

「帳戶持有人」

“Account Holder”

「帳戶持有人」指由維持該財務帳戶的金融機構列明為或辨識為帳戶的持有人的人士，不論該人士是否為過渡實體。故若一個信託或遺產被列明為某財務帳戶的持有人或擁有人，則帳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，若一個合夥被列明為某財務帳戶的持有人或擁有人，則帳戶持有人是該合夥，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.

除金融機構外，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帳戶，他不會被視為帳戶持有人。在這種情況下，帳戶持有人應為該其他人士。以一個家長與子女開立的帳戶為例，如果帳戶以家長為子女的合法監護人名義開立，則子女會被視為帳戶持有人。

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.

聯名帳戶內的每個持有人都被視為帳戶持有人。

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

「積極性非金融機構」

“Active NFE”

「積極性非金融機構」指符合任何以下標準的非金融機構，摘要如下：

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積極性非金融機構；
  - 其股票為公開發行的非金融機構；
  - 政府機構、國際組織、中央銀行或其全權擁有的法人；
  - 全資實體
  - 屬並非金融集團成員的控股非金融機構；
  - 新成立的非金融機構；
  - 正進行清算或出現破產的非金融機構；
  - 屬於非金融集團成員的財資中心；或
  - 非營利的非金融機構。
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- 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.

如符合任何以下標準，法人將分類為積極性非金融機構：

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

- (a) 在該年的上一個歷年或其他適當申報期，該非金融機構的總收入中少於 50% 屬於被動收入；及在該歷年或其他適當申報期內，該非金融機構持有的資產中，少於 50% 屬於產生被動收入的資產，或屬於為產生被動收入而持有的資產；
- (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) 該非金融機構的股票或該非金融機構的關係企業股票，在某具規模證券市場中，被經常進行買賣；
- (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) 該非金融機構屬政府機構、國際組織、中央銀行或由一個或多於一個前述的機構全權擁有的法人；
- (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) 該非金融機構的主要商業活動為：持有從事非金融機構業務之關係企業之全部或部分已發行股份，或向該等關係企業提供資金及服務。但不包括以下情況：該法人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，或為一投資工具形式，以投資為目的，透過收購或提供資金取得公司股權做為其資本資產；
- (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, 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) 該非金融機構(「新成立之非金融機構」)尚未經營業務，亦無於過往經營業務，以及為了經營金融機構業務以外的業務的意圖，而將資金投資於資產。但不包括成立已逾 24 個月的非金融機構；
- (e) 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) 該非金融機構在過往 5 年內並非金融機構，並且正對其資產進行清算；或為繼續或重新展開經營金融機構業務以外的業務的目的，而進行重組；
- (f) 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) 該非金融機構隸屬非金融集團，主要從事與關係企業之融資及避險交易，或為其關係企業從事融資及避險交易，且該關係企業亦非金融機構，該非金融機構不提供融資或避險服務予非關係企業；或
- (g) 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) 該非金融機構符合以下所有要求(「非營利的非金融機構」)：
- (h) the NFE meets all of the following requirements (a “non-profit NFE”) :
- (i) 該非金融機構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；或該非金融機構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；
- (i) 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) 該非金融機構在其居留司法管轄區豁免繳付所得稅；
- (ii) it is exempt from income tax in its jurisdiction of residence;
- (iii) 該非金融機構無任何對其收入或資產，擁有股權或實益權益的股東或成員；
- (iii) it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
- (iv) 該非金融機構的居留司法管轄區的適用法律，或該機構的成立文件，禁止該機構之任何收入或資產，分配予私人或非慈善機構，或為私人或非慈善機構的利益而運用該收入或資產，除非該項分配或運用目的為該機構所進行的慈善活動；或作為支付已提供的服務的合理補償；或作為該機構以公平市值購買任何財產之款項；以及
- (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 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) 該非金融機構的居留司法管轄區的適用法律(或該非金融機構的設立文件)規定，該非金融機構一旦清算或解散，其所有資產均須分配予某政府機構或其他非營利組織，或須交還予該居留司法管轄區的政府，或該政府的政治機關。
- (v) 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”

自然人對某法人的「控權」，通常透過其在法人的持股(通常以某個百分比(例如 25%)為基準)行使。如沒有自然人透過持股行使控制，該法人的控權人將會是透過其他方式對該法人行使控制的自然人；如沒有自然人辨識為透過持股對某法人行使控制，該法人的控權人將會設定為處於高階管理人員或對該法人的管理具有最終影響力的自然人。

“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. 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.

## 「控權人」 “Controlling Person(s)”

「控權人」指對該法人行使控制權的自然人。就信託而言，「控權人」係指該信託的委託人、受託人、監察人(如有)、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)。委託人、受託人、監察人(如有)、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。

“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, or 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.

如果委託人、受託人、監察人或受益人為法人，委託人、受託人、監察人或受益人的「控權人」會被視為信託的「控權人」。

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.

就非信託的法律安排，「控權人」係相等於或相類於信託的人士。“控制人”一詞必須以符合“金融行動特別工作組建議”的方式解釋。

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. The term “Controlling Persons” must be interpreted in a manner consistent with the Financial Action Task Force Recommendations.

## “Custodial Institution”

「託管機構」一詞指符合以下說明的機構：該機構為他人的帳戶持有財務資產做為其主要業務。在這情況下，該機構可歸因於持有財務資產及相關的金融服務的總收入，相等於或超過該機構在以下期間(兩者中以較短者為準)的總收入的 20%：

(i) 在斷定某機構是否為託管機構的前一年度，截至 12 月 31 日(或非曆年制會計期的最後一日)為止的 3 年期間；(ii) 該機構存在的期間。

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.

它還包括：  
It also includes:

- (a) 根據“證券及期貨條例”（第 289 章）擁有資本市場服務牌照，以執行為證券提供監管服務的受規管活動；  
 (a) the holder of a capital markets services licence under the Securities and Futures Act (Cap. 289) for carrying out the regulated activity of providing custodial services for securities;
- (b) 根據“證券及期貨條例”（第 289 章）第 99 條獲豁免的人士（個人除外），從持有資本市場服務牌照的規定，開展監管活動，提供監管服務證券；和  
 (b) a person (other than an individual) that is exempt under section 99 of the Securities and Futures Act (Cap. 289), from the requirement to hold a capital markets services licence to carry out the regulated activity of providing custodial services for securities; and
- (c) “信託公司法”（第 336 章）下的持牌信託公司。  
 (c) a licensed trust company under the Trust Companies Act (Cap. 336).

「存款機構」

**"Depository Institution"**

「存款機構」是指在日常的銀行業務或類似業務過程中接受存款的實體。

The term “Depository Institution” means any Entity that accepts deposits in the ordinary course of a banking or similar business.

「法人」

**"Entity"**

「法人」一詞指法人或法律安排，例如：公司、組織、合夥、信託或基金會。該詞包含並非個人(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)

「金融機構」

**"Financial Institution"**

「金融機構」一詞指「託管機構」、「存款機構」、「投資實體」或「特定保險公司」。

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) “證券及期貨條例”（第 289 章）擁有資本市場服務牌照，以執行以下一項或多項受規管活動  
 (i) 交易證券；  
 (ii) 期貨合約交易；  
 (iii) 槓桿式外匯買賣；  
 (iv) 資金管理；  
 (v) 房地產投資信託管理；
- (a) a holder of a capital markets services licence under the Securities and Futures Act (Cap. 289) to carry out one or more of the following regulated activities  
 (i) dealing in securities;  
 (ii) trading in futures contracts;  
 (iii) leveraged foreign exchange trading;  
 (iv) fund management;  
 (v) real estate investment trust management;
- (b) 註冊為註冊資金管理公司的“證券及期貨（業務許可及商業行為）規例”（第 289 章，第 10 號）註冊的法團；  
 (b) a corporation registered with the Securities and Futures (Licensing and Conduct of Business) Regulations (Cap. 289, Rg 10) as a Registered Fund Management Company;
- (c) 根據“證券及期貨條例”豁免的個人（個人除外）規定持有資本市場服務牌照以執行（a）段所述的更多受規管活動之一；  
 (c) a person (other than an individual) that is exempt under the Securities and Futures Act from the requirement to hold a capital markets services licence to carry out one of more of the regulated activities mentioned in sub-paragraph (a);

(d) 根據“信託公司法”（第 336 章）的持牌信託公司，

(d) a licensed trust company under the Trust Companies Act (Cap. 336),

(e) 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：

(e) 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、定存及衍生性工具等)、外匯、兌換、利率及指數工具、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。該等活動或業務並不包括向客戶提供非約束性投資諮詢。

(i) 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) 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.

(f) 另一類投資實體(由另一金融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、特定保險公司或屬上述(a)、(b)、(c)、(d) 及(e)項所述的投資實體管理的實體。

(f) 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), (d) or (e) above.

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

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.

「由另一金融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 (e) 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。當一個實體由金融機構、非金融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、特定保險公司或屬上述(a)、(b)、(c)、(d) 及或(e)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), (d) or (e) above, if any of the managing Entities is such another Entity.

「非金融機構」

**“NFE”**

「非金融機構」指並非金融機構的法人。

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

### 「參與稅務管轄區」

#### “Participating Jurisdiction”

參與稅務管轄區是一個司法管轄區域，其中：i) 已經達成協議，有義務自動交換可報告帳戶信息；和 ii) 在已發布的列表上標識。

A Participating Jurisdiction is a jurisdiction with which: i) an agreement is in place pursuant to which there is an obligation to automatically exchange information on reportable accounts; and ii) is identified on a published list.

### 「參與稅務管轄區金融機構」

#### “Participating Jurisdiction Financial Institution”

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

The term “Participating Jurisdiction Financial Institution means (i) any Financial Institution that is 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.

### 「消極性非金融機構」

#### “Passive NFE”

「消極性非金融機構」指任何：(i) 不屬積極性非金融機構的非金融機構；及(ii) 位於非參與稅務管轄區並由另一金融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.

### 「關係企業」

#### “Related Entity”

若某法人控制另一法人，或兩個法人共同受同一人控制，則該法人是另一法人的「關係企業」。就此而言，控制可透過直接或間接持有某法人超過 50%的表決權或股份的價值。

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(包括租稅協定)，任何法人不僅就以有關稅務管轄區為來源的收入，亦因其戶籍、居所、營運管理地、公司設立地，或任何性質類似的其他標準，在有關稅務管轄區需要納稅或有納稅義務，便會成為該稅務管轄區的稅務居民。沒有稅務居民身份的法人，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/>.

### 「特定保險公司」

#### “Specified Insurance Company”

「特定保險公司」一詞指任何屬保險公司的法人，或屬某保險公司的母公司的法人，而該公司發出現金值保險合約或年金合約，或有責任就現金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.

**「稅籍編號」 (包括具有等同功能的辨識編號)  
“TIN” (including “functional equivalent”)**

「稅籍編號」一詞指納稅人的辨識編號或具有等同功能的辨識編號(如無納稅人的辨識編號)。稅籍編號是稅務管轄區向個人或法人分配獨有的字母與數字組合，用於識別個人或法人的身分，以便實施該稅務管轄區的稅務法律。有關可接受的稅籍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/>

某些稅務管轄區無稅籍編號。但是，這些稅務管轄區通常使用具有等同辨識功能的其他完整號碼（「具有等同功能的辨識號碼」）。此類號碼的範例包括：

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。

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

(b) 就法人而言，商業/公司登記代碼/號碼。

(b) (for Entities) a Business/company registration code/number.