2. However, such interest may also be taxed in the Contracting Party in which it arises and according to the laws of that Contracting Party, but if the beneficial owner of the interest is a resident of the other Contracting Party, the tax so charged shall not exceed 10 per cent of the gross amount of the interest.

3. Notwithstanding the provisions of paragraph 2, interest arising in a Contracting Party shall be taxable only in the other Contracting Party if:

(a) the interest is beneficially owned by the Government of that other Contracting Party, a political subdivision or local authority thereof, or the central bank of that other Contracting Party or any institution wholly owned or funded by that Government; or

(b) the interest is beneficially owned by a resident of that other Contracting Party with respect to debt-claims guaranteed, insured or indirectly financed by the Government of that other Contracting Party, a political subdivision or local authority thereof, or the central bank of that other Contracting Party or any institution wholly owned or funded by that Government.

4. For the purposes of paragraph 3, the terms "the central bank" and "institution wholly owned or funded by that Government" mean:

(a) in the case of the Hong Kong Special Administrative Region:

the Hong Kong Monetary Authority;

(b) in the case of Japan:

(i) the Bank of Japan;

(ii) the Japan Finance Corporation;

(iii) the Japan International Cooperation Agency; and

(iv) the Nippon Export and Investment Insurance; and

(c) such other similar institution which is wholly owned or funded by the Government of a Contracting Party as may be agreed upon from time to time between the Governments of both Contracting Parties.

5. The term "interest" as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures, and all other income that is subjected to the same taxation treatment as income from money lent by the tax laws of the Contracting Party in which the income arises. Income dealt with in Article 10 shall not be regarded as interest for the purposes of this Agreement.

6. The provisions of paragraphs 1, 2 and 3 shall not apply if the beneficial owner of the interest, being a resident of a Contracting Party, carries on business in the other Contracting Party in which the interest arises through a permanent establishment situated therein and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

7. Interest shall be deemed to arise in a Contracting Party when the payer is a resident of that Contracting Party. Where, however, the person paying the interest, whether he is a resident of a Contracting Party or not, has in a Contracting Party a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the Contracting Party in which the permanent establishment is situated.

8. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting Party, due regard being had to the other provisions of this Agreement.

Article 12
ROYALTIES

1. Royalties arising in a Contracting Party and paid to a resident of the other Contracting Party may be taxed in that other Contracting Party.