# 反清洗黑錢及恐怖分子資金籌集及舉報可疑交易

Joint Financial Intelligence Unit

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- 主要法例
- 可疑交易報告數據
- 可疑交易報告及反饋
- 個案分享


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# 主要法例

1989 Drug Trafficking (Recovery of Proceeds) Ordinance(DTROP, Cap. 405)
販毒(追討得益)條例（第405章）

1994 Organized and Serious Crimes Ordinance (OSCO, Cap. 455)
有組織及嚴重罪行條例（第455章）

2002 United Nations (Anti-Terrorism Measures) Ordinance (UNATMO, Cap. 575)
聯合國(反恐怖主義措施)條例（第575章）

2012 AML & CFT (Financial Institutions) Ordinance (AMLO, Cap. 615)
打擊洗錢及恐怖分子資金籌集(金融機構)條例（第615章）

2018 Amendment of AMLO, Cap. 615
打擊洗錢及恐怖分子資金籌集條例(第615章)的修訂


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# 主要法例 (打擊洗錢)

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 / 從可公訴罪行的得益而仍處理該財產

即屬犯罪

*《販毒(追討得益)條例》(第405章) 第25條*

*《有組織及嚴重罪行條例》(第455章) 第25條*

**最高刑罰:**
**罰款$5,000,000及監禁14年**

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# 主要法例 (打擊恐怖分子資金籌集)

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

- 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(不論該財產實際上有否被如此使用)；或
- 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(不論該財產實際上有否被如此使用)

**最高刑罰:**
**罰款及監禁14年**

*《聯合國(反恐怖主義措施)條例》(第575章) 第7條*

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# 主要法例 (可疑交易舉報的法律責任)

凡任何人知道或懷疑任何財產是 ——

(a)全部或部分、直接或間接代表任何人從可公訴罪行的得益；

(b)曾在與可公訴罪行有關的情況下使用；或

(c)擬在與可公訴罪行有關的情況下使用，

該人須在合理範圍內盡快將該知悉或懷疑，連同上述知悉或懷疑所根據的任何事宜，向獲授權人披露。

**最高刑罰：**
**可處第5 級**
**罰款及監禁3 個月**

*《販毒(追討得益)條例》(第405章) 第25A(1)條*

*《有組織及嚴重罪行條例》(第455章) 第25A(1)條*

*《聯合國(反恐怖主義措施)條例》(第575章) 第12(1)條*

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# 主要法例 (可疑交易舉報的法律責任)

任何人如知道或懷疑已有任何披露根據第(1)或(4)款作出，而仍向其他人披露任何相當可能損害或者會為跟進首述披露而進行的調查的事宜，即屬犯罪。

*《販毒(追討得益)條例》(第405章) 第25A(5)條*

*《有組織及嚴重罪行條例》(第455章) 第25A(5)條*

*《聯合國(反恐怖主義措施)條例》(第575章) 第12(5)條*

**最高刑罰:**
**罰款$500,000及監禁3個月**



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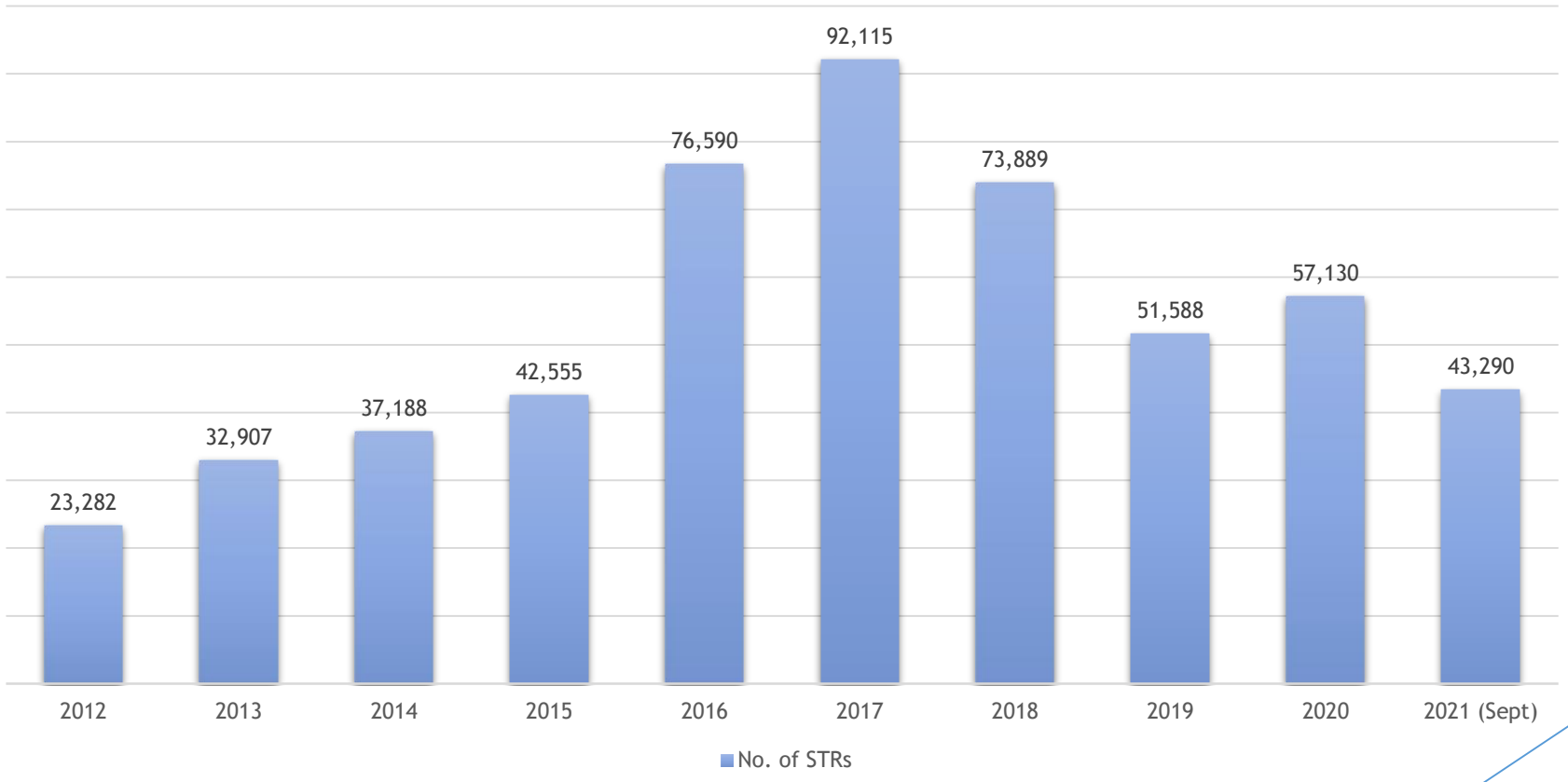
# 可疑交易報告的統計資料

- 2012-2021年(至9月份)接獲的可疑交易報告數字

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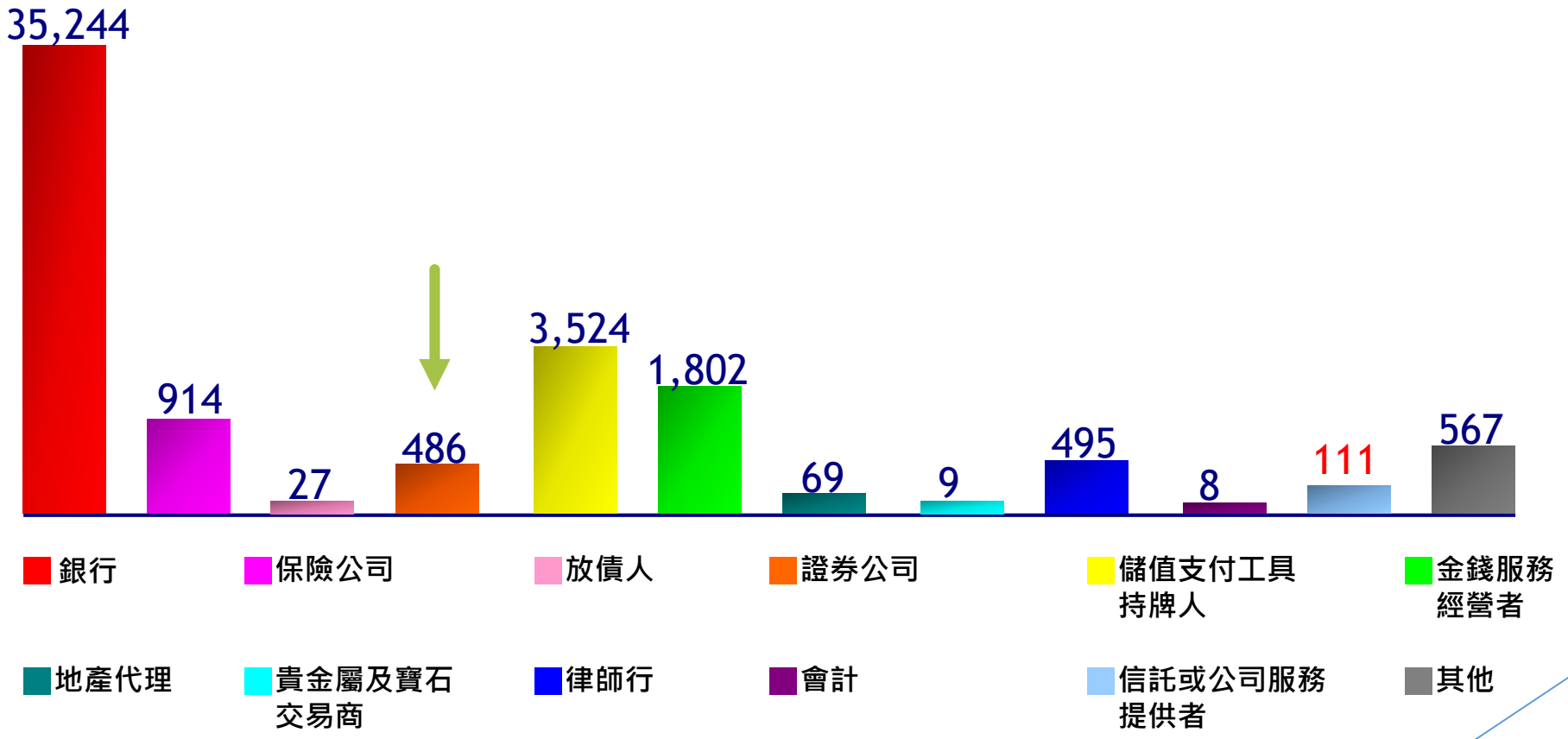
# 可疑交易報告的統計資料

- 2021(至9月份)年接獲的可疑交易報告數字(不同行業)

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# 可疑交易報告的統計資料

證券公司提交的可疑交易報告

| 可疑交易報告數字 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 (1-9月) |
|---|---|---|---|---|---|---|
| 全年總數 | 76,590 | 92,115 | 73,889 | 51,588 | 57,130 | 43,290 |
| 證券公司提交的可疑交易報告 | 1,423 | 2,090 | 1,337 | 735 | 694 | 486 |
| | 1.86% | 2.27% | 1.81% | 1.42% | 1.21% | 1.12% |



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舉報

不舉報？



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# 可疑交易舉報

- 法律責任
- 適用於任何人
- 建基於「知道/懷疑」作出披露
- 不設特定金額舉報門檻
- 免於民事/刑事責任的法定保障
- 不可在舉報後向他人披露報告詳情
- 對舉報消息來源保密



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# 可疑交易舉報

## 紅旗指標

### 客戶

- 政治人物?
- 來自高風險國家或非本地居民/公司？
- 與香港沒有已知的聯繫？?
- 複雜的公司結構（模糊最終受益人）?

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# 可疑交易舉報

## 紅旗指標

### 交易

- 從第三方收訂付款？
- 支付不尋常的高/低？
- 交易量出乎預期？
- 與無關人士/公司/司法管轄區進行交易？

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# 可疑交易舉報

## 紅旗指標

### 過往記錄/進一步查詢

- 背景調查（不利消息）
- 未能披露財產的具體角色/關係/擁有權
- 不願意回答問題或答案沒有說服力
- 不願提供證明文件

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# 可疑交易舉報

## 紅旗指標

### 評估

- 來自客戶的資料與記錄不相符
- 無法驗證來自客戶的資料？
- 客戶似乎是交易中的傀儡戶口？

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# 可疑交易舉報

## SAFE法則

| | |
|---|---|
| Screen | 審查涉事者的背景及交易 |
| Ask | 詢問適當問題，釐清情況 |
| Find | 翻查相關記錄，仔細覆核 |
| Evaluate | 評估有否理據，作出可疑報告 |

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# 可疑交易舉報

## 識別可疑交易 - Screen

- 背景 – 敏感/政治性/與敏感或政治性人士有關聯
- 背景 vs 投資額
- 一次性支付 – 大額交易
- 沒有合理原因經常改變最終受益擁有人
- 支付方式（小額分期 vs 一次性支付）

# 可疑交易舉報

## 識別可疑交易 - ASK

- 作出恰當的提問及查詢
- 闡明可疑情況
  - 財務背景
  - 資金來源
  - 交易目的
  - 交易對手象
  - 最終受益擁有人（Ultimate Beneficial Owner）

# 可疑交易舉報

## 識別可疑交易 - FIND

- 翻查有關客戶的已知紀錄
- 分析客戶的交易活動是否可疑

| 個人客戶 | 公司客戶 |
|---|---|
| 職業 | 有關商業活動 |
| 收入 / 住址 | 業務收入 / 支出 |
| 年齡 | 成立歷史 |
| 過往交易活動 | 交易對象 |

# 可疑交易舉報

## 識別可疑交易 - EVALUATE

- 就所得資料作出評估
- 辨認可疑指標
- 評估客戶的交易是否可疑
  - 完成'Screen', 'Ask', 'Find' 三個步驟？
  - 是否認為交易可疑？
  - 考慮過一切有關情況，能否排除有關懷疑？
  - 假如確定交易可疑

→ 提交 STR

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# 可疑交易舉報

## 建議的報告結構及形式

(1) Triggering Factors (觸發報告原因)

(2) Background of Subject(s) (報告對象背景)

(3) Transactions (交易)

(4) Reporting Entity's Enquiries & Open Source (查詢及公開資料)

(5) Conclusion & Way Forward (總結及跟進)



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# 可疑交易舉報

(1) **Triggering Factors (觸發報告原因)**

- 有關罪案 (詐騙，貪污，國際制裁，恐怖主義行為等)
- 收到搜查令 / 其他法庭命令
- 公開資料 (新聞消息，監管機構名單等)
- 可疑交易模式 (大額現金，資金短暫停留等)

(2) **Background of Subject(s) (報告對象背景)**

- 個人: 年齡，職業，收入，過往交易紀錄等
- 公司: 成立日期，業務性質，預期交易額等



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# 可疑交易舉報

## (3) Transactions (交易)

- 審查時段
- 過往交易模式（突然改變？）
- 總存款 / 提款額
- 可疑交易（不只限於大量 / 大額交易）
- 可疑交易模式



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# 可疑交易舉報

## (4) Enquiries & Open Source (查詢及公開資料)

- 帶出可疑指標的查詢 (KYC查詢，world check結果等 → 無須報告所有進行過的查詢)
- 公開資料的連結

## (5) Conclusion & Way Forward (總結及跟進)

- 報告總結
- 跟進行動 (進一步審查，終止客戶關係等 )



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# 報告方式

## 怎樣向聯合財富情報組舉報？

請以下列其中一種方式，遞交可疑交易報告：

- 網上舉報 – 可疑交易報告管理系統網上舉報表格
- 電郵 – 電郵地址jfiu@police.gov.hk

- 傳真 – 傳真號碼：(852) 2529 4013

- 郵遞 – 請寄往香港郵政總局信箱6555號聯合財富情報組收

- 電話 – (852) 2866 3366（只限於辦公時間內提供緊急報告之用）

如要經可疑交易報告管理系統舉報，請填寫 申請表 及交回聯合財富情報組(傳真 – 傳真號碼：(852) 2529 4013或 電郵 – 電郵地址jfiu@police.gov.hk). 如需進一步的資料，請聯絡聯合財富情報組人員。

STREAMS

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# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction
Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists
Check | Save | Print

**REPORT MADE UNDER SECTION 25A OF THE DRUG TRAFFICKING (RECOVERY OF PROCEEDS) ORDINANCE OR ORGANIZED AND SERIOUS CRIMES ORDINANCE/ SECTION 12 OF THE UNITED NATIONS (ANTI-TERRORISM MEASURES) ORDINANCE TO THE JOINT FINANCIAL INTELLIGENCE UNIT ("JFIU")**

| STR Summary | |
|---|---|
| STR Number: | |
| Submission Number: | |
| Date of Submission: | |
| Acknowledgement Issue Date: | |
| Consent Letter Issue Date: | |
| Consent: | ☑ None ☐ Yes ☐ No ☐ Not Applicable |
| Consent Remark: | |

**Special Cases with Time Critical Nature:**

| | |
|---|---|
| * Report Related to Existing Investigation: | ☐ Yes ☑ No |

**Attachment:**

+ Refresh

| No. | File Name | File Size |
|---|---|---|
| 1 | | KB |
| | Total | KB |

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# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction
Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists | Check | Save | Print

## Reporting Body

| | |
|---|---|
| Organization ID: | |
| Organization Name: | |
| Reporting Officer ID: | |
| Reporting Officer: | |
| Organization Reference: | |
| Phone: | |
| Fax: | |
| Email: | |

***Reason for Disclosure:**

| | |
|---|---|
| Drug Trafficking (ROP) Ordinance [Cap.405]: | ☐ |
| Organized and Serious Crimes Ordinance [Cap. 455]: | ☐ |
| United Nations (Anti-Terrorism Measures) Ordinance [Cap. 575]: | ☐ |

**Other Information:**

| | |
|---|---|
| This Disclosure Related to a Previous Disclosure: | ☐ Yes ☑ No |

# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction

Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists | Check | Save | Print

## Subject

Sequence No: 1

| | | | |
|---|---|---|---|
| English Name: | Family Name: | Given Name: | Middle Name: |
| Chinese Name: | CCC: | | HKID: ( ) |
| Other ID | Type: | if Others: | |
| | ID No.: | Country: | |
| DOB: | Gender: ☐ M ☐ F ☑ U | | Occupation: |
| Nature: | | | |
| Phone: | | | |
| Email: | | | |
| Address: | | | |
| Additional Information: | | | |

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# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction

Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists

Check | Save | Print

## Organization

Sequence No: 1

| | | | |
|---|---|---|---|
| English Name: | | | |
| Chinese Name: | | Date of Incorporation: | |
| Local Company: ☐ | BR No.: | CR No.: | Public Listed Company No.: |
| Oversea Company: ☐ | Country: | | Reg. No.: |
| Non-Government Organization: | ☐Yes ☐No | Charitable Organization: | ☐Yes ☐No |
| Nature: | | Business Nature: | |
| Phone: | | | |
| Email: | | | |
| Address: | | | |
| Related Person: | | Role: | if Others: |
| Related Company: | | Role: | if Others: |
| Additional Information: | | | |

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# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction

Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists

Check | Save | Print

## Phone Entity

Save +

| No. | Linked? | Country Code | Area Code | * Subscriber Number | Extension | |
|---|---|---|---|---|---|---|
| 1 | ☐ | | | | | − |

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# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction

Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists

Check | Save | Print

## Address Entity

Save +

| No. | Linked? | Address Detail |
|---|---|---|
| 1 | ☐ | |

# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction

Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists

Check | Save | Print

## Account

Sequence No: 1

| | | | |
|---|---|---|---|
| Account Institution: | | | |
| Account Number: | | Account Type: | if Others: |
| Opening Date: | | Closing Date: | |
| Balance: | Currency: HKD | Amount: + | Date: |
| Related Person: | | Role: | if Others: |
| Related Company: | | Role: | if Others: |
| Additional Information: | | | |

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# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction

Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists

Check | Save | Print

## Summary of Suspicious Transaction in the Reviewed Period

+ − ...

| No. | From (Date) | To (Date) | Subject | Type | Currency | Amount |
|---|---|---|---|---|---|---|
| 1 | | | | | HKD | + |
| | Transaction Branch: | | | | | |
| | Transaction Counterpart: | | | A/C: | | Others: |
| Remark: | | | | | | |

* Total Amount of Suspicious Transactions Reported (in HKD)

* Total Period covering the Suspicious Transactions (in days)

* Daily Average of the Suspicious Transactions Reported

# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction

Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists

Check | Save | Print

**Suspected Crimes** (Please put a "✓" in the selected box(es).)

Designated Categories of Offences by FATF

Clear Checkbox

- ☐ Participation in an Organized Criminal Group and Racketeering
- ☐ Terrorism including Terrorist Financing
- ☐ Trafficking in Human Beings and Migrant Smuggling
- ☐ Sexual Exploitation including Sexual Exploitation of Children
- ☐ Illicit Trafficking in Narcotic Drugs and Psychotropic Substances
- ☐ Illicit Arms Trafficking
- ☐ Illicit Trafficking in Stolen and Other Goods
- ☐ Corruption and Bribery
- ☐ Fraud
  - ☐ Email Scam
  - ☐ Investment Scam
  - ☐ Romance Scam
  - ☐ Telephone Deception
  - ☐ Others (Please specify)
- ☐ Counterfeiting Currency
- ☐ Counterfeiting and Piracy of Products
- ☐ Environmental Crime
- ☐ Murder, Grievous Bodily Injury
- ☐ Kidnapping, Illegal Restraint and Hostage-Taking
- ☐ Robbery or Theft
- ☐ Smuggling (including in relation to customs and excise duties and taxes)
- ☐ Tax Crimes (related to direct taxes and indirect taxes)
- ☐ Extortion
- ☐ Forgery
- ☐ Piracy
- ☐ Insider Trading and Market Manipulation

- ☐ Money Laundering
  - ☐ Self Laundering
  - ☐ Third-Party Laundering
- ☐ No Crime Related
- ☐ Other (Please specify in 'Additional Information')

Additional Information:

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# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction
Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists
Check | Save | Print

**Suspicious Indicators** (Please put a "✓" in the selected box(es).)

Clear Checkbox

**Fund Movement Pattern**

- ☐ Indirect Transaction/ Transaction Intended to Break Audit Trail
- ☐ Uneconomical Transaction/ Transaction with No Business Purpose
- ☐ Temporary Repository of Fund
- ☐ Numerous Transaction Counterparties without Apparent Reasonable Cause
- ☐ Transaction Involving High-Risk Jurisdiction/Region
- ☐ Large Cash Transaction
- ☐ N/A

**Accounts**

- ☐ Shell Company
- ☐ Account Operated/Controlled by Third-Party other than Signatory/Account Holder
- ☐ Non-Resident Personal Account
- ☐ Offshore Company
- ☐ N/A

**Customer Background/Behavior**

- ☐ Transactions/ Amount Incommensurate with the Background of the Person / Business
- ☐ Suspected Money Courier/Unlicensed Money Service Operator
- ☐ Politically Exposed Persons (PEP)
- ☐ Customer Insisted to Use Less Secured Transactions
- ☐ Customer Evasive/Reluctant to Provide Information
- ☐ Suspected Counterfeit Document Presented by the Customers
- ☐ N/A

Clear Checkbox

**Others**

- ☐ Casino related Suspicious Transaction
- ☐ Charitable Organization/NPO related Suspicious Transaction
- ☐ Others (Please Specify)
- ☐ N/A

Narrative comment about the questioned transactions:

# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction

Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists | Check | Save | Print

**Open Source Information**

Website:

Additional Information:

# 報告方式

STR Summary | Reporting Body | Subject | Organization | Phone | Address | Account | Transaction
Suspected Crimes | Suspicious Indicators | Open Source Info. | Entity Lists | Check | Save | Print

## Entity Lists

### Subject List

| No. | Linked | English Name | Chinese Name | HKID | Other ID No. | Country | Occupation |
|---|---|---|---|---|---|---|---|
| 1 | ☐ | | | | | | |

### Organization List

| No. | Linked | Company Name | Registration Type | Person Name | Person Role | Company Name | Company Role |
|---|---|---|---|---|---|---|---|
| 1 | ☐ | | | | | | |

### Phone List

| No. | Country Code | Area Code | * Subscriber Number | Extension |
|---|---|---|---|---|
| 1 | | | | |

### Account List

| No. | Account Number | Account Type | Person Name | Person Role | Company Name | Company Role |
|---|---|---|---|---|---|---|
| 1 | | | | | | |

### Address List

| No. | Address Detail |
|---|---|
| 1 | |

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# 可疑交易報告意見回饋

- 接到報告的收條
- 同意/ 不同意處理書
- 可疑交易報告季度分析報告
- 會面

- 主要法例
- 可疑交易報告數據
- 可疑交易報告及反饋
- 個案分享


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# 個案分享1 - 內幕交易

X先生

買入Y公司的股票
超過整日成交量的50%

2星期出售Y公司的股票
獲得大額利潤

Z國家證券交易所

同日收市後宣佈合併計劃
2星期內股價上升70%

Y公司



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# 個案分享1 - 內幕交易

**可疑交易指標**

- 不尋常的大額交易
- 購買行為與該客戶的投資取向不符：X先生從未買賣過於Z國家上市的證券
- 交易與市場敏感消息公佈時間接近

# 個案分享2 - 內幕交易

1 Y先生存錢入X先生的證券戶口

2 X先生首次買入A公司的股票

Mr. X

證券交易所

4 在公佈利好消息後拋售公司A的股票

公司A

3 公司A在短期內公佈利好消息

Y先生為公司A的管理層

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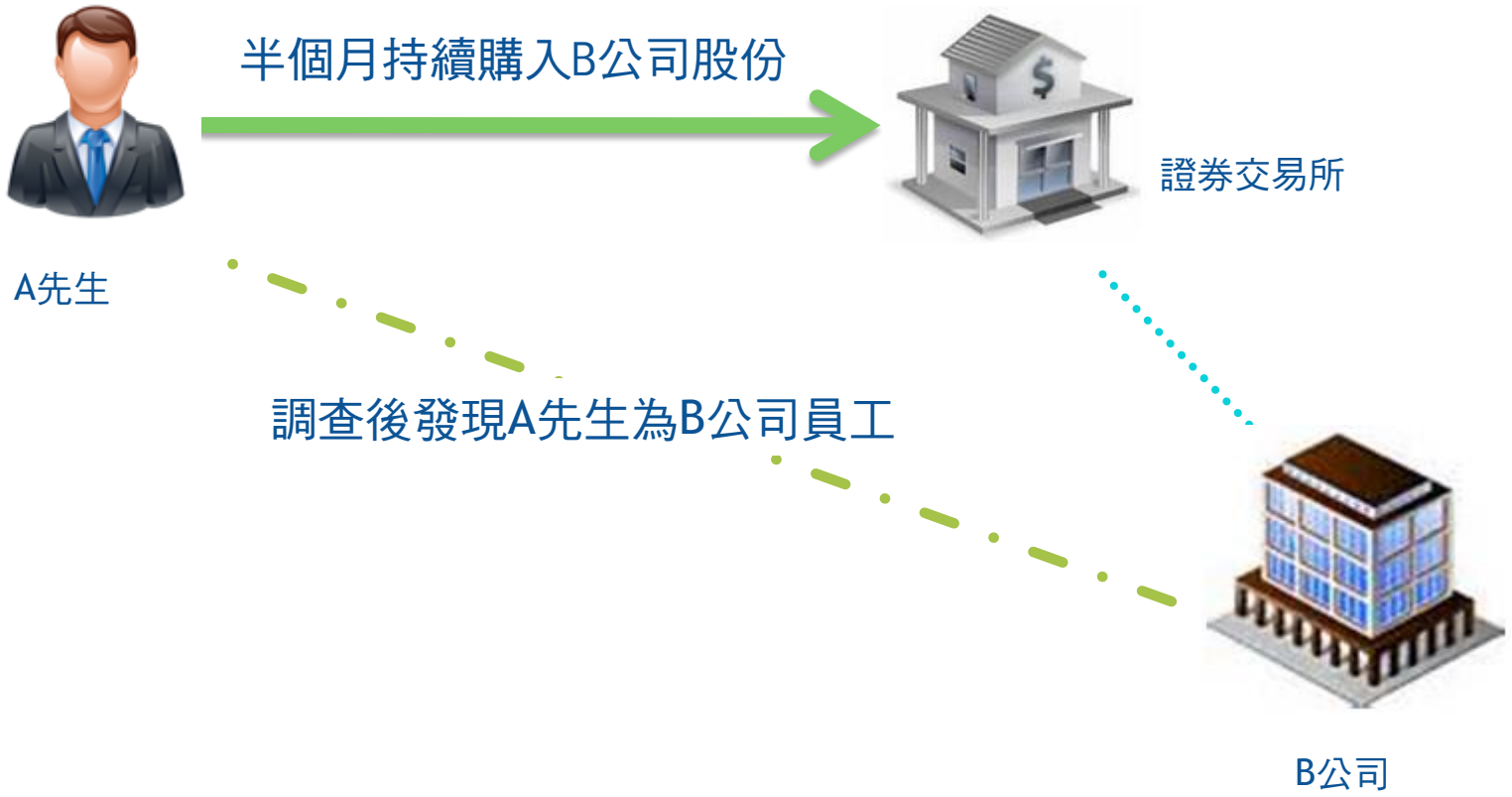
# 個案分享2 - 內幕交易

## 可疑交易指標

- 第三方存入資金，Y先生向X先生的存款目的成疑
- Y先生與A公司關係密切，有可能獲取內幕消息
- X先生首次購買 A 公司的股票，購買時間在其公佈利好消息前不久

# 個案分享3 - 操控市場



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# 個案分享3 - 操控市場

## 可疑交易指標

- 購入限價比平常高
- 交易多數於接近收市前數分鐘進行
- 部分交易佔全日成交量50%以上並抬高股價

# 個案分享4 - 操控市場

證券公司的三個獨立客戶有相同的登記電話及以相同的IP地址登入帳戶

三個賬戶都有股票 Y 的頻繁交易，而且價格和數量都相似

證券交易所

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# 個案分享4 - 操控市場

**可疑交易指標**

- 購入限價比平常高
- 有「高買低賣」的可疑模式
- 該三人的資金來源存疑
- 該三人有相同的登記電話及以相同的IP地址登入, 思疑被同一團夥所操縱

# 謝謝!

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