



Lee & Yu Certified Public Accountants

李志輝·余仲良 會計師事務所

In association with | CAC CPA LIMITED | 中审华会计师事务所



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客戶通訊
Newsletter



營商摘錄

Extract From Guide to Ding Business

中國新修訂跨境資金集中運營規定

為進一步促進貿易投資便利化，國家外匯管理局對《跨國公司外匯資金集中運營管理規定》(匯發 [2015] 36 號)進行了修訂及於 2019 年 3 月 15 日起實施，有關修訂內容包括：

簡化外債和境外放款登記。跨國公司授權履行主體業務備案、實施、數據報送等的境內公司(下稱主辦企業)取得所在地國家外匯管理局分支局發出的備案通知書後，可根據經備案集中的額度進行一次性外債登記和境外放款登記，主辦企業無需分幣種、分債權人/債務人逐筆辦理外債(或境外放款)登記。

實行資本項目外匯收入結匯支付便利化。主辦企業在辦理國內資金主賬戶內資本項目外匯收入支付使用時，無需事前向合作銀行逐筆提供真實性證明材料；合作銀行應按照展業原則進行真實合規性審核。

調整優化賬戶功能。跨國公司以主辦企業國內資金主賬戶為主辦理跨境資金集中運營各項業務；確有需要的，可以選擇一家境外成員企業開立 NRA(Non-Resident Account)賬戶集中運營管理境外成員企業資金。國內資金主賬戶幣種不設限制，為多幣種(含人民幣)賬戶，開戶數量不予限制。

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China Streamlines Foreign Exchange Arrangements for Multinational Businesses

The registration requirements of foreign debt and outbound lending by multinational companies are to be streamlined in line with a recent directive from the *State Administration for Foreign Exchange (SAFE)*. The change comes as part of an amendment to the *Administrative Provisions for the Centralised Operation of the Cross-Border Funds of Multinational Companies* (Hui Fa No. 36 [2015]) and started from 15 March 2019.

Under the terms of the new arrangements, once a multinational company's mainland-registered subsidiary ("the managing company") has secured the requisite record-filing notification from the relevant *SAEF* office, the managing company only needs to complete one registration with regard to its consolidated foreign debt (or outbound lending) quota and is no longer required to register each individual transaction according to currency or creditor / debtor.

In addition, the amendments also allow for the facilitation of the settlement and payment of foreign exchange incomes via the managing company's accounts, as well as the adjustment and optimisation of a number of account functions.

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中國銀保監會擬推出 12 條對外開放新措施

中國銀保監會主席郭樹清日前表示，近期擬推出 12 條對外開放新措施，進一步擴大銀行業保險業對外開放。具體措施包括：

1. 按照內外資一致原則，同時取消單家中資銀行和單家外資銀行對中資商業銀行的持股比例上限；
2. 取消外國銀行來華設立外資法人銀行的 100 億美元總資產要求和外國銀行來華設立分行的 200 億美元總資產要求；
3. 取消境外金融機構投資入股信託公司的 10 億美元總資產要求；
4. 允許境外金融機構入股在華外資保險公司；
5. 取消外國保險經紀公司在華經營保險經紀業務需滿足 30 年經營年限、總資產不少於 2 億美元的要求；
6. 放寬中外合資銀行中方股東限制，取消中方唯一或主要股東必須是金融機構的要求；
7. 鼓勵和支持境外金融機構與民營資本控股的銀行業保險業機構開展股權、業務和技術等各類合作；
8. 允許外國保險集團公司投資設立保險類機構；
9. 允許境內外資保險集團公司參照中資保險集團公司資質要求發起設立保險類機構；
10. 按照內外資一致原則，同時放寬中資和外資金融機構投資設立消費金融公司方面的准入政策；
11. 取消外資銀行開辦人民幣業務審批，允許外資銀行開業時即可經營人民幣業務；
12. 允許外資銀行經營「代理收付款項」業務。

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China Eases Overseas Investor Access to Mainland Banking and Insurance Sectors (1)

The *China Banking and Insurance Regulatory Commission (CBIRC)* has announced plans to introduce 12 additional liberalisation measures relating to the mainland's banking and insurance sectors.

Among the key changes, as outlined by *CBIRC* Chairman Guo Shuqing, are the following:

1. Limits on the maximum shareholding in a Chinese commercial bank held by a Chinese-funded bank or a foreign-funded bank are to be abolished in accordance with the principle of equal treatment for domestic and overseas investors;
2. The requirement that an overseas bank has a minimum of US\$10 billion in assets prior to establishing a wholly foreign-funded bank or US\$20 billion prior to setting up a branch is to be rescinded;
3. Overseas financial institutions will no longer be required to hold a minimum of US\$1 billion in total assets prior to investing in a Chinese trust company;
4. Overseas financial institutions will be permitted to invest in overseas-funded insurance companies operating on the mainland;
5. The requirement that overseas insurance brokerages looking to operate on the mainland have a prior trading history of 30 years and minimum assets of US\$200 million is also to be rescinded;
6. Relax the restriction of Chinese shareholders of Sino-foreign joint venture banks, and cancel the requirement that the only or major shareholder of the Chinese party must be a financial institution;
7. Encourage and support overseas financial institutions to conduct various types of cooperation in equity, business and technology with banking insurance institutions controlled by private capital;

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China Eases Overseas Investor Access to Mainland Banking and Insurance Sectors (2)

8. To allow domestic foreign-invested insurance group companies to initiate the establishment of insurance institutions with reference to the qualification requirements of Chinese-funded insurance group companies;
9. In accordance with the principle of domestic and foreign investment, we will also relax the access policies for Chinese and foreign financial institutions to invest in the establishment of consumer finance companies;
10. Cancel the approval of foreign banks to start RMB business, and allow foreign banks to operate RMB business when they open business;
11. Allow foreign banks to operate “agent receiving and receiving” business.

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