

FAQ on Automatic Exchange of Financial Account Information in Tax Matters (“AEOI”)

就稅務事宜自動交換財務賬戶資料(「自動交換資料」)的常見問題

AEOI Overview 自動交換資料概覽

Question 1: What is AEOI?

Answer: AEOI is a new international standard that involves exchanging financial account information on an automatic basis between participating jurisdictions to enhance tax transparency and combat cross-border tax evasion. As a responsible international citizen and a leading financial centre, Hong Kong has committed to implement AEOI on financial institutions (including banks, securities firms, insurance companies, and investment funds) in September 2014 and completed the first information exchanges in 2018. Under the latest Inland Revenue (Amendment) (No. 2) Ordinance 2019, Mandatory Provident Fund Schemes (“MPF schemes”) and registered Occupational Retirement Schemes (“ORSO registered schemes”) also become reporting financial institutions with regard to AEOI with effect from 1st January 2020.

問題 1：何謂自動交換資料？

答：參與稅務管轄區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。作為國際社會負責任的成員及國際知名的主要金融中心，香港早於 2014 年 9 月已承諾實施自動交換資料，而本港財務機構（包括銀行、證券行、保險公司及投資基金）在 2018 年已進行首次自動交換資料。根據最新的《2019 年稅務（修訂）（第 2 號）條例》，強制性公積金計劃（「強積金計劃」）和註冊的職業退休計劃（「職業退休註冊計劃」）自 2020 年 1 月 1 日起也成為自動交換資料的申報財務機構。

Question 2: What is the implication of AEOI on Hospital Authority Provident Fund Scheme (“HAPFS”) and its members?

Answer: As HAPFS is an MPF exempted ORSO registered scheme in Hong Kong, we are required to comply with the due diligence and reporting obligations relating to AEOI effective 1st January 2020. All new joining members are required to complete, sign and submit the self-certification forms properly and promptly when enrolling into HAPFS. Otherwise, account opening process will be adversely affected and could not be completed.

問題 2：自動交換資料對醫院管理局公積金計劃(「本計劃」)及成員有什麼影響？

答：由於本計劃是在香港獲得強積金豁免的職業退休註冊計劃，我們必須從 2020 年 1 月 1 日起遵守自動交換資料下要求的盡職審查及申報責任。所有新加入本計劃的成員必須正確地和及時地填寫、簽署及提交自我證明表格。否則，賬戶開立的程序將受到影響及無法完成。

Question 3: When will AEOI be applied to HAPFS?

Answer: For all new accounts opened on or after 1st January 2020.

問題 3：自動交換資料將在何時適用於醫院管理局公積金計劃？

答：所有在 2020 年 1 月 1 日或之後開設的新賬戶。

For all EXISTING members who have joined the Scheme on or before 31st December 2019 於 2019 年 12 月 31 日或之前已加入本計劃的現有成員

Question 4: Do I need to provide a self-certification if I have joined HAPFS on or before 31st December 2019?

Answer: No, you don't need to do provide a self-certification unless you are requested to do so. We will conduct a due diligence to determine your tax residence(s) based on the information currently on record by the end of 2021.

問題 4：如果我於 2019 年 12 月 31 日或之前加入本計劃，我是否需要提供自我證明？

答：不需要。除非被要求，否則您是無需提交任何自我證明。我們將根據現有的資料記錄在 2021 年底前進行盡職調查，以確定您的稅務居民身分。

Question 5: What if there are changes in circumstances that affect my tax residency?

Answer: You must inform and provide us with an updated self-certification form within 30 days of change.

問題 5：如果情況有所改變並影響了我的稅務居民身分，該怎麼辦？

答：您必須在資料改變後三十天內提交一份已更新的自我證明。

Question 6: If I resign/retire and withdraw the accrued benefits, will my information be reported to the Inland Revenue Department of Hong Kong (“IRD”)?

Answer: We will submit your account information to IRD only if you are a tax resident of any reportable jurisdiction outside Hong Kong. For example, if you, who are a HAPFS member

and also a tax resident of any reportable jurisdiction outside Hong Kong, withdraw your accrued benefits in 2020, we will submit your HAPFS account information in mid of 2021 for the financial year 2020 to the IRD, but not in the subsequent years.

問題 6：如果我辭職/退休並提取累算權益，您會向稅務局匯報我的資料嗎？

答：僅當您是屬於香港以外任何一個申報稅務管轄區的稅務居民時，我們才會將您的賬戶資料提交給香港稅務局。例如您是本計劃成員且屬於香港以外任何一個申報稅務管轄區的稅務居民在 2020 年提取其賬戶的累算權益，我們會在 2021 年中將您於 2020 財政年度的本計劃賬戶資料提交給香港稅務局，其後之財政年度將不會再申報。

For all NEW members who join the Scheme on or after 1st January 2020 於 2020 年 1 月 1 日或之後加入本計劃的新成員

Question 7: What is self-certification?

Answer: This is a formal declaration that Scheme members are required to provide in connection with their tax residency(ies) under the AEOI regime. According to the due diligence requirements, a self-certification is required for all new joining members whose HAPFS accounts are opened on or after 1st January 2020.

As for existing members whose HAPFS accounts are in existence as at 31st December 2019, a due diligence will be conducted to determine their tax residency(ies) based on the information currently on record by the end of 2021. You are not required to provide any self-certification unless otherwise instructed.

問題 7：什麼是自我證明？

答：這是本計劃成員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，所有在 2020 年 1 月 1 日或之後加入本計劃的新成員均須提交自我證明。

對於在 2019 年 12 月 31 日或之前已加入本計劃的現有成員，我們將根據現有的資料記錄在 2021 年底前進行盡職調查，以確定您的稅務居民身分。除非另有指示，否則您是無需提交任何自我證明。

Question 8: What information are required to provide in the self-certification?

Answer: You are required to provide the following information:

- Name
- Current residential address
- Place and date of birth
- Country or jurisdiction of tax residence
- Taxpayer identification number(s) ("TIN") or its equivalents

問題 8：成員需要在自我證明提供哪些資料？

答：成員需要提供以下資料：

- 姓名
- 現居住地址
- 出生地及出生日期
- 稅務居民所在國家或司法管轄區
- 稅務編號 (TIN)，或相等功能號碼

Question 9: Why does the Trustees / Scheme Administrator ask for supporting documents in addition to self-certification?

Answer: Since the due diligence procedures are mandatory and subject to the laws of Hong Kong, HAPFS could be sanctioned if it fails to identify, collect and report information of reportable accounts to IRD. Therefore, we may need to verify the details provided by members as part of the self-certification. This verification process could include requiring address proof, copies of passports, past tax returns or other forms of evidence.

問題 9：為甚麼信託人計劃管理人除自我證明外，還要求更多證明文件？

答：由於盡職調查程序是強制性的，並受香港法律的約束，本計劃必須執行盡職審查程序，以識別應申報賬戶，並收集及向香港稅務局報告相關資料，否則或會被懲處。因此我們必須核實成員於自我證明所提供的資料。此核實過程可能需要查看住址證明、護照副本、舊報稅表或其他形式的證明。

Question 10: How do I know if I am a tax resident of an overseas jurisdiction?

Answer: In OECD's AEOI portal, you can find more information regarding the tax laws of different jurisdictions for defining tax residence. Their website address is: <https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/>.

If you still have doubts about your tax residence, you may consider seeking professional advice.

問題 10：如何得知自己是否海外稅務管轄區的稅務居民？

答：在經合組織建立的自動交換資料網站內，您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/>

如您仍然對自己的稅務居民身分不清楚，可考慮尋求專業意見。

Question 11: What is a Taxpayer Identification Number (“TIN”) and how can I find mine?

Answer: A TIN or its equivalent is a unique number typically issued to its citizens by a tax authority. Some jurisdictions do not issue TINs, and other jurisdictions accept national identification numbers or similar unique identifiers as valid entries on self-certification.

問題 11：甚麼是稅務編號（TIN）？我如何知道自己的稅務編號？

答：TIN 或相等功能的號碼是一般由稅務局向公民發出的獨有編碼。一些司法管轄區並無發出稅務編號，而一些司法管轄區則接受以國家身分證明文件號碼或同類獨有識別碼填寫自我證明。

Question 12: Can HAPFS or HA Human Resources help members fill out the self-certification?

Answer: No, it is the responsibility of members to fill out the self-certification.

問題 12：本計劃或醫院管理局人力資源部可否協助成員填寫自我證明？

答：不，填寫自我證明是成員的責任。

Question 13: 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 when applying for HAPFS?

Answer: Yes. You are still required to do so.

問題 13：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。在申請本計劃時，我是否需要提供自我證明？

答：是。您仍必須填寫。

Question 14: What happens if I refuse to provide a self-certification or other AEOI-related information or documents?

Answer: It is a legal requirement to obtain a self-certification for all new accounts opened on or after 1st January 2020. If you fail to provide the self-certification, your HAPFS account opening process will be adversely affected and cannot be completed. You will be deemed to be remained in the Hospital Authority Mandatory Provident Fund Schemes.

問題 14：如果我未能提供自動交換資料所需的相關資料或文件，會有甚麼後果？

答：根據法律要求，對於 2020 年 1 月 1 日或之後開設的所有新賬戶都必須取得自我證明。如閣下未能按要求提供自我證明，您在本計劃的開戶程序將受到影響及無法完成。您將被視為繼續保留在醫院管理局強制性公積金計劃中。

Question 15: What happens if the Option Form is received within the 30-day deadline but the self-certification is incomplete or missing?

Answer: Your HAPFS application will not be processed. You will be deemed to be remained in the Hospital Authority Mandatory Provident Fund Schemes.

問題 15：如在 30 天的截止日期之前收到的「計劃選擇表格」沒有填妥自我證明的部分，會怎樣處理？

答：您在本計劃的賬戶申請將不能處理。您將被視為繼續保留在醫院管理局強制性公積金計劃中。

Reporting

Question 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 information be reported to the Inland Revenue Department (“IRD”) or other jurisdictions under the AEOI regime?

Answer: If you are not a tax resident in any jurisdictions outside Hong Kong, your HAPFS account information will not be reported to IRD.

問題 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，我在本計劃的賬戶資料會否被申報至香港稅務局或其他稅務管轄區？

答：假如您不是香港以外任何稅務管轄區的稅務居民，您在本計劃的賬戶資料就不會向香港稅務局作申報。

Question 17: If I am a tax resident of a reportable jurisdiction, what information about me will be exchanged by IRD with other tax authorities?

Answer: The information to be exchanged include your name, HKID or passport number, residential address, mailing address (if different from residential address), jurisdiction of tax residence, Tax Identification Number, and date of birth.

In addition to the above personal data, it also includes your HAPFS account number, calendar year-end account balance of the year concerned, and the gross amount paid or credited to you in respect of the account during the relevant period.

問題 17：假如我為申報稅務管轄區的稅務居民，有甚麼資料會被香港稅務局與其他申報稅務管轄區交換？

答：被交換的資料包括成員的姓名、香港身分證或護照號碼、居住地址、郵寄地址（如與居住地址不同）、稅務居民身分、稅務編號及出生日期。除了上述個人資料外，成員在本計劃的賬戶資料包括成員賬戶編號、賬戶的年終結餘，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也會被交換的。

Question 18: What if there are changes in circumstances that affect my tax residency?

Answer: You must inform and provide the Trustees/ Scheme Administrator with an updated self-certification form within 30 days of change.

問題 18：如果情況有所改變並影響了我的稅務居民身分，該怎麼辦？

答：您必須在資料改變後三十天內向信託人/計劃管理人提供一份已更新的自我證明。

Others

Question 19: The information that customers are providing is confidential and sensitive. How will Scheme Administrator protect this information?

Answer: HSBC, the Scheme Administrator, takes information security very seriously and has established policies and procedures including but not limited to controls regarding accessing, storing, processing, transmitting and handling of personal information, to ensure that member's information is properly protected.

問題 19：計劃管理人會如何保護成員提供的機密和敏感資料？

答：匯豐，作為本計劃的管理人，是非常重視資訊安全，因此已制訂政策和程序，包括(但不限於)設立存取、儲存、處理、傳送和處置個人資料的規管，以確保妥善保護成員資料。

Question 20: Where can I find further information and advice?

Answer: For general questions on AEOI, members can always call Invesco's HA dedicated hotline at 3191 8088. However, neither the Scheme Office nor Invesco will provide any tax or legal advice. For further information on your tax residency, please refer to the rules governing tax residence that have been published by respective tax authorities or contact your tax advisor. You can also visit the Organisation for Economic Co-operation and Development (OECD)'s Automatic Exchange Portal <http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/> or IRD's AEOI website http://www.ird.gov.hk/eng/tax/dta_aeoi.htm for more information.

問題 20：如何取得進一步的資訊和建議？

答：如成員對自動交換資料有任何疑問，可隨時致電景順的醫院管理局專用熱線 3191 8088。但是，計劃辦公室和景順均不會提供任何稅務或法律建議。有關您的稅務居民身分的詳情，請參閱各國稅務局就稅務居民頒布的規定，又或尋求稅務顧問的建議。您也可以瀏覽經濟合作與發展組織 (OECD) 的自動交換資料網站 <http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/> 或香港稅務局的自動交換資料網頁 http://www.ird.gov.hk/tc/tax/dta_aeoi.htm 了解更多資料。

Scheme Office 2020 / 計劃辦公室 2020