

臺灣中小企業銀行香港分行（於臺灣註冊成立之有限責任公司）

TAIWAN BUSINESS BANK, LTD. HONG KONG BRANCH (Incorporated in Taiwan with limited liability)

附錄 2

附件四 Attachment 4

遵循 FATCA 法案蒐集、處理及利用個人資料同意書（法人客戶）

Taiwan Business Bank, Ltd. Hong Kong Branch

**Letter of Consent for the Collection, Processing and Use of Personal Information
for FATCA Compliance (Institutional Client)**

緣本公司於 貴公司開立帳戶並進行交易，為配合 貴公司遵循美國海外帳戶稅收遵從法案（Foreign Account Tax Compliance Act，下簡稱「FATCA 法案」）及外國金融機構協議（FFI Agreement，下簡稱「協議」）之相關規定，本公司茲聲明並同意下列事項：

Whereas we (the “Account Holder”) intend to establish accounts and to proceed transactions with Taiwan Business Bank, Ltd. Hong Kong Branch (hereinafter referred to as the “Company”), in order to cooperate in the Company’s compliance with the US Foreign Account Tax Compliance Act (hereinafter referred to as “FATCA”) and the Foreign Financial Institution agreement (FFI agreement, hereinafter referred to as the “Agreement”), the Account Holder hereby declares and agrees to the following:

一、本公司同意提供自然人股東之名單及其所出具之同意書予 貴公司，俾利 貴公司依 FATCA 法案及遵循協議辦理辨識及申報等相關事宜。

本同意書所稱自然人股東，包含直接持有本公司股份之自然人，以及間接持有本公司股份之自然人。

The Account Holder agrees to provide the Company with the list of natural person shareholders and their letters of consent for the purpose of identification and reporting by the Company in accordance with FATCA and with the Agreement. The natural person shareholders referred herein shall mean natural persons that have direct interest in the Account Holder, as well as those natural persons who have indirect interest in the Account Holder.

二、本公司同意將留存於 貴公司之一切交易資訊，包括本公司之帳戶帳號及帳戶餘額、帳戶總收益金額、交易明細等，供 貴公司依 FATCA 法案及遵循協議辦理辨識及申報等相關事宜。

The Account Holder agrees to provide all transaction information kept at the

statement of the account, to the Company for the purpose of identification and reporting in accordance with FATCA and with the Agreement.

三、本公司如依 FATCA 法案規定被視為不合作帳戶持有人或未簽署協議之金融機構 (Non-participating foreign financial institution, NPFFI)，致交易金額中屬於應扣繳款項及轉付款項須辦理扣繳之金額，及致 貴公司因此所增加之成本與費用， 貴公司皆得自應支付或返還予本公司之金額中扣除。

In the event that the Account Holder has been identified as recalcitrant account holder or non-participating foreign financial institution (NPFFI) in accordance with FATCA, the Company may deduct, from the funds to be paid or returned to the Account Holder, any withholdable payment or foreign passthru payment on transactions and for any increased costs and fees for the Company resulting therefrom.

前項不合作帳戶係指：

The recalcitrant account holder referred to in the preceding paragraph shall mean any of the following:

(一) 本公司或任一自然人股東，未向 貴公司提供足以判別本公司帳戶是否係由美國實質持有人持有之資訊，或未向 貴公司提供申報所需之自然人股東姓名、地址及稅籍編號等。

the Account Holder or any of the natural person shareholders fails to provide information required for determining whether the account is held by substantial US owner, or fails to provide the information required for the reporting such as the name, address and US tax identifying number (TIN) to the Company.

(二) 本公司或任一自然人股東，未向 貴公司提供申報所需之同意書。

the Account Holder or any of the natural person shareholders fails to submit to the Company the letter of consent required for reporting.

(三) 有扣繳款或轉付款支付到帳戶的情形時；或開戶後 90 日未能完成必要的帳戶資訊取得與申報，以較早發生者為準；

on the earlier of the date that a withholdable payment or foreign passthru payment is made to the account or that the Customer fails to complete the necessary information of the account and the reporting in 90 days after the account is established;

(四) 帳戶所申報的名稱與納稅人身份證號 (Taxpayer Identification Number, 下簡稱「TIN」) 組合不符，經美國國稅局通知後的 30 個營業日內；或 for the period of 30 business days since the Company receives a notice from

account is incorrect; or

(五) 帳戶所申報的名稱與 TIN 組合不符，經美國國稅局通知後的 30 個營業日後，仍未提供正確資訊者。

the Account Holder fails to provide the correct information after 30 business days since the Company receives a notice from the IRS indicating that the name and TIN combination provided for the account is incorrect.

第一項所稱應扣繳款項(withholdable payment)，係指包括但不限於任何源自美國的固定或可得確定年度或定期所得、利潤和收入之款項(例如利息、股利、租金、薪資、工資、溢酬、年金、賠償金、報酬、津貼)，以及任何因銷售或處分任何產生美國來源收入的利息或股利的財產所獲得之交易總所得(gross proceeds)，包含股票、債券等。

The withholdable payment referred to in Paragraph 1 shall mean, without limitation, any fixed or determinable annual or periodic gains, profits and income (FDAP income) from sources within the United States (such as payment of interest, dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments) and any gross proceeds from the sale or other disposition of any property of a type which can produce interest or dividends from sources within the United States, including stocks and bonds.

第一項所稱外國轉付款項(foreign passthru payment)，係指任何應扣繳款項或可歸責為應扣繳款項的其他支付款項。

The foreign passthru payment referred to in Paragraph 1 shall mean any withholdable payment or any other payment that is attributable to a withholdable payment.

第一項須辦理扣繳之金額比例通常為總金額之百分之三十，惟正確之扣繳金額仍以實際須辦理扣繳之金額為準。

The amount to be withheld in Paragraph 1 is usually 30 percent of the withholdable payment. However, the exact amount to be withheld shall be subject to the actual amount required to be withheld.

四、如本公司任一自然人股東拒絕提供 貴公司為遵循 FATCA 法案及協議所需之個人資料、或嗣後撤回、撤銷同意，或請求 貴公司停止蒐集處理及利用，或刪除該股東之個人資料時，本公司應協助重新取得該股東之同意；倘經 貴公司定三十日以上期間催告改善而未改善，本公司同意於改善期間屆滿後， 貴公司得就所有屬 FATCA 法案規範金融商品停止交易及服務、結清、結算或提

前終止契約，並逕依各該契約約定或法律規定賡續辦理。

In the event that any of the natural person shareholders of the Account Holder refuses to provide the personal information required for the compliance of FATCA and the Agreement, or withdraws or revokes consent thereof, or requests the Company to discontinue the collection, processing and use of the personal information or delete the personal information, the Account Holder shall assist in reacquiring such shareholder's consent. Should the Account Holder fails to make corrections within the period prescribed by the Company, which shall be no less than 30 days, the Account Holder agrees that upon the expiration of the prescribed period, the Company may terminate all transactions and services related to financial products that are under the scope of FATCA, close, liquidate the accounts and/or terminate the agreement early in accordance with the provisions of each agreement or the relevant laws and regulations.

五、本同意書之約定除 FATCA 之相關法令以外，應以香港之法令為準據法。

In addition to FATCA and its related laws and regulations, the governing law of this Letter of Consent shall be the laws of Hong Kong.

此致

To

臺灣中小企業銀行香港分行

Taiwan Business Bank, Ltd. Hong Kong Branch.

立同意書人：

簽章 Signature and seal

Name:

統一編號：

Unified Business Number:

法定代理人：

簽章 Signature and seal

Name of Authorized Person(s):

職稱：

Title:

日 期： 年 月 日

Date:

臺灣中小企業銀行香港分行（於臺灣註冊成立之有限責任公司）

TAIWAN BUSINESS BANK, LTD. HONG KONG BRANCH (Incorporated in Taiwan with limited liability)

附錄 2

附件五 Attachment 5

遵循 FATCA 法案蒐集、處理及利用個人資料同意書（法人客戶股東）

Taiwan Business Bank, Ltd. Hong Kong Branch

**Letter of Consent for the Collection, Processing and Use of Personal Information
for FATCA Compliance (Shareholder of Institutional Client)**

緣本人為直接/間接持有_____公司股份之股東，因該公司於 貴公司開立帳戶並進行交易，為符合香港「個人資料(私隱)條例」下個人資料之合理使用，並配合 貴公司遵循美國海外帳戶稅收遵從法案（Foreign Account Tax Compliance Act，下簡稱「FATCA 法案」）及外國金融機構協議（FFI Agreement，下簡稱「協議」）之相關規定，本人茲同意下列事項：

As shareholder with direct/indirect interest in _____Company, which intends to establish accounts and to proceed with transactions at Taiwan Business Bank, Ltd. Hong Kong Branch (hereinafter referred to as the “Company”), in order to comply with the proper use of personal information in accordance with the 「Personal Data (Privacy) Ordinance」 of Hong Kong and cooperate with the Company’s compliance with the US Foreign Account Tax Compliance Act (hereinafter referred to as “FATCA”) and the Foreign Financial Institution agreement (FFI agreement, hereinafter referred to as the “Agreement”), I hereby agree to the following:

本人確認已收受並充分瞭解 貴公司所提供之遵循 FATCA 法案蒐集、處理及利用個人資料告知事項之全部內容，並同意 貴公司依據告知事項所載內容對本人相關個人資料為蒐集、處理及利用。

I have read carefully and fully understand all that is stated in the Notice for the Collection, Processing and Use of Personal Information provided by the Company and agree to the Company’s collection, processing and use of relevant personal information in accordance with the aforesaid Notice.

本同意書之約定除 FATCA 之相關法令以外，應以香港之法令為準據法。

In addition to FATCA and its related laws and regulations, the governing law of this Letter of Consent shall be the laws of Hong Kong.

此致 To

臺灣中小企業銀行香港分行

Taiwan Business Bank, Ltd. Hong Kong Branch

立同意書人（即_____公司之股東）：

Name (Shareholder of _____Company) 簽章 Signature and Seal

身分證字號（Personal ID Number）：

日期（Date）： 年 月 日