

## Automatic Exchange of Financial Account Information in Tax Matters ("AEOI") related to MPF/ORSO Registered Schemes

### 就強積金/職業退休註冊計劃有關的稅務事宜自動交換財務賬戶資料 (自動交換資料)

#### AEOI Overview 自動交換資料概覽

##### 1. What is AEOI?

AEOI involves the transmission of financial account information from Hong Kong to an overseas tax jurisdiction with which Hong Kong has an AEOI arrangement (or known as an "AEOI partner"). The information relates only to the tax residents of the jurisdiction of the AEOI partner ("reportable jurisdiction").

##### 1. 何謂自動交換資料？

自動交換資料涉及把財務賬戶資料由香港傳送至與香港有自動交換資料安排的海外稅務管轄區(或稱為「自動交換資料伙伴」)。有關資料只涉及屬自動交換資料伙伴的稅務管轄區(「申報稅務管轄區」)的稅務居民。

##### 2. Why does Hong Kong have to implement AEOI?

Exchanging financial account information on an automatic basis is a new international standard, designed to enhance tax transparency and combat cross-border tax evasion. Members of the international community have been advocating AEOI as a more efficient mode of international tax cooperation and have made it a new global standard. The Organization for Economic Cooperation and Development ("OECD") released in July 2014 the Standard for Automatic Exchange of Financial Account Information in Tax Matters, calling on governments of all jurisdictions to obtain relevant financial account information from their financial institutions and exchange that information automatically with jurisdictions of residence of account holders, and where relevant, controlling persons on an annual basis. For the meaning of "controlling persons", please refer to the definition of "controlling person" under Section 50A(1) of the Inland Revenue Ordinance (Cap. 112) ("IRO").

As a responsible international citizen and a leading financial center, Hong Kong indicated in September 2014 our commitment to implement AEOI and commence the first

information exchanges by the end of 2018. To deliver the commitment, Hong Kong commenced the first exchanges in September 2018.

The Inland Revenue (Amendment) (No. 3) Ordinance 2016, which commenced operation on 30 June 2016, has put in place a legislative framework for Hong Kong to implement AEOI. Subsequently, further amendments were made to the AEOI legal framework under the Inland Revenue (Amendment) (No. 2) Ordinance 2017, the Inland Revenue (Amendment) Ordinance 2018 and the Inland Revenue (Amendment) (No. 2) Ordinance 2019. The above Amendment Ordinances are collectively referred to as “the AEOI legislation”.

In particular, the Inland Revenue (Amendment) (No. 2) Ordinance 2019 removed Mandatory Provident Fund Schemes registered under the Mandatory Provident Fund Schemes Ordinance (Cap. 485) (“MPF schemes”) and Occupational Retirement Schemes registered under the Occupational Retirement Schemes Ordinance (Cap.426) (“ORSO registered schemes”) from the list of non-reporting financial institutions (thereby rendering such schemes reporting financial institutions with regard to AEOI); and increased the number of reportable jurisdictions from the current 75 to 126 with effect from 1 January 2020.

## 2. 為什麼香港要實施自動交換資料？

以自動形式交換財務資料是一項新的國際標準，旨在提高稅務透明度及打擊跨境逃稅活動。國際社會提倡自動交換資料，以作為一種更有效率的國際稅務合作模式，並將其訂為一項新的國際標準。經濟合作與發展組織（「經合組織」）在 2014 年 7 月公布了就稅務事宜自動交換財務賬戶資料的標準，呼籲各地政府從其財務機構取得相關的財務賬戶資料，並每年與賬戶持有人和控權人（如適用）所屬居留司法管轄區自動交換該等資料。控權人的含意請見於《稅務條例》（第 112 章）第 50A（1）條中「控權人」的定義。

作為國際社會負責任的成員及國際金融中心，香港在 2014 年 9 月承諾實施自動交換資料，並會於 2018 年年底進行首次資料交換。為履行承諾，香港已於 2018 年 9 月進行首次自動交換資料。

於 2016 年 6 月 30 日生效的《2016 年稅務（修訂）（第 3 號）條例》，為香港進行自動交換資料訂立了法律框架。其後，《2017 年稅務（修訂）（第 2 號）條例》、《2018 年稅務（修訂）條例》及《2019 年稅務（修訂）（第 2 號）條例》亦進一步修定了自動交換資料的法律框架。以上所有《修訂條例》統稱為「自動交換資料法例」。

其中，《2019 年稅務（修訂）（第 2 號）條例》從免申報財務機構名單中剔除《強制性公積金計劃條例》（第 485 章）下註冊的強制性公積金計劃（「強積金計劃」）和《職業退休計劃條例》（第 426 章）下註冊的職業退休計劃（「職業退休註冊計

劃」) (從而使該等計劃成為自動交換資料的申報財務機構)，及將申報稅務管轄區的數目由現時 75 個增加至 126 個，生效日期為 2020 年 1 月 1 日。

### **3. Who will be the reportable persons for AEOI?**

A financial institution resident or with a branch located in Hong Kong is required to identify the financial accounts held by individuals or entities liable to tax by reason of residence in the reportable jurisdictions. The financial institution will collect and furnish to the Inland Revenue Department (“IRD”) information of the identified account holders, and where relevant, controlling persons and the financial account information on an annual basis. IRD will then transmit the information to the tax administration of the relevant jurisdiction of which the account holder or controlling person is tax resident.

Updated list of reportable jurisdictions could be found in the website of IRD:

[https://www.ird.gov.hk/eng/tax/aeoi/rpt\\_jur.htm](https://www.ird.gov.hk/eng/tax/aeoi/rpt_jur.htm)

### **3. 誰是自動交換資料下的申報對象？**

任何個人或實體若因其居民身分而在某稅務管轄區有繳稅責任，而該稅務管轄區為申報稅務管轄區，則居於香港的財務機構或財務機構位於香港的分支機構須識辨由該個人或實體所持有的財務賬戶。財務機構須每年蒐集和向稅務局提交已識辨的賬戶持有人和控權人（如適用）的資料及其財務賬戶資料。稅務局會將有關資料傳送至該賬戶持有人或控權人作為稅務居民所屬的相關稅務管轄區的稅務機關。

最新之申報稅務管轄區名單刊載於稅務局網頁：

[https://www.ird.gov.hk/chi/tax/aeoi/rpt\\_jur.htm](https://www.ird.gov.hk/chi/tax/aeoi/rpt_jur.htm)

### **4. When will AEOI be applied to MPF schemes and ORSO registered schemes (collectively “Retirement Schemes”)?**

According to the Inland Revenue (Amendment) (No. 2) Ordinance 2019, MPF schemes and ORSO registered schemes will become reporting financial institutions (“Reporting FIs”) with effect from 1 January 2020. Starting from that date, Retirement Schemes are required to comply with the due diligence and reporting obligations relating to AEOI. If members and/or employers of the Retirement Schemes concerned are tax residents of the reportable jurisdictions, such Retirement Schemes will need to report in 2021 for the first time to the IRD the financial account information of the relevant persons, covering the year 2020, for transmission to the relevant tax authorities.

### **4. 自動交換資料將在何時適用於強積金計劃及職業退休註冊計劃（統稱為「退休計劃」）？**

根據《2019 年稅務（修訂）（第 2 號）條例》，強積金計劃及職業退休註冊計劃將會成為申報財務機構。有關修訂會於 2020 年 1 月 1 日起生效。由該日起，退休計劃均須要遵守自動交換資料下要求的盡職審查及申報責任。若相關退休計劃的成員及/或僱主屬申報稅務管轄區的稅務居民，則該等退休計劃須在 2021 年向稅務局就有關人士的財務賬戶資料（涵蓋 2020 年度的資料）作首次申報，以供稅務局將資料傳送至相關稅務當局。

## **5. How will MPF/ORSO registered scheme account holders be affected by AEOI? What are the implications to employers?**

MPF schemes and ORSO registered schemes will be Reporting FIs effective from 1 January 2020. Under the AEOI legislation, these Reporting FIs (i.e. MPF schemes and ORSO registered schemes) will be liable for reporting on account holders (members and employers inclusive) who are tax residents of any reportable jurisdiction outside Hong Kong. For identification of the tax residency status of each new account holder, Reporting FI is required to collect a self-certification of the account holder for verification of his/her tax residency status and to keep it for a period of six years (beginning on the date on which the return is furnished) in accordance with the requirement of the IRO.

Employers should take all practical steps to request new employees to complete, sign and submit the self-certification forms properly and promptly when enrolling these new employees into MPF schemes and ORSO registered schemes. Otherwise, account opening process will be adversely affected and could not be completed.

### **5. 自動交換資料如何影響強積金/職業退休註冊計劃內的賬戶持有人？而對僱主亦有什麼影響？**

強積金計劃及職業退休註冊計劃會於 2020 年 1 月 1 日起成為申報財務機構。在自動交換資料法例下，該些申報財務機構（即強積金計劃及職業退休註冊計劃）有責任申報任何屬於香港以外申報稅務管轄區作為稅務居民的賬戶持有人（包括成員及僱主）。根據《稅務條例》規定，為了識辨每名新帳戶持有人的稅務居民身分，申報財務機構需向新帳戶持有人蒐集其自我證明，以核實其稅務居民身分，而有關的自我證明將會由有關申報財務機構備存六年（由提交報表的日期起計）。

當新僱員登記參加強積金計劃及職業退休註冊計劃時，僱主應採取所有可行措施要求新僱員正確地和及時地填寫、簽署及提交自我證明表格。否則，賬戶開戶程序將受到影響及無法完成。

## **6. I am a Hong Kong permanent resident and do not hold any foreign passports and only have tax liability in Hong Kong, how will I be affected?**

Please refer to the answers to Questions 9 and 16.

6. 我是一名香港永久性居民，沒有持有外國護照，並只在香港納稅。我將如何受到影響？

請參考第九條及第十六條問題答案。

## **Due Diligence 盡職審查**

### **7. What is a self-certification?**

This is a formal declaration that the account holder provides in connection with his/her tax residence under the AEOI regime.

According to the due diligence procedures set out in the AEOI legislation (which are based on the international standard required), self-certification would be required from account holders (members and/or employers) for all new MPF/ORSO registered scheme accounts (i.e. accounts opened on or after 1 January 2020). As for pre-existing MPF/ORSO registered scheme accounts (i.e. accounts that are in existence as at 31 December 2019), if a Reporting FI has doubt about the tax residence of an account holder, it should also obtain a self-certification from such account holder to establish his/her tax residence.

#### a. For individual account

Information that MPF/ORSO registered scheme individual account holders required to provide includes basic identification information (e.g. name, HKID or passport number, residence address, mailing address (if different from residence address), date of birth, jurisdiction of residence and taxpayer identification number (“TIN”) with respect to each jurisdiction). If an MPF/ORSO account is held by an individual as a sole-proprietor of a business, the account is to be treated as an individual account.

If the account holder has doubt about his/her tax residence, he/she may consider seeking professional advice.

#### b. For entity account

Information that MPF/ORSO registered scheme entity account holders required to provide includes legal name, jurisdiction of incorporation or organization, Hong Kong business registration number, business address, mailing address (if different from business address), jurisdiction of residence and TIN. If an MPF/ORSO account is held by an individual as a partner in a partnership, the account is to be treated as an entity account, NOT as an individual account.

Each controlling person of the entity is also required to provide self-certification if the entity account holder is a passive non-financial entity (“NFE”). Required Information from the controlling person includes name of the controlling person, HKID or passport number, residence address, mailing address (if different from residence address), date of birth, jurisdiction of residence and TIN, name of the entity account under the control of the controlling person, and type of controlling person.

In OECD’s AEOI portal, you can find more information regarding the tax laws of different jurisdictions for defining tax residence. The website address is:

<https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/>

For the details on what entity account holder would amount to a passive NFE, please refer to the definition of “passive NFE” under Section 50A(1) of the IRO.

An account holder who knowingly or recklessly provides a statement that is misleading, false or incorrect in a material particular in making a self-certification to a Reporting FI is an offence. IRD may check the details of the self-certification, if necessary.

## 7. 什麼是自我證明？

這是賬戶持有人在自動交換資料的框架下就其稅務居民身分作出的一份正式聲明。

根據自動交換資料法例訂明的盡職審查程序（該等程序是按國際標準的需要而訂定的），所有新強積金/職業退休註冊計劃賬戶（即 2020 年 1 月 1 日或之後所開立的賬戶）的賬戶持有人均須提交自我證明。至於原有強積金/職業退休註冊計劃賬戶（即於 2019 年 12 月 31 日存在的賬戶），如申報財務機構對有關賬戶持有人（成員及/或僱主）的稅務居民身分存疑，亦會向該賬戶持有人索取自我證明，以確認其稅務居民身分。

### a. 個人賬戶

個人持有的強積金/職業退休註冊計劃賬戶須提供的資料包括基本個人資料（如姓名、香港身份證號碼或護照號碼、住址、通訊地址（如與住址不同）、出生日期、居留司法管轄區及在每個司法管轄區的稅務編號）。由個人以業務的獨資經營者身分持有的強積金/職業退休計劃賬戶，亦須視為個人賬戶。

如果賬戶持有人不清楚其稅務居民身分，該有關賬戶持有人可考慮尋求專業意見。

## b. 實體賬戶

由實體持有的強積金/職業退休註冊計劃賬戶須提供的資料包括法定名稱、實體成立為法團或設立所在的稅務管轄區、香港商業登記號碼、營業地址、通訊地址（如與營業地址不同）、居留司法管轄區及稅務編號。由個人以合夥中的合夥人身分持有的強積金/職業退休計劃賬戶，須視為實體賬戶，而非個人賬戶。

如實體賬戶持有人是「被動非財務實體」，每名控權人也須填寫一份自我證明。每名控權人須提供的資料包括其姓名、香港身份證或護照號碼、居住地址、通訊地址（如與住址不同）、出生日期、居留司法管轄區及稅務編號、作為控權人的實體賬戶名稱，以及控權人的類別。

在經合組織建立的自動交換資料網站內，你可以尋找更多有關不同稅務管轄區的稅務法律對其稅務居民的定義的資料，該網址為：

<https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/>

有關甚麼實體戶口持有人會構成被動非財務實體的細節，請見於《稅務條例》第50A(1)條中「被動非財務實體」的定義。

賬戶持有人向申報財務機構作出自我證明時，明知或罔顧實情地在要項上作出具誤導性、虛假或不正確的陳述，便屬違法。稅務局如有需要可查閱自我證明內的資料。

## 8. Why am I asked to provide my tax residency in the self-certification?

Under the AEOI legislation, the Reporting FIs are required to apply due diligence procedures to identify the tax residency of MPF/ORSO registered scheme account holders (members and/or employers) and controlling persons for the purpose of AEOI. Therefore an MPF/ORSO registered scheme account holder is required to provide his/her tax residency to the Reporting FI. Otherwise, the account opening process will be adversely affected and could not be completed.

## 8. 為什麼我被要求在自我證明提供我的稅務居民身分？

根據自動交換資料法例，申報財務機構須為自動交換資料的目的，應用盡職審查程序，以識辨強積金/職業退休註冊計劃賬戶持有人（成員及/或僱主）及控權人的稅務居民身分。所以，強積金/職業退休註冊計劃賬戶持有人需要向申報財務機構提供其稅務居民身分，否則，賬戶開戶程序將受到影響，及無法完成。

**9. I am a Hong Kong permanent resident and do not hold any foreign passports and only have tax liability in Hong Kong. Do I need to provide a self-certification to the Reporting FI when opening a new MPF/ORSO registered scheme account? Do I need to provide a self-certification to the Reporting FI for my pre-existing MPF/ORSO registered scheme accounts?**

According to the due diligence procedures set out in the AEOI legislation, which are based on the international standard, with effect from 1 January 2020, all new MPF/ORSO registered scheme account holders have to provide self-certifications to the Reporting FI in respect of their personal information, including tax residence. For pre-existing MPF/ORSO registered scheme accounts, the Reporting FI will be required to conduct due diligence procedures to determine if an account holder is a reportable person. In case of doubt, self-certification from the account holders will be obtained to establish their tax residences.

Furthermore, Reporting FIs can opt to apply due diligence procedures of new MPF/ORSO registered scheme accounts to pre-existing MPF/ORSO registered scheme accounts. In other words, an account holder may have to provide a self-certification to the Reporting FI regarding a pre-existing MPF/ORSO registered scheme account.

**9. 我是香港永久性居民，沒有持有外國護照及只須在香港繳稅。在開立新強積金/職業退休註冊計劃賬戶時，我是否需要向申報財務機構提供自我證明？就我的原有強積金/職業退休註冊計劃賬戶，我是否需要向申報財務機構提供自我證明？**

根據自動交換資料法例所訂明的盡職審查程序（該等程序是按國際標準的需要而訂定的），由 2020 年 1 月 1 日起，就所有新強積金/職業退休註冊計劃賬戶而言，賬戶持有人須就其個人資料（包括稅務居民身分）向申報財務機構提供自我證明。至於原有強積金/職業退休註冊計劃賬戶，申報財務機構須進行盡職審查程序，以識辨賬戶持有人是否申報對象。如有疑問，亦會向該賬戶持有人索取自我證明，以確認其稅務居民身分。

此外，申報財務機構可選擇把新強積金/職業退休註冊計劃賬戶的盡職審查程序應用於原有強積金/職業退休註冊計劃賬戶。換言之，賬戶持有人可能需要就原有強積金/職業退休註冊計劃賬戶，向有關申報財務機構提供自我證明。

**10. Does a company in Hong Kong need to provide a self-certification to the Reporting FI when opening a new MPF/ORSO registered scheme account? Does a pre-existing MPF/ORSO registered scheme entity account holder in Hong Kong need to provide a self-certification to the Reporting FI?**



According to the due diligence procedures set out in the AEOI legislation, which are based on the international standard, with effect from 1 January 2020, all new MPF/ORSO registered scheme entity account holders have to provide self-certifications to the Reporting FI in respect of the company information, including its legal name, jurisdiction of incorporation or organization, Hong Kong business registration number, business address, mailing address (if different from business address), jurisdiction of residence and TIN. Each controlling person of the entity is also required to provide self-certification if the entity account holder is a passive NFE.

For pre-existing MPF/ORSO registered scheme entity accounts, the Reporting FI will be required to conduct due diligence procedures to determine if an account holder is a reportable person. In case of doubt, self-certification from the account holders will be obtained to establish their tax residences.

Furthermore, Reporting FIs can opt to apply due diligence procedures of new MPF/ORSO registered scheme entity accounts to pre-existing MPF/ORSO registered scheme entity accounts. In other words, an account holder may have to provide a self-certification to the Reporting FI regarding a pre-existing MPF/ORSO registered scheme entity account.

**10. 於香港成立的公司，在開立新強積金/職業退休註冊計劃賬戶時，是否需要向申報財務機構提供自我證明？就原有強積金/職業退休註冊計劃實體賬戶持有人，是否需要向申報財務機構提供自我證明？**

根據自動交換資料法例所訂明的盡職審查程序（該等程序是按國際標準的需要而訂定的），由 2020 年 1 月 1 日起，就所有新強積金/職業退休註冊計劃實體賬戶而言，實體賬戶持有人須就其公司資料（包括法定名稱、實體成立為法團或設立所在的稅務管轄區、香港商業登記號碼、營業地址、通訊地址（如與營業地址不同）、居留司法管轄區及稅務編號）向申報財務機構提供自我證明。如實體賬戶持有人是被动非財務實體，每名控權人也須填寫一份自我證明。

至於原有強積金/職業退休註冊計劃實體賬戶，申報財務機構須進行盡職審查程序，以識辨賬戶持有人是否申報對象。如有疑問，亦會向賬戶持有人索取自我證明，以確認其稅務居民身分。

此外，申報財務機構可選擇把新強積金/職業退休註冊計劃實體賬戶的盡職審查程序應用於原有強積金/職業退休註冊計劃實體賬戶。換言之，賬戶持有人可能需要就原有強積金/職業退休註冊計劃實體賬戶向有關申報財務機構提供自我證明。

**11. What if there are changes in circumstances that affect my tax residency?**

MPF/ORSO registered scheme account holders should inform the Reporting FI of any change in circumstances which affects their tax residency status or causes the information contained in a self-certification to become incorrect. Generally, account holders should provide the Reporting FI with a suitably updated self-certification form within 30 days of such change in circumstances.

## 11. 如果情況有所改變並影響了我的稅務居民身分，該怎麼辦？

如情況有所改變以致影響強積金/職業退休註冊計劃賬戶持有人的稅務居民身分或引致已提交的自我證明上的資料不正確，賬戶持有人應通知申報財務機構。一般而言，賬戶持有人需要在情況出現改變後三十天內，向有關申報財務機構提供一份已適當更新的自我證明。

## 12. How will I know whether or not I am a tax resident of an overseas jurisdiction?

In general, whether or not an individual or entity is a tax resident of a jurisdiction is determined by having regard to the person's physical presence or stay in a place (say, whether over 180 days within a tax year (such as in Hong Kong, the tax year is from 1 April of the year to 31 March of the following year)) or in the case of a company, the place of incorporation or where the central management and control of the company lies. That a person has paid taxes charged by a jurisdiction (say, value-added tax, withholding tax or capital gains tax) does not automatically render that person a tax residence of that jurisdiction.

In OECD's AEOI portal, you can find more information regarding the tax laws of different jurisdictions for defining tax residence. The website address is:

<https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/>

If the MPF/ORSO registered scheme account holder has doubts about his/her tax residence, he/she may consider seeking professional advice.

## 12. 如何得知自己是否海外稅務管轄區的稅務居民？

一般而言，要斷定某個人或實體是否屬一個稅務管轄區的稅務居民，會根據有關人士身處或逗留於該地的時間（例如是否在一個課稅年度（如香港的課稅年度為每年的4月1日至下一年的3月31日）停留超過180天）；如屬公司的情況，則根據有關公司成立為法團的地點或其中央管理及控制的地點。任何人士即使在某稅務管轄區繳稅（例如消費稅、預扣稅或資本增值稅），並不會使該人士自動成為該稅務管轄區的稅務居民。

在經組織建立的自動交換資料網站內，你可以尋找更多有關不同稅務管轄區的稅務法律對其稅務居民的定義的資料。該網址為：

<https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/>

如果強積金/職業退休註冊計劃賬戶持有人不清楚其稅務居民身分，有關賬戶持有人可考慮尋求專業意見。

### **13. Will the IRO specify who are tax residents of an overseas jurisdiction? How can a Reporting FI know and identify tax residence of their MPF/ORSO registered scheme account holders?**

Each jurisdiction has its specific definition of tax residence. Tax laws may differ amongst jurisdictions and the tax residence of an individual MPF/ORSO registered scheme account holder (member and/or employer) may change from one year to another. Account holders ought to verify and update their tax residence and seek legal advice if necessary.

For new MPF/ORSO registered scheme accounts, Reporting FIs will seek self-certification from account holders (members and/or employers) in respect of their personal information, including tax residence. For pre-existing MPF/ORSO registered scheme accounts, the Reporting FI will be required to conduct due diligence procedures to determine if a MPF/ORSO an account holder is a reportable person. In case of doubt, self-certification from the account holders will be obtained to establish their tax residences.

### **13. 《稅務條例》會否指明誰人是海外稅務管轄區的稅務居民？申報財務機構如何知道及識辨其強積金/職業退休註冊計劃賬戶持有人的稅務居民身分？**

每個稅務管轄區就其稅務居民身分均有特定的定義。稅務法律可能因稅務管轄區而異，而個別強積金/職業退休註冊計劃賬戶持有人(成員及/或僱主)作為稅務居民的身分也可能每年有變。賬戶持有人須核實和更新其稅務居民的身分，如有需要，應尋求法律意見。

就新強積金/職業退休註冊計劃賬戶而言，申報財務機構會向其賬戶持有人（成員及/或僱主）就其個人資料（包括稅務居民身分）索取自我證明。就原有強積金/職業退休註冊計劃賬戶而言，申報財務機構須進行盡職審查程序，以識辨賬戶持有人是否申報對象。如有疑問，亦會向該賬戶持有人索取自我證明，以確認其稅務居民身分。

#### **14. What happens if I do not provide the required AEOI-related information or documents to the Reporting FI?**

The AEOI legislation imposes a legal obligation on Reporting FIs to obtain a self-certification in respect of new accounts. If a new employee/employer/controlling person does not provide the self-certification as required, the MPF/ORSO registered scheme account opening process will be adversely affected and could not be completed.

For a pre-existing MPF/ORSO registered scheme account holder that does not provide self-certification and/or other supporting documents when being requested, as prescribed by the AEOI legislation, the Reporting FI will need to determine the member's tax residency based on the information currently on record, and if this is in a reportable jurisdiction, the Reporting FI will need to report the relevant account information to the IRD. The IRD will in due course, perform information exchange with such reportable jurisdiction that has activated AEOI exchange relationship with Hong Kong.

#### **14. 如果我未能向申報財務機構提供所需的自動交換資料相關資料或文件，會有什麼後果？**

自動交換資料法例規定申報財務機構有法律責任就新賬戶取得自我證明。如果僱員/僱主/控權人未能按要求提供自我證明，強積金/職業退休註冊計劃開戶程序將受到影響，及無法完成。

對未能按要求提供自我證明及/或其他證明文件的原有強積金/職業退休註冊計劃賬戶持有人，根據自動交換資料法例的規定，申報財務機構需根據現有的資料記錄，識辨會員的稅務居民身分，如屬申報稅務管轄區，則申報財務機構須向稅務局申報相關的賬戶資料。稅務局會適時跟已與香港啟動了自動交換資料關係的申報稅務管轄區交換資料。

#### **15. Can I check my tax residency status held with the Reporting FI, and how?**

In accordance with the Personal Data (Privacy) Ordinance ("PDPO"), MPF/ORSO registered scheme account holders have the right to request access to their personal data.

The account holders can make use of customers servicing channels of the Reporting FI to check and/or update their tax residency status as needed.

#### **15. 我能否以及如何向申報財務機構查詢其掌握關於我的稅務居民身份資料？**

根據《個人資料（私隱）條例》（「《私隱條例》」），強積金/職業退休註冊計劃賬戶持有人有權要求查閱其個人資料。

賬戶持有人可利用申報財務機構的客戶服務渠道，按需要查詢及/或更新其稅務居民身份資料。

## **Reporting 申報**

### **16. I am a Hong Kong permanent resident and do not hold any foreign passports and only have tax liability in Hong Kong. Will my MPF/ORSO registered scheme account information be reported to other jurisdictions under the AEOI regime?**

If you are not a tax resident in any jurisdiction outside Hong Kong, the Reporting FI is not required to report your MPF/ORSO registered scheme account information to IRD for transmission to any tax administration outside Hong Kong.

16. 我是香港永久性居民，沒有持有外國護照及只須在香港繳稅。在自動交換資料的框架下，我的強積金/職業退休註冊計劃賬戶資料會否被申報至其他稅務管轄區？

假如你不是香港以外任何稅務管轄區的稅務居民，申報財務機構不須就你的強積金/職業退休註冊計劃賬戶資料向稅務局申報，作為傳送至香港以外的稅務機關之用。

### **17. If a company which is registered in Hong Kong and only has tax liability in Hong Kong, will the MPF/ORSO registered scheme entity account information of the company be reported to other jurisdictions under the AEOI regime?**

If a company is not a tax resident in any jurisdiction outside Hong Kong, the Reporting FI is not required to report the MPF/ ORSO registered scheme entity account information of the company to IRD for transmission to any tax administration outside Hong Kong.

17. 如公司是於香港註冊並只須在香港繳稅。在自動交換資料的框架下，強積金/職業退休註冊計劃實體賬戶資料會否被申報至其他稅務管轄區？

假如其公司不是香港以外任何稅務管轄區的稅務居民，申報財務機構不須就其相關的強積金/職業退休註冊計劃實體賬戶資料向稅務局申報，作為傳送至香港以外的稅務機關之用。

### **18. If I am a tax resident of an reportable jurisdiction and hold an MPF/ORSO registered scheme account with a Reporting FI in Hong Kong, what information about me will be exchanged?**

As far as personal data is concerned, the information to be exchanged includes name, address, jurisdiction of residence, TIN, and date of birth. As for MPF/ORSO registered scheme account data, it includes the account number (or a unique identifying number),

account balance or value (year-end) for the year concerned, and the gross amount paid or credited to the account holder in respect of the account during the relevant period, including the aggregate amount of any redemption payments made to the account holder during that period.

**18. 假如我作為申報稅務管轄區的稅務居民，我於香港申報財務機構持有的強積金/職業退休註冊計劃賬戶，我的什麼資料會被交換？**

就個人資料而言，交換的資料包括姓名、地址、居留司法管轄區、稅務編號及出生日期。至於強積金/職業退休註冊計劃賬戶資料，交換的資料包括賬戶編號（或獨有識辨號碼）、賬戶的年終結餘或價值，及在有關申報期內就該賬戶支付或記入予該賬戶持有人的總款額，包括付給賬戶持有人的贖回付款的總款額。

**19. As for the non-vested benefits in my MPF/ORSO registered scheme account, how does the Reporting FI calculate for the purpose of AEOI/CRS reporting?**

In respect of MPF schemes, an employer is able to make voluntary contributions for an employee member in addition to mandatory contributions. Upon a member ceasing employment prior to his/her normal retirement date other than due to specified conditions under the MPF legislation, only the appropriate vested proportion of the employer's voluntary balance shall be paid to the member.

For ORSO registered schemes, the member's benefits may be subject to a vesting scale. The vesting scale may specify the percentage of the vested benefits derived from employer's contributions that the member is entitled to based on the number of years of service/participation.

In respect of the portion of benefit not yet vested to a member, if for regulatory and customer reporting purposes, the concerned value of benefit was reported as zero for both the employee member and the employer entity account holder, the value in respect of this portion should also be reported as zero under AEOI.

It should be emphasized that the account information of the scheme member should still be reported in this case, but only that the account value in respect of the non-vested portion would be zero. In subsequent years, should the benefits become vested in the member, the account balance in the reporting should reflect such increase accordingly.

**19. 至於我的強積金/職業退休註冊計劃賬戶內的非既有利益，申報財務機構應如何為自動交換資料之目的作出計算？**

在強積金計劃下，除了強制性供款，僱主可自由為其僱員成員作額外的自願性供款。當該成員在正常退休日期前離職，而離職的原因並非基於強積金法例下的特定情況，則該成員只會獲支付僱主自願性供款的結餘中適當的歸屬部分。

在職業退休註冊計劃下，計劃成員的利益可能會按照歸屬比例進行分配。歸屬比例可能會訂明按僱員的服務/參與年期所取得由僱主供款所產生的歸屬利益的百分比。

關於尚未歸屬於成員的利益部分，如以監管及向客戶報告為目的，就僱員成員和僱主實體賬戶持有人的相關利益價值申報為零，則在自動交換資料下，該部分的相關利益亦須申報為零。

需要強調的是在這個情況下，該計劃成員的賬戶資料仍須被申報，但只是其屬於非既有部分的賬戶價值是零。其後每年當這些非既有利益轉為歸屬於該成員，其賬戶結餘也須相應地反映此增加。

- End 完 -