MAS通告：PSN01、PSN02及DTSP通告

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數碼支付代幣（DPT）業務在打擊洗錢及恐怖分子資金籌集（AML/CFT）方面的營運責任，載於新加坡金融管理局（MAS）根據《支付服務法》（PSA）發出的通告。MAS Notice PSN01（Prevention of Money Laundering and Countering the Financing of Terrorism – Specified Payment Services）適用於帳戶發行、本地及跨境匯款、商戶收單及電子貨幣發行。MAS Notice PSN02（Prevention of Money Laundering and Countering the Financing of Terrorism – Digital Payment Token Service）適用於每一名經營DPT服務的支付服務牌照持有人，以及處於過渡期的獲豁免提供者。[1]兩份通告均於2019年12月5日發出，並於2020年1月28日（即PSA生效當日）生效。兩者其後均曾修訂。PSN02的修訂，緊隨第K部分第I章所述DPT範圍的擴大。

根據《2022年金融服務及市場法》（FSMA）第9部分獲發牌的數碼代幣服務提供者（DTSP），即自2025年6月30日起為只服務新加坡境外客戶的提供者而設的制度，受一份根據FSMA發出、內容大致相同的平行通告規管。[2]實際要點是：不論牌照來自哪一部法例，MAS在整個DPT範圍內均採用同一套AML/CFT標準。熟悉PSN02的讀者，亦即熟悉DTSP通告。

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通告的法律效力

MAS通告雖不以規例形式刊憲，實質上卻屬附屬法例。PSA第102條賦權MAS向持牌人發出書面指示及通告，不遵從即屬犯罪，可處罰款；如屬持續違反，更可按日處以罰款。[3]MAS通常不會就違反通告提出檢控。MAS會作罪行和解（接受一筆款項以代替檢控）、發出譴責、施加牌照條件，最嚴重的情況下則撤銷牌照。本部分第VII章闡述執法紀錄。

令外國讀者困惑的，是通告與其指引之間的關係。每份AML/CFT通告均附有MAS指引（就PSN02而言，即Guidelines to Notice PSN02 on Prevention of Money Laundering and Countering the Financing of Terrorism – Digital Payment Token Service）。[4]指引明言其不具法律效力。然而，MAS視察人員仍以指引作為衡量管控的標準。偏離指引的公司，必須能夠清楚說明其本身的做法為何能達致相同結果。瑞士讀者會從瑞士金融市場監管局（FINMA）的通函認出這種方法，但有一點不同：FINMA通函作為FINMA對法律的詮釋，在形式上對受監管機構具約束力，而MAS指引在形式上只具說服力。實務上，兩者的運作方式相同。

文書	發出者及依據	法律效力	一般內容
CDSA 1992、TSOFA 2002	國會	刑事法例，約束在新加坡的每一個人	罪行、舉報責任、沒收
根據《2001年聯合國法》（United Nations Act 2001）訂立的規例	部長	附屬法例，約束每一個人	制裁及資產凍結
MAS通告（PSN01、PSN02、FSMA DTSP通告）	MAS根據PSA第102條／FSMA	約束持牌人，違反即屬犯罪	客戶盡職審查、紀錄保存、可疑交易報告程序、集團政策
MAS就通告發出的指引	MAS		

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文書	發出者及依據	法律效力	一般內容
		無約束力，但為視察基準	如何應用通告、例子、危險信號
MAS通函及資料文件	MAS	無約束力	專題審查結果、期望、良好做法
MAS常見問題	MAS	無約束力	對個別問題的詮釋

註釋

1. MAS Notice PSN01及MAS Notice PSN02，均於2019年12月5日發出，自2020年1月28日（Payment Services Act 2019生效日期）起生效；兩者均曾多次修訂，包括為反映2021年PSA修訂及2024年DPT定義的擴大。 ↩
2. MAS Notice on Prevention of Money Laundering and Countering the Financing of Terrorism – Digital Token Service Providers，根據FSMA第9部分發出，自2025年6月30日起生效；DTSP制度參見第K部分第V章。通告編號：FSM-N27。 ↩
3. PSA 2019，第102條（指示及通告），連同同一部分的罰則條文一併理解；MAS另有權就PSA下的罪行作罪行和解。 ↩
4. MAS Guidelines to Notice PSN02，2020年3月16日首次發出，其後曾修訂；指引列明其不具法律約束力，但MAS在評估持牌人的行為時會考慮其遵從指引的情況。 ↩

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