

Agenda

Day 1

Thursday, 10 November 2016

Time	Meeting	Speaker
8:00 am - 8:45 am	Registration	
8:45 am - 9:00 am	Welcome and introduction	Steven Sieker
9:00 am - 10:15 am	<p>Plenary Session [Salons 4 -6] Asia Pacific Tax Update - Part I</p> <p>Broken up over two days, this fast paced session will highlight the most significant developments affecting Asia over the last year.</p>	<p>Chair: John Walker, Sydney</p> <p>Simone Bridges, Sydney Fred Burke, Ho Chi Minh Dennis Lee, Taipei Dawn Quek, Singapore Steven Sieker, Hong Kong Edwin Whatley, Tokyo Adeline Wong, Kuala Lumpur</p>
10:15 am - 10:45 am	Coffee break	
10:45 am - 12:15 pm	<p>Breakout Sessions (Part I)</p> <p><i>Alternative A: The consequences of real transparency: Reporting, documentation and reconsideration of structures in light of BEPS [Salon 4-6]</i></p> <p>What story does your CBC reporting tell?</p> <p>The Action 13 Final Report was released on 5 October 2015. Since then, the OECD has approved the Action 13 amendments to the Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations and has also released guidance on the implementation of country-by-country reporting.</p> <p>These measures, and various local country initiatives like Bulletin 42 in China, require and unprecedented amount of transparency and reporting from multinationals. They will illuminate profits, taxes, capital, employees and assets jurisdiction by jurisdiction, placing pressure on many commonly used structures in Asia Pacific.</p> <p>This session looks at strategies for responding to these new requirements with respect to existing and future tax advantaged structures. What are the options for balancing a reply to BEPS with a need to manage the effective tax rate of a multinational group in Asia Pacific?</p>	<p>Chair: Peter Tan, Singapore</p> <p>Rafic Barrage, Washington DC Pierre Chan, Hong Kong Yukiko Komori, Tokyo Ning Liu, Shanghai Michael Nixon, Singapore</p>

	<p>Alternative B: Tax and trade implications of Brexit [Queensway & Victoria]</p> <p>This session will examine the impact, discuss challenges and flag areas of reform post Brexit on markets and supply chains around the world.</p>	<p>Chair: Matthew Lovatt, London</p> <p>Fred Burke, Ho Chi Minh Joshua Odintz, Washington DC Antonio Russo, Amsterdam</p>
	<p>Alternative C: Royalty [Salon 1-3]</p> <p>This session looks at the simple question, what is a royalty?</p>	<p>Chair: John Walker, Sydney</p> <p>Tom Brennan, Sydney Nancy Lai, Shanghai Shih Hui Lee, Singapore Carrie Lui, Hong Kong Thanh Vinh Nguyen, Vietnam Gary Sprague, Palo Alto Edwin Whatley, Tokyo</p>
	<p>Alternative D: The intersection of BEPS and Indirect Taxes [Aberdeen]</p> <p>When you think of BEPS, you think direct taxes. But many BEPS action items, if implemented, will have numerous VAT and GST implications including in areas such as transactions in the digital economy, e-commerce and intangibles. Coupled with the recent release of the OECD's International VAT/GST Guidelines, some Asia Pacific jurisdictions have started to introduce changes. Countries such as Australia and New Zealand have also proposed abolishing the concessionary low-value import threshold for tangible goods.</p> <p>This panel will take a deep dive into the indirect tax consequences of BEPS and the OECD VAT/GST Guidelines, including challenges to existing structures and alternative future structures.</p>	<p>Chair: Yvonne Beh, Kuala Lumpur</p> <p>Simone Bridges, Sydney Dennis Lee, Taipei Kyung Geun Lee, Yulchon LLC, South Korea Eugene Lim, Singapore Jan Snel, Amsterdam Howard Weitzman, Tokyo Jason Wen, Beijing</p>
12:15 pm - 1:30 pm	Lunch [Salon 4-6]	
1:30 pm – 2:00 pm	<p>Hong Kong Tax Policy: Meeting new international standards while maintaining a growth oriented tax regime which is fair, open and transparent. [Salon 4-6]</p>	<p>Brian Kwok-kit Chiu Deputy Commissioner Hong Kong Inland Revenue Department</p>
2:00 pm - 3:15 pm	Breakout Sessions (Part II)	
	Alternative A: Tax treaties - recent cases from	Chair: Tom Linguanti, Chicago

<p><i>around the world [Salon 4-6]</i></p> <p>This session involves a review of the significant treaty cases from around the world over the last year, focusing on any possible global trends in terms of treaty interpretation.</p>	<p>Guillaume Le Camus, France John Dryden, Yulchon LLC, South Korea Matthew Lovatt, London Peter Tan, Singapore Jane Tang, China John Walker, Australia</p>
<p><i>Alternative B: Tax policy – is the formulaic allocation of tax revenues the next step? [Salon 1-3]</i></p> <p>Is the arm's length principle in jeopardy? Some Asian countries are showing signs of undermining its application, while being afraid to totally discard it. Some countries outside of Asia, such as Brasil, have been operating since the 1990s with a formulaic approach and statutory margins for the cost-plus and for the resale price less profit methods. This session focuses on some of the key countries where this process is (arguably) underway, and looks at the potential pitfalls and experience in Brasil.</p>	<p>Chair: Antonio Russo, Amsterdam</p> <p>Tom Brennan, Sydney Nishana Gosai, Johannesburg Carlos Linares – Garcia, Monterrey Simone Musa, Sao Paulo Joshua Odintz, Washington DC Shanwu Yuan, China</p>
<p><i>Alternative C: Audits, whistleblowing and loose lips[Aberdeen]</i></p> <p>The scope of disputes has become increasingly broad in terms of both geography and the types of technical arguments made by tax authorities. This panel will touch briefly on recent developments in European State Aid issues, identify enforcement trends in Asia Pacific, discuss how to manage global disputes throughout all stages (including thinking ahead when planning and implementing transactions) and maintaining privilege and confidentiality.</p> <p>This session also reviews some of the key issues associated with the collection of information, both formally and informally, from employees by tax authorities including whistleblowing incentives, preparing staff for tax audit interviews and, more generally, how staff "talk about tax" in emails, press interviews and converse in social media.</p>	<p>Chair: Steven Sieker, Hong Kong</p> <p>Christian Brodersen, Germany Serena Chow, Sydney Scott Frewing, Palo Alto Jason Liang, Kuala Lumpur Jinghua Liu, Beijing Allen Tan, Singapore</p>

	<p><i>Alternative D: Trade liberalization in Asia - are we there yet? Tax and trade developments affecting supply chains in Asia Pacific, including regional FTAs [Queensway & Victoria]</i></p> <p>This session will provide an update on supply chain management in Asia Pacific, taking into account mega trade agreements in the Asia Pacific region including the AEC, the TPP and pending FTAs with the EU. This session will also discuss strategies for managing customs issues associated with BEPS.</p>	<p>Chair: Eugene Lim, Singapore</p> <p>Simone Bridges, Sydney James Choo, Singapore Michael Nixon, Singapore Thanh Vinh Nguyen, Ho Chi Minh Meng Yew Wong, Kuala Lumpur</p>
3:15 pm - 3:45 pm	Coffee break	
3:45 pm - 5:00 pm	<p>Plenary Session [Salons 4 -6] The Dating Game</p> <p>Like many of us, MNCs want to find a partner to settle down and make a home in Asia Pacific. These days dating the bad boys and girls from the Caymans and Bermuda simply is a no-go. MNCs are being courted by a variety of potential hub jurisdictions, such as Hong Kong, Singapore and Malaysia, so MNCs are understandably vulnerable to making the wrong long term decision (when the costs of starting again are too great). MNCs are asking: Are your gifts as attractive as they sound? Can I rely on you? Will you change once I commit long term? Do you have all I need? Will my parent(s) and their good friends, Mr. BEPS and Ms. IRS, approve?</p> <p>This session looks at all of these questions (and more) with the objective of helping MNCs take fresh look at how BEPS has changed an MNC's selection of holding company/hub location and what locations are no longer an option.</p> <p>Structured along the lines of the popular 1960-'80s game show, this session promises to be a lively way to wrap day 1 on a high note.</p>	<p>Chair: Brendan Kelly, Shanghai</p> <p>Rafic Barrage, Washington DC Yvonne Beh, Malaysia Carrie Lui, Hong Kong Matthew Lovatt, London Dawn Quek, Singapore Steven Sieker, Hong Kong Wibren Veldhuizen, Amsterdam</p>
7:00 pm	<p>Dinner at Armani Aqua 2/F Landmark Chater (Chater House), 8 Connaught Rd Central, Central, Hong Kong</p>	

Agenda

Day 2

Friday, 11 November 2016

Time	Meeting	Speaker
8:45 am - 9:00 am	Arrival and Registration	
9:00 am - 10:15 am	Plenary Session [Salons 4 -6] Asia Pacific Tax Update - Part II	Chair: John Walker, Sydney Soo-Jeong Ahn, Yulchon LLC, South Korea Jo Daniels, Yangon Dennis Dimagiba, Manila Amy Ling, China Sanjiv Malhotra, India Ponti Partogi, Jakarta Panya Sittisakonsin , Bangkok
10:15 am - 10:45 am	Coffee break	
10:45 am - 12:15 pm	Breakout Sessions (Part III)	
	Alternative A: TP for financial transactions [Salon 1-3] The next major TP project for the OECD (following on from BEPS Action 8,9 and 10) is to develop specific guidance on the transfer pricing aspects of financing transactions. With the expected continued focus by the OECD on substance, this will give authorities much more ammunition to attack finance/treasury companies that are capital-rich, but don't have the capacity (i.e. the people) to manage the financial risks associated with their financing activities.	Chair: Tom Brennan, Sydney Sanjiv Malhotra, India Donna McComber, Washington DC Michael Nixon, Singapore Moiz Shirazi, Chicago
	Alternative B: China - Recent tax developments [Salon 4-6] There have been a raft of changes over the last year relevant to carrying on business in China. More changes are in store for 2017. This session considers what business practices need to be considered by foreign investors and corporations to take these changes into account.	Chair: Brendan Kelly, Shanghai Jon Eichelberger, Beijing Nancy Lai, Shanghai Amy Ling, China
	Alternative C: Partnerships [Queensway & Victoria] Corporate groups continue to use partnerships for both related and unrelated cross border transactions. This	Chair: John Walker, Sydney Serena Chow, Sydney Josephine Chuk, Hong Kong

	<p>session will look at the use of general and limited partnerships in Asia Pacific, entitlements to treaty relief (at both the partnership and underlying partner level and the application of the OECD Article 1 Commentary) and the impact of the recently enacted US partnership rules.</p>	Reza Nader, New York
	<p>Alternative D: Exchange of Information [Aberdeen]</p> <p>This session will look at both domestic information gathering provisions in Asian jurisdictions and the EOI provisions of various double tax treaties around the world in the context of Governments undertaking risk review projects and audits that, arguably, go beyond the scope of what is relevant to their particular country's jurisdiction to tax. This session will examine why tax authorities would ask for such information and the obligations of taxpayers, related entities and other Governments to provide this information when asked.</p>	<p>Chair: Shanwu Yuan, China</p> <p>Simone Bridges, Sydney Christian Brodersen, Germany Kyu Dong Kim, Yulchon LLC, South Korea Noam Noked, Hong Kong Dawn Quek, Singapore</p>
12:15 pm - 1:45 pm	<p>Lunch: Keynote speech [Salon 4-6]</p> <p><i>"What the Heck Just Happened (and What Will Happen): Tax Policy After the 2016 US Election"</i></p>	Joshua Odintz, Washington DC
1:45 pm - 3:00 pm	<p>Breakout Sessions (Part IV)</p> <p>Alternative A: Source country taxation, evolving PE rules and unilateral measures [Salon 4-6]</p> <p>PE and source country taxation risk is currently in a state of flux: the OECD BEPS Action 7 has proposed dramatic changes to the treaty standard for a PE, a number of countries have unilaterally proposed/enacted regimes that expand their extraterritorial reach, there is continued uncertainty about the attribution of income to marketing and sales branch operations and the OECD has recently released BEPS Action 7 Additional Guidance on the Attribution of Profits to Permanent Establishments.</p> <p>Over time, we can expect much less consistency in source country (including PE) taxation standards in Asia Pacific, as some jurisdictions retain the existing PE standards, others adopt the OECD proposals and still others move forward with novel unilateral approaches to the standard for direct tax nexus.</p> <p>This session undertakes a review of the key jurisdictions where local country reforms have already been enacted, looks at planning to address nexus and profit attribution issues for groups with principal structures through case studies and flags those countries where the risks of future reform are the greatest.</p>	<p>Chair: Gary Sprague, Palo Alto</p> <p>James Choo, Singapore Sanjiv Malhotra, India Ponti Partogi, Jakarta Yi Lyn Tan, Malaysia Jane Tang, China John Walker, Sydney Sai Ree Yun, Yulchon LLC, South Korea</p>
	<p>Alternative B: Common Reporting Standards - Asia Pacific Update [Aberdeen]</p>	Chair: Richard Weisman, Hong Kong

	<p>The Common Reporting Standards (CRS) is the single global standard for the collection, reporting and exchange of financial account information on foreign tax residents. Since being endorsed by the G20 in November 2014, many countries in Asia Pacific have committed to its implementation and some have already enacted relevant domestic legislation. This session will take stock of the progress in Asia Pacific, and what we can expect going forward.</p>	<p>Istee Cheah, Kuala Lumpur Serena Chow, Sydney Jinghua Liu, Beijing Noam Noked, Hong Kong Dawn Quek, Singapore</p>
	<p>Alternative C: US developments (including Section 385) [Salon 1-3]</p> <p>This session will review the key US tax developments over the last year. We will take a deep dive into issues relevant to US multinationals with Asia Pacific operations, including the Proposed Regulations under Code Section 385 issued by the IRS in April 2016 (that will dramatically change the manner in which debt instruments are characterized for US federal income tax purposes) and the transfer pricing issues associated with the valuation and taxation of “user base” (a very hot topic in the US at the moment).</p> <p>In addition, with the US elections on 8 November, we will discuss what we can look forward to from the new US president-elect.</p>	<p>Chair: Stewart Lipeles, Palo Alto</p> <p>Scott Frewing, Palo Alto Reza Nader, New York Joshua Odintz, Washington DC</p>
3:00 pm - 3:30 pm	Coffee break	
3:30 pm - 5:00 pm	<p>Plenary Session [Salons 4 -6] Managing restructurings in Asia Pacific – case study</p> <p>Businesses that grow through acquisition face a challenge in achieving successful business integration. This requires a sophisticated approach in managing the acquisition as well as a practical implementation plan that accords global objectives with compliance with local tax laws, legal systems, and business and cultural practices. Inattention leads to additional costs and complications.</p> <p>In this last session for the conference, a panel of seasoned tax restructuring lawyers will (through a case study) drill down on the key issues to look out for (and pitfalls to avoid) bringing together many of the themes that have been discussed over the course of this two day event.</p>	<p>Chair: Allen Tan, Singapore</p> <p>Ronald Bernas, Manila Jon Eichelberger, Beijing Shing Yi Lee, Kuala Lumpur Shih Hui Lee, Singapore Thanh Vinh Nguyen, Ho Chi Minh Ryutaro Oka , Tokyo Aek Tantisattamo, Bangkok Kirsty Wilson, London Tracy Wut, Hong Kong</p>
5:00 pm - 5:15 pm	Closing remarks	John Walker, Sydney