打擊洗錢：CDSA、MAS公告及FATF評估

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一個接受來自世界各地資金的金融中心，必須能夠說明這些資金的來源。新加坡在三十多年間逐層建立其應對機制。第一層是一項刑事法規，把清洗犯罪得益定為罪行，並容許國家予以沒收。第二層是新加坡金融管理局（MAS）的公告，規定銀行、基金經理、信託公司及其他機構必須認識其客戶並監察其交易。第三層是舉報制度，把可疑情況傳送至警隊內的金融情報單位。在這些層次之上，是打擊清洗黑錢財務行動特別組織（FATF）的國際標準，其評估人員定期到訪新加坡，並公開為該國評級。

本章逐一描述這些層次及其實際運作。本章首先討論《1992年貪污、販毒及其他嚴重罪行（沒收利益）法》（Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act），即以其首字母縮寫稱為CDSA的法規。其後探討有關客戶盡職審查的公告、可疑交易報告制度，以及2016年及2026年最近兩輪相互評估。最後一節轉而討論2023年洗錢案後的改革。該案本身，連同一馬發展公司（1MDB）事件及MAS對個別機構施加的處罰，是第E部分第VI章的主題。把稅務罪行指定為上游罪行屬第E部分第II章的範圍，制裁屬第H部分第IV章，法人刑事責任則屬第H部分第V章。

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日內瓦卷在其第H部分以一章討論同一課題，題為打擊洗錢及政治人物。兩個中心採用相同的國際標準，並有許多相同的客戶，因此面對相同的兩難。財富管理中心賴以生存的是保密，打擊洗錢制度賴以運作的則是披露。各中心如何調和兩者，很能說明其制度的特質。本章結尾的比較將探討這個問題。

要點

新加坡在CDSA中把洗錢定為刑事罪行。該法於1992年作為一項針對毒品得益的法規開始實施，現時涵蓋一長串在新加坡或海外干犯的嚴重罪行。自2024年起，該法亦懲處輕率及疏忽的洗錢行為，以及某些形式的錢騾行為。另一項自2024年11月起生效的修訂，令控方無須證明被清洗的財產實際上屬犯罪得益。MAS《626號公告》及其他行業的相應公告，要求進行客戶盡職審查、對政治人物採取加強措施，以及佐證財富來源。任何人在業務過程中懷疑財產與罪行有關，必須向可疑交易報告辦公室舉報；該辦公室於2024年接獲85,988份報告。2026年5月發表的FATF評估把新加坡納入常規跟進程序，但批評其罰則偏低，以及實益擁有權透明度存在不足。

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