新加坡之四：反洗钱/反恐怖融资与合规

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在新加坡的数字资产制度中，反洗钱法决定着一家企业在与自己的客户打交道时能否存活下来。支付服务牌照凭资本、商业计划和耐心即可取得。能否保住牌照，则取决于日复一日的自律，而新加坡金融管理局（MAS）对这方面的检查，比对数字支付代币（DPT）业务的任何其他方面都更严格。原因在于历史。新加坡金融中心从未宽恕过的一种失败，就是外国犯罪所得通过其机构被清洗。2023年8月的逮捕行动揭露了逾30亿新元的涉案资产，这确认了未来十年的监管重点。

本部分阐述适用于DPT服务提供商、数字代币服务提供商以及与之合作的律师、受托人和合规官的新加坡反洗钱和反恐怖融资（AML/CFT）制度。本部分首先介绍制度架构（法令、MAS通告和指引、FATF层面），然后按照合规官遇到各项义务的顺序逐一阐述操作性义务：客户尽职调查、旅行规则、可疑交易报告、制裁。30亿新元案和执法记录各设专章，因为它们说明了MAS和商业事务局（Commercial Affairs Department）实际上如何行事。最

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后一章讨论本书大多数读者在实践中面临的问题：在一家受瑞士自律组织监管的楚格实体和一家持有主要支付机构牌照的新加坡实体之间，运行同一套反洗钱计划。

与本部分相对应的瑞士内容见第F部分。对两种制度进行比较时，本部分从新加坡一方着眼，第F部分则从瑞士一方着眼，以便每一部分都可独立阅读。第K部分涵盖《2019年支付服务法》和《2022年金融服务与市场法》下的牌照边界。第N部分涵盖刑事执法与资产追回，第M部分则涵盖税务上游犯罪。凡主题有交叉之处，本部分援引上述各部分，不再重复。

给大陆法系读者的两点提醒。第一，新加坡反洗钱法的层级结构在瑞士没有对应。刑事义务规定在国会法令中，详细的行为义务规定在具有法律效力的MAS通告中，而解释则见于MAS指引，指引并无约束力，但在实践中具有决定性作用。只读法令的合规官会遗漏大部分规则。第二，新加坡适用的标准是“合理金融机构”标准，MAS通过现场检查和专题审查对其进行检验。纸面合规很快就会被识破。本部分的实务提示正是为希望通过这一检验的读者而写。

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