been reflected.

Figure 2. World/regional equity indices\*\*

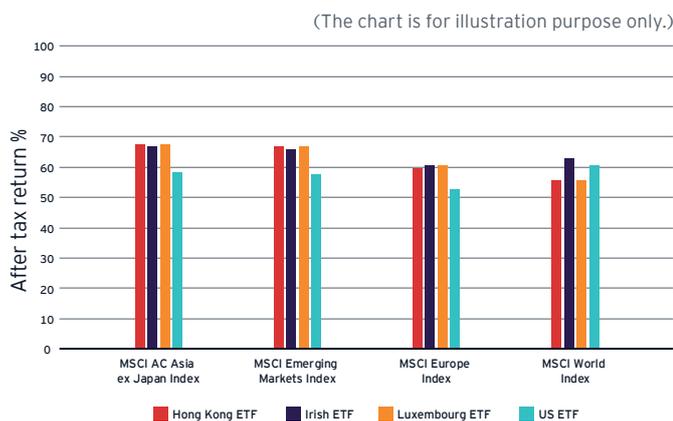
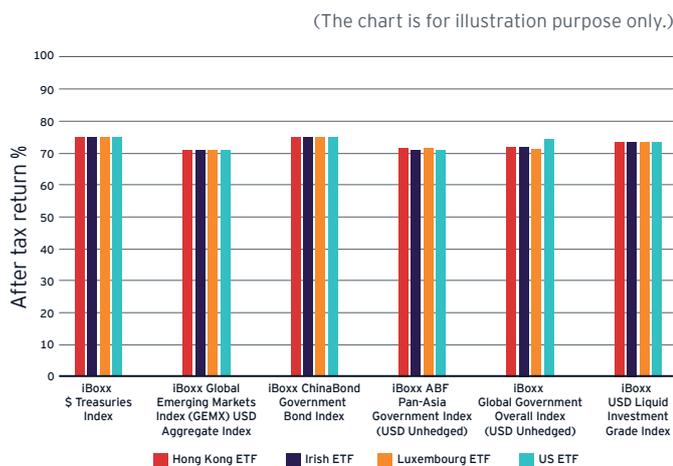


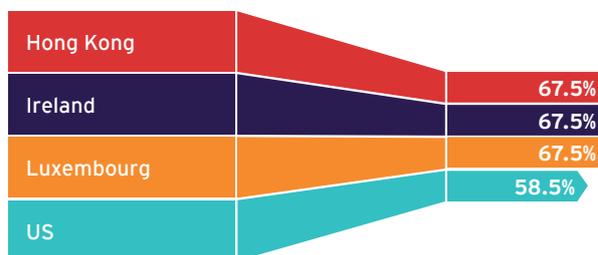
Figure 3. Fixed income indices\*\*



\*\* This Report is prepared based on the index constituents data and the applicable tax rates as of 31 December 2019. The index constituents data is provided by MSCI and IHS Markit respectively. For MSCI indices, the jurisdiction classification is generally determined by the company's location of incorporation and the primary listing of its securities. For IHS Markit indices, the jurisdiction weight is based on the jurisdiction where the issuer is exposed to. EY and HKEX are not responsible for independently verifying or validating the source data.

Illustrative diagram for MSCI China Index (Figure 1)

For Mainland China investors, by investing in MSCI China Index through a Hong Kong ETF, the after tax return from ETF distribution should be 67.5% of the ETF distribution before all level of taxes\*\*\*, versus 58.5% using a US ETF.



\*\*\*This includes portfolio level, ETF level and investor level, and does not take into account any fees to intermediates.

### Reduce total cost of ownership (TCO) with tax consideration

This Report provides evidence that significant differences can arise in after-tax returns for ETFs domiciled in different jurisdictions. However, tax should not be the only consideration in ETF selection. Investors should evaluate ETF investment costs in the context of the TCO, including but not limited to bid-ask spread, broker commissions, total expense ratio and taxation. For more details about TCO, please read the *ETF Total Cost of Ownership primer* in the HKEX ETF webpage.

### Conclusion

Hong Kong domiciled ETFs have traditionally been recognized for their unique access to the domestic market of Mainland China. However, with the HKEX now carrying about 130 ETFs and Leveraged and Inverse Products representing a wide range of global products, investors now have an enhanced ability to use Hong Kong ETFs to achieve their desired market exposures.

Furthermore, Hong Kong's ETF market, as a regional issuing and trading hub of ETFs, is seeing deepening liquidity driven by a continuously enhancing market structure. This translates into narrower bid-ask spread and lower trading cost for investors seeking to gain exposure to Asia and beyond via Hong Kong ETFs.

Investors can also benefit from lower tracking difference, which is a component of TCO, by trading Asia underlyings in the Asian time zone with Hong Kong ETFs as they can react to events occurring in Asia more timely.

In conclusion, Hong Kong ETFs offer a tax-efficient, low-cost vehicle for investors to access a diverse range of asset classes and markets.

To learn more about Hong Kong ETFs, please visit the HKEX ETF webpage [www.hkex.com.hk/etp](http://www.hkex.com.hk/etp).

To see the after tax returns comparison on more indices, please visit: <https://www.hkex.com.hk/ETFTaxCalculator>.

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HKEX launched the pioneering Shanghai-Hong Kong Stock Connect programme in 2014, further expanded with the launch of Shenzhen Connect in 2016, and the launch of Bond Connect in 2017.

There are about 130 ETFs and Leveraged & Inverse Products listed in Hong Kong, providing access to a range of asset classes, markets and strategies. As Asia's ETF marketplace, HKEX offers diverse, liquid and tax efficient product offerings during Asian trading hours.

[www.hkex.com.hk/ETP](http://www.hkex.com.hk/ETP)

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