

## PROCEDURES OF SETTING UP REPRESENTATIVE OFFICE IN CHINA

### Prerequisite Condition

According to the Chinese government regulations, foreign traders, manufacturers, shipping agents, economic organizations and other groups shall report, according to their nature of the business, to Ministry of Foreign Trade and Economic Cooperation (Moftec) or other relevant ministries, committees or bureaux which are authorised for the examination and approval of the set-up of resident offices.

The business activities of the established institutions can only be within the range of business connections, products introduction marketing, technology exchange and consulting service and etc. Direct business activities are not prohibited.

### Deciding the Office Location (office site)

As the beginning of setting up the Representative Office, it is advised to decide the place and building where office is going to be located first, as the address of the proposed office will have to be mentioned in the application for approval.

### Collection of Application Form

Application form for setting up the office can be collected from the following two offices in every city of China:

- 1) Foreign Investment Service Centre (Shanghai)  
16F, New Town Mansion  
55 Lou Shan Guan Road  
Shanghai – 200 336  
Tel: 62754200  
Fax:62758166
- 2) Shanghai Foreign Service Co. Ltd. (FESCO)  
177, Maoming Nan Road  
Shanghai  
Tel:64747118

### Documents Required and Necessary Procedures

1. Application for setting up the office. The application shall include background of the enterprise, business conditions, purpose of the office to be established, name of the office, person in charge, scope of business, location and operational term. Application shall be signed by the Chairman or President of the enterprise together with the enterprise's seal (original)

2. A certificate of authorization to the representatives accredited to the office issued by the chairman or president of the enterprise (original)
3. Copy of certificate of legal operation or copy of certificate of registration
4. Bank reference provided by the bank of the country or region where the enterprise state clearly the enterprise's registered capital and present amount of deposit, as well as the reputation of its flexing capitals after the opening of the account. The bank reference shall be signed by the person in charge or business manager of the bank (original).
5. Resume of representative accredited to the office. It needs to be detailed, specific and true. Disconnection is not allowed. Two photographs of each representative are required.
6. Identification of the representatives, Fore representatives of foreign nationality, copy of passport of the country he holds should be submitted. For compatriots from Hong Kong and Macao, copy of certification for his returning to his hometown and permanent resident identification should be submitted. If a domestic personnel is to take the post of representative or chief representative, approval and identification from Foreign Enterprise Service Corporation (FESCO) are needed.

Approval from Ministry of Foreign Trade and Economic Cooperation (Moftec)

Usually, MOFTEC in the respective city issue the respective city issue the approval certificate within 30 days on the basis of the application submitted.

Procedures of Registration with Administration for Industry and Commerce

Within 30 days after receiving of approval certificate, the chief representative of the organization shall go through registration procedures with the Administration for Industry and Commerce, with one copy of original and one duplicate approval certificate, copies of submitted documents (each two copies), a copy of Rent Agreement for office site and three photographs of the chief representative.

Other Procedures

Please go through the following procedures after obtaining certificate from the Administration for industry and commercial bureau:

1. Making the Office Stamp (Office Seal)

Shanghai Police Station  
333, Wu Song Road, Shanghai

Documents to be taken

- a) Approval Certificate (original)
- b) Certificate of Registration with Administration of Industry and Commerce

2. The Organisation's Transaction Code

Shanghai Organization Code Management Center  
16 F, Changxing Building  
1219 Changle Road, Shanghai  
Tel: 64711488 – 2631

Documents to be taken:

- a) Approval Certificate (original)
- b) Certificate of Registration with Administration of Industry and Commerce (original and copy)
- c) Certificate of Chief Representative
- d) Certificate of Organization Code (original and copy)
- e) Office Stamp
- f) Application forms (which can be collected at the bank)

3. Opening the Bank Account

Documents to be taken

- a) Approval Certificate (Original and copy)
- b) Certificate of Registration with Administration of Industry and Commerce (original and copy)
- c) Certificate of Chief Representative
- d) Certificate of Organization Code (original and copy)
- e) Office stamp
- f) Application forms (which can be collected at the bank)

4. Registration of Taxation

Shanghai Taxation Bureau  
Address: 31 Jianguo Zhong Road  
Shanghai  
Tel: 64459814

Documents to be taken:

- a) Approval Certificate (original and copy)
- b) Application materials of the office (original and copy)
- c) Certificate of Registration with Administration of Industry and Commerce
- d) Certificate of Chief Representative (original and copy)
- e) Office Stamp
- f) Certificate of Organization code (copy)
- g) Account number in the Bank of China
- h) Salary certificate given by the head office

i) Registered forms (which can be got there)

5. Health Certificate

Shanghai Health Inspection Center  
1701 Ha Mi Rd. Shanghai  
Tel: 62686428

Documents to be taken:

- a) Passport (original)
- b) Certificate of Chief Representative (original)

6. Labour Permit for Chief Representative

Shanghai Labour Bureau  
Room 513, 45 An Yuan Rd. Shanghai  
Tel: 62531522

Documents to be taken:

- a) Application forms with the seal of office
- b) Approval Certificate
- c) Certification of Registration with Administration of Industry and Commerce
- d) Certificate of Chief Representative (original and copy)
- e) Health Certificate (copy)
- f) Passport (Original and copy)
- g) Application with the office seal
- h) Three recent photographs (two inches)

7. Residence Permit

Shanghai Police Station  
333 Wu Song Rd.  
Tel: 63576666/51236

Documents to be taken

- a) Application signed by the head office
- b) Approval Certificate
- c) Certificate of Registration with Administration of Industry and Commerce
- d) Certification of Chief Representative (original and copy)
- e) Health Certificate
- f) Visa Application form, Residence Card Application form
- g) Certificate of temporary residence
- h) Two photographs (two inches)
- i) Passport (original)
- j) Certificate of Chief Representative
- k) Certificate of Labour Permit

8. Importing Office Equipment and Daily Necessities

Shanghai Customs  
Room 418, Customs Building  
13 Zhongshang Dong Yi Rd  
Shanghai  
Tel: 63230161

Documents to be taken

- a) Approval Certificate (original and copy)
- b) Certificate of Registration with Administration of Industry and Commerce

9. Statistics Registration

Shanghai Statistics Bureau  
1008 Dong Chang Zhi Road  
Tel: 65866667

Documents to be taken

- a) Application forms with office seal
- b) Certificate of Registration with Administration of Industry and Commerce

10. Employing Local Staff

Shanghai Foreign Service Co. Ltd.  
177 Maoming Nan Rd. Shanghai  
Tel: 64747118

China Sida International Economic & Technology Cooperation Co.  
Room 535, 680 Nanjing Dong Road  
Shanghai  
Tel: 63512063

Procedure for Change and Extension of the Enterprise

To change any registered items (e.g. Name of the organisation, location, scope of business), or when the expiration date of registration certificate is imminent, the office should immediately report to the registration authorities for relevant procedures. The validity of resident representative offices of foreign enterprises is three years for each approval. In case of extension, the office should report to its proxy three months ahead of the expiration date for the extension applying procedure.

Services Offered by Agencies

It will be convenient to go through the following two service companies in completing the formalities for setting up the office

1. Foreign Investment Service Center
2. Foreign Service Company(FESCO)

(Addresses have been give above)

A certain amount of service fee will be charged.