新加坡IV：打擊洗錢及恐怖分子資金籌集與合規

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在新加坡的數碼資產制度中，打擊洗錢法決定一家企業能否在與自身客戶的接觸中存活。憑資本、業務計劃和耐性便可取得支付服務牌照。能否保住牌照，則取決於日常紀律，而新加坡金融管理局（MAS）對這方面的審查，比對數碼支付代幣（DPT）業務任何其他方面都更嚴密。原因在於歷史。新加坡金融中心唯一從不寬恕的失誤，是外國犯罪得益經其機構清洗。2023年8月的拘捕行動揭發了逾30億新加坡元的涉案資產，確認了這項優先事項在未來十年的地位。

本部分闡述新加坡適用於DPT服務提供者、數碼代幣服務提供者，以及與它們合作的律師、受託人和合規主任的打擊洗錢及恐怖分子資金籌集（AML/CFT）制度。本部分先介紹整體架構（法例、MAS通告及指引、FATF層面），然後按合規主任遇到的次序逐一講解營運責任：客戶盡職審查、旅遊規則、可疑交易報告、制裁。30億新元案及執法紀錄各有專章，因為它們說明MAS及商業事務局實際上如何行事。最後一章探討本書大多數讀者在實務中面對的問題：如何為一家受瑞士自律監管組織監管的楚格實體，以及一家持有主要支付機構牌照的新加坡實體，統一運作一套打擊洗錢計劃。

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與本部分對應的瑞士部分是第F部分。凡比較兩套制度之處，本部分從新加坡角度作比較，第F部分則從瑞士角度作比較，使每一部分均可獨立閱讀。第K部分涵蓋《2019年支付服務法》及《2022年金融服務及市場法》下的發牌範圍。第N部分涵蓋刑事執法及資產追討，第M部分則涵蓋稅務上游罪行。本部分在題材交疊之處會引用這些部分，而不重複其內容。

給大陸法系讀者的兩點提醒。第一，新加坡打擊洗錢法的分層方式，在瑞士並無對應。刑事責任載於國會法令。詳細的操守責任載於具法律效力的MAS通告，而詮釋則載於MAS指引，指引雖無約束力，但在實務上具決定性。只閱讀法令的合規主任，會遺漏大部分規則。第二，新加坡採用的標準是「合理的金融機構」標準，MAS透過實地視察及專題審查加以測試。紙上合規很快便會被識破。本部分的實務提示，是為希望通過這項測試的讀者而寫。

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