



Anti-Money Laundering (AML) and Counter-Terrorist Financing (CTF) in Hong Kong

香港的打擊清洗黑錢 (AML) 及打擊恐怖分子 資金籌集 (CTF) 活動

Money Laundering and terrorist financing are serious offences under Hong Kong law. In short, a person may commit the offence of money laundering if he deals with any property, most likely money, which he knows or has reasonable grounds to believe to be proceeds of a crime. For terrorist financing, a person may commit an offence of terrorist financing if he provides or collects any property (including money) knowing or with the intention that the property (including money) will be used for terrorist acts. This article will give an overview as to the laws governing and combating anti-money laundering (colloquially known as AML) and counter-terrorist financing (commonly known as CTF) in Hong Kong. CTF is sometimes used interchangeably with counter-financing of terrorism (CFT). The focus is to advise listed companies, banks, intermediaries licensed by the Securities and Futures Commission (SFC), law firms and audit firms as to how to deal with monies that are received dubiously and may be the subject of AML and/or CTF. This article will not deal with the defence for any charge under AML or CTF, except advising to consult legal advice.

Law

In relation to AML and/or CTF, the following ordinances are relevant, namely,

- (a) Drug Trafficking (Recovery of Proceeds) Ordinance, Chapter 405 of the Laws of Hong Kong (DTRPO);
- (b) Organized and Serious Crimes Ordinance, Chapter 455 of the Laws of Hong Kong (OSCO);
- (c) United Nations (Anti-Terrorism Measures) Ordinance, Chapter 575 of the Laws of Hong Kong (UNATMO); and
- (d) Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Chapter 615 of the Law of Hong Kong (AMLCTFO).

Under section 25(1) of DTRPO,

“a person commits an offence if, knowing or having reasonable grounds to believe that any property in whole or in part directly or indirectly represents any person’s proceeds of drug trafficking, he deals with that property”

Under section 25(1) of OSCO, it is in similar term and language, except the reference to indictable offence, that:

“a person commits an offence if, knowing or having reasonable grounds to believe that any property in whole or in part directly or indirectly represents any person’s proceeds of an indictable offence, he deals with that property”.

Under section 7 of UNATMO,

“a person shall not provide or collect, by any means, directly or indirectly, any property:

- (a) with the intention that the property will be used; or
- (b) knowing that the property will be used,

in whole or in part, to commit one or more terrorist acts (whether or not the property is actually so used)”.

清洗黑錢及恐怖分子資金籌集在香港法律下屬於嚴重罪行。簡言之，有人如果處理任何財產，多數以金錢形式出現，而那些財產他知道或有合理理由相信為犯罪所得，就可能被視為犯下洗黑錢的罪行。就恐怖分子資金籌集而言，如果有人提供或籌集任何財產（包括金錢），知道或有意將該財產（包括金錢）用於恐怖主義行為，則可能犯下恐怖分子資金籌集的罪行。本文將概述香港關於打擊清洗黑錢（簡稱「AML」）和打擊恐怖分子資金籌集（簡稱「CTF」）的法律。Counter-Terrorist Financing (CTF) 有時會跟Counter-Financing of Terrorism (CFT：恐怖分子資金籌集) 交替使用。本文重點在於向上市公司、銀行、經證券及期貨事務監察委員會（證監會）許可的中介機構、律師事務所和會計師事務所提供建議，說明可疑來源的款項，以及可能成為打擊清洗黑錢及 / 或打擊恐怖分子資金籌集對象的款項的處理方法。除建議諮詢法律意見以外，本文不會針對打擊清洗黑錢或打擊恐怖分子資金籌集下的任何指控進行辯護。

法律

關於打擊清洗黑錢及 / 或打擊恐怖分子資金籌集，以下條例與之相關的，即：

- (a) 香港法例第405章《販毒（追討得益）條例》（DTRPO）；
- (b) 香港法例第455章《有組織及嚴重罪行條例》（OSCO）；
- (c) 香港法例第575章《聯合國（反恐怖主義措施）條例》（UNATMO）；及
- (d) 香港法例第615章《打擊洗錢及恐怖分子資金籌集條例》（AMLCTFO）。

根據《販毒（追討得益）條例》第25(1)條，

「如有人知道或有合理理由相信任何財產全部或部分、直接或間接代表任何人的販毒得益而仍處理該財產，即屬犯罪。」

根據《有組織及嚴重罪行條例》第25(1)條，除指出可公訴罪行之外，該條的措辭和語言跟上面相似，即：

「如有人知道或有合理理由相信任何財產全部或部分、直接或間接代表任何人從可公訴罪行的得益而仍處理該財產，即屬犯罪。」

根據《聯合國（反恐怖主義措施）條例》第7條，

「任何人不得在下述情況以任何方法直接或間接提供或籌集財產：

- (a) 懷有將該財產的全部或部分用於作出一項或多於一項恐怖主義行為的意圖（不論該財產實際上是否有被如此使用）；或
- (b) 知道該財產的全部或部分將會用於作出一項或多於一項恐怖主義行為（不論該財產實際上是否有被如此使用）。」

Under section 8 of UNATMO,

“a person must not:

- (a) ... make any property or financial (or related) services available, by any means, directly or indirectly, to or for the benefit of a person knowing that, or being reckless as to whether, the person is a terrorist or terrorist associate; or
- (b) collect property or solicit financial (or related) services, by any means, directly or indirectly, for the benefit of a person knowing that, or being reckless as to whether, the person is a terrorist or terrorist associate”.

Under section 8A of UNATMO,

“a person must not ... deal with any property knowing that, or being reckless as to whether, the property is:

- (a) terrorist property...;
- (b) wholly or jointly owned or controlled, directly or indirectly, by a terrorist or terrorist associate ...; or
- (c) held by a person on behalf of, or at the direction of, a terrorist or terrorist associate...”

The reference to “property” in all three ordinances includes monies or funds that are received by say a listed company or a law firm.

Penalties

Under section 25(3) of DTRPO or section 25(3) of OSCO, on committing an offence of AML, a person is liable:

- (a) on conviction upon indictment to a fine of \$5,000,000 and to imprisonment for 14 years; or
- (b) on summary conviction to a fine of \$500,000 and to imprisonment for 3 years.

Under section 14 of UNATMO, on committing an offence of CTF under sections 7, 8 and 8A, a person is liable:

- (a) on conviction on indictment to a fine and to imprisonment for 14 years; or
- (b) on summary conviction to a fine at level 6 (being \$100,000 under Schedule 8 to the Criminal Procedure Ordinance, Cap. 221) and imprisonment for 2 years.

Defence and Safe Harbour

Under section 25A of DTRPO, section 25A of OSCO and section 12 of UNATMO, where a person knows or suspects that any property is:

- (a) any person’s proceeds of drug trafficking (for DTPRO);
- (b) any person’s proceeds of an indictable offence (for OSCO) or as the case maybe;
- (c) terrorist property (for UNATMO),

then such person shall disclose to an authorized officer the information or other matter:

根據《聯合國（反恐怖主義措施）條例》第8條，

「任何人不得：

- (a) ……在知道某人是或罔顧某人是否恐怖分子或與恐怖分子有聯繫者的情況下，以任何方法向該人直接或間接提供任何財產或金融（或有關的）服務，亦不得為該人的利益而以任何方法直接或間接提供任何財產或金融（或有關的）服務；
- (b) 在知道某人是或罔顧某人是否恐怖分子或與恐怖分子有聯繫者的情況下，為該人的利益而以任何方法直接或間接籌集財產，亦不得為該人的利益而以任何方法直接或間接尋求金融（或有關的）服務。」

根據《聯合國（反恐怖主義措施）條例》第8A條，

「任何人不得知道以下事宜或罔顧以下事宜是否屬實的情況下，直接或間接處理任何財產：

- (a) ……該財產為恐怖分子財產；
- (b) 該財產……恐怖分子或與恐怖分子有聯繫者，直接或間接地完全或與他人所共同擁有或控制；或
- (c) 該財產由某人代表……恐怖分子或與恐怖分子有聯繫者所持有；或由某人按根據……恐怖分子或與恐怖分子有聯繫者指示而持有」

這三條條例所提及的「財產」，包括上市公司或律師事務所等接受的金錢或資金。

刑罰

根據《販毒（追討得益）條例》第25(3)條或《有組織及嚴重罪行條例》第25(3)條，任何人犯下清洗黑錢的罪行：

- (a) 循公訴程序定罪後，可處罰款\$5,000,000及監禁14年；或
- (b) 循簡易程序定罪後，可處罰款\$500,000及監禁3年。

根據《聯合國（反恐怖主義措施）條例》第14條，任何人犯下第7、8、8A條所指的恐怖分子資金籌集罪行：

- (a) 經循公訴程序定罪後，可處罰款及監禁14年；或
- (b) 經循簡易程序定罪後，可處第6級罰款（根據香港法例第221章《刑事訴訟程序條例》附表8，現時為\$100,000）及監禁2年。

辯護理由及安全港條款

根據《販毒（追討得益）條例》第25A條、《有組織及嚴重罪行條例》第25A條、《聯合國（反恐怖主義措施）條例》第12條，有人知道或懷疑任何財產是：

- (a) 任何人的販毒得益（適用於《販毒（追討得益）條例》）；

- (a) on which the information or suspicion is based; and
- (b) as soon as practicable after that information or other matter comes to his attention.

Once such disclosure is made to the authorized officer, he will not be in contravention of any AML or CTF under DTRPO, OSCO and/or UNATMO if he acts in accordance with the consent or direction of such authorized officer.

The authorized officer under DTRPO, OSCO and UNATMO is the Joint Financial Intelligence Unit (JFIU) and the disclosure is made to JFIU by way of a Suspicious Transaction Report (STR).

Joint Financial Intelligence Unit (JFIU) and Suspicious Transaction Report (STR)

JFIU was set up in 1989 and is jointly run by members of Hong Kong Police Force and Hong Kong Customs & Exercise Department based in Police Headquarters at Arsenal Street, Wanchai. JFIU manages and operates the suspicious transaction reporting regime for Hong Kong. JFIU (as authorized officer named or appointed under DTRPO, OSCO and UNATMO) receives analyses and disseminates STRs to appropriate law enforcement agencies in or outside Hong Kong or financial intelligence units worldwide. The functions of JFIU are as follows:

- (a) data analysis and intelligence development;
- (b) international cooperation and training;
- (c) strategic analysis and policy;
- (d) managing and supporting the Suspicious Transaction Report and Management System (STREAMS), a web-based platform facilitating e-reporting or dissemination of STRs.

In order to assist the relevant person to identify a suspicious financial activity and to submit a STR, JFIU has advised to use the four-step "SAFE" systemic approach under which:

- (a) Screen – to screen the account for suspicious indicators and recognition of suspicious indicators;
- (b) Ask – to ask the customer appropriate questions;
- (c) Find – to find out the customer's records by reviewing existing information when deciding if the apparently suspicious activity is to be reported; and
- (d) Evaluate – to evaluate all the above information to determine whether the transaction is suspicious and whether to file a STR.

If the transaction is suspicious based on the SAFE approach, a STR should be filed with JFIU. The STR must include the following details:

- (a) personal particulars of the person or company involved in the suspicious transaction;
- (b) details of the suspicious financial activity;
- (c) the reason why the transaction is suspicious and which suspicious activity indicators are present; and
- (d) the explanation, if any, given by the person about the transaction.

- (b) 任何人從可公訴罪行的得益（適用於《有組織及嚴重罪行條例》）或視乎情況而定；
- (c) 恐怖分子財產（適用於《聯合國（反恐怖主義措施）條例》），

該人須：

- (a) 將該項知悉或懷疑所根據的資料或其他事宜；及
- (b) 在該人獲悉該資料或其他事宜後在切實可行的情況下盡快向獲授權人員披露。

一旦已向獲授權人員作出披露，如果他按照獲授權人員的同意或指示行事，就不會違反任何《販毒（追討得益）條例》、《有組織及嚴重罪行條例》及/或《聯合國（反恐怖主義措施）條例》的打擊清洗黑錢或打擊恐怖分子資金籌集的規定。

《販毒（追討得益）條例》、《有組織及嚴重罪行條例》及/或《聯合國（反恐怖主義措施）條例》所指的獲授權人員是聯合財富情報組（JFIU），是以可疑交易報告（STR）的方式向JFIU作出有關披露。

聯合財富情報組（JFIU）及可疑交易報告（STR）

聯合財富情報組在1989年成立，由香港警務處和香港海關聯合管理，總部設在灣仔軍器廠街的警察總部。聯合財富情報組負責管理和執行香港的可疑交易報告制度。聯合財富情報組（作為根據《販毒（追討得益）條例》、《有組織及嚴重罪行條例》及《聯合國（反恐怖主義措施）條例》指定或任命的獲授權人員）收取、分析及傳遞可疑交易報告予香港或香港以外的有關執法機構或世界各地的金融情報部門。聯合財富情報組的職責如下：

- (a) 資料分析及情報拓展
- (b) 國際合作及培訓
- (c) 策略分析及政策
- (d) 管理及支援「可疑交易報告管理系統」（STREAMS），它是一個網上平台，方便用戶以電子方式提交或發布可疑交易報告。

為了協助有關人員識別可疑的金融活動並提交可疑交易報告，聯合財富情報組建議有系統地採用包含4個步驟的「SAFE」方法，其中包括：

- (a) Screen — 以可疑交易的指標篩查戶口及識別可疑交易的指標；
- (b) Ask — 向客戶作出恰當的提問；
- (c) Find — 翻查客戶的已知紀錄，以判斷客戶應否如金融機構所預期一樣會從事該宗看來是可疑交易的活動；
- (d) Evaluate — 評估以上所有資訊，以判斷交易是可疑，及是否提交可疑交易報告。

如果該宗交易根據SAFE方法評定為可疑，有關人士應向聯合財富情報組遞交可疑交易報告。可疑交易報告必須包含以下細節：

- (a) 參與可疑交易的個人或公司的資料；

A proforma STR is available. The STR may be submitted to JFIU by:

- (a) e-reporting system, STREAM in respect of which prior application is required;
- (b) by email to jfiu@police.gov.hk;
- (c) by fax to 852-25294013;
- (d) by mail addressed to JFIU at GPO Box 6555 Hong Kong; or
- (e) by telephone on 852-28663366 (for urgent reporting during office hours).

In 2020, JFIU has received 57,130 STRs of which 48,525 STRs (84.94%) are filed by banks, 694 STRs (1.22%) are filed by securities firms, 807 STRs (1.41%) are filed by law firms, 16 STRs (0.03%) are filed by audit firms and 1,125 STRs (1.97%) are filed by others (including listed companies).

Once the STR is received by JFIU, JFIU will either give consent in dealing with the properties or funds stated in the STR or not give consent to further dealing with the properties or funds which are believed to be crime proceeds. Sample form of consent letter and non-consent letter issued by JFIU are attached to the Guideline on Anti-Money Laundering and Counter-Financing of Terrorism (For Licensed Corporations) issued by SFC in November 2018.

If any person follows the above procedures in submitting the STR to JFIU, he will be protected even if the property or fund is subsequently found out to be crime proceeds. The STR is a safe harbour or a defence for any offence relating to AML and/or CFT under DTRPO, OSCO and/or UNATMO.

- (b) 可疑的金融活動詳情；
- (c) 有關交易可疑的原因，當中出現了哪些可疑交易指標；以及
- (d) 客戶被問及有關交易的詳情時所作的解釋（如有）。

可疑交易報告表格副本可供下載。可疑交易報告可透過以下途徑向聯合財富情報組提交：

- (a) 電子報告平台STREAM（需預先申請）
- (b) 電郵至jfiu@police.gov.hk；
- (c) 傳真至852-25294013；
- (d) 郵寄至香港郵政總局信箱6555號或
- (e) 致電852-28663366（只限辦公時間內的緊急舉報）。

在2020年，聯合財富情報組收到57,130份可疑交易報告，其中48,525份可疑交易報告（84.94%）由銀行提交，有694份可疑交易報告（1.22%）由證券公司提交，有807份可疑交易報告（1.41%）由律師事務所提交，有16份可疑交易報告（0.03%）由會計師事務所提交，以及有1,125份可疑交易報告（1.97%）由其他機構（包括上市公司）提交。

一旦聯合財富情報組接獲可疑交易報告，聯合財富情報組會給予許可，繼續處理可疑交易報告提及到的財產或資金，或禁止進一步處理相信是由犯罪所得的財產或資金。證監會於2018年11月發布的《打擊洗錢及恐怖分子資金籌集指引》（適用於持牌公司）中附有聯合財富情報組發出的同意書及反對書的範本。



如果任何人按照上述程序向聯合財富情報組提交可疑交易報告，即使後來發現財產或資金是犯罪所得，他也會受到保障。可疑交易報告可以作為《販毒（追討得益）條例》、《有組織及嚴重罪行條例》及/或《聯合國（反恐怖主義措施）條例》下打擊清洗黑錢及/或打擊恐怖分子資金籌集的安全港條款或辯護理由。

Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Cap. 615 (AMLCTFO)

In implementing the recommendations of the Financial Action Task Force (established by the G-7 Summit held in Paris in 1989), AMLCTFO is enacted to, inter alia, impose on financial institutions (under section 5) and DNFBPs (under section 5A) the requirements relating to customer due diligence and record-keeping. Financial institution is defined in Schedule 1 to AMLCTFO to mean an authorized institution, a licensed corporation, an authorized insurer, a licensed individual insurance agent, a licensed insurance agent, a licensed insurance broker company, a licensed money service operator, the Postmaster General and an SVF licensee. DNFBP (Designated Non-Financial Businesses and Professions as the term is used in the Financial Action Task Force) is defined in Schedule 1 to mean an accounting professional, an estate agent, a legal professional and a TCSP licensee. The requirements relating to customer due diligence and record keeping are set out in Schedule 2 to AMLCTFO and may be amended by the Secretary for Financial Services and the Treasury by notice published in the Gazette under section 2 of AMLCTFO. The requirements under Schedule 2 are divided into 4 parts. Part 1 is the interpretation. Part 2 deals with customer due diligence requirements. Part 3 deals with record-keeping requirements. Part 4 deals with miscellaneous matters.

Under section 7 of AMLCTFO, relevant authorities or regulatory bodies are required to publish in the Gazette guidelines that they consider appropriate for providing guidance to their regulatees or members in relation to any provision of Schedule 2. Pursuant thereto,

- (a) Hong Kong Monetary Authority has published the Guidance on Anti-Money Laundering and Counter-Financing of Terrorism (For Authorized Institutions) in October 2018;
- (b) SFC has published the Guideline on Anti-Money Laundering and Counter-Financing of Terrorism (For Licensed Corporations) in November 2018;
- (c) Insurance Authority has published the Guideline on Anti-Money Laundering and Counter-Terrorist Financing (For Authorized Insurers, Agents and Brokers);
- (d) Law Society has published Practice Direction P on Guidelines on Anti-Money Laundering and Terrorist Financing constituting a part of its Practice Directions;
- (e) Hong Kong Institute of Certified Public Accountants has published the Guidelines on Anti-Money Laundering and Counter-Terrorist Financing for Professional Accountants (forming part of its code of ethics) in February 2018; and
- (f) Estate Agents Authority has published the Guidelines on Compliance of Anti-Money Laundering and Counter-Terrorist Financing Requirements for the Estate Agency Sector under its Circular No. 18-01.

Financial institutions and/or DNFBPs are required to comply with Schedule 2 and the relevant Guidelines that are issued by their respective regulatory authorities or professional bodies.

Listed companies are not bound by the requirements under Schedule 2 unless they are financial institutions or DNFBPs.

香港法例第615章《打擊洗錢及恐怖分子資金籌集條例》(AMLCTFO)

為落實財務行動特別組織（在1989年由巴黎舉行的七國集團首腦會議建立）的建議，《打擊洗錢及恐怖分子資金籌集條例》得以實施，其中包括對金融機構（根據第5條）和指定非金融業人士（根據第5A條）施加有關客戶盡職調查和備存紀錄的規定。金融機構的定義載於《打擊洗錢及恐怖分子資金籌集條例》附表1，指認可機構、持牌法團、獲授權保險人、持牌個人保險代理、持牌保險代理機構、持牌保險經紀公司、持牌金錢服務經營者、郵政署署長和工具持牌人。在附表1列明的指定非金融業人士（在財務行動特別組織的建議中描述為指定非金融企業及行業人士類別的人的縮寫）是指會計專業人士、地產代理、法律專業人士及信託或公司服務持牌人。有關客戶盡職審查及備存紀錄的規定載於打擊洗錢及恐怖分子資金籌集條例附表2，財經事務及庫務局局長可根據《打擊洗錢及恐怖分子資金籌集條例》第2條，以刊憲形式作出修訂。附表2載列的要求分為4個部分：第1部是釋義；第2部是對客戶作盡職審查的規定；第3部是備存紀錄的規定；第4部是雜項條文。

根據《打擊洗錢及恐怖分子資金籌集條例》第7條，有關當局或監管機構應在憲報上刊登他們認為適當的指引，以便就附表2的任何條文向其監管對象或成員提供指引。據此，

- (a) 香港金融管理局已於2018年10月發佈打擊洗錢及恐怖分子資金籌集行為指引（適用於獲授權機構）。
- (b) 證監會已於2018年11月發佈打擊洗錢及恐怖分子資金籌集行為指引（適用於持牌機構）。
- (c) 保險業監管局公佈了打擊洗錢及恐怖分子資金籌集指引（適用於獲授權保險人，持牌保險代理和持牌保險經紀）。
- (d) 律師會將打擊洗錢及恐怖分子資金籌集部分放在實務指示P，作為其實務指示的一部分。
- (e) 香港會計師公會已於2018年2月發布了專業會計師打擊洗錢及恐怖分子資金籌集行為指引（構成其倫理準則的一部分）；以及
- (f) 地產代理監管局已在其第18-01號通告發布有關地產代理業遵守反洗錢及反恐怖分子資金籌集規定的指引。

金融機構及 / 或指定非金融業人士必須遵守附表2，以及由其各自的監管機構或專業團體發布的相關指引。

上市公司不受附表2的規定約束，除非它們是金融機構或指定非金融業人士。

附表2下就客戶作盡職審查及備存紀錄的規定

根據《打擊洗錢及恐怖分子資金籌集條例》附表2，規定下列客戶盡職調查（或市場上通常使用的KYC[認識你的客戶]）的要求。

- (a) 甚麼是KYC措施：

Customer Due Diligence and Record Keeping under Schedule 2

Under Schedule 2 to AMLCTFO, the following customer due diligence (or KYC (Know Your Customer) as the term is generally used in the market) requirements are specified:

- (a) what are KYC measures;
- (b) when KYC measures must be carried out and simplified KYC;
- (c) duties to continuously monitor business relationships;
- (d) provisions relating to pre-existing customers and respondent banks; and
- (e) other special requirements for or relating to (i) customers not physically present for identification purposes (ii) customers being politically exposed persons (iii) insurance policies (iv) wire transfers (v) remittance transactions (vi) correspondent banking relationships and (vii) other high risk situations.

Furthermore, the following are prohibited:

- (a) anonymous accounts or accounts in fictitious names; and
- (b) correspondent banking relationships with shell banks (as therein defined).

As regards record keeping, a financial institution or DNFBP is required to keep records in relation to each customer and each transaction for at least 5 years and the records must be kept in the manner as specified in Schedule 2.

In addition, the requirements under Schedule 2 are extended to branches and subsidiary undertakings outside Hong Kong to the extent as therein set out.

Conclusion

AML and CFT are serious offence in Hong Kong. If our members have any doubt or suspicion on any transaction or any property or money received, they should use the SAFE approach as advised by JFIU to determine whether to submit a STR with JFIU. Once the STR is filed with JFIU, our members will be protected under DTRPO, OSCO and UNATMO even if the monies or funds are subsequently found out to be crime proceeds. **M**

— Vincent P C Kwan

Solicitor/Certified Public Accountant (Fellow) (Non-Practising)
Member (Formerly Chairman), FRA Committee
The Chamber of Hong Kong Listed Companies



- (b) 何時必須採取KYC措施並簡化KYC；
- (c) 持續監察業務關係的職責；
- (d) 對已有客戶和申請銀行有關的規定；以及
- (e) 對以下方面的其他特別要求：(i) 沒有親自到場確認身份的客戶；(ii) 屬於公眾政治人物的客戶；(iii) 保單；(iv) 電匯；(v) 匯款交易；(vi) 代理銀行關係及 (vii) 其他高風險情況。

除此以外，與下列方面的往來遭到禁止：

- (a) 匿名賬戶或虛構姓名的賬戶
- (b) 與空殼銀行的代理銀行關係（定義見此）。

在備存紀錄方面，金融機構或指定非金融業人士須就每名客戶及每宗交易保存紀錄最少5年，而有關紀錄須按附表2所指明的方式保存。

此外，附表2的規定已擴大至當中所述機構在香港以外的分行及附屬業務實體。

結語

清洗黑錢及恐怖分子資金籌集在香港屬於嚴重罪行。如果我們的成員對任何交易或收到的任何財產或金錢有任何疑問或懷疑，他們應按照聯合財富情報組的建議，使用SAFE原則來決定是否向聯合財富情報組提交可疑交易報告。一旦已向聯合財富情報組提交可疑交易報告，即使在後來發現那些金錢或資金是犯罪所得，我們的成員將會受到《販毒（追討得益）條例》、《有組織及嚴重罪行條例》及《聯合國（反恐怖主義措施）條例》保障。 **M**

— 關保銓

律師 / 資深會計師（非執業）
香港上市公司商會
財經事務及監管政策委員會委員（及前任主席）