合規主任

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PSN02規定須委任一名管理層級別的打擊洗錢及恐怖分子資金籌集（AML/CFT）合規主任，並給予足夠的資源、獨立性及資訊取用權，以履行其職務。[1] 在發牌實務中，新加坡金融管理局（MAS）另加了通告未有列明的要求。合規主任應居於新加坡，應專職服務新加坡持牌人，並應具備相關經驗。MAS在審核牌照申請的適當人選評估中，以及在該職位有任何變動時，都會評估這幾點。[2] 一名身處楚格、遙距兼管新加坡實體的集團合規主任，不能令MAS滿意。一名駐新加坡、在政策上向集團合規主管匯報、在履行法定責任上向新加坡董事會匯報的合規主任，則能令MAS滿意。

在數碼支付代幣公司中，這職位具有MAS已視為必備的技術層面。合規主任必須了解公司所用的鏈上分析工具，並能夠閱讀交易圖譜，亦必須知道公司錢包的架構。最重要的是，合規主任必須能夠向檢查人員解釋，旅遊規則訊息、地址篩查及交易監察警示如何與單一客戶轉帳相關聯。從銀行業聘用而欠缺這方面知識的合規主任，在檢查中往往應付吃力，MAS亦曾在數宗個案中要求公司加強合規職能，作為牌照條件。

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個人問責

MAS的《個人問責及操守指引》自2021年9月10日起生效，適用於支付服務提供者，並訂明五項成果。高級管理人員須清楚界定，並對其負責範疇承擔責任。他們須為適當人選。管治安排須支持他們的問責。重大風險人員須為適當人選，並受與操守相符的獎勵架構規限。公司須設有促進良好操守的框架。[3] 就數碼支付代幣持牌人而言，合規主任屬於這意義上的高級管理人員，營運、科技及業務主管亦然。公司必須備有一份文件，列明他們的姓名並描述其職責，並須顯示董事會如何要求他們問責。在執法方面，MAS根據該指引確定應向哪些個人發出禁止令或作出譴責。在新加坡，合規主任承擔的個人風險是真實存在的，接受這職位時應有此認識。

註釋

1. MAS Notice PSN02，第16段，有關委任管理層級別的AML/CFT合規主任，以及提供足夠的資源及權限。 ↩
2. MAS, Guidelines on Fit and Proper Criteria (Guideline No. FSG-G01)，適用於支付服務提供者的主要人員；第K部分第II章所述的MAS發牌實務，要求至少一名居於新加坡的執行董事及一個駐新加坡的合規部門。 ↩
3. MAS, Guidelines on Individual Accountability and Conduct，2020年9月10日，2021年9月10日生效，適用於包括支付服務提供者在內的金融機構，員工少於50人的公司可按比例適用。 ↩

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