

## 自我證明表格 (實體) 指引 Instructions on Self-Certification Form (Entity)

### 提供自我證明表格的原因

#### Reasons for providing Self-Certification

為加強稅務透明度和打擊跨境逃稅，香港政府根據經濟合作與發展組織 (OECD) 制訂的「共同匯報標準」(“CRS”)，發佈《2016 稅務(修訂)(第3號)條例》，連同其後相關的稅務修訂條例，落實按國際標準實施「自動交換財務賬戶資料」。

To increase tax transparency and to combat cross-border tax evasion, Hong Kong Government has published Inland Revenue (Amendment) (No.3) Ordinance 2016 and other subsequent Inland Revenue (Amendment) Ordinances based on the “Common Reporting Standard” (“CRS”) released by the Organisation of Economic Co-operation and Development (“OECD”), to implement Automatic Exchange of Financial Account Information (“AEOI”) based on global standard.

根據條例要求，中國銀行(香港)有限公司(“本行”)須識辨客戶的稅務居民身份。如果您是香港以外地區的稅務居民，本行或需每年向香港稅務局申報您的賬戶資料。香港稅務局會與香港以外相關稅務機關交換該等資料。

Bank of China (Hong Kong) Limited (the “Bank”) has legal obligation to identify tax residency of customers. If you are not tax resident in Hong Kong, the Bank may be required to report your account information to the Hong Kong Inland Revenue Department (the “HKIRD”) on an annual basis. The HKIRD will then exchange the information with the tax administration of relevant jurisdictions.

此表格為客戶就其稅務居民身份作出的正式聲明。您可提交此表格讓銀行掌握有關您準確和最新的稅務居民身份資訊。This is a formal declaration made by the account holder in respect of his/her/its tax residency. You can ensure the Bank holds accurate and up to date information on your tax residency by completing this form.

### 甚麼人需填寫自我證明表格 (實體)

#### Who should complete the Self-Certification Form (Entity)

實體可提交此表格，通知銀行其稅務居民身份。聯名賬戶或多人聯名賬戶的每位賬戶持有人須分別填寫一份表格。如果您需要就個人或獨資商號的稅務居民身份作出聲明或更新，請提交自我證明表格 (個人)。如您是實體的控權人，請提交自我證明表格 (實體) - 附件。您可到本行網頁下載以上表格: [www.bochk.com](http://www.bochk.com)

Entities should complete this form to inform the Bank of their tax residency. For joint or multiple Account Holders, please use a separate Form for each Account Holder. If you need to self-certify or update the tax residency on behalf of an individual or sole proprietor, please complete the Self-Certification Form (Individual). If you are a controlling person of an entity, please complete the Self-Certification Form (Entity) - Annex. You can find these forms at the Bank website: [www.bochk.com](http://www.bochk.com)

由於 CRS 和美國《外國賬戶稅務合規法案》(“FATCA”) 屬不同規定，本行或會請您就 CRS 和 FATCA 分別提供資料。As CRS and the U.S. Foreign Account Tax Compliance Act (“FATCA”) are separate regulations, the Bank may ask you to provide information separately in relation to CRS and FATCA.

### 如何獲取更多資訊

#### How to obtain further information

如您對本表格或指引內容有任何查詢，請瀏覽本行網頁、親臨分行，或致電本行。

您可瀏覽香港稅務局「自動交換財務賬戶資料」專頁進一步了解「自動交換財務賬戶資料」的資訊。

如您對您的稅務居民身份或稅務編號有任何疑問，請諮詢專業稅務顧問意見，您亦可瀏覽 OECD「自動交換財務賬戶資料」網頁了解相關國家/地區發佈的稅務規定，和可獲接受的稅務編號 (TIN) 格式。

Please visit our website if you have any questions about this form or instructions, visit a branch, or call us.

For further information in relation to AEOI, please visit the Hong Kong Inland Revenue Department AEOI portal.

If you have any questions on defining your tax residency, you may seek advice from professional tax advisor or visit the OECD AEOI website for tax residency rules and acceptable Taxpayer Identification Number (TIN) issued by the relevant jurisdictions.

本行查詢專線 / Enquiry Hotline : (852) 3988 2192 (個人及企業/ Personal & Corporate) / (852) 3982 6988 (私人銀行/Private Banking) / (86) 400 800 2388 (內地客戶/Mainland Customers)

香港稅務局「自動交換財務賬戶資料」專頁 / Hong Kong Inland Revenue Department AEOI Portal : [www.ird.gov.hk/eng/tax/dta\\_aeo.html](http://www.ird.gov.hk/eng/tax/dta_aeo.html)

OECD「自動交換財務賬戶資料」網頁 / OECD AEOI Website : [www.oecd.org/tax/automatic-exchange/](http://www.oecd.org/tax/automatic-exchange/)

致：中國銀行(香港)有限公司(「銀行」)  
To: Bank of China (Hong Kong) Limited(“the Bank”)

**自我證明表格 (實體)**  
**Self-Certification Form (Entity)**

銀行專用 For bank use only
客戶號 Customer No. : .....
開戶銀行/分行號 Bank/Branch No : 012/.....

**重要提示：**  
**Important Notes:**

1. 這是由賬戶持有人向申報財務機構「銀行」提供的自我證明表格，以作自動交換財務賬戶資料用途。申報財務機構「銀行」可把收集所得的資料交給稅務局，稅務局會將資料轉交到另一稅務管轄區的稅務當局。  
This is a self-certification form provided by an account holder to a reporting financial institution “the Bank” for the purpose of automatic exchange of financial account information. The data collected may be transmitted by the reporting financial institution “the Bank” to the Inland Revenue Department for transfer to the tax authority of another jurisdiction.
2. 如賬戶持有人的稅務居民身份有所改變，應盡快將所有變更通知申報財務機構「銀行」。  
An account holder should report all changes in its tax residency status to the reporting financial institution “the Bank”.
3. 除不適用或特別註明外，必須填寫這份表格所有部份。如這份表格上的空位不夠應用，可另紙填寫。在欄/部標有星號(\*)的項目為申報財務機構「銀行」須向稅務局申報的資料。  
All parts of the form must be completed (unless not applicable or otherwise specified). If space provided is insufficient, continue on additional sheet(s). Information in fields/parts marked with an asterisk (\*) are required to be reported by the reporting financial institution “the Bank” to the Inland Revenue Department.

附《資料補充續頁(實體)》共 份  
Enclosed: .....copies of Supplementary Information Continuation Sheets (Entity)

**第一部 實體賬戶持有人的身份識別資料 (對於聯名賬戶或多人聯名賬戶，每名實體賬戶持有人須分別填寫一份表格)**

**Part 1 Identification of Entity Account Holder (For joint or multiple account holders, complete a separate form for each entity account holder)**

- (1) 實體或分支機構的法定名稱\*  
Legal Name of Entity or Branch\*: .....
- (2) 實體成立為法團或設立所在的稅務管轄區  
Jurisdiction of Incorporation or Organisation: .....
- (3) 香港商業登記號碼:  
Hong Kong Business Registration Number: .....
- (4) 現時營業地址:  
Current Business Address :  
第 1 行 (例如: 室、樓層、大廈、街道、地區) .....  
Line 1 (e.g. Suite, Floor, Building, Street, District)  
第 2 行 (城市)\*: .....  
Line 2 (City) \*  
第 3 行 (例如: 省、州) .....  
Line 3 (e.g. Province, State)  
國家/地區\* .....  
Country/Region \*  
郵政編碼/郵遞區號碼 .....  
Post Code/ZIP Code
- (5) 通訊地址 (如通訊地址與現時營業地址不同，填寫此欄)  
Mailing Address (Complete if different to the current business address)  
第 1 行 (例如: 室、樓層、大廈、街道、地區) .....  
Line 1 (e.g. Suite, Floor, Building, Street, District)  
第 2 行 (城市)\*: .....  
Line 2 (City) \*  
第 3 行 (例如: 省、州) .....  
Line 3 (e.g. Province, State)  
國家/地區\* .....  
Country/Region \*  
郵政編碼/郵遞區號碼 .....  
Post Code/ZIP Code

**第二部 實體類別**  
**Part 2 Entity Type**

在其中一個適當的方格內加上✓號，並提供有關資料。  
Tick one of the appropriate boxes and provide the relevant information.

財務機構 Financial Institution	<input type="checkbox"/> 託管機構、存款機構或指明保險公司 Custodial Institution, Depository Institution or Specified Insurance Company  <input type="checkbox"/> 投資實體，但不包括由另一財務機構管理(例如：擁有酌情權管理投資實體的資產)並位於非參與稅務管轄區的投資實體 Investment Entity, except an investment entity that is managed by another financial institution (e.g. with discretion to manage the entity's assets) and located in a non-participating jurisdiction
主動非財務實體 Active NFE	<input type="checkbox"/> 該非財務實體的股票經常在..... (一個具規模證券市場) 進行買賣 NFE the stock of which is regularly traded on ....., which is an established securities market  <input type="checkbox"/> .....的有關連實體，該有關連實體的股票經常在..... (一個具規模證券市場) 進行買賣 Related entity of ....., the stock of which is regularly traded on ....., which is an established securities market  <input type="checkbox"/> 政府實體、國際組織、中央銀行或由前述的實體全權擁有的其他實體 NFE is a governmental entity, an international organization, a central bank, or an entity wholly owned by one or more of the foregoing entities  <input type="checkbox"/> 除上述之外的主動非財務實體 (請說明: .....) Active NFE other than the above (Please specify ..... )
被動非財務實體 Passive NFE	<input type="checkbox"/> 位於非參與稅務管轄區並由另一財務機構管理的投資實體 Investment entity that is managed by another financial institution and located in a non-participating jurisdiction  <input type="checkbox"/> 不屬主動非財務實體的非財務實體 NFE that is not an active NFE

**第三部 控權人 (如實體賬戶持有人是被動非財務實體，填寫此部)**  
**Part 3 Controlling Persons (Complete this part if the entity account holder is a passive NFE)**

就賬戶持有人，填寫所有控權人的姓名在列表內。就法人實體，如行使控制權的並非自然人，控權人會是該法人實體的高級管理人員。  
Indicate the name of all controlling person(s) of the account holder in the table below. If no natural person exercises control over an entity which is a legal person, the controlling person will be the individual holding the position of senior managing official.

每名控權人須分別填寫一份 “自我證明表格 (實體) - 附件”  
Complete “Self-Certification Form (Entity) - Annex” for each controlling person.

(1)	(6)
(2)	(7)
(3)	(8)
(4)	(9)
(5)	(10)

**第四部 居留司法管轄區及稅務編號或具有等同功能的識別編號(以下簡稱「稅務編號」)\***

**Part 4 Jurisdiction of Residence and Taxpayer Identification Number or its Functional Equivalent (“TIN”)\***

提供以下資料，列明(a)賬戶持有人的居留司法管轄區，亦即賬戶持有人的稅務管轄區(香港包括在內)及(b)該居留司法管轄區發給賬戶持有人的稅務編號。列出**所有**(如多於 10 個，請另填資料補充續頁(實體))居留司法管轄區。

Complete the following table indicating (a) the jurisdiction of residence (including Hong Kong) where the account holder is a resident for tax purposes and (b) the account holder’s TIN for each jurisdiction indicated. Indicate **all** (complete Supplementary Information Continuation Sheet (Entity) when exceed 10) jurisdictions of residence.

如賬戶持有人的香港稅務居民，稅務編號是其香港商業登記號碼。

If the account holder is a tax resident of Hong Kong, the TIN is the Hong Kong Business Registration Number.

如果賬戶持有人並非任何稅務管轄區的稅務居民 (例如: 它是財政透明實體)，填寫實際管理機構所在的稅務管轄區。

If the account holder is not a tax resident in any jurisdiction (e.g. fiscally transparent), indicate the jurisdiction in which its place of effective management is situated.

如沒有提供稅務編號，必須填寫合適的理由：

理由 A –賬戶持有人的居留司法管轄區並沒有向其居民發出稅務編號。

理由 B –賬戶持有人不能取得稅務編號。如選取這一理由，解釋賬戶持有人不能取得稅務編號的原因。

理由 C –賬戶持有人毋須提供稅務編號。居留司法管轄區的主管機關不需要賬戶持有人披露稅務編號。

If a TIN is unavailable, provide the appropriate reason A, B or C:

**Reason A** – The jurisdiction where the account holder is a resident for tax purposes does not issue TINs to its residents.

**Reason B** – The account holder is unable to obtain a TIN. Explain why the account holder is unable to obtain a TIN if you have selected this reason.

**Reason C** – TIN is not required. Select this reason only if the authorities of the jurisdiction of residence do not require the TIN to be disclosed.

居留司法管轄區 Jurisdiction of Residence	稅務編號 TIN	如沒有提供稅務編號， 勾選理由 A、B 或 C Tick Reason A, B or C if no TIN is available	如選取理由 B，解釋賬戶持有人不能取得稅務編號的原因 Explain why the account holder is unable to obtain a TIN if you have selected Reason B
(1)		<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	
(2)		<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	
(3)		<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	
(4)		<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	
(5)		<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	
(6)		<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	
(7)		<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	
(8)		<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	
(9)		<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	
(10)		<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	

如持有居留司法管轄區以外的地址，請說明原因:

Applicable if the account holder maintains address(es) in a country/region which is not one of the account holder’s jurisdiction of residence:

.....

**第五部 聲明及簽署**

**Part 5 Declarations and Signature**

本人知悉及同意，銀行可根據《稅務條例》(第112章)有關交換財務賬戶資料的法律條文，(a)收集本表格所載資料並可備存作自動交換財務賬戶資料用途及(b)把該等資料和關於賬戶持有人及任何須申報賬戶的資料向香港特別行政區政府稅務局申報，從而把資料轉交到賬戶持有人的居留司法管轄區的稅務當局。

I acknowledge and agree that (a) the information contained in this form is collected and may be kept by the Bank for the purpose of automatic exchange of financial account information, and (b) such information and information regarding the account holder and any reportable account(s) may be reported by the Bank to the Inland Revenue Department of the Government of the Hong Kong Special Administrative Region and exchanged with the tax authorities of another jurisdiction or jurisdictions in which the account holder may be resident for tax purposes, pursuant to the legal provisions for exchange of financial account information provided under the Inland Revenue Ordinance (Cap.112).



中國銀行(香港)有限公司

BANK OF CHINA (HONG KONG) LIMITED

香港花園道一號 1 GARDEN ROAD, HONG KONG.

本人證明,就與本表格所有相關的賬戶,本人獲賬戶持有人授權簽署本表格。本人現提交本表格,連同由控權人及/或其被授權人\*簽署及註明日期的“自我證明表格(實體)-附件”共.....份。

I certify that I am authorized to sign for the account holder of all the account(s) to which this form relates. I hereby submit this form together with ..... copy(ies) of the "Self-Certification Form (Entity) - Annex", duly signed and dated by the Controlling Person(s) and/or authorized person(s).

本人承諾,如情況有所改變,以致影響本表格第1部所述的實體的稅務居民身份,或引致本表格所載的資料不正確,本人會通知銀行,並會在情況發生改變後30日內,向銀行提交一份已適當更新的自我證明表格。

I undertake to advise the Bank of any change in circumstances which affects the tax residency status of the entity identified in Part 1 of this form or causes the information contained herein to become incorrect, and to provide the Bank with a suitably updated self-certification form within 30 days of such change in circumstances.

本人聲明就本人所知所信,本表格內所填報的所有資料和聲明均屬真實、正確和完備。

I declare that the information given and statements made in this form are, to the best of my knowledge and belief, true, correct and complete.

\* 如以被授權人身份簽署這份表格,須夾附該授權書的核證副本。

\* If signing under a power of attorney, attach a certified copy of the power of attorney.

警告:根據《稅務條例》第80(2E)條,如任何人在作出自我證明時,在明知一項陳述在要項上屬具誤導性、虛假或不正確,或罔顧一項陳述是否在要項上屬具誤導性、虛假或不正確下,作出該項陳述,即屬犯罪。一經定罪,可處第3級(即\$10,000)罰款。

WARNING: It is an offence under section 80(2E) of the Inland Revenue Ordinance if any person, in making a self-certification, makes a statement that is misleading, false or incorrect in a material particular AND knows, or is reckless as to whether, the statement is misleading, false or incorrect in a material particular. A person who commits the offence is liable on conviction to a fine at level 3 (i.e. \$10,000).

代表客戶簽署,簽署日期為 Signed for and on behalf of the Customer on [ ]年 Year [ ]月 Month [ ]日 Date

合夥人 / 註冊司理人 / 董事 / 被授權簽字 / 信託的受託人  
Partner / Registered Manager / Director / Authorised Signatory/Trustee of a trust \*

合夥人 / 註冊司理人 / 董事 / 被授權簽字 / 信託的受託人  
Partner / Registered Manager / Director / Authorised Signatory/Trustee of a trust \*

合夥人 / 註冊司理人 / 董事 / 被授權簽字 / 信託的受託人  
Partner / Registered Manager / Director / Authorised Signatory/Trustee of a trust \*

合夥人 / 註冊司理人 / 董事 / 被授權簽字 / 信託的受託人  
Partner / Registered Manager / Director / Authorised Signatory/Trustee of a trust \*

姓名 Name : .....

姓名 Name : .....

姓名 Name : .....

姓名 Name : .....

註:客戶簽署須由所有合夥人、所有註冊司理人、所有信託的受託人、任何一位董事或被授權簽字人之簽署安排簽署。

Note: This Form should be signed by all Partners, all Registered Manager(s), all Trustee of a trust, any one Director or Authorised Signatory(ies) according to the signing arrangement.

(\*請刪除不適用者)

(\*delete as appropriate)

銀行專用 For Bank Use Only (*請刪除不適用者 Please delete as appropriate)			
見證人/經辦/核印* 簽章及職員編號: Signature & staff no. of Witness/Maker/SV*:	控制行: Controlling Branch:	客戶經理編號: Customer Manager No.:	聯繫電話: Phone No:
見證人/經辦/核印* 簽章及職員編號: Signature & staff no. of Witness/Maker/SV*:	覆核簽章及職員編號: Signature of Checker and Staff No.:		接辦單位: Handled By:
見證人/經辦/核印* 簽章及職員編號: Signature & staff no. of Witness/Maker/SV*:	覆核簽章及職員編號: Signature of Checker and Staff No.:		備註: Remark:

## 自我證明表格內採用的名詞及措辭釋義

### Meaning of terms and expressions used in Self-Certification Forms

#### 「賬戶持有人」“Account Holder”

「賬戶持有人」指被維持該財務賬戶的財務機構列明為或識辨為賬戶的持有人的人士，不論該人士是否為過渡實體。所以，如果一個信託或遺產被列明為某財務賬戶的持有人或擁有人，則賬戶持有人是該信託或遺產，而非受託人、信託的擁有人或受益人。同樣地，如果一個合夥被列明為某財務賬戶的持有人或擁有人，則賬戶持有人是該合夥，而非合夥的合夥人。

The “Account Holder” is the person listed or identified as the holder of a financial account by the Financial Institution that maintains the account. This is regardless of whether such person is a flow-through Entity. Thus, for example, if a trust or an estate is listed as the holder or owner of a financial account, the trust or estate is the Account Holder, rather than the trustee or the trust’s owners or beneficiaries. Similarly, if a partnership is listed as the holder or owner of a financial account, the partnership is the Account Holder, rather than the partners in the partnership.

除財務機構外，若有關人士以代理人、託管人、代名人、簽署人、投資顧問、中介人或合法監護人身份代其他人士持有財務賬戶，他不會被視為賬戶持有人。在這種情況下，賬戶持有人應為該其他人士。以一個家長與子女開立的賬戶為例，如賬戶以家長為子女的合法監護人名義開立，子女會被視為賬戶持有人。

A person, other than a Financial Institution, holding a financial account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, intermediary, or legal guardian, is not treated as the Account Holder. In these circumstances that other person is the Account Holder. For example in the case of a parent/child relationship where the parent is acting as a legal guardian, the child is regarded as the Account Holder.

聯名賬戶內的每個持有人都被視為賬戶持有人。

With respect to a jointly held account, each joint holder is treated as an Account Holder.

#### 「主動非財務實體」“Active NFE”

「主動非財務實體」指符合任何以下準則的非財務實體，總括而言，有關準則指：

An NFE is an Active NFE if it meets any of the criteria listed below. In summary, those criteria refer to:

- 符合相關收入及資產規定的主動非財務實體；  
active NFEs by reason of income and assets;
- 其股票被公開進行買賣的非財務實體；  
publicly traded NFEs;
- 政府實體、國際組織、中央銀行或其全權擁有的實體；  
Governmental Entities, International Organisations, Central Banks, or their wholly owned Entities;
- 屬並非財務集團成員的控權非財務實體；  
holding NFEs that are members of a nonfinancial group;
- 新成立的非財務實體；  
start-up NFEs;
- 正進行清盤或出現破產的非財務實體；  
NFEs that are liquidating or emerging from bankruptcy;
- 屬並非財務集團成員的財資中心；或  
treasury centres that are members of a nonfinancial group; or
- 非牟利的非財務實體。  
non-profit NFEs.

如符合任何以下準則，實體會被分類為主動非財務實體：

An entity will be classified as Active NFE if it meets any of the following criteria:

- (a) 在該年的對上一個公曆年或其他適當申報期，該非財務實體的總收入中少於 50% 屬被動收入；及在該公曆年或其他適當申報期內，該非財務實體持有的資產中，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；  
less than 50% of the NFE’s gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50% of the assets held by the NFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;
- (b) 該非財務實體的股票或該非財務實體的有關連實體股票，在某具規模證券市場中，被經常進行買賣；  
the stock of the NFE is regularly traded on an established securities market or the NFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market;
- (c) 該非財務實體屬政府實體、國際組織、中央銀行或由一個或多於一個前述的實體全權擁有的實體；  
the NFE is a governmental Entity, an international organisation, a central bank, or an Entity wholly owned by one or more of the foregoing;
- (d) 該非財務實體的活動中，相當大部分是以下活動：持有一間或多於一間從事財務機構業務以外的交易或業務的附屬公司的全部或部分已發行股份，或向該等附屬公司提供資金及服務。但不包括以下情況：該實體以投資基金形式運作，或顯示本身是投資基金，例如私人股權基金、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；  
substantially all of the activities of the NFE consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an Entity does not qualify for this status if the Entity functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;

- (e) 該非財務實體(「新成立的非財務實體」)尚未經營業務，亦沒有在過往經營業務，及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。但不包括組成已超過24個月的非財務實體；  
the NFE is not yet operating a business and has no prior operating history, (a “start-up NFE”) but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the NFE does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFE;
- (f) 該非財務實體在過往5年內並非財務機構，並且正對其資產進行清盤；或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；  
the NFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;
- (g) 該非財務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，或為該等有連關連實體進行融資及對沖交易；但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。而其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；或  
the NFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or
- (h) 該非財務實體符合以下所有要求(「非牟利的非財務實體」)：  
the NFE meets all of the following requirements (a “non-profit NFE”)：
- (i) 該非財務實體在其居留司法管轄區成立和營運是純粹為了宗教、慈善、科學、藝術、文化、體育或教育的目的；或該非財務實體在其居留司法管轄區成立和營運，並且是專業組織、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；  
it is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare;
- (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；  
it is exempt from income tax in its jurisdiction of residence;
- (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；  
it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
- (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依據該實體所進行的慈善活動而作出的；或作為支付已提供的服務的合理補償的；或作為該實體以公平市價購買任何物業的付款的；及  
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 pursuant to the conduct of the NFE’s charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFE has purchased; and
- (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，或須交還予該居留司法管轄區的政府，或該政府的政治分部。  
the applicable laws of the NFE’s jurisdiction of residence or the NFE’s formation documents require that, upon the NFE’s liquidation or dissolution, all of its assets be distributed to a governmental entity or other non-profit organisation, or escheat to the government of the NFE’s jurisdiction of residence or any political subdivision.

#### 「控權」 “Control”

自然人對某實體的「控權」，通常透過其在實體的控制擁有權權益(典型地會按某個百分比(例如就法團的實體而言超過 25%；或合夥及信託的實體為超過 0%)為基準)行使。如沒有自然人透過擁有權權益行使控制，該實體的控權人將會是透過其他方式對該實體行使控制的自然人；如沒有自然人識辨為透過擁有權權益對某實體行使控制，該實體的控權人將會設定為擔任該實體的高級管理人員職位或對該實體的管理行使最終控制權的自然人。

“Control” over an Entity is generally exercised by the natural person(s) who ultimately has a controlling ownership interest (typically on the basis of a certain percentage (e.g. more than 25% for corporation; or more than 0% for partnership and trust)) in the Entity. Where no natural person(s) exercises control through ownership interests, the Controlling Person(s) of the Entity will be the natural person(s) who exercises control of the Entity through other means. Where no natural person(s) is/are identified as exercising control of the Entity through ownership interests, the Controlling Person of the Entity is deemed to be the natural person who holds the position of senior managing official or exercises ultimate control over the management of the Entity.

#### 「控權人」 “Controlling Person(s)”

「控權人」指對該實體行使控制權的自然人。就信託而言，「控權人」指屬該信託的財產授予人、受託人、保護人(如有的話)、執行人、受益人或某類別受益人的成員的個人；或任何自然人擁有對該信託的最終控制權(包括透過一連串的控制或擁有權)。財產授予人、受託人、保護人(如有的話)、執行人、受益人或某類別受益人的成員的個人會被視為信託的「控權人」，不論該等人士是否擁有對該信託的最終控制權。

“Controlling Persons” are the natural person(s) who exercise control over an Entity. In the case of a trust, the Controlling Person(s) are the settlor(s), the trustee(s), the protector(s) (if any), the enforcer(s), the beneficiary(ies) or class(es) of beneficiaries, or any other natural person(s) has ultimate control over the trust (including through a chain of control or ownership). The settlor(s), the trustee(s), the protector(s) (if any), the enforcer(s) and the beneficiary(ies) or class(es) of beneficiaries, must always be treated as Controlling Persons of a trust, regardless of whether or not any of them has ultimate control over the trust.

如財產授予人、受託人、保護人、執行人或受益人為實體，財產授予人、受託人、保護人、執行人或受益人的「控權人」會被視為信託的「控權人」。Where the settlor, trustee, protector, enforcer or beneficiary of a trust are themselves Entities then the Controlling Persons of the settlor, trustee, protector, enforcer or beneficiary must be treated as Controlling Persons of the trust.

就並非信託的法律安排，「控權人」指相等於或處於一個相類於信託的人士。

In the case of a legal arrangement other than a trust, “Controlling Person(s) means persons in equivalent or similar positions to those of a trust.

**「託管機構」 “Custodial Institution”**

「託管機構」一詞指符合以下說明的實體：該實體為他人的賬戶持有財務資產，而如此持有該等財務資產，在其業務中佔相當大部分。在這情況下，該實體可歸因於持有財務資產及相關的財務服務的總收入，相等於或超過該實體在以下期間(兩者中以較短者為準)的總收入的 20%：(i) 在斷定某實體是否託管機構的年份之前的、截至 12 月 31 日(或非公曆年會計期的最後一日)為止的 3 年期間；(ii) 該實體存在的期間。

The term “Custodial Institution” means any Entity that holds, as a substantial portion of its business, financial assets for the account of others. This is where the Entity’s gross income attributable to the holding of financial assets and related financial services equals or exceeds 20% of the Entity’s gross income during the shorter of: (i) the three-year period that ends on 31 December (or the final day of a non-calendar year accounting period) prior to the year in which the determination is being made; or (ii) the period during which the Entity has been in existence.

**「存款機構」 “Depository Institution”**

「存款機構」一詞指《銀行業條例》(第 155 章) 第 2(1) 條所界定的認可機構；或在銀行業務或相類業務的通常運作中接受存款的實體。

The term “Depository Institution” means an authorized institution as defined by section 2(1) of the Banking Ordinance (Cap. 155) or any Entity that accepts deposits in the ordinary course of a banking or similar business.

**「實體」 “Entity”**

「實體」一詞指法人或法律安排，例如：法團、組織、合夥、信託或基金會。該詞涵蓋並非個人(即自然人)的人士。

The term “Entity” means a legal person or a legal arrangement, such as a corporation, organisation, partnership, trust or foundation. This term covers any person other than an individual (i.e. a natural person).

**「財務機構」 “Financial Institution”**

「財務機構」一詞指「託管機構」、「存款機構」、「投資實體」或「指明保險公司」。

The term “Financial Institution” means a “Custodial Institution”, a “Depository Institution”, an “Investment Entity”, or a “Specified Insurance Company”.

**「投資實體」 “Investment Entity”**

「投資實體」一詞指：

The term “Investment Entity” means:

- (a) 根據《證券及期貨條例》(第 571 章) 獲發牌進行一項或多於一項以下受規管活動的法團 –  
a corporation licensed under the Securities and Futures Ordinance (Cap. 571) to carry out one or more of the following regulated activities –
  - (i) 證券交易；dealing in securities;
  - (ii) 期貨合約買賣；trading in futures contracts;
  - (iii) 槓桿式外匯交易；leveraged foreign exchange trading;
  - (iv) 資產管理；asset management;
- (b) 根據《證券及期貨條例》(第 571 章) 獲註冊進行一項或多於一項以下受規管活動的機構 –  
an institution registered under the Securities and Futures Ordinance (Cap. 571) to carry out one or more of the following regulated activities –
  - (i) 證券交易；dealing in securities;
  - (ii) 期貨合約買賣；trading in futures contracts;
  - (iii) 資產管理；asset management;
- (c) 根據《證券及期貨條例》(第 571 章) 獲認可的集體投資計劃；  
a collective investment scheme authorized under the Securities and Futures Ordinance (Cap. 571);
- (d) 符合以下說明的實體：主要為或代表其客戶從事一項或多於一項以下活動，或主要為或代表其客戶運作一項或多於一項以下項目，作為業務：  
an Entity that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:
  - (i) 買賣貨幣市場工具(如支票、匯票、存款證及衍生工具等)、外匯、兌換、息率及指數工具、可轉讓證券及商品期貨；  
trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;
  - (ii) 個人及集體投資組合管理；  
individual and collective portfolio management; or
  - (iii) 以其他方式，代其他實體或個人投資、處理或管理財務資產或金錢。該等活動或運作並不包括向客戶提供非約束性投資諮詢。  
otherwise investing, administering, or managing Financial Assets or money on behalf of other entity or individual. Such activities or operations do not include rendering non-binding investment advice to a customer.
- (e) 另一類投資實體(由另一財務機構管理的投資實體)是指其總收入主要可歸因於財務資產的投資、再投資或買賣並由另一存款機構、託管機構、指明保險公司或屬上述(a)、(b)、(c)及(d)項所述的投資實體管理的實體。  
the second type of “Investment Entity” (“Investment Entity managed by another Financial Institution”) is any Entity the gross income of which is primarily attributable to investing, reinvesting, or trading in financial assets where the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in (a), (b), (c) or (d) above.



**「位於非參與稅務管轄區並由另一財務機構管理的投資實體」**  
**“Investment Entity managed by another Financial Institution and located in a Non-Participating Jurisdiction”**

「位於非參與稅務管轄區並由另一財務機構管理的投資實體」一詞指其總收入主要可歸因於財務資產的投資、再投資或買賣的實體且該實體是(i)由一個財務機構管理；及(ii)非參與稅務管轄區財務機構。

The term “Investment Entity that is managed by another Financial Institution and located in a Non-Participating Jurisdiction” means any Entity the gross income of which is primarily attributable to investing, reinvesting, or trading in financial assets if the Entity is (i) managed by a Financial Institution and (ii) not a Participating Jurisdiction Financial Institution.

**「由另一財務機構管理的投資實體」**  
**“Investment Entity managed by another Financial Institution”**

如果一個實體直接或通過另一服務提供者代表另一實體進行任何上述投資實體的定義(d)項所述的活動或運作，則該另一實體會被視為由該管理實體所管理。

An Entity is “managed by” another Entity if the managing Entity performs, either directly or through another service provider on behalf of the managed Entity, any of the activities or operations described in paragraph (d) above in the definition of “Investment Entity”.

一個實體只有在有權自行管理另一實體的部分或全部資產的情況下，才會被視為可管理該另一實體。當一個實體由財務機構、非財務實體或個人的組合管理時，如果某一管理實體為存款機構、託管機構、指明保險公司或屬上述(a)、(b)、(c)及或(d)項所述的投資實體的實體，則該實體會被視為由另一實體管理。

An Entity only manages another Entity if it has discretionary authority to manage the other Entity’s assets (either in whole or part). Where an Entity is managed by a mix of Financial Institutions, NFEs or individuals, the Entity is considered to be managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in (a), (b), (c) or (d) above, if any of the managing Entities is such another Entity.

**「非財務實體」“NFE”**

「非財務實體」指並非財務機構的實體。

An “NFE” is any Entity that is not a Financial Institution.

**「參與稅務管轄區」“Participating Jurisdiction”**

「參與稅務管轄區」指稅務條例(第 112 章)附表 17E 第 2 部所指明的、在香港以外的稅務管轄區。

A “Participating Jurisdiction” means a jurisdiction outside Hong Kong that is specified in Part 2 of Schedule 17E of the Inland Revenue Ordinance (Cap. 112).

**「參與稅務管轄區財務機構」“Participating Jurisdiction Financial Institution”**

「參與稅務管轄區財務機構」一詞指：(i) 任何居於某參與稅務管轄區的財務機構，但不包括有關財務機構位於該管轄區境外的分支機構；及(ii) 某財務機構位於某參與稅務管轄區的任何分支機構，而該財務機構並非居於該管轄區。

The term “Participating Jurisdiction Financial Institution” means (i) any Financial Institution that is tax resident in a Participating Jurisdiction, but excludes any branch of that Financial Institution that is located outside of that jurisdiction, and (ii) any branch of a Financial Institution that is not tax resident in a Participating Jurisdiction, if that branch is located in such Participating Jurisdiction.

**「被動非財務實體」“Passive NFE”**

「被動非財務實體」指任何：(i) 不屬主動非財務實體的非財務實體；及(ii) 位於非參與稅務管轄區並由另一財務機構管理的投資實體。

A “Passive NFE” means any: (i) NFE that is not an Active NFE; and (ii) Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution.

**「有關連實體」“Related Entity”**

若某實體控制另一實體，或兩個實體共同受同一人控制，則該實體是另一實體的「有關連實體」。就此而言，控制可透過直接或間接持有某實體超過 50% 的表決權及股份的價值。

An Entity is a “Related Entity” of another Entity if either Entity controls the other Entity, or the two Entities are under common control. For this purpose control includes direct or indirect ownership of more than 50% of the vote and value in an Entity.

**「稅務居民」“Resident for tax purposes”**

一般而言，如根據某個稅務管轄區的規定(包括稅收協定)，任何實體不僅就以有關稅務管轄區為來源的收入，亦因其居籍、居所、管理工作地點、成立為法團地點，或任何性質類似的其他準則，在有關稅務管轄區需要繳稅或有繳稅責任，便會成為該稅務管轄區的稅務居民。沒有稅務居民身份的實體，例如：合夥、有限法律責任合夥或類似的法律安排，應被視為其實際管理地點所在稅務管轄區的稅務居民。一個信託應被視為一個或多於一個受託人居住的稅務管轄區的居民。有關稅務居民身份的更多資訊，請聯絡閣下的稅務顧問或瀏覽經濟合作與發展組織的自動交換資料網站：  
<http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/>。

Generally, an Entity will be resident for tax purposes in a jurisdiction if, under the laws of that jurisdiction(including tax conventions), it pays or should be paying tax therein by reason of his domicile, residence, place of management or incorporation, or any other criterion of a similar nature, and not only from sources in that jurisdiction. An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated. A trust is treated as resident where one or more of its trustees is resident. For additional information on tax residence, please talk to your tax adviser or refer to the OECD Automatic Exchange Portal at the following link:  
<http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/>.

**「指明保險公司」“Specified Insurance Company”**

「指明保險公司」一詞指任何屬保險公司的實體，或屬某保險公司的控權公司的實體，而該實體發出現金價值保險合約或年金合約，或有責任就現金價值保險合約或年金合約付款。

The term “Specified Insurance Company” means any Entity that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.

**「稅務編號」(包括具有等同功能的識別編號) “TIN” (including “functional equivalent”)**

「稅務編號」一詞指納稅人的識別編號或具有等同功能的識別編號(如無納稅人的識別編號)。稅務編號是稅務管轄區向個人或實體分配獨有的字母與數字組合，用於識別個人或實體的身份，以便實施該稅務管轄區的稅務法律。有關可接受的稅務編號的更多詳細資訊刊載於經濟合作與發展組織的自動交換資料網站：<http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/>。

The term “TIN” means Taxpayer Identification Number or a functional equivalent in the absence of a TIN. A TIN is a unique combination of letters or numbers assigned by a jurisdiction to an individual or an Entity and used to identify the individual or Entity for the purposes of administering the tax laws of such jurisdiction. Further details of acceptable TINs can be found at the OECD Automatic Exchange Portal at the following link: <http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/>

某些稅務管轄區不發出稅務編號。但是，這些稅務管轄區通常使用具有等同識別功能的其他完整號碼(「具有等同功能的識別號碼」)。此類號碼的例子包括：

Some jurisdictions do not issue a TIN. However, these jurisdictions often utilise some other high integrity number with an equivalent level of identification (a “functional equivalent”). Examples of that type of number include –

- (a) 就個人而言，社會安全號碼/保險號碼、公民/個人身份/服務代碼/號碼，以及居民登記號碼。  
(for individuals) a social security/insurance number, citizen/personal identification/service code/number, and resident registration number.
- (b) 就實體而言，商業/公司登記代碼/號碼。  
(for Entities) a Business/company registration code/number.