FSMA第9部分下的MAS DTSP制度

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland and Germany),
Solicitor (England & Wales and Hong Kong)
Of Counsel, KGP Legal LLC
alexander.ressos@kgplegal.com.sg
www.ressos.com.sg

數碼代幣服務提供者制度涵蓋以新加坡為基地、在新加坡境外提供數碼代幣服務，而且尚未根據《支付服務法》（PSA）、《證券及期貨法》（SFA）或新加坡金融管理局（MAS）執行的其他法例取得牌照的人士。自2025年6月30日起，該等人士必須持有數碼代幣服務提供者（DTSP）牌照，否則須停止有關活動；MAS並表示只會在極為有限的情況下批出牌照。[1]因此，核對清單首先處理的問題，是該制度是否適用，以及重組架構是否較佳的做法。決定申請的集團，應預期審查的深度與PSA牌照相同，而MAS另會追問為何業務不能在現有牌照下進行。

核對清單

- 列出在新加坡的任何人士（僱員、董事、承包商）所提供的每項數碼代幣服務，並確定是否有任何服務提供予新加坡境外人士。

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- 確定新加坡實體或個人是否已根據PSA、SFA、《財務顧問法》（Financial Advisers Act）或其他法例取得牌照、獲得豁免或受到規管；如是，第9部分即不適用。
- 如第9部分適用，而有關活動在2025年6月30日後仍在沒有牌照的情況下持續進行，應就所涉風險尋求意見，並考慮主動接觸MAS。
- 評估重組架構：把受規管活動轉移至持牌的瑞士實體或其他實體，把新加坡實體限於不受規管的集團服務，並記錄沒有任何新加坡人士進行洽商、開戶、執行或保管。
- 如提出申請：準備業務計劃、說明為何有關活動不能在PSA或SFA牌照下進行，以及就海外客戶所在司法管轄區的本地監管所作的分析。
- 證明250,000新加坡元的基本資本，以及符合駐當地董事及合規主任的要求。
- 按照FSMA的DTSP公告及打擊清洗黑錢財務行動特別組織（FATF）對虛擬資產服務提供者（VASP）的標準，準備打擊洗錢及恐怖分子資金籌集（AML/CFT）框架，包括就海外客戶實施旅遊規則。
- 準備科技風險及網絡衛生文件。
- 準備管治及適當人選文件。
- 為年費及持續責任編列預算；該等責任與主要支付機構（MPI）的責任相若。

註釋

1. Financial Services and Markets Act 2022，第136至141條；MAS, Response to Feedback Received，2025年5月30日，第2.1至2.6段；參見第K部分第V章。↩

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Author contact: Dr Alexander Ressos, TEP · contact@ressos.com