从内部看新加坡金融管理局

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MAS按局（group）和署（department）设置组织架构。这些部门的名称不时变动，但自2015年设立金融科技与创新局（FinTech and Innovation Group）之后的重组以来，其职能一直保持稳定。对于数字资产业务而言，以下部门最为重要。

支付署（Payments Department）依据《2019年支付服务法》向支付服务提供商发放牌照并实施监管。因此，每一份数字支付代币牌照申请都由该署评估，牌照条件由其设定，第II章所述的现场检查亦由其执行。资本市场中介机构各署（Capital Markets Intermediaries departments）依据《2001年证券与期货法》和《2001年财务顾问法》，向基金经理、交易商和顾问发放牌照并实施监管。因此，代币化基金以及交易属于资本市场产品之代币的平台，均以这些部门为对口单位。市场政策与基础设施署（Markets Policy and Infrastructure Department）负责核准交易所和认可市场运营者，代币化政策工作亦归其管辖，Project Guardian即由此而来。反洗钱署（Anti-Money Laundering Department）为所有行业制定反洗钱通知，包括PSN02，并参与对数字支付代币持牌机构的检查。执法署（Enforcement Department）设立

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于2016年，负责调查违规行为，并主持和解（composition）、谴责和禁止令程序。金融科技与创新局负责监管沙盒、金融科技节（Festival）和各项资助计划，也是创业者在会议上最先接触到的部门。[1]

这一架构的实际后果是：一家数字资产企业可能同时受到两三个部门的监管。例如，一家持牌机构既持有用于数字支付代币服务的主要支付机构牌照，又持有用于基金管理的资本市场服务牌照，它就须同时对支付署和某一资本市场中介机构署负责。检查时，反洗钱署还会加入。各部门之间会相互协调，但它们的要求是分别发出的，答复必须前后一致。合规负责人应当就与MAS的全部往来函件建立统一登记，使回复某一部门的人员知悉已向另一部门作出的答复。

实务提示

与MAS接触有三扇门。若要询问某项活动是否受监管，可通过MAS网站上的一般查询表格提交，数周内会收到书面答复。答复内容审慎，且不具法律效力。若拟申请牌照，可通过支付署或相关资本市场部门申请召开申请前会议。MAS期望申请人事先提交书面材料，概述商业模式、集团架构和拟采取的控制措施。对于现有持牌机构，牌照函中指定的监管联络人是唯一正确的门。绕过此人去找更高级别的官员，会被记在心里。无论哪种情况，都应先写信，再请求会面。MAS是一个重视阅读的机构。

注释

1. MAS组织架构图，载于MAS网站“Who We Are”栏目；根据MAS 2015/2016年度及2016/2017年度报告，执法署设立于2016年，金融科技与创新局设立于2015年。部门名称为撰写本文时所用名称，可能变更。 ↩

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