

CRS 合規性

CRS Compliance



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新開設帳戶取得自證證明
Obtain Self-certification for
New Accounts

豁免帳戶
Excluded
Accounts

控制人的識別
Identifying Controlling
Persons



自證證明的有效性
Validity of Self-
certification

無記錄帳戶
Undocumented
Accounts

觸發情況改變CIC
Triggers of CIC

新開設帳戶取得自證證明 Obtain Self-certification for New Accounts



必須就每個帳戶取得自證證明

Must obtain self-certification on an account-by-account basis

例外情況
Exceptions

1

依賴另一帳戶提供的自證證明
Self-certification furnished by
another account

兩個帳戶被視為單一帳戶。
Both accounts are treated as a single
account

2

根據所持有或公開獲取的信息
Based on information in possession
or that is publicly available

合理地斷定該實體帳戶持有人
不是須報送人
Reasonably determines the Entity Account
Holder is **not a Reportable Person**

新開設帳戶取得自證證明 Obtain Self-certification for New Accounts

例外情況
Exceptions

3

符合現有帳戶程序的適用條件
Meet the requirements to apply procedures for Pre-existing Accounts

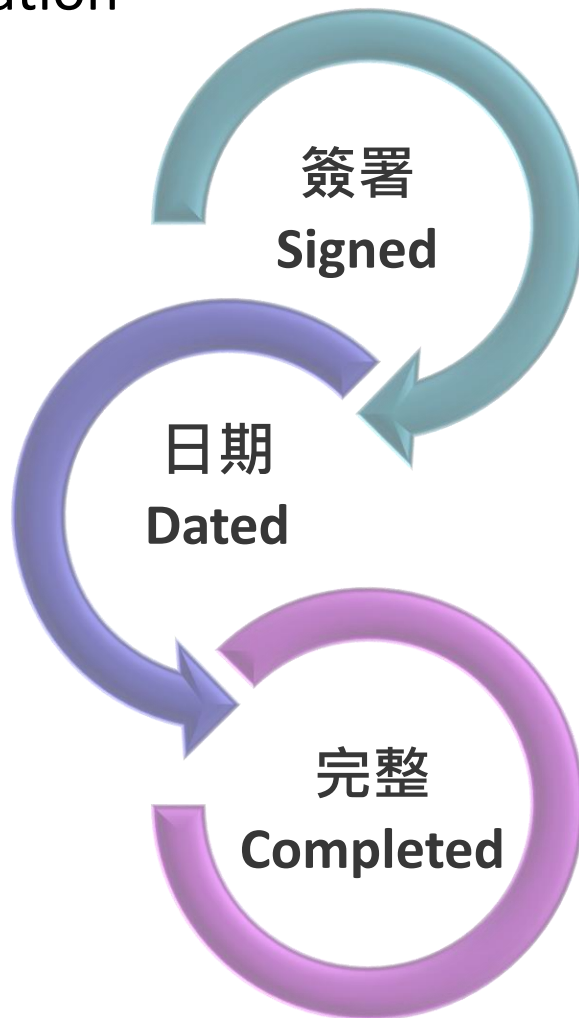
須符合所
有條件

- 帳戶持有人在金融機構持有任何現有帳戶
The Account Holder also holds any pre-existing account
- 新帳戶及任何現有帳戶，視為單一金融帳戶(包括匯總規則)
All accounts are treated as a single financial account (include aggregation rules)
- 新開帳戶受AML程序規限，獲准適用於現有帳戶的程序
Subject to AML Procedures, the RFI is permitted to rely upon the Procedures performed for the Preexisting Account.
- 除CRS資料外，帳戶持有人無須提供新的、額外的或經修訂的客戶資料
No additional information, other than those for CRS purposes, is required from the account holder.

自證證明的有效性 Validity of Self-certification



簽署日期
Signing date



帳戶持有人、有權限的簽署人，控制人
By the Account Holder, the person with authority to sign
(or otherwise positively affirmed), Controlling Person

須按要求載有帳戶持有人或控制人的相關信息
Contains the information of the Account Holder or
Controlling Person as required

- ✓ 姓名 Name
- ✓ 地址 Address
- ✓ 常居地的司法管轄區 Jurisdiction(s) of residence
- ✓ 稅務編號 TIN
- ✓ 出生日期 Date of birth
- ✓ 出生地 Place of birth

自證證明的合理性

Reasonableness on Self-certification

- 不知道或沒有合理理由知道自證證明是錯誤或不可靠

Does not know or have reason to know that the self-certification is incorrect or unreliable

資料不正確
Incorrect
information

或
or

適度謹慎的人士
對客戶的聲明存疑
If a reasonably prudent
person would question the
customer's claim being made

或
or

檔案內的資料
與客戶聲明的狀況不相符
Document contains any
information that is inconsistent
with the customer's claim



須取得有效自證證明或
合理解釋及文件
Obtain a valid self-certification or
a reasonable explanation and documentation

豁免帳戶 – 不活躍帳戶的要求

Excluded Accounts – Requirements for Dormant account

不活躍帳戶 Dormant Account

- ✓ 結餘不多於MOP8,000
Annual Balance not exceed MOP8,000
- ✓ 3年內從未作交易
No transaction record in the past 3 years
- ✓ 帳戶持有人6年內從未與金融機構作出聯絡
The Account Holder has not communicated with the RFI in the past 6 years
- ✓ 金融機構6年內從未與帳戶持有人作出聯絡 (屬現金價值保險合同)
The RFI has not communicated with the Account Holder in the past 6 years
(For Cash value Insurance Contract)

如果帳戶持有人關閉帳戶，則應適用正確的盡職調查程序。

If the account is closed by the account holder, the correct due diligence procedures should be applied.

豁免帳戶 – 因超額償付而設的存款帳戶要求

Excluded Accounts – Requirements for Depository account due to overpayment

因超額償付
而設的
存款帳戶
Depository
account due
to
overpayment



帳戶僅因超額償付信用卡或其他循環信貸而存在，
且多付款項不會立即返還

The account exists solely accepts payment in excess of a balance due with respect to a credit card or other revolving credit facility and the overpayment is not immediately returned



防止超額償付達MOP40萬以上，
或超額償付MOP40萬以上的款項在60天內返還

Prevent overpayment in excess of MOP400,000, or to ensure overpayment in excess of MOP400,000 is refunded within 60 days

無記錄帳戶 Undocumented Accounts

僅適用於
only apply to

現有自然人帳戶
Preexisting Individual Account

低價值
Lower value

電子記錄查詢
Electronic record search

如不採用居住地址測試
If residence address test is not applied

“代收郵件”指令
或
境外“轉交”地址

“hold-mail”
instruction or
“in-care-of” address

沒有其他任何
地址及標記
No other
address and
indicia

紙質記錄查詢
未能斷定標記
Paper record search fails
to establish an indicium

未能取得自證證明/
證明文件
Self-Certification
/Documentary evidence
not obtained

高價值
High value

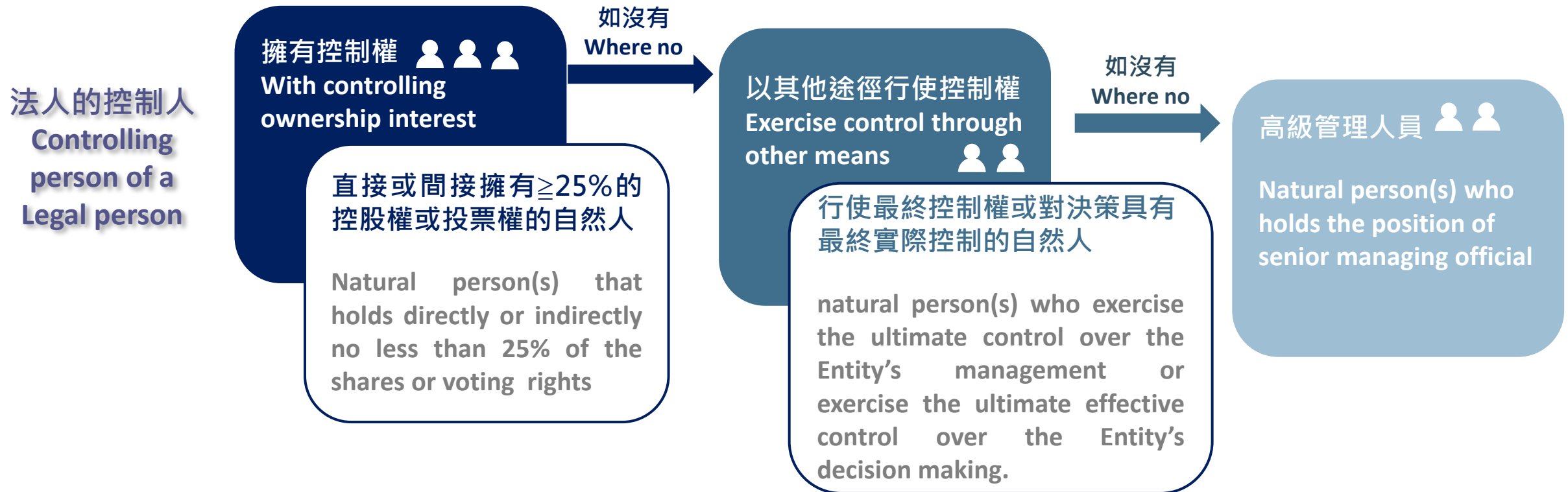
強化審查
Enhanced Review
電子記錄查詢
Electronic record search
紙質記錄查詢
Paper record search
客戶經理查詢
RM inquiry

未能取得自證證明/
證明文件
Self-Certification
/Documentary evidence
not obtained

報送為
無記錄帳戶
Report as
Undocumented
Accounts

控制人的識別

Identify Controlling Person(s)



需識別出該層級內的所有控制人
All Controlling Persons within the level need to be identified

解釋必須與金融行動特別工作組(FATF) “建議10” 及 “建議25” 的闡釋一致
Must be interpreted in a manner consistent with FATF Recommendations 10 & 25.

控制人的識別

Identify Controlling Person

信託
Trust



- 委託人
- 受託人
- 保護人
- 受益人或某類別受益人的成員、
- 其他對信託擁有最終實際控制權的自然人

信託之外的法律安排
Legal arrangement other
than a trust

功能上類似信託的法人
Legal persons that are
functionally similar to trusts

- Settlor(s),
- the trustee(s),
- the protector(s),
- the beneficiary(ies) or class(es) of beneficiaries,
- any other natural person(s) exercising ultimate effective control over the trust.

情況有變 – 觸發事件

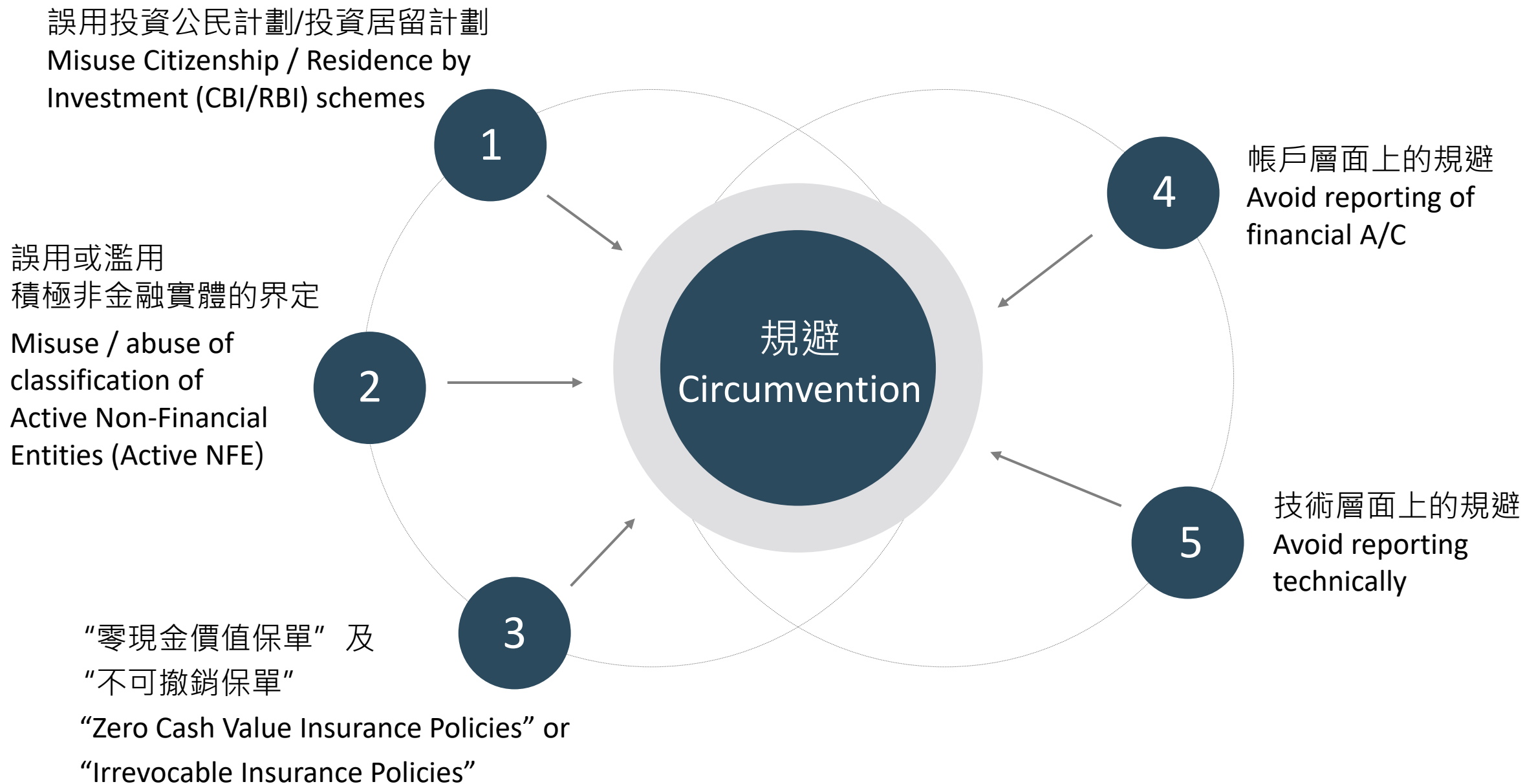
Change In Circumstances (CIC) – Triggering events

觸發事件 Trigger events		
與稅務居民身份相關 in relation to the tax residence	現有帳戶年末滙總 餘額超過門檻 balances of pre-existing accounts exceed a threshold	其他 (例: 與帳戶持有人的報送情況相關) Others (e.g. in relation to the reportable status of Account Holders)
<p>實體帳戶 Entity account</p> <p>地址改變到其他轄區 (例: 主要辦事處改到其他轄區) Change of address to other jurisdiction (e.g. Place of effective management change to other jurisdiction)</p>	<p>≥ MOP2,000,000</p>	<p>實體業務性質或收入來源的改變 Change of business activities or sources of income 消極非金融實體股東或股權變動 Change of shareholder / shares owned in passive NFE 出現矛盾情況 Conflict occurs</p>
<p>自然人帳戶 Individual account</p> <p>發現新標記 (例: 另一身份證明文件) New indicia found (e.g. another identification of account holder)</p>	<p>≥ MOP8,000,000</p>	

防止規避

Avoidance of Circumvention





1

誤用投資公民計劃/投資居留計劃

Misuse Citizenship / Residence by Investment (CBI/RBI) schemes

倘懷疑帳戶持有人

If Account Holder is suspected to



- 隱藏離岸資產
Hide assets offshore by escaping reporting under CRS
- 隱藏稅務居民身份
Hide one's tax residency

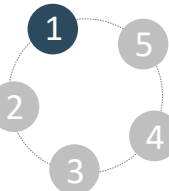
金融機構應 RFI should



- 考慮OECD的高風險計劃分析結果
Consider OECD's analysis of high-risk schemes
- 以確定稅務居民身份
To ascertain the tax residency(ies).

詳情參閱 Details available at:

<https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/residence-citizenship-by-investment/>



2

誤用或濫用積極非金融實體的界定

Misuse or abuse of the classification of Active Non-Financial Entities (Active NFE)

企圖 *Attempt to*

避免識別及報送控制人的相關信息

Avoid the identification and reporting of information on Controlling Persons



尚根據收入及資產辨別

By reason of Income and Assets

“收入測試”
“Income test”

消極所得
Passive income < 50% 總收入
of gross income

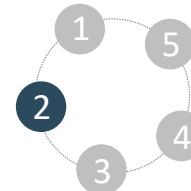


“資產測試”
“Assets test”

產生消極所得
的資產 < 50% 總資產
Assets produce passive income of total assets



**Active
NFE**



3

利用“零現金價值保單”及“不可撤銷保單”的 CRS 規避方案 Scheme on “Zero Cash Value Insurance Policies” or “Irrevocable Insurance Policies”

企圖 *Attempt to*

申報零現金價值 或 隱瞞帳戶持有人身份

Report nil value or Conceal the identity of the account holder



現金價值 Cash value



兩個金額中的較高者 The greater of :

1. 退保或合同終止後，投保人有權獲得的金額

The amount that the policyholder is entitled to receive upon surrender or termination of the contract

2. 投保人根據合同或與合同相關的範圍內可以借用的金額

The amount that the policyholder can borrow under or with regard to the contract.

帳戶持有人身份 Account Holder



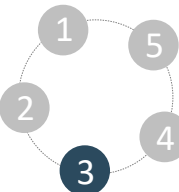
除非最終、徹底、且不可撤銷地放棄：

- 獲得現金價值及
- 轉換受益人的權利

否則仍被視為該保險合同的持有人

Persons are to be considered Account Holders of the Insurance Contract in all instances, unless they have finally, fully and irrevocably renounced the right to :

- Access the Cash Value and
- Change the beneficiaries



4

帳戶層面上的規避 Avoid Reporting of Financial A/C

例子 Examples

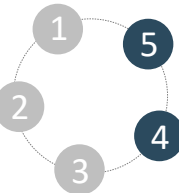
- 轉移帳戶保管實體
Shift Maintenance of an Account
- 操控年末金額
Manipulate Year-end Amounts
- 將錢短期存入符合條件的信用卡發卡機構
Park Money with Qualified Credit Card Issuers

5

技術層面上的規避 Avoid Reporting technically

例子 Examples

- 故意不建立電子紀錄
Deliberately does not create any electronic records
- 故意使電腦互不相連避免帳戶匯總規則
Deliberately not using system links to avoid the account aggregation rules



舉報規避

Report Circumvention



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「國際稅務合作中心」

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Building of Financial Services Bureau
International Tax Cooperation Unit**