

Common Reporting Standard (CRS) **共同匯報標準**

Frequently Asked Questions 常見問題

1. Q: What is the CRS?

A: The Common Reporting Standard (CRS) is a new standard developed by the worldwide “Organization for Economic Cooperation and Development” (OECD) to identify tax residents and provide systematic and periodic exchange of their financial account information between participating jurisdictions, as a measure to improve tax residency and counter tax evasion.

Hong Kong has committed to implement CRS locally from 1 January 2017.

問：甚麼是「共同匯報標準」(CRS)？

答：「共同匯報標準」(CRS)是由國際「經濟合作與發展組織」(OECD)制定的一套新標準，使參與的司法管轄區之間能透過有系統及定期的方式交換其所屬地區的財務賬戶資料，以識別相關稅務居民身分，作為完善稅制及打擊逃稅之措施。

香港已承諾於 2017 年 1 月 1 日起實施 CRS。

2. Q: Who is reportable?

A: Under the CRS, financial institutions (including banks) are required to identify financial accounts held by individuals or entities liable to tax by reason of residence in the participating jurisdictions. The Bank will collect and furnish to Inland Revenue Department (IRD) information of the identified account holders. IRD will then transmit the information to the tax authorities of the relevant jurisdiction of which the account holder is tax resident.

問：誰要作出申報？

答：根據 CRS，財務機構(包括銀行)必須識別參與司法管轄區居應納稅的個人或實體持有的財務賬戶。富邦銀行(香港)有限公司(「本行」)會收集所識別的賬戶持有人的資料並向稅務局提供有關資料，再由稅務局將有關資料轉交該賬戶持有人所屬稅務居民的司法管轄區的稅務機關。

3. Q: Why customer is required to sign a “self-certification” regarding tax residency for CRS?

A: “Self-certification” is a declaration that the customer (as an account holder) makes regarding his or her tax residence. It is the due diligence procedures for account opening with financial institutions (including banks) according to the Inland Revenue (Amendment)(No.3) Ordinance 2016. If customer has doubt about his/her tax residence, he/she should consult professional advice.

問：為什麼客戶需要簽署關於 CRS 稅務居民身分的「自我證明」？

答：「自我證明」是客戶(作為賬戶持有人)就其稅務居民身分所作的聲明，這是《2016 年稅務(修訂)(第 3 號)條例》規定財務機構(包括銀行)須在客戶開立賬戶時進行的盡職調查程序。如果客戶對其稅務居民身分有疑問，他/她應諮詢專業意見。

4. Q: How is account holder’s tax residence defined?

A: It depends on the account holder’s place of residence and circumstances. Please visit the website of OECD (<http://www.oecd.org/tax/automatic-exchange>) and the website of IRD for more information and/or consult professional advice if customer has any doubt.

問：如何定義賬戶持有人的稅務居民身分？

答：這取決於賬戶持有人的居住地點和其個別情況。如客戶有任何疑問，請瀏覽 OECD 網站 (<http://www.oecd.org/tax/automatic-exchange>) 和稅務局網站以獲取更多資訊及 / 或諮詢專業意見。

5. Q: How often will an account holder need to provide this information?

A: Each new customer (as account holder) is required to provide a valid self-certification to the Bank for each account. Thereafter, account holders should provide the Bank with an updated self-certification and information if there is change of his/her circumstances which affects tax residency status.

問：賬戶持有人需要多久提供一次這些資料？

答：每位新客戶(作為賬戶持有人)需要就每個賬戶向銀行提供有效的自我證明。此後，如果他 / 她的情況有所改變以致影響其稅務居民身分，賬戶持有人應向銀行提供更新的自我證明及資料。

6. Q: Why the Bank ask customers to provide supporting documents for the self-certification?

A: The Bank is required by law to verify the details provided by account holders as part of his/her self-certification. For example, the account holder will be asked to provide a copy of passport or other evidence to verify his/her tax residency declared in the self-certification.

問：為什麼銀行需要客戶提供自我證明的相關證明文件？

答：本行是根據法例要求須核實賬戶持有人提供的資料作為其向本行提交自我證明的一部分。例如：賬戶持有人可能被要求提供護照副本或其他證據，以核實該人在自我證明中聲明的稅務居民身分。

7. Q: What information will be reported to tax authorities?

A: The reportable information includes the self-certification form, and details of the accounts and products held by the account holders with the Bank, including the account balance, value, total amounts of interest or payments credited.

問：什麼資料將會向稅務機關申報？

答：申報資料包括自我證明表格、賬戶持有人在本行持有的賬戶和產品的資料，當中包括賬戶結餘、價值、利息或支付給有關賬戶的總額。

8. Q: The CRS self-certification and the requested information are similar to FATCA. Why the customer is required to sign another declaration and provide additional information?

A: According to the Inland Revenue (Amendment)(No.3) Ordinance 2016, financial institution (including banks) is required to identify tax residency and report information of account holders who are tax resident outside Hong Kong. Customer is required to provide additional information for the CRS since FATCA and CRS are different requirements under different regulations. If customer has any query, he/she should consult professional advice.

問：CRS 自我證明及要求的資料跟 FATCA 相似，為什麼客戶需要簽署另一份聲明並提供附加資料？

答：根據《2016 年稅務(修訂)(第 3 號)條例》，財務機構(包括銀行)須識別香港以外的稅務居民的賬戶持有人其稅務居民身分及申報資料。因為 FATCA 和 CRS 在不同規則下有不同要求，故此客戶需要就 CRS 提供附加資料。如客戶有任何疑問，他/她應諮詢專業意見。

Glossary 詞彙

Active NFE (主動非財務實體) means an NFE that falls within any of the following descriptions –

- (a) in terms of the NFE's gross income and its assets –
 - (i) for the calendar year or other appropriate reporting period preceding the year in which the determination as to whether the NFE is an active NFE is made, less than 50% of the NFE's gross income is passive income; and
 - (ii) less than 50% of the assets held by the NFE during that calendar year or period are assets that produce, or are held for the production of, passive income;
- (b) the stock of the NFE or the related entity of the NFE is regularly traded on an established securities market;
- (c) the NFE is –
 - (i) a governmental entity;
 - (ii) an international organization;
 - (iii) a central bank; or
 - (iv) an entity wholly owned by one or more of the entities mentioned in subparagraphs (i), (ii) and (iii);
- (d) the NFE does not function, or does not hold itself out, as an investment fund (including a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies, and then to hold interests in those companies as capital assets for investment purposes);
- (e) not more than 24 months have elapsed since the date of the incorporation, formation or constitution of the NFE and the NFE –
 - (i) is not yet operating a business and has no prior operating history; and
 - (ii) is investing capital into assets with the intent to operate a business other than that of a financial institution;
- (f) the NFE was not a financial institution in the past 5 years, and is in the process of –
 - (i) liquidating its assets; or
 - (ii) is reorganizing with the intent to continue or recommence operations in a business other than that of a financial institution;
- (g) the NFE falls within all of the following descriptions –
 - (i) the NFE is primarily engaged in financing and hedging transactions with or for its related entities that are not financial institutions;
 - (ii) the group of the related entities mentioned in subparagraph (i) is primarily engaged in a business other than that of a financial institution;
 - (iii) the NFE does not provide financing or hedging services to any entity that is not its related entity;
- (h) the NFE falls within all of the following descriptions –
 - (i) the NFE is established and operated in its jurisdiction of residence, and –
 - (A) is established and operated exclusively for religious, charitable, scientific, artistic, cultural, athletic or educational purposes; or
 - (B) is a professional organization, business league, chamber of commerce, labour organization, agricultural or horticultural organization, civic league or an organization operated exclusively for the promotion of social welfare;
 - (ii) the NFE is exempt from income tax in its jurisdiction of residence;

- (iii) the NFE has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
- (iv) the applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents do not permit any income or assets of the NFE to be distributed to, or applied for the benefit of, a private person or non-charitable entity other than –
 - (A) pursuant to the conduct of the NFE's charitable activities;
 - (B) as payment of reasonable compensation for services rendered; or
 - (C) as payment representing the fair market value of a property which the NFE has purchased;
- (v) the applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents require that, on the NFE's liquidation or dissolution, all of its assets are to be distributed to a governmental entity or other non-profit organization, or be escheated to the government of that jurisdiction or any political subdivision of that government;

主動非財務實體 (Active NFE) 指符合任何以下描述的非財務實體 –

- (a) 以該非財務實體的總收入及其資產而言 –
 - (i) 凡須在某年斷定該非財務實體是否主動非財務實體 — 在該年的對上一個公曆年或其他適當申報期的總收入中，少於 **50%**屬被動收入；及
 - (ii) 該非財務實體在該公曆年或該申報期內持有的資產中，少於 **50%**屬產生被動收入的資產，或屬為產生被動收入而持有的資產；
- (b) 該非財務實體的股票，或該實體的有關連實體的股票，在某具規模證券市場中，被經常買賣；
- (c) 該非財務實體屬 –
 - (i) 政府實體；
 - (ii) 國際組織；
 - (iii) 中央銀行；或
 - (iv) 由第(i)、(ii)及(iii)節所述的一個或多於一個實體全權擁有的實體；
- (d) 該非財務實體並非以投資基金形式運作，亦沒有顯示本身是投資基金(包括私人股權基金、創業資本基金、槓桿式收購基金，或以下述活動為目標的投資工具：購買或資助任何公司，然後為投資目的，持有該等公司的權益作為資本資產)；
- (e) 自該非財務實體成立為法團、成立或組成當日起計，仍未滿 **24** 個月，而該實體 –
 - (i) 尚未經營業務，亦沒有在過往經營業務；及
 - (ii) 正出於經營財務機構業務以外的業務的意圖，而將資金投資於資產；
- (f) 該非財務實體在過往 **5** 年內並非財務機構，並且正 –
 - (i) 對其資產進行清盤；或
 - (ii) 出於繼續或重新展開經營財務機構業務以外的業務的意圖，而進行重組；
- (g) 該非財務實體符合所有以下描述 –
 - (i) 該實體主要從事與該實體的屬並非財務機構的有關連實體進行融資及對沖交易，或為該等有關連實體進行融資及對沖交易；
 - (ii) 第(i)節所述的有關連實體所屬的集團，主要從事財務機構業務以外的業務；
 - (iii) 該非財務實體並沒有向並非其有關連實體的任何實體，提供融資或對沖服務；

- (h) 該非財務實體符合所有以下描述 –
- (i) 該實體在其居留司法管轄區成立和營運，並且–
 - (A) 是純粹為了宗教、慈善、科學、藝術、文化、體育或教育的目的而成立和營運的；或
 - (B) 是專業組織、商業協會、總商會、勞工組織、農業或園藝組織、文化協會，或純粹為了促進社會福利而營運的組織；
 - (ii) 該非財務實體在其居留司法管轄區獲豁免，而無須繳付入息稅；
 - (iii) 該非財務實體並沒有任何符合以下說明的股東或成員：對該實體的收入或資產，擁有所有權權益或實益權益；
 - (iv) 該非財務實體的居留司法管轄區的適用法律，或該實體的成立文件，並不准許該實體的任何收入或資產，分配予私人或非慈善實體，或為私人或非慈善實體的利益而運用該收入或資產，除非該項分配或運用是 –
 - (A) 依據該實體所進行的慈善活動而作出的；
 - (B) 作為支付已提供的服務的合理補償的；或
 - (C) 作為該實體以公平市值購買任何物業的付款的；
 - (v) 該非財務實體的居留司法管轄區的適用法律(或該非財務實體的成立文件)規定，該非財務實體一旦清盤或解散，其所有資產均須分配予某政府實體或其他非牟利組織，或須交還予該司法管轄區的政府，或該政府的政治分部；

Controlling person (控權人), in relation to an entity –

- (a) subject to paragraphs (b) and (c), means an individual who exercises control over the entity;
- (b) if the entity is a trust –
 - (i) means an individual who is the settlor, trustee, protector (if any), enforcer (if any), or a beneficiary or a member of a class of beneficiaries, of the trust; or
 - (ii) if the settlor, trustee, protector, enforcer, or the beneficiary or the member of the class of beneficiaries, of the trust is another entity, means an individual who exercises control over that other entity; or
- (c) if the entity is equivalent or similar to a trust (regardless of how the entity is described) –
 - (i) means an individual who, in relation to the entity, is in a position similar to the settlor, trustee, protector (if any), enforcer (if any), or a beneficiary or a member of a class of beneficiaries, of a trust; or
 - (ii) if, in relation to the entity, another entity is in a position similar to the settlor, trustee, protector (if any), enforcer (if any), or a beneficiary or a member of a class of beneficiaries, of a trust – means an individual who exercises control over that other entity;

控權人 (Controlling person) 就某實體而言 –

- (a) 除(b)及(c)段另有規定外，指對該實體行使控制權的個人；
- (b) 如該實體屬信託 –
 - (i) 指符合以下說明的個人：該信託的財產授予人、受託人、保護人(如有的話)、執行人(如有的話)、或受益人或某類別受益人的成員；或
 - (ii) (如該信託的財產授予人、受託人、保護人、執行人、或受益人或某類別受益人的成員是另一實體)指對該另一實體行使控制權的個人；或
- (c) 如該實體相等於或相類於信託(不論如何描述該實體) –
 - (i) 指符合以下說明的個人：該人就該實體而言，是處於一個相類於信託的財產授予人、受託人、保護人(如有的話)、執行人(如有的話)、或受益人或某類別受益人的成員的位置；或

- (ii) (如就該實體而言，有另一實體是處於一個相類於信託的財產授予人、受託人、保護人(如有的話)、執行人(如有的話)、或受益人或某類別受益人的成員的位置)指對該另一實體行使控制權的個人；

Entity (實體) –

- (a) means –
- (i) an entity, other than a natural person, that can establish a permanent customer relationship with a financial institution or otherwise own property; or
 - (ii) a legal arrangement; and
- (b) includes a corporation, partnership and any other body of persons (incorporated or unincorporated) and a trust;

實體 (Entity) –

- (a) 指 –
- (i) 某並非自然人的實體，而該實體可與某財務機構建立永久的客戶關係，或該實體本身可擁有財產；或
 - (ii) 某法律安排；及
- (b) 包括法團、合夥及任何其他團體(不論是否屬法團)及信託；

Established securities market (具規模證券市場) means an exchange that is officially recognized and supervised by a government authority of a territory in which the exchange is located;

具規模證券市場 (Established securities market) 指其所在地區的政府的某主管當局，正式認可和監管該交易所；

Financial institution (財務機構) means –

- (a) a custodial institution;
- (b) a depository institution;
- (c) an investment entity; or
- (d) a specified insurance company;

財務機構 (Financial Institution) 指 –

- (a) 託管機構；
- (b) 存款機構；
- (c) 投資實體；或
- (d) 指明保險公司；

Jurisdiction of residence (居留司法管轄區) means a territory of which an individual or entity is a resident for tax purposes;

居留司法管轄區 (Jurisdiction of residence) 在某名個人或某實體是某地區的稅務居民的情況下，指該地區；

Passive income (被動收入) means the portion of gross income that consists of –

- (a) dividend;
- (b) interest;
- (c) income equivalent to interest;
- (d) rent and royalties (other than rents and royalties derived from the active conduct of a business undertaken, at least in part, by the employees of an NFE);
- (e) annuities;
- (f) the excess of gains over losses from the sale or exchange of financial assets that gives rise to the passive income mentioned in any of paragraphs (a), (b), (c), (d) and (e);
- (g) the excess of gains over losses from transactions (including futures, forwards, options and similar transactions) in any financial assets;
- (h) the excess of foreign currency gains over foreign currency losses;
- (i) net income from swaps; or
- (j) amounts received under cash value insurance contracts;

被動收入 (Passive income) 指總收入中由以下項目組成的部分 –

- (a) 股息；
- (b) 利息；
- (c) 相等於利息的收入；
- (d) 租金及特許權使用費(但非財務實體的僱員積極經營業務(至少積極經營部分業務)所得的租金及特許權使用費除外)；
- (e) 年金；
- (f) 買賣或交換產生(a)、(b)、(c)、(d)及(e)段中任何一段所述的被動收入的財務資產所得的盈利，減去虧損所得之數；
- (g) 從任何財務資產的交易(包括期貨、遠期、期權及相類交易)所得的盈利，減去虧損所得之數；
- (h) 外匯盈利減去外匯虧損所得之數；
- (i) 從掉期所得的淨收入；或
- (j) 根據現金值保險合約而收取的款項；

Passive NFE (被動非財務實體) means an NFE that is not an active NFE. More than 50% of the NFE's gross income for the calendar year or other appropriate reporting period preceding the year is passive income; or more than 50% of the assets held by the NFE during the same period are assets that produce, or are held for the production of passive income.

被動非財務實體 (Passive NFE) 指不屬主動非財務實體的非財務實體。在該年的對上一個公曆年或其他適當申報期的總收入中，多於 50%屬被動收入；或在相同時期內持有的資產中，多於 50%屬產生被動收入的資產，或屬為產生被動收入而持有的資產。