反洗钱：CDSA、MAS通告与FATF评估

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一个接受来自全世界资金的金融中心，必须能够说明这些资金从何而来。三十多年来，新加坡层层构建了自己的答案。第一层是一部刑事法律，它将清洗犯罪所得定为罪行，并允许国家没收这些所得。第二层是新加坡金融管理局的通告，它们要求银行、基金经理、信托公司和其他机构了解其客户并监控其交易。第三层是一个申报系统，将可疑情况汇集到设在警方内部的金融情报机构。在这几层之上，是金融行动特别工作组的国际标准，其评估员定期访问新加坡，并公开为该国评级。

本章介绍其中每一层及其在实践中的运作。本章首先讨论《贪污、贩毒及其他严重罪行（没收利益）法》，即以首字母缩写称为CDSA的法律。随后考察关于客户尽职调查的通告、可疑交易报告制度，以及2016年和2026年最近两次相互评估。最后一节转向2023年洗钱案之后的改革。该案本身，连同一马发展公司事件以及MAS对个别机构施加的处罚，是第E部分第VI章的主题。将税务犯罪列为上游犯罪属于第E部分第II章，制裁属于第H部分第IV章，企业刑事责任属于第H部分第V章。

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日内瓦卷在其第H部分中以一章专门讨论同一主题，题为打击洗钱与政治公众人物。两个中心采用相同的国际标准，并拥有许多相同的客户，因而面临同样的两难。一个财富管理中心依靠审慎保密而生存，而一套反洗钱制度则依靠信息披露而运作。每个中心如何调和两者，很能说明其制度的特点。本章末尾的比较将探讨这一问题。

要点

新加坡在CDSA中将洗钱定为刑事罪行。该法于1992年作为一部打击毒品所得的法律起步，如今涵盖在新加坡或海外所犯的一长串严重罪行。自2024年起，该法还惩处轻率和疏忽的洗钱行为以及某些形式的“钱骡”行为。另一项自2024年11月起生效的修正案，使控方无需证明被清洗的财产实际上是犯罪所得。MAS第626号通告及其适用于其他行业的对应通告要求进行客户尽职调查，对政治公众人物采取强化措施，并核实财富来源。任何人在业务过程中怀疑财产与犯罪有关，都必须向可疑交易报告办公室申报，该办公室在2024年收到了85,988份报告。2026年5月公布的FATF评估将新加坡列入常规跟进，同时批评了处罚偏低以及实益拥有权透明度方面的不足。

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