针对外国税务目的的银行保密终结：实务影响

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对银行、信托公司和资产管理机构的影响

上述规则的综合效果是，新加坡金融机构必须能够就每一位客户证明，其了解客户的税务居民身份，且没有理由怀疑相关资产系逃税所得。这一义务同样适用于银行、持牌信托公司和基金经理。本部分第III章和第V章所探讨的家族办公室和外部资产管理人制度，还另有各自的要求。2024年风险评估指出，信托公司和资产管理机构等专业中介可能被滥用于清洗外国税务犯罪所得。[1]

对客户及其顾问的影响

对客户而言，实务规则很简单。在新加坡持有的任何账户，都必须假定为客户居住国税务机关所知悉，除非该国处于新加坡的信息交换网络之外，例如目前的阿拉伯联合酋长国。美国人士的账户根据FATCA向IRS报告。架构安

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排并不能改变这一结果，因为被动实体和信托会被穿透至其控制人。旨在规避报告的安排，可根据《所得税法》第105MA条不予理会。协助客户隐匿逃税所得资产的顾问，可能根据CDSA的洗钱条款在新加坡承担刑事责任。

核对清单

- 确定每一位账户持有人、控制人、财产授予人、受益人和保护人的税务居民身份，并通过自我证明和佐证材料加以记录。
- 核查其居民身份所在司法管辖区是否列于IRAS现行的应申报司法管辖区名单，以及该账户是否属于FATCA范围。
- 对每一位新客户，运用MAS第626号通知指引附录B中的指标，评估其资产的税务合法性，以及在新加坡入账的理由是否合理。
- 将参与外国税务特赦视为报告事件，提交所需的可疑交易报告，并根据风险决定是否审查该账户。
- 如所逃避的外国税种在新加坡并无对应税种，仍应采取风险控制措施，并在提交自愿报告前考虑缺乏法定保护这一因素。
- 避免以使账户脱离CRS或FATCA报告为主要目的的安排，因为税务总监可不予理会此类安排。
- 审查留存邮件和休眠账户等存量服务，确保其受到独立控制。
- 为自2027年1月1日起实施的修订版CRS以及加密资产报告框架做好准备，首次交换计划于2028年进行。

注释

1. *Money Laundering National Risk Assessment 2024*，第6.2.18段："Professional intermediaries such as trust companies and asset managers may also be misused"；法人及法律安排被用于通过复杂的所有权和控制结构持有资金。 ↩

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