香港的反洗钱与旅行规则

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香港针对虚拟资产的反洗钱制度与发牌制度规定在同一部条例中。就AMLO附表2而言，持牌虚拟资产交易平台属于金融机构，必须依据证券及期货事务监察委员会（证监会，SFC）针对持牌法团和VATP的反洗钱指引，执行客户尽职审查、备存记录和持续监察。旅行规则自2023年6月1日起适用于虚拟资产转账：8,000港元或以上的转账须提供完整的汇款人和收款人信息，低于该金额则可提供简化信息。对于向非托管钱包的转账，平台必须采用风险为本的方法，并在风险有此需要时，仅可向其已核实拥有权的钱包转账。与虚拟资产客户往来的银行须遵循香港金融管理局（金管局，HKMA）的通函；自2023年起，这些通函鼓励银行为持牌VATP提供服务，并劝阻一刀切的去风险做法。[1]

对瑞士或新加坡集团而言，门槛才是实务要点。瑞士对每一笔转账都适用旅行规则，新加坡要求1,500新元以上提供完整信息，香港为8,000港元以上，而MiCA则根据《资金转移条例》从第一欧元起即适用。按照瑞士标准制定的集团政策可以满足全部四个制度。按照香港标准制定的集团政策则在楚格无法过关。可疑交易报告须根据《有组织及严重罪行条例》（第455章）和《贩毒（追讨得益）条例》（第405章）向联合财富情报组提交，其中的泄密（tipping-off）罪与新加坡CDSA中的相应罪行如出一辙。[2]

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注释

1. AMLO Cap. 615，附表2，第13A条及以下（虚拟资产转账）。SFC，Guideline on Anti-Money Laundering and Counter-Financing of Terrorism (For Licensed Corporations and SFC-licensed Virtual Asset Service Providers)，2023年6月，第12章。HKMA，Circular on banking services to virtual asset-related entities，2023年4月27日。 ↩

2. Organized and Serious Crimes Ordinance (Cap. 455)，第25条及第25A条。Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405)，第25条及第25A条。联合财富情报组由香港警务处和香港海关联合运作。 ↩

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