

## 自由贸易账户章程条款

注：

1. 在适用时，账户持有人可指一人或一人以上。
2. 英文本仅供参考。中英文如有歧义，须以中文本为准。
3. **请务必仔细阅读下列条款，尤其是标注为黑体的条款。如有任何疑问，请及时提请汇丰银行(中国)有限公司予以说明。账户持有人接受下列条款即表示银行已经应账户持有人的要求作了相应的说明而且账户持有人已清楚地理解下列所有条款并同意受其约束。**
4. 本自由贸易账户章程条款中的标题仅为方便参阅的目的而设，不影响条款的意思和解释。

### 1. 适用范围

本自由贸易账户章程条款适用于在中国内地开立于汇丰银行（中国）有限公司的所有自由贸易账户。

### 2. 与一般章程条款的关系

在本银行开立的自由贸易账户同时受本银行适用于所有个人账户、联名账户及单位账户的一般章程条款（“一般章程条款”）以及本自由贸易账户章程条款的规定的规范。如果一般章程条款与本自由贸易账户章程条款有冲突，以本自由贸易账户章程条款的规定为准。

一般章程条款中定义的术语在本自由贸易账户章程条款中使用具有相同的含义。

账户持有人可以向本银行在中国内地的任何分支机构索阅或从本银行公共网站 ([www.hsbc.com.cn](http://www.hsbc.com.cn)) 下载一般章程条款文本。

### 3. 账户币种及兑换

自由贸易账户为本外币多币种账户。账户内任何币种资金均可以按照监管部门相关规定和账户持有人指令进行自由兑换。

本银行为账户持有人办理自由贸易账户支付业务，支付币种对应账户余额不足时，账户持有人授权本银行可以按监管部门的相关规定由其他账户币种兑换后支付。

### 4. 现金业务

**自由贸易账户不可办理现金业务。**

## 5. 分账核算

根据监管规定，当分账核算单元及自由贸易账户出现异常流动并触发中国人民银行上海总部制定的相关指标时，本银行有权采取或接受下列一种或多种措施：

- (1) 采取延长自由贸易账户资金存放期的措施，调节资金流动频率；
- (2) 上缴特别存款准备金，以调节资金流向和流量；
- (3) 上缴零息存款准备金，以调节资金流向和流量；
- (4) 接受中国人民银行上海总部对分账核算单元和自由贸易账户采取的临时资本管制措施，以调节资金流动；或
- (5) 采取或接受中国人民银行上海总部或其它监管部门要求的其他临时性管制措施，以达到调节资金流量及流向的目标。

采取前述措施对账户持有人及账户持有人账户使用造成的影响，本银行不承担责任。

## 6. 合规责任

账户持有人应配合本银行根据展业三原则和反洗钱、反恐怖融资以及反逃税的相关要求对账户持有人账户资金流动进行真实性、合法性及其它相应的审核，向本银行提供一切所需信息和材料，接受本银行进行的客户身份识别及相关尽职调查，并确保所提供的信息和材料是真实、有效并且完整的。本银行有权保留所有与自由贸易账户相关的资料以配合监管机构调查。

## 7. 适用法律

本自由贸易账户章程条款受中华人民共和国的法律所管辖，并按其解释。

## FREE TRADE ACCOUNT TERMS AND CONDITIONS

Note:

1. *Account holder shall refer to account holders where appropriate.*
2. *This English version is for reference only. In case of any discrepancies between the Chinese and English versions, the Chinese version shall apply and prevail.*
3. **Please carefully read these terms and conditions, particularly the bolded terms and conditions. If you have any query on these terms and conditions, please promptly seek explanation from HSBC Bank (China) Company Limited. By accepting these terms and conditions, the account holder shall be deemed to have been given appropriate explanation by HSBC Bank (China) Company Limited at the account holder's request and have clearly understood and agreed to be bound by these terms and conditions.**
4. *Headings in these Terms and Conditions are for ease of reference only and do not affect the interpretation of these Terms and Conditions.*

### **1. General Applicability**

These Free Trade Account Terms And Conditions apply to all free trade accounts opened with HSBC Bank (China) Limited (the “Bank”) in the Mainland China (“Free Trade Accounts”).

### **2. Relationship with General Terms and Conditions**

The Bank’s General Terms And Conditions (for Personal Sole Accounts, Joint Account and Business Account Holders) (the “**General Terms and Conditions**”) and these Free Trade Account Terms and Conditions shall be both applicable to the Free Trade Accounts. In case of any discrepancies between the General Terms and Conditions and these Free Trade Account Terms and Conditions, these Free Trade Account Terms and Conditions shall apply and prevail.

Capitalized Terms defined in the General Terms and Conditions shall have the same meanings when used in these Free Trade Account Terms and Conditions.

Account holder may request for the General Terms and Conditions from any branch of the Bank in Mainland China or download it at the Bank’s public website ([www.hsbc.com.cn](http://www.hsbc.com.cn)).

### **3. Account Currency and Exchange**

Free Trade Accounts are multi-currency accounts including RMB and foreign currencies. Funds in the Free Trade Accounts in any currency may be freely exchanged in accordance with the relevant regulations and the account holder's instruction.

In the event of insufficiency of the balance in the payment currency when the Bank provides Free Trade Account payment services to the account holder, the account holder's hereby authorizes the Bank to exchange, in accordance with the relevant regulations, funds in other currencies in the same account into the payment currency and make payments.

### **4. Cash Service**

**No cash service is available for Free Trade Account.**

### **5. Separate Accounting**

**As a regulatory requirement, when separate accounting unit and/or Free Trade Account has irregular fund flows or other activities which trigger relevant indicators set by the Shanghai Head Office ("PBOC Shanghai") of the People's Bank of China ("PBOC"), the Bank is entitled to take one or more measures as follows:**

- (1) extending the stay time of funds in the Free Trade Account to adjust the frequency of fund flows;**
- (2) making special deposit reserves with PBOC to adjust the direction and volume of fund flows;**
- (3) making zero interest deposit reserves with PBOC to adjust the direction and volume of fund flows;**
- (4) accepting the temporary capital control measures taken by PBOC Shanghai against the separate accounting unit and/or Free Trade Account to adjust fund flows; or**
- (5) taking or accepting other temporary control measures taken by PBOC Shanghai or any other regulatory authorities to adjust the volume and direction of fund flows.**

**The Bank shall not be liable for any impact on the account holders and their accounts by taking any or all of the above measures.**

### **6. Compliance Obligation**

The account holder shall cooperate with the Bank in examining and verifying the

authenticity and legitimacy of the fund flows in the account holder's account and any other reviews in accordance with the requirements under Know Your Customer/Know Your Business/Due Diligence Principles for Free Trade Account, or any anti-money laundering, counter terrorist financing or anti-tax evasion regulations. The account holder shall submit all relevant information and materials to the Bank, cooperate with the Bank's customer identification investigation and other due diligence work, and ensure that all the information and materials provided are true, valid and complete. The Bank has the right to reserve all the information and materials relevant to the Free Trade Accounts for the purpose of the regulatory authorities' investigation.

## **7. Governing Law**

These Free Trade Account Terms and Conditions shall be governed and construed in accordance with the laws of the People's Republic of China.