香港的打擊洗錢制度與旅遊規則

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香港針對虛擬資產的打擊洗錢制度，與發牌制度載於同一條例。就《打擊洗錢及恐怖分子資金籌集條例》（AMLO）附表2而言，持牌虛擬資產交易平台屬金融機構，必須根據證券及期貨事務監察委員會（證監會）為持牌法團及虛擬資產交易平台制定的打擊洗錢指引，進行客戶盡職審查、備存紀錄及持續監察。自2023年6月1日起，旅遊規則（travel rule）適用於虛擬資產轉移：8,000港元或以上的轉移須提供完整的匯款人及收款人資料，低於該數額則須提供較少資料。就轉移至非託管錢包而言，平台必須採用風險為本的方法，並在風險有此需要時，只可轉移至其已核實擁有權的錢包。與虛擬資產客戶往來的銀行須遵守香港金融管理局（金管局）的通函；自2023年起，這些通函鼓勵銀行為持牌虛擬資產交易平台提供服務，並不鼓勵一刀切的降低風險做法。[1]

對瑞士或新加坡集團而言，實務重點在於門檻。瑞士對每一宗轉移都適用旅遊規則，新加坡要求1,500新加坡元以上須提供完整資料，香港為8,000港元以上，而《加密資產市場規例》（MiCA）則根據《資金轉移規例》由第一歐元起適用。按瑞士標準制定的集團政策可同時符合四地要求。按香港標準制定的集團政策在楚格則不合格。可疑交易報告須根據《有組織及嚴重罪行

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條例》（第455章）及《販毒（追討得益）條例》（第405章）向聯合財富情報組提交，並設有通風報訊罪行，與新加坡《貪污、販毒及其他嚴重罪行（沒收利益）法》（CDSA）中的罪行相若。[2]

註釋

1. AMLO Cap. 615, Schedule 2, s. 13A ff.（虛擬資產轉移）。SFC, Guideline on Anti-Money Laundering and Counter-Financing of Terrorism (For Licensed Corporations and SFC-licensed Virtual Asset Service Providers)，2023年6月，第12章。HKMA, Circular on banking services to virtual asset-related entities，2023年4月27日。 ↩
2. Organized and Serious Crimes Ordinance (Cap. 455), ss. 25 and 25A。Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405), ss. 25 and 25A。聯合財富情報組由香港警務處與香港海關聯合運作。 ↩

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