有瑞士成员的新加坡家族办公室

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2019年至2023年的新加坡家族办公室热潮，依第13O条和第13U条优惠将数百家单一家族办公室带到新加坡，其中许多持有大量数字资产。[1]在30亿新元洗钱案之后，2023年的收紧措施将第13U条级别的最低基金规模提高至2000万新元，并要求至少聘用一名非家族成员的投资专业人员。措施要求本地投资至少达到10%或1000万新元，并按分级标准设定业务支出要求。措施还增加了对家族财富来源的强化反洗钱审查。[2]家族办公室基金载体所持有的数字资产，仅在第VI章所讨论的范围内才属于指定投资。实践中，MAS要求加密资产敞口较大的家族办公室证明其资产由持牌托管人托管，并具备成文的估值政策。

有家族成员居住在瑞士的新加坡家族办公室，会面临上文所述的瑞士归属规则。作为新加坡基金载体股东的瑞士居民家族成员，须在瑞士就所收股息缴纳所得税，并就股份价值缴纳财富税。如果该载体是不作任何分配的VCC，瑞士成员每年的税负就是股份价值的财富税，楚格州税务机关按资产净值对其估值。如果该载体是信托，瑞士成员为其全权受益人，且委托人在设立信托时并非瑞士居民，则瑞士成员在分配之前无任何税负。这是新加坡家族中大多数瑞士成员所偏好的结构。[3]

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跨境视角

考虑设立新加坡家族办公室的瑞士家族，应区分两个问题。第一个问题是，家族的数字资产是否应从新加坡进行管理。这取决于投资团队设在何处以及相关优惠。对于在亚洲有商业利益的家族，答案往往是肯定的。第二个问题是，瑞士居民家族成员是否应直接拥有新加坡载体。答案几乎总是否定的，因为瑞士财富税和股息税会通过他们触及该载体。通常的解决办法是：由一个在任何成员取得瑞士居民身份之前、或由非瑞士家族成员设立的新加坡信托持有VCC，瑞士成员作为全权受益人。这一安排必须在瑞士成员取得居民身份之前到位，因为由瑞士居民设立的信托会归属于委托人。

注释

1. MAS对国会关于获得税务优惠之单一家族办公室数量的质询的答复（2022年底约1100家；2023年底约1650家；2024年底约2000家）。参见第M部分第V章。 ↩
2. MAS, Circular FDD Cir 09/2023，2023年7月5日，"Revised Conditions for Section 13O and 13U Tax Incentive Schemes for Family Offices"；MAS关于单一家族办公室强制性反洗钱框架的咨询，2023年7月31日，及其回应。参见第L部分第V章及第M部分第V章。 ↩
3. SSK Circular No. 30，2007年8月22日，第5.2.3节（不可撤销全权信托：如委托人在设立时并非瑞士居民，在分配之前不归属于受益人）。参见第G部分第II章。 ↩

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