監管機構之間的合作

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樞紐之間的競爭與其監管機構之間的合作並存；跨越多地設立架構的客戶，應該知道監管機構彼此之間互通多少資訊。新加坡金融管理局（MAS）與瑞士金融市場監管局（FINMA）於2016年9月12日簽訂金融科技合作協議，屬同類協議中最早的之一；根據協議，雙方互相轉介創新企業，並分享監管發展資訊。MAS與香港證券及期貨事務監察委員會（證監會）、日本金融廳，以及阿布扎比和杜拜的監管機構都訂有類似協議，而它們全部同時是財務行動特別組織（FATF）、金融穩定委員會及國際證監會組織（IOSCO）的成員。[1]在執法方面，渠道包括IOSCO《多邊諒解備忘錄》下的諒解備忘錄、司法互助條約，以及就打擊洗錢情報而言的艾格蒙金融情報組織（Egmont Group）；新加坡的可疑交易報告辦公室（STRO）及瑞士洗錢舉報辦公室均為其成員。

結果是，在其中兩地持牌的集團，不能向每個監管機構講述不同的版本。在新加坡申請牌照時，須提供集團架構、在其他地方持有的牌照，以及任何集團實體在任何地方遭受的任何監管行動。FINMA及證監會的申請表格亦有相同問題。答案會被互相比對。在我的執業經驗中，曾有一宗申請延誤一年，原因是某集團在新加坡的申報文件形容一家瑞士聯屬公司不受監管，而

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該聯屬公司其實受自律組織監督；MAS向FINMA查詢後發現了這項出入。教訓是：在提交第一份申請之前，先準備一套統一的集團陳述，並由各司法管轄區的律師核對。

註釋

1. MAS及FINMA，Cooperation Agreement on FinTech，2016年9月12日簽訂；MAS的金融科技合作協議列於MAS網站；關於執法方面的監管合作，參見第H部分第VI章及第N部分第II章。↩

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