



FOREIGN INVESTMENT IN NEW ZEALAND OVERVIEW

关于新西兰的海外投资概况

New Zealand provides a welcoming environment for foreign investments with moderately relaxed foreign investment rules and policies relative to some other jurisdictions. Over the years, with the property market being highly active and generating considerable returns, growing numbers of overseas investors have chosen New Zealand as their investment destination.

We have compiled a list of common questions that overseas investors may encounter when looking to investing in the New Zealand's residential property market.

ARE THERE ANY RESTRICTIONS AGAINST FOREIGN INVESTMENT ON RESIDENTIAL PROPERTY IN NEW ZEALAND?

There are no intrinsic restrictions on acquiring New Zealand residential properties for private use. However, in general, you may be required to obtain consent from the Overseas Investment Office (OIO) if:

- You are an 'Overseas person'
- You are acquiring 'Sensitive land' (or land that consists of 'Sensitive land').

Additional restrictions can apply where the acquisition is for business purposes. Our team at Buddle Findlay would be happy to assist if you want to know more about these rules.

WHO IS CONSIDERED AN 'OVERSEAS PERSON'?

If you do not hold a New Zealand citizenship, nor ordinarily resides in New Zealand, you will be considered an 'overseas person'.

Even if you are not acquiring the property directly, but through a New Zealand company, or other holding vehicles that are controlled by you (generally where you are an at least 25% interest), the company or holding vehicle will also be regarded as an 'overseas person' for the purposes of the OIO rules.

WHAT IS 'SENSITIVE LAND'?

In general, investment in urban residential properties will not involve "sensitive land". However, if the property that you plan to acquire falls within any of the following categories, then it is possible that the land may include sensitive land:

- Over five hectares of farm land or other non-urban land
- Land that includes or adjoins any beds of rivers or lakes, marine areas or conservative lands, and is over 0.4 hectares and on any of the selected islands around New Zealand.

HOW DO I CHECK WHETHER THE LAND I AM ACQUIRING IS "SENSITIVE"?

Our team at Buddle Findlay can assist you with finding out whether the land you are acquiring may consist of 'sensitive land'.

新西兰对海外投资人持开放态度，除个别类型的投资外，新西兰对大多数海外投资的管理政策都相对宽松。在过去几年中，新西兰的房地产市场相当活跃，投资回报也非常可观，许多投资人也因此选择了新西兰作为他们的投资目的地。在此我们为您整理了一系列海外投资者在投资新西兰地产市场的过程中可能遇到的问题。

若您的投资涉及商务项目，这将可能会受到额外条例的限制。百德芬德利的律师团队将会非常乐意为您提供有关这些条例的具体信息。

何为‘海外人士’？

如果您不持有新西兰公民身份，并且不居住于新西兰，那您可能会被归为‘海外人士’。

即便您并非直接购买房产，而是通过一家您所掌控（拥有至少25%或以上的权益）的新西兰公司，或者其他商业载体来购买新西兰房产，这也将会被OIO视为‘海外人士’的购买行为。

何为‘敏感土地’？

总体来说，投资市内的居住房产将不会牵扯到‘敏感土地’的问题。但是，如果您计划投资的房产与以下列举的土地相符，那么您的投资很可能包括了‘敏感土地’：

- 超过五公顷的农场土地或其它非市区土地
- 超过0.4公顷的与河床、海域或保留地相邻或关的土地
- 属于新西兰周边个别岛屿的土地。

如何知道我购买的是否是‘敏感土地’？

百德芬德利的律师团队将非常乐意协助您调查您所计划购买的土地是否属于‘敏感土地’。如果您所购买的土地与上面所描述的土地类别相符，那我们建议您在签署房产购买协议前向您的律师咨询相关信息。

如果我购买了需要OIO许可的房产或土地，我将有可能会遇到何种分歧？

若您作为‘海外人士’签订了‘敏感土地’的购买合同，您将有义务确保在完成交易前取得OIO的认可。如果你在没有取得认可的情况下购买了‘敏感土地’，那您将可能会面临民事处罚以及（或）起诉。

If the property you are acquiring falls within any of the categories mentioned above, it is strongly recommended that you consult with a solicitor before signing into any agreement to purchase such property.

WHAT ARE THE POTENTIAL RAMIFICATIONS IF I ACQUIRE LAND FOR WHICH OIO CONSENT IS REQUIRED?

If you are an 'overseas person' and enter into a contract to acquire 'sensitive land', it is your responsibility to ensure that OIO consent is obtained prior to settlement of your purchase. You can become liable for civil penalties and/or be prosecuted for acquiring sensitive land without OIO consent.

As OIO consent may not necessarily be granted in all cases and a standard consent application process can easily take more than 3 months (including time for preparation of the application), it is strongly recommended that all overseas purchasers investigate where the land they are acquiring may be subject to OIO consent if the land falls within the categories mentioned above, so as to ensure that the agreement is subject to an 'OIO consent' condition to avoid forfeiture of their deposit and from suffering other financial losses.

ABOUT BUDDLE FINDLAY

Buddle Findlay is one of New Zealand's leading commercial and public law firms, with offices in Auckland, Wellington and Christchurch, and a global reach of contacts and experience. Our team has extensive experiences on OIO and immigration issues, we will be happy to provide you with legal advices to ensure the success of your investment in New Zealand.

OIO认证的申请过程通常都需要三个月或以上（包括申请的准备时间），我们强烈建议所有海外投资者在投资可能是‘敏感土地’的房产前对该房产作出充分的调查。特别是当该房产与上述列举的类型相符时，您更应该调查确定购买该房产是否需要OIO认证。这样才能确保您的购买合同符合OIO的认证要求，并避免丢失您的定金或遭遇其他经济损失。

关于百德芬德利

百德芬德利作为新西兰商界顶尖的律师事务所之一，在奥克兰、威灵顿、基督城均设有办公室和联系人。我们团队的业务遍布全球，在海外投资(OIO)、税务以及移民咨询方面有丰富经验。我们将非常乐意为您提供法律意见及服务，以确保您在新西兰的投资成功。

联系人



DOMINIC LONDON
多米尼克 伦顿
合伙人
直线: 64 9 363 0665
手机: 64 21 846 351
dominic.london@buddlefindlay.com



DAVID PERRY
大卫 佩里
合伙人
直线: 64 9 358 7020
手机: 64 9 21 632 268
david.perry@buddlefindlay.com



GRANT DUNN
格兰特 邓恩
合伙人
直线: 64 9 363 0636
手机: 64 21 888 812
grant.dunn@buddlefindlay.com



CARRIE LUI
吕嘉怡
资深律师
直线: 64 9 358 7026
手机: 64 21 110 0997
carrie.lui@buddlefindlay.com

奥克兰

PWC大厦 (PwC Tower)
码头街 (Quay Street) 188号
邮政信箱: 1433
纽西兰, 奥克兰 1140

电话: 64 9 358 2555
传真: 64 9 358 2055

威灵顿

国家保险大厦 (State Insurance Tower)
威利街 (Willis Street) 1号
邮政信箱: 2694
纽西兰, 威灵顿 6140

电话: 64 4 499 4242
传真: 64 4 499 4141

基督城

维多利亚街 (Victoria Street) 83号
邮政信箱: 322
纽西兰, 基督城 8140

电话: 64 3 379 1747
传真: 64 3 379 5659