不設徵稅及其三項限定條件

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新加坡不徵收資本增值稅。這個說法準確，每份推介新加坡控股架構的簡報都會重複，但它描述的只是法例中的空白，僅此而已。《1947年所得稅法》對收入徵稅，不對資本徵稅，因此屬資本性質的收益完全在該法範圍之外。其後果是，「這項收益是否須課稅？」這個問題從來不是靠尋找豁免條文來解答，而是靠對收益定性來解答，而這個說法附帶三項限定條件。[1]

第一項限定條件是本部分第I章所討論的交易者與投資者之間的界線。新加坡國內稅務局（IRAS）若能將某項收益定性為經營行業的利潤，不論納稅人如何稱呼，該收益均屬收入。第二項限定條件是匯入基礎。源自境外的收入在匯入新加坡時課稅，因此透過境外交易所買賣代幣並將利潤匯回新加坡的新加坡居民，即使收益並非由任何新加坡活動產生，亦須在收取時課稅。第三項限定條件於2024年1月1日以第10L條的形式出現，該條將跨國集團中缺乏經濟實質的實體在新加坡收取的若干源自境外的處置收益，視為收入。以下逐一審視每項限定條件，因為每一項都曾令相信這個說法的數碼資產客戶措手不及。

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註釋

1. Income Tax Act 1947（2020 Rev. Ed.），第10(1)條（只對收入徵稅）。該法並無資本增值條文，收款屬收入抑或資本的定性依循判例法。 ↩

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