

马来西亚中国服务组税务期刊

外汇管理规则

马来西亚持续保持自由主义外汇管理（FEA）规则，是以支持保护货币稳定和金融稳定的总体宏观经济目标的主要审慎措施。

马来西亚中央银行致力于确保外汇管理规则通过为贸易，商业和投资活动创造更加支持和促进的环境，持续的支持和提高经济的竞争力。

当中国公司和个人在马来西亚投资，汇入及汇出的资金是一个大家十分关心的话题，对于境内或境外的借款也是一个热点。在这方面，我们很乐意为您提供一些相关的资讯。

外汇管理规则的概述

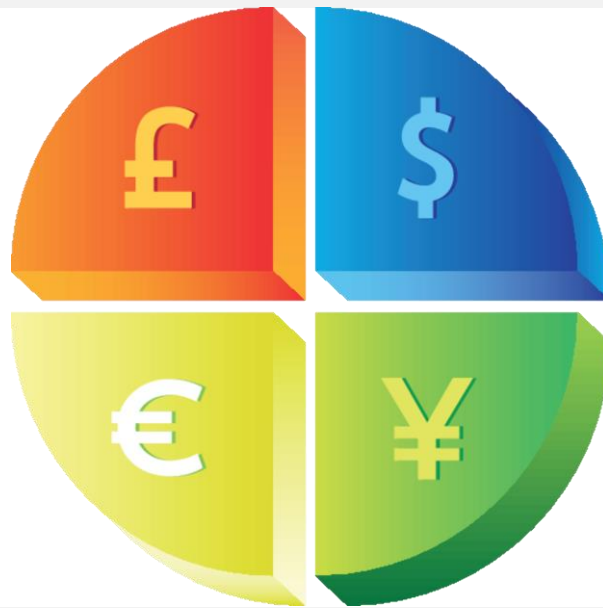
马来西亚居民和非居民应须遵守外汇管理规则。居民须遵守的规则同非居民在一些情况中类似，而在其它情况中，规则则会完全不同。

	居民	非居民
定义	<ul style="list-style-type: none"> • 马来西亚公民（不包括拥有外国永久居留权和居住在外国的公民）； • 在马来西亚已取得永久居留权并在马来西亚永久居住的非公民；或 • 经马来西亚任何授权机构注册或批准，无论是法人或非法人主体。 • 例子：在马来西亚注册的中国子公司，无外国永久居留权的马来西亚公民，拥有马来西亚永久居留权的中国公民，在马来西亚注册的中国分公司。 	<ul style="list-style-type: none"> • 除居民以外的任何主体； • 海外分公司，子公司，区域办事处，销售办事处和居民公司的代表处； • 例子：中国个人投资者，在中国注册成立的公司，马来西亚公司的海外分公司或子公司。
投资在马来西亚		
在马来西亚投资是否有任何限制？	无	非居民可以自由的以任何形式的马币资产作为直接投资或证券投资。
对于非居民汇出利润和海外撤资收益是否有任何限制？	与居民无关	非居民可以自由的汇出撤资收益，利润，股息或在马来西亚投资产生的任何收入。 然而，必须以外币汇出。
非居民可以通过哪个方式筹资？	与居民无关	可以通过以下方式筹集资金：- <ul style="list-style-type: none"> • 与持牌在岸银行（不含持牌国际伊斯兰银行）或通过持牌在岸银行集团指定的海外办事处以外币兑换马币； • 持牌在岸银行的外币借款；或 • 持牌在岸银行（不含持牌国际伊斯兰银行）的马币借款，用于实体活动和在马来西亚购买住宅和商业地产，除了只是购买土地。
境内和境外借款		
为业务运作借贷外币是否有任何限制？	居民实体可以自由申请以下任何金额的外币借款：- <ul style="list-style-type: none"> ✓ 持牌在岸银行； 	非居民实体可以自由向持牌在岸银行申请外汇融资。借款所得可在马来西亚境内或境外使用。

	<ul style="list-style-type: none"> ✓ 集团内的居民或非居民实体； ✓ 居民或非居民直接股东；和 ✓ 通过发行外币债卷的其他居民。 <p>居民公司可以向其他非居民的集团实体借款外币金额高达 1 亿令吉。</p>	<p>非居民实体也可以在马来西亚发行外币计价的伊斯兰债卷，用于马来西亚境内或境外。</p>
对借款和使用令吉有什么限制吗？	<p>居民实体可自由获得：-</p> <ul style="list-style-type: none"> ✓ 马来西亚实体领域中任何融资借贷金额：- <ul style="list-style-type: none"> • 在其集团内的非居民实体；和 • 其非居民直接股东；和 ✓ 从非居民金融机构以外的其它非居民实体，可借款高达 1 百万令吉，用于马来西亚。 	<p>非居民可获得以下令吉融资：-</p> <ul style="list-style-type: none"> ✓ 授权境内银行（不包含国际伊斯兰银行）：- <ul style="list-style-type: none"> • 自由获得任何金额的融资：- <ul style="list-style-type: none"> ○ 马来西亚实体活动； ○ 与居民协议购买货物或服务； ○ 购买马来西亚住宅及商业物业，不包含购买马来西亚土地。 ✓ 居民股票经济公司和授权境内银行持有股票经纪执照：- <ul style="list-style-type: none"> • 自由获得保证金融资。 ✓ 居民企业或个人，个人直系亲属和马来西亚雇主：- <ul style="list-style-type: none"> • 自由获得任何金额为马来西亚实体活动提供资金； • 任何金额和目的； • 根据服务条款和条件下的任何金额并在马来西亚使用。
外币和令吉账户		
对开设外币或令吉帐户是否有任何限制？	<p>居民实体可自由向授权境内银行与非居民银行开设外币账户。</p> <p>对于在授权境内银行持有的外币账户中的资金来源，没有限制。</p>	<p>非居民可自由开设：-</p> <ul style="list-style-type: none"> • 在马来西亚授权境内银行持有外币账户；和 • 马来西亚令吉账户。 <p>这些账户中的资金可以以外币资金自由汇出。</p>
支付与收款		
对外币付款与接收是否有任何限制？	<p>允许居民从另一名居民以外币支付或收款进行国内货物和服务贸易结算，作为居民实体出口收入。</p>	<p>非居民需要对外账户以接收令吉付款。对外账户是非居民在授权境内的银行持有的令吉账户。</p>

居民公司需向海外供应商支付购买货物或服务的费用。是否有任何限制？	居民允许用外币或马币来支付其费用，然而，居民使用马币支付必须转账到非居民的对外账户或非居民金融机构的对外账户。	与非居民无关
非居民该如何操作在对外账户里的资金？	与居民无关	<p>非纳税居民可用对外账户中的马币资金支付以下：</p> <p>-</p> <ul style="list-style-type: none"> ✓ 支付马来西亚货物和服务费用。 ✓ 在马来西亚购买马币计价资产。 <p>允许进行对外账户之间的资金转账，但必须是同一个户主。</p> <p>非居民也可以资金转账给其直系亲属（如其配偶，父母，孩子，兄弟姐妹）</p>
贸易货物出口		
一个居民出口商在一个合法的境内银行持有外币户口。此外币户口的资金可否用来清算进口所需支付的费用或其他外币费用？	<p>可以，外币账户的资金可以用来清算其他外币费用，如需支付给非居民的进口服务费或支付被政府认可的外币贷款和外币计价的投资性资产。</p> <p>作为一个出口商，公司可用外币账户的资金来支付另一个居民公司的货物和服务费用。</p>	与非居民无关
一个居民公司没有出口收入可否用从另一个居民出口商获得的外币收入来支付？	不允许，只限于有出口收入的居民出口公司，才可用外币户口资金来支付另一个居民公司的货物和服务费用。	与非居民无关
对于居民把出口收入汇入马来西亚可有时限？	<p>所有出口收入必须全额汇入马来西亚，不能超过商品服务出口的 6 个月。</p> <p>居民需要获得以下批准：-</p> <ul style="list-style-type: none"> • 在出口日期的 6 个月后获取出口收入；或 • 用出口收入与其他应付款项抵扣 - 非居民 <p>提交申请日期必须在出口后的 6 个月之内。</p>	与非居民无关
居民需要提交任何出口商品报告给中央银行？	只限于在上个财年出口额超过马币 5 千万的出口商，需在每季度后的 21 天内提交季度报告。此报告需通过外汇管理局网站提交， www.bnm.gov.my/fxadmin 。	与非居民无关
金融担保		

<p>一个居民公司允许获得来自非居民关联公司的金融担保？</p>	<p>居民可以自由的获得来自其非居民关联公司和非银行的金融担保，无限制数额。</p> <p>来自非居民，金融担保超过等值马币 1 亿，需要获得批准。</p> <p>等值马币 5 千万的金融担保不需获得批准，但要在获得金融担保后的 7 个工作日内向政府注册。</p>	<p>与非居民无关</p>
<p>居民公司可否向非居民金融机构索要金融担保为海外子公司获得海外银行贷款作为抵押？</p>	<p>可以，如果居民公司有义务支付非居民金融机构金融担保费用，金融担保金额总和不得超过马币 5 千万。</p> <p>金融担保金额总和超过马币 5 千万，需要批准。</p>	<p>与非居民无关</p>
<p>特殊资质公司</p> <p>营运总部是指在当地注册成立的公司并在马来西亚经营业务，为其在马来西亚境内或境外的办事处或关联公司提供符合资格服务。营运总部被禁止向马来西亚非关联公司提供财务，资金管理服务和企业财务咨询服务。</p> <p>财务管理公司是指在当地注册成立的公司，并提供其集团在马来西亚境内或境外的关联公司中央财务管理服务。</p>		
<p>营运总部可以享受哪些宽松的外汇管制规则？</p>	<p>营运总部可自由向非居民包括自用于提供其营运总部资格合格服务的金融机构，获取任何金额的外币贷款。</p>	<p>与非居民无关</p>
<p>财务管理公司可以享受哪些宽松的外汇管制规则？</p>	<p>财务管理公司可自由进行（基于所提供的财务服务）： -</p> <ul style="list-style-type: none"> • 向任何非居民借贷的外币； • 提供居民和非居民关联公司外币贷款； • 代其集团集中其在马来西亚银行账户所持有的外币资金； • 外币的付款或收入： - <ul style="list-style-type: none"> ○ 马来西亚关联公司； ○ 其他居民供应商，用于采购和集团营运的海外服务； • 代其集团与境内持牌银行进行货币对冲； • 代个人或其他关联公司与非居民进行出口应收账款的抵扣。 	<p>与非居民无关</p>



Deloitte Malaysia Chinese Services Group Publication

Foreign Exchange Administration (FEA) Rules

Malaysia continues to maintain liberal Foreign Exchange Administration (FEA) rules which are mainly prudential measures to support the overall macroeconomic objective of maintaining monetary and financial stability.

The Central Bank of Malaysia is committed in ensuring the FEA rules continue to support and enhance the competitiveness of the economy through the creation of a more supportive and facilitative environment for trade, business and investment activities.

As the Chinese companies and individuals are making investment into Malaysia, remittance of fund in and out of Malaysia could be a concern. Borrowing of money onshore or offshore is also of interest. In this connection, we are pleased to provide you with some related information.

Overview of Foreign Exchange Administration (FEA) Rules

FEA rules are applicable to both residents and non-residents. The rules applicable to residents are similar to non-residents in some circumstances whilst in other instances, the rules can be quite different.

	Residents	Non-Residents
Definition	<ul style="list-style-type: none"> • Citizens of Malaysia (exclude those with foreign permanent resident ("PR") and are residing abroad); • Non-citizens who have obtained PR status in Malaysia and are residing permanently in Malaysia; or • Persons, whether body corporate or unincorporated, registered or approved by any authority in Malaysia. • Example: A Chinese subsidiary company incorporated in Malaysia, Malaysian citizen without foreign PR, Chinese citizen with Malaysian PR, Chinese branch registered in Malaysia. 	<ul style="list-style-type: none"> • Any person other than a resident; • Overseas branches, subsidiaries, regional offices, sales offices and representative offices of resident corporations. • Example: Chinese individual investors, company incorporated in China, overseas branches or subsidiary of a Malaysian company.
Investment in Malaysia		
Are there any restrictions on investing in Malaysia?	None	Non-residents are free to invest in any form of ringgit assets either as direct or portfolio investments.
Are there any restrictions on non-residents to repatriate the profits and divestment proceeds abroad?	N/A	Non-residents are free to remit out divestment proceeds, profits, dividends or any income arising from investments in Malaysia. Repatriation, however, must be made in foreign currency.
How can the investment by non-residents be funded?	N/A	Investments can be funded through:- <ul style="list-style-type: none"> • The conversion of foreign currency to ringgit with licensed onshore banks (excluding licensed international Islamic

		<p>banks) or through an appointed overseas office of the licensed onshore bank's banking group;</p> <ul style="list-style-type: none"> • Foreign currency borrowings from the licensed onshore banks; or • Ringgit borrowing from licensed onshore banks (excluding licensed international Islamic banks) for real sector activities and for the purchase of residential and commercial properties in Malaysia except for the purchase of land only.
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Borrowing onshore and offshore

<p>Are there any restrictions on borrowing in foreign currency to finance business operation?</p>	<p>Resident entities are free to obtain any amount of foreign currency borrowing from:-</p> <ul style="list-style-type: none"> ✓ Licensed onshore banks; ✓ Resident or non-resident entities within its group of entities ✓ Resident or non-resident direct shareholders; and ✓ Another resident through the issuance of foreign currency debt securities. <p>A resident company is allowed to borrow in foreign currency up to RM100 million equivalent in aggregate on group of entities basis from other non-residents.</p>	<p>Non-resident entities are free to obtain foreign currency financing from licensed onshore banks. Proceeds of the borrowing can be utilised in or outside Malaysia.</p> <p>Non-resident entities are also allowed to issue foreign-currency denominated sukuk/bonds in Malaysia for use in or outside Malaysia.</p>
<p>Are there any restrictions on borrowing in ringgit and its usage?</p>	<p>Resident entities are free to obtain:</p> <ul style="list-style-type: none"> ✓ any amount of ringgit borrowing to finance activities in the real sector in Malaysia from:- • non-resident entities within its group of entities; and 	<p>Non-residents are allowed to obtain ringgit financing as follows:-</p> <ul style="list-style-type: none"> ✓ Free to obtain any amount to finance:- <ul style="list-style-type: none"> • Licensed onshore banks (excluding licensed International Islamic banks) <ul style="list-style-type: none"> ○ Real sector activities in Malaysia;

	<ul style="list-style-type: none"> • their non-resident direct shareholders; and <p>✓ up to RM1 million in aggregate from any other non-resident, other than a non-resident financial institution, for use in Malaysia.</p>	<ul style="list-style-type: none"> ○ The settlement for the purchase of goods or services with a resident; or ○ The purchase of residential and commercial properties in Malaysia except for the purchase of land only. <p>✓ Resident stockbroking corporation and licensed onshore banks with stockbroking licence:-</p> <ul style="list-style-type: none"> • Free to obtain margin financing. <p>✓ Resident companies and individuals, individuals who are immediate family member and employer in Malaysia:-</p> <ul style="list-style-type: none"> • Free to obtain any amount to finance real sector activities in Malaysia; • Any amount and purpose; • Any amount pursuant to the terms and conditions of service and for use in Malaysia.
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Foreign currency and ringgit accounts

<p>Are there any restrictions to open foreign currency / ringgit accounts?</p>	<p>Resident entities are free to open foreign currency accounts with licensed onshore banks and non-resident banks.</p> <p>There are no restrictions on the source of foreign currency funds to be credited in foreign currency accounts maintained with licensed onshore banks.</p>	<p>Non-residents are free to open:-</p> <ul style="list-style-type: none"> • foreign currency accounts with licensed onshore banks in Malaysia; and • ringgit accounts in Malaysia. <p>Funds in these accounts are free to be remitted abroad in foreign currency.</p>
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Payments and Receipts

<p>Are there any restrictions on making or receiving payments in</p>	<p>Residents are allowed to pay or receive in foreign currency from another resident for the settlement for domestic trade in goods or</p>	<p>A non-resident requires an external account to receive payment in ringgit. External accounts are ringgit accounts maintained</p>
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foreign currency?	services by resident entities with export earnings.	with licensed onshore banks by or for non-residents.
A resident company is required to pay the overseas supplier for the purchase of goods or services. Is there any restriction?	Residents are allowed to make payment in foreign currency or ringgit. However, payment in ringgit by the resident to the non-resident must be made into an external account of the non-resident or an external account of a non-resident financial institution.	N/A
What can a non-resident do with the funds in the external account?	N/A	<p>A non-resident can use its ringgit funds in the external account, among others, to:-</p> <ul style="list-style-type: none"> ✓ Pay for goods or services in Malaysia. ✓ Purchase ringgit assets in Malaysia. <p>The transfer of funds from an external account to another external account belonging to the same account holder is allowed.</p> <p>A non-resident may also transfer funds to non-resident immediate family members (i.e. spouse, parents, children and siblings).</p>
Export of goods		
A resident exporter maintained a foreign currency account with a licensed onshore bank. Can the funds in the foreign currency account be used to make import payments or settle other foreign currency payment obligations?	<p>Yes, the funds in the foreign currency account may be used to meet any foreign currency payment obligations, such as import or services payments to non-residents, repayment of approved foreign currency borrowings and approved investments in foreign currency assets.</p> <p>As an exporter, the company can use funds in the foreign currency account to pay another resident company in foreign currency for settlement of goods or services.</p>	N/A
Can a resident	No, only resident companies with own	N/A

<p>company with no export earnings use foreign currency received from a resident exporter to pay another resident company to settle the purchase of goods or services?</p>	<p>export earnings can pay another resident company in foreign currency for settlement of goods or services.</p>	
<p>Is there any timeline for resident to remittance of export proceed into Malaysia?</p>	<p>All export proceeds must be repatriated to Malaysia in full as per the sales contract which must not exceed six months from the date of export.</p> <p>Approval is required for residents:-</p> <ul style="list-style-type: none"> • to receive the export proceeds later than six months from the date of export; or • to offset the export proceeds against other payables due to non-residents. <p>The application must be submitted before the expiry of the 6-month period.</p>	<p>N/A</p>
<p>Is there a requirement for resident to submit any report on exports of goods to Bank Negara Malaysia?</p>	<p>Only exporters with exports exceeding RM50 million in the preceding calendar year are required to submit quarterly reports within 21 days after the end of each reporting quarter in the calendar year. The report should be submitted online through Foreign Exchange Administration website at www.bnm.gov.my/fxadmin.</p>	<p>N/A</p>
<p>Financial Guarantee</p>		
<p>Can a resident company obtain financial guarantee</p>	<p>Residents are free to obtain any amount of financial guarantees from their non-bank non-resident group of entities.</p>	<p>N/A</p>

<p>from its non-resident related company?</p>	<p>Approval is required only for obtaining of financial guarantees from other non-residents exceeding RM100 million equivalent in aggregate.</p> <p>Financial guarantee exceeding RM50 million equivalent in aggregate which do not require approval shall be registered not later than seven (7) business days after obtaining the financial guarantee.</p>	
<p>Can a resident company request a non-resident financial institution to issue a financial guarantee to secure a borrowing obtained by its overseas subsidiary from a foreign bank?</p>	<p>Yes, provided that if the resident company has an obligation to pay the non-resident financial institution arising from the guarantee being called upon, the financial guarantee does not exceed RM50 million equivalent in aggregate.</p> <p>For financial guarantee exceeding RM50 million equivalent in aggregate, approval is required.</p>	<p>N/A</p>
<p>Special status company</p> <p>Operational Headquarters (OHQ) means a locally incorporated company that carries on a business in Malaysia to provide qualifying services to its offices or related companies within or outside Malaysia. The OHQ is prohibited from providing treasury and fund management services and corporate financial advisory services to non-related companies in Malaysia.</p> <p>Treasury Management Company (TMC) means a locally incorporated company that provides centralised treasury management services for its group of related companies within or outside the country.</p>		
<p>What are the relaxation of foreign exchange control rules which an OHQ can enjoy?</p>	<p>OHQ is free to obtain any amount of foreign currency borrowing from non-residents including financial institutions for own use in carrying out qualifying services under their OHQ status.</p>	<p>N/A</p>
<p>What are the relaxation of foreign exchange control rules which TMC can enjoy?</p>	<p>TMC is free to undertake (based on treasury services to be undertaken)-</p> <ul style="list-style-type: none"> • borrowing in foreign currency from any non-resident; 	<p>N/A</p>

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| | <ul style="list-style-type: none">• lending in foreign currency to resident and non-resident related entities;• centralisation of foreign currency funds on behalf of its group of companies in accounts maintained with banks in Malaysia;• payment or receipt in foreign currency with:-<ul style="list-style-type: none">○ related companies in Malaysia;○ other resident suppliers for purchase of goods and services sourced overseas used for the group's operations;• hedging with licensed onshore banks on behalf of the group of companies;• offsetting of export receivables with a non-resident for own account or on behalf of other related companies. | |
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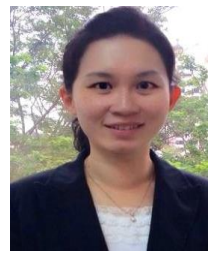


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