

CRS Self-Certification Form – Entity 共同匯報標準(CRS) 自我證明表格 – 實體

Common Reporting Standard (CRS) Requirements 有關「共同匯報標準」CRS 之政策規定

The Common Reporting Standard (“CRS”) has been developed by the Organization of Economic Cooperation and Development (“OECD”) to provide a common standard for automatic exchange of financial account information (“AEOI”) in tax matters.

Under the CRS regulations, financial institution (FI) is required to collect related financial information and report to Inland Revenue Department (IRD). Hong Kong has put in place a legislative framework to implement AEOI. With effect from 1 January 2017, FI is required to identify financial accounts held by tax residents of reportable jurisdictions in accordance with the OECD due diligence procedures. FIs are required to collect the reportable information of these accounts and furnish such information to the Inland Revenue Department (IRD). This exercise aims to fight against tax evasion and protect the integrity of tax systems. To comply with CRS requirements, Sun International Securities Limited (SISL) will implement the following regarding account opening procedures.

(1) New Account Opening

(A) Under the new onboarding process, all new account opening applications that are signed and submitted on or after 1 January 2017, are required to complete self-certification forms and indicate all the “Jurisdiction of tax residence” and “Taxpayer Identification Number (TIN)” when submitting new account opening form.

- For individual applicant: need to complete the separate form named “Self-Certification Form – Individual”.
- For Entity applicant: please complete “Self-Certification Form – Entity”.
- If applicant is a Passive Non-Financial Entity, please complete “Self-Certification Form – Controlling Person” form for each of the controlling person. With reference to the Inland Revenue Ordinance 2016, the threshold for identifying controlling person is holding 25% of company shares.

(B) All fields in the CRS Self-Certification forms are mandatory unless specifically indicated. If the TIN is unavailable, reason and explanation (if applicable) must be provided. All applicants must complete this form and meet the CRS due diligence requirements otherwise the application would not be approved.

(C) In line with the CRS requirement, different types of CRS forms have been uploaded in our website. You can download the documents accordingly.

(2) Points to note

- The TIN is identification number which is a unique number typically issued to a taxpayer by tax authority. Below illustrates some useful reference of the TIN in specific regions:
 - For tax resident of Hong Kong, the TIN is the HK Identity Card Number.
 - For tax resident of China, the TIN is the China Identity Card Number.
 - For other regions, please consult your tax adviser.
- Clients are advised to contact a tax adviser where they have questions regarding their tax residency as SISL will not provide tax or law advice.
- It is an offence for a person to provide, knowingly or in a reckless manner, misleading, false or incorrect information in a material particular, in making a CRS self-certification to a financial institute.
- For all new applications, client cannot opt out or refuse to provide CRS self-certification, otherwise he/she will be deemed as a reportable person of the country/jurisdiction for which he/she holds any indicia. The opening account will not be approved.

通知: 有關「共同匯報標準」CRS 之政策規定

「經濟合作與發展組織」(OECD)設立了「共同匯報標準」(CRS), 就自動交換財務帳戶資料(自動交換資料 - AEOI) 頒布新的國際標準。

根據 CRS 規定, 參與國家的財務機構須向其客戶收集若干財務資料並進行申報。香港現已就 CRS 立法。由 2017 年 1 月 1 日起, 財務機構須根據經合組織所訂的盡職審查程序, 以識辨申報稅務管轄區的稅務居民所持有的財務帳戶。財務機構須收集該些帳戶的須申報資料, 並向稅務局提交相關資料。此規定目的是打擊逃稅與避稅, 從而維護稅務制度的健全性 為履行「共同匯報標準」, 太陽國際証券將執行以下新修訂之開戶程序。

(1) 新開戶

(A) 根據新的開戶程序, 於 2017 年 1 月 1 日或之後簽署或遞交之開戶申請, 客戶必須填寫自我證明表格, 並提供所有「居留司法管轄區」及「稅務編號」(TIN)。

- 個人客戶: 必須填妥「自我證明表格—個人」之表格。
- 實體客戶: 必須填妥「自我證明表格—實體」之表格。
- 如客戶為被動非財務實體公司, 每位控權人必須填寫「自我證明表格—控權人」。根據稅務條例 2016, 界定控權人的門鑑為佔有公司 25% 股權。

(B) 除非另有指明, 所有 CRS 自我證明表格欄均必須填寫。如客戶未能提供稅務編號, 必須提供理由和解釋(如適用)。所有客戶必須完成 CRS 自我證明表格及通過 CRS 盡職審查, 否則新開戶不獲審核。

(C) 為符合 CRS 規定, 本公司網頁已上載不同類型之 CRS 表格, 閣下可於網頁下載相應表格。

(2) 注意事項

- 稅務編號(TIN)是由稅務局向納稅人發出獨有的識別號碼, 請參考下列部分居留司法管轄區的稅務編號。
 - 香港稅務居民, 稅務編號是其香港身份證號碼。
 - 中國稅務居民, 稅務編號是其中國身份證號碼。
 - 若為其他地區, 請與 閣下稅務顧問商討。
- 客戶如對稅務居民狀況有任何疑問, 可尋求稅務顧問的建議, 太陽國際証券將不會提供稅務或法律建議。
- 任何人在向財務機構作出 CRS 自我證明時, 明知或妄顧實情地在要項上提供具誤導性, 虛假或不正確資料, 便屬違法。
- 所有新開戶申請書, 客戶不能選舉棄選或拒絕提供自我證明, 否則會被視為本身資料所示之所屬國家/司法管轄區的申報對象, 而此等新開戶申請將不獲審批。



CRS Self-Certification Form – Entity
共同匯報標準(CRS) 自我證明表格 – 實體

To: Sun International Securities Limited (collectively known as “SISL”)

致: 太陽國際証券有限公司 (以下統稱「太陽國際証券」)

Client Name 客戶名稱：

Account No. 戶口號碼：

Important Notes 重要提示:

- This is a self-certification form provided by an account holder to SISL for the purpose of automatic exchange of financial account information. The data collected may be transmitted by SISL to the Inland Revenue Department for transfer to the tax authority of another jurisdiction. 這是由帳戶持有人向太陽國際証券提供的自我證明表格，以作自動交換財務資料用途。太陽國際証券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管轄區的稅務當局。
- An account holder should report all changes in his/her tax residency status to SISL. 如帳戶持有人的稅務居民身分有所改變，應盡快將所有變更通知太陽國際証券。
- All parts of the form must be completed (unless not applicable or otherwise specified). If space provide is insufficient, continue on an additional sheet(s). Information in fields/parts marked with an asterisk(*) are required to be reported by SISL to the Inland Revenue Department. 除不適用或特別註明外，必須填寫這份表格所有部份。如這表格上的空位不足，可另加紙填寫。在欄/部份標有星號(*)的項目為太陽國際証券須向稅務局申報的資料。

Part 1 – Identification of Entity Account Holder

(For joint or multiple account holders, please complete a separate form for each entity account holder.)

第1部份 – 實體帳戶持有人的身分識辨資料

(對於聯名帳戶或多人聯名帳戶，每名實體帳戶持有人須分別填寫一份表格)

1	Legal Name of Entity or Branch* 實體或分支機構的法定名稱*	
2	Jurisdiction of Incorporation or Organization 實體成立為法團或設立所在的稅務管轄區	
3	Hong Kong Business Registration Number*(if any) 香港商業登記號碼* (如有)	
4	Registration No. of Incorporation* 公司註冊編號*	
5	Current Business Address 現時營業地址	
	Line 1 (Suite, Floor, Building, Street, District) 第一行 (室、樓層、大廈、街道、地區)	
	Line 2 (City)* 第二行(城市) *	
	Line 3 (Province, State) 第三行(省、州)*	
	Country * 國家*	
	Post Code/Zip Code (if any) 郵政編碼/郵遞區號碼	
6	Mailing Address (Complete if different to the above current residence address) 通訊地址(如通訊地址與現時營業地址不同，須填寫此欄)	
	Line 1 (Suite, Floor, Building, Street, District) 第一行 (室、樓層、大廈、街道、地區)	
	Line 2 (City) 第二行(城市)	
	Line 3 (Province, State) 第三行(省、州)	
	Country國家	
	Post Code/Zip Code (if any) 郵政編碼/郵遞區號碼	

Part 2 – Entity Type 第2部份 - 實體類別

Tick one of the appropriate boxes and provide the relevant information.

在其中一個適當的方格內加上✓號，並提供有關資料



Financial Institution 財務機構	<input type="checkbox"/> Custodian Institution, Depository Institution or Specified Insurance Company 託管機構、存款機構或指明保險公司 <input type="checkbox"/> Investment Entity, except an investment entity that is managed by another financial institution (e.g. with discretion to manage the entity's asset) and located in a non-participating jurisdiction 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
Active NFE 主動非財務實體	<input type="checkbox"/> NFE the stock of which is regularly traded on _____ which is an established securities market 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 <input type="checkbox"/> Related entity of _____, the stock of which is regularly traded on _____, which is an established securities market _____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 <input type="checkbox"/> NFE is a governmental entity, an international organization, a central bank, or an entity wholly owned by one or more of the foregoing entities 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 <input type="checkbox"/> Active NFE other than the above (Please specify _____) 除上述以外的主動非財務實體 (請說明_____)
Passive NFE (complete Part 3 if <input checked="" type="checkbox"/>) 被動非財務實體 (如 <input checked="" type="checkbox"/> 請填寫第3部)	<input type="checkbox"/> Investment entity that is 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 <input type="checkbox"/> NFE that is not an active NFE 不屬於主動非財務實體的非財務實體

Part 3 – Controlling Persons (Complete this part if the entity account holder is a passive NFE)
第3部份 – 控權人 (如實體帳戶持有人是被动非財務實體，請填寫此部)

Indicate the name of ALL controlling person(s) hold 25% or more shareholder / ultimate beneficial owner 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. Complete Self-Certification Form – Controlling Person for each controlling person.

就帳戶持有人，請填寫所有控權擁有百分之二十五或以上之股東/最終實益擁有人的姓名在列表內。就法人實體，如行使控制權的並非自然人，控權人會是實體的高級管理人員。每名控權人須分別填寫一份自我證明表格 – 控權人表格。

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

Part 4 – Jurisdiction of Residence and Taxpayer Identification Number or its Functional Equivalent (“TIN”)
第4部份 – 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」)

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 (not restricted to five) jurisdictions of residence.

提供以下資料，列明(a)帳戶持有人的居留司法管轄區，亦即帳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帳戶持有人的稅務編號。列出所有(不限於5個)居留司法管轄區。

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

如帳戶持有人是香港稅務居民，稅務編號是其香港商業登記號碼。

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

如果帳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)，請填寫實際管理機構所在的稅務管轄區

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

如沒有提供稅務編號，必須填寫合適的理由：

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

理由A – 帳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。

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



reason.

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

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.

理由C – 帳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帳戶持有人披露稅務編號。

Jurisdiction of Residence 居留司法管轄區	TIN 稅務編號	Enter Reason A, B or C if no TIN is available 如沒有提供稅務編號，填寫 理由 A、B 或 C	Explain why the account holder is unable to obtain a TIN if you have selected Reason B 如選取理由 B，解釋帳戶持有人不能取得稅 務編號的原因
(1) HKSAR (if any) 香港 (如適用)			
Are you tax resident of other jurisdictions? <input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please indicate ALL jurisdictions of residence) 帳戶持有人是否其他司法管轄區的稅務居民? <input type="checkbox"/> 否 <input type="checkbox"/> 是 (如是，請列出 所有 居留司法管轄區)			
(2)			
(3)			
(4)			
(5)			

Part 5 – Declarations and Signature

第5部份 – 聲明及簽署

- (1) I acknowledge and agree that (a) information contained in this form is collected and may be kept by SISL 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 SISL 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).
本人知悉及同意，太陽國際証券可根據《稅務條例》(第112章)有關交換財務帳戶資料的法律條文，(a) 收集本表格所載資料並可備存作自動交換財務帳戶資料用途及 (b) 把該等資料和關於帳戶持有人及任何須申報帳戶的資料向香港特別行政區政府稅務局申報，從而把資料轉交到帳戶持有人的居留司法管轄區的稅務當局。
- (2) I certify that I am authorized to sign for the account holder of all the account(s) to which this form relates.
本人證明，就與本表格所有相關的帳戶，本人獲帳戶持有人授權簽署本表格。
- (3) I undertake to advise SISL 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 SISL with a suitably updated self-certification form within 30 days of such change in circumstances.
本人承諾，如情況有所改變，以致影響本表格第1部份所述的個人的稅務居民身分，或引致本表格所載的資料不正確，本人會通知太陽國際証券，並會在情況發生改變後30日內，向太陽國際証券提交一份已適當更新的自我證明表格。
- (4) 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.
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。

Client Name 客戶姓名	Client Signature 客戶簽署 (same with SISL's specimen signature(s)) (以留存於太陽國際証券之簽署式樣相同)
Capacity 身份	
Date (dd/mm/yyyy) 日期 (日/月/年)	

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. HK\$10,000).

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(即港元 10,000)罰款。

Appendix 附錄

“Active NFE”

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

- Active NFEs by reason of income and assets;
- Publicly traded NFEs;
- Governmental Entities, International Organisations, Central Banks, or their wholly owned Entities;
- Holding NFEs that are members of a nonfinancial group;
- Start-up NFEs;
- NFEs that are liquidating or emerging from bankruptcy;
- Treasury centres that are members of a nonfinancial group; or
- Non-profit NFEs.

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

- (a) 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) 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) 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) 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 (FI), 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) the NFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a FI, 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) the NFE was not an FI 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 an FI;
- (g) the NFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not FIs, 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 an FI; or
- (h) the NFE meets all of the following requirements:
 - (i) it is established and operated in its country of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its country 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) it is exempt from income tax in its country of residence;
 - (iii) it 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 country 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) the applicable laws of the NFE's country 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 country of residence or any political subdivision thereof.

「主動非財務實體」

「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：

- 符合相關收入及資產規定的主動非財務實體；
- 其股票被公開進行買賣的非財務實體；
- 政府實體、國際組織、中央銀行或其全權擁有的實體；
- 屬並非財務集團成員的控權非財務實體；
- 新成立的非財務實體；
- 正進行清盤或出現破產的非財務實體；
- 屬並非財務集團成員的財資中心；或
- 非牟利的非財務實體。

如符合任何以下準則，實體會被分類為主動非財務實體：

- (a) 在該年的對上一個公曆年或其他適當申報期，該非財務機構的總收入中少於 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；



- (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；
- (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金融/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) 該非財務實體(「新成立的非財務實體」)尚未經營業務，亦沒有過往經營業務，及正出於經營金融/財務機構以外的業務的意圖，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；
- (f) 該非財務實體在過去五年並非金融機構，並且正對資產進行清盤；或出於繼續或重新開展經營金融/財務機構業務以外的業務的意圖，而進行重組；
- (g) 該非財務實體主要與該實體的屬並非金融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，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，主要從事金融/財務機構業務以外的業務；或
- (h) 該非財務實體符合以下所有條件(「非牟利的非財務實體」)：
 - (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；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；
 - (ii) 該非財務實體在居留司法管轄區獲豁免，而無需繳付入息稅；
 - (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，並不允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值購買任何物業的付款的；及
 - (v) 該非財務實體的居留司法管轄區的適用法律(或該非財務該實體的成立文件)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。

“Control”

“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. 25%)) 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」

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(典型地會按某百分比(例如 25%)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處於高級行政人員位置或對該實體的管理行使最終控制權的自然人。

“Controlling Person(s)”

“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 beneficiary(ies) or class(es) of beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust (including through a chain of control or ownership). The settlor(s), the trustee(s), the protector(s)(if any), 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 exercises control over the activities of the trust.

Where the settlor, trustee, protector or beneficiary of a trust are themselves Entities then the Controlling Persons of the settlor, trustee, protector or beneficiary must be treated as Controlling Persons of the trust.

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

「控權人」

「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」指屬該信託財產授予人、受託人、保護人(如有的話)、受益人或某類別受益人的成員的個人；或任何自然人對該信託的管理行使最終控制權(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)、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」，不論該等人士是否對該信託的活動行使控制權。

如財產授予人、受託人、保護人或受益人為實體，財產授予人、受託人、保護人或受益人的「控權人」會被視為信託的「控權人」。

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。

“Custodial Institution”

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 holdings 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 existence.

「託管機構」

「託管機構」一詞指符合以下說明的實體：該實體為他人的帳戶持有財務資產，而如此持有該等財務資產，在其業務中佔有相當大部分。在這情況下，該實體可歸因於有財務資產及相關的財務服務的總收入，相當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（或非公曆年會計的最後一日）為止的 3 年間；(ii) 該實體存在的期間。

“Depository Institution”

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 ordinance course of a banking or similar business.

「存款機構」

「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的通常運作中接受存款的實體。

“Entity”

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

「實體」

「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。

“Financial Institution”

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

「金融/財務機構」

「金融/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」。

“Investment Entity”

The term “Investment Entity” means:

- (a) a corporation licensed under the Securities and Futures Ordinance (Cap. 571) to carry out one or more of the following regulated activities –
 - (i) dealing in securities;
 - (ii) dealing in futures contracts;
 - (iii) leveraged foreign exchange trading;
 - (iv) asset management;
- (b) an institution registered under the Securities and Futures Ordinance (Cap. 571) to carry out one or more of the following regulated activities –
 - (i) dealing in securities;
 - (ii) dealing in futures contracts;
 - (iii) asset management
- (c) a collective investment scheme authorized under the Securities and Futures Ordinance (Cap. 571);
- (d) 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) trading in money market instrument (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;
 - (ii) individual and collective portfolio management; or
 - (iii) 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) 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 Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in (a), (b), (c) or (d) above.

「投資實體」

「投資實體」一詞指：

- (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。
 - (i) 證券交易；
 - (ii) 期貨合約買賣；
 - (iii) 槓桿式外匯交易；
 - (iv) 資產管理；

- (b) 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機構。
- (i) 證券交易；
 - (ii) 期貨合約買賣；
 - (iii) 資產管理；
- (c) 根據《證券及期貨條例》（第 571 章）獲認可的集體投資計劃；
- (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的活動，主要為或代表其客戶從事一項或多於一項以下的項目，作為業務：
- (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；
 - (ii) 個人及集體投資組合管理；
 - (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。
- (e) 另一類投資實體（由另一金融/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。

“Investment Entity managed by another financial Institution and located in a Non-Participating Jurisdiction”

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.

「位於非參與稅務管轄區並由另一金融/財務機構管理的投資實體」

「位於非參與稅務管轄區並由另一金融/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)由一個金融/財務機構管理；及(ii)非參與稅務管轄區金融/財務機構。

“Investment Entity managed by another financial Institution”

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 of “Investment Entity”.

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.

「由另一金融/財務機構管理的投資實體」

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。

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下，才會被視為可管理該另一實體。當一個實體由金融/財務機構、非財務機構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(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。

“NFE”

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

「非財務實體」

「非財務實體」指並非金融/財務機構的實體。

“Participating Jurisdiction”

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」

「參與稅務管轄區」指稅務條例（第 122 章）附表 17E 第 2 部所指明的、在香港以外的稅務管轄區。

“Participating Jurisdiction Financial Institution”

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 the 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.

「參與稅務管轄區金融/財務機構」

「參與稅務管轄區金融/財務機構」一詞指：(i)任何局於某參與稅務管轄區的金融/財務機構，但不包括有關金融/財務機構位於該管轄區境外的分支機構；及(ii)某金融/財務機構位於某參與稅務管轄區的任何分支機構，而該金融/財務機構並非居於該管轄區。

“Passive NFE”

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.

「被動非財務實體」

「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金融 / 財務機構管理的投資實體。

“Passive Income”

For the purpose of the CRS, passive income* would generally be considered to include the portion of gross income that consists of:

- dividends;
- interest;
- income equivalent to interest;
- rents and royalties, other than rents and royalties derived in the active conduct of a business conducted, at least in part, by employees of the NFE;
- annuities;
- the excess of gains over losses from the sale or exchange of Financial Assets that gives rise to passive income described above;
- the excess of gains over losses from transactions (including futures, forwards, options, and similar transactions) in any Financial Assets;
- the excess of foreign currency gains over foreign currency losses;
- net income from swaps;
- amounts received under Cash Value Insurance Contracts.

* Passive income will not include, in the case of an NFE that regularly acts as a dealer in Financial Assets, any income from any transaction entered into in the ordinary course of such dealer’s business as such a dealer.

「被動收入」

就 CRS 而言，通常認為被動收入*包括總收入中的以下部分：

- 股息；
- 利息；
- 等同利息的收入；
- 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）；
- 年金；
- 產生上述任何一種被動收入的金融資產於買賣或交換時所得盈利減去虧損所得之數；
- 從任何金融資產交易（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；
- 外匯盈利減去外匯虧損所得之數；
- 從掉期所得的淨收入；或
- 根據現金值保險合約而收取的款項。

* 對於經常進行金融資產交易的非財務實體，被動收入不包括該非財務實體作為金融資產交易商在正常業務過程中進行交易而產生的任何收入。

“Related Entity”

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.

「有關連實體」

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% 的表決權或股份的價值。

“Resident for tax purposes”

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 should 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 advisor or refer to the OECD Automatic Exchange Portal at the following link:

www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/.

「稅務居民」

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收入，亦因其居籍、居所、管理工作地點、成員為法團地點，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。沒有稅務居民身分的實體，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。有關稅務居民身分的更多資訊，請聯絡您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：

www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/.

“Specified Insurance Company”

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.

「指明保險公司」

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

“TIN”

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: www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/

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

- (a) (for individuals) a social security, insurance number, citizen/personal identification/service code/number, and resident registration number.
- (b) (for Entities) a Business/company registration code/number.

「稅務編號」(包括具有等同功能的識辨編號)

「稅務編號」一詞指納稅人的識辨編號或具有等同功能的識辨編號(如無納稅人的識辨編號)。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分，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：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(「具有等同功能的識辨號碼」)。此類號碼的例子包括：

- (a) 就個人而言，社會安全號碼 / 保險號碼、公民 / 個人身分 / 服務代碼/號碼，以及居民登記號碼。
- (b) 就實體而言，商業 / 公司登記代碼 / 號碼。