適當人選及常駐新加坡管理層的要求

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新加坡金融管理局（MAS）對每名申請人、控制人、董事及行政總裁適用《適當人選準則指引》。準則涵蓋誠實、正直及聲譽，能力及才幹，以及財政穩健。[1]問卷追溯十年，詢問在任何司法管轄區的監管調查、取消資格、破產及民事判決。曾在行業早期未受監管階段從業的創辦人，應預期會被詳細問及其曾參與的任何交易所、基金或代幣項目，以及這些業務中的任何客戶損失。誠實、完整並附解釋的披露，仍有機會過關。若遺漏被MAS發現，通常會令申請失敗，亦會損害當事人日後與監管機構往來的前景。

申請資格亦要求在新加坡設有永久營業地點或註冊辦事處，以及符合居留要求的董事會。申請人必須至少有一名身為新加坡公民或永久居民的執行董事。或者，申請人可以有一名具該身份的非執行董事，連同至少一名持有就業准證（EP）的執行董事。[2]就DPT持牌人而言，MAS在實務上要求更高：它期望行政總裁、合規主任及保管職能主管均常駐新加坡並受僱於持牌人。保管控制措施須設於新加坡的要求，進一步強化了這項期望。

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客戶提問

「我們集團的首席合規主任駐在楚格，負責監督所有實體。她可以同時擔任新加坡的合規主任嗎？」她可以領導一個集團職能，由新加坡的合規主任向其匯報。然而，新加坡持牌人仍必須有自己常駐新加坡的合規主任，對新加坡的打擊洗錢計劃擁有權限，並可直接接觸新加坡董事會。MAS會問：誰向可疑交易報告辦公室（STRO）提交可疑交易報告，誰在當天回覆MAS的查詢，誰可以叫停一宗交易。一名相隔八個時區的合規主任，無法以令監管機構滿意的方式履行這些職責。反方向亦然：新加坡集團在瑞士設立自律組織（SRO）成員或《金融機構法》（FinIA）持牌人時，瑞士自律組織會要求一名常駐瑞士的打擊洗錢主任（參見第F部分第VIII章）。

註釋

1. MAS, Guidelines on Fit and Proper Criteria (FSG-G01)，第1至14段及有關披露義務的附件。 ↩
2. MAS, "Standard Payment Institution Licence"，mas.gov.sg，有關董事會組成的資格部分（一名身為新加坡公民或永久居民的執行董事，或一名具該身份的非執行董事加一名持有Employment Pass的執行董事）。 ↩

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