



The Asia/Pacific Group on Money Laundering (APG) is an inter-governmental organisation consisting of 41 members in the Asia-Pacific region, as well as organisations, and observers from outside the region.

Under Article 1 of the APG Terms of Reference 2012, the APG is a non-political, technical body, whose members are committed to the effective implementation and enforcement of the internationally accepted standards against money laundering, financing of terrorism and proliferation financing set by the Financial Action Task Force.

This document, any expression herein, and/or any map included herein, are without prejudice to the status of, or sovereignty over, any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

Under the APG Terms of Reference, membership in the APG is open to jurisdictions which have a presence in the Asia-Pacific region.

For more information about the APG, please visit the website: www.apgml.org.

This mutual evaluation report was adopted by the APG at its annual meeting in August 2019.

Citing reference:

APG (2019), *Anti-money laundering and counter-terrorist financing measures – Chinese Taipei*, Third Round Mutual Evaluation Report, APG, Sydney

<http://www.apgml.org/includes/handlers/get-document.ashx?d=17b44799-0e1d-4701-90a1-79584101bb9e>

© October 2019 APG

No reproduction or translation of this publication may be made without prior written permission. Applications for permission to reproduce all or part of this publication should be made to:

APG Secretariat
Locked Bag A3000
Sydney South
New South Wales 1232
AUSTRALIA
Tel: +61 2 5126 9110

E mail: mail@apgml.org
Web: www.apgml.org

Cover image: Courtesy of Anti-Money Laundering Office, Executive Yuan of Chinese Taipei, authorized by Taipei 101, and copyright © Hsiao, Wen-Chang (photographer)

TABLE OF CONTENTS 目錄

Executive Summary.....	7
Risks and General Situation.....	10
風險與一般情況	10
Overall Level of Effectiveness and Technical Compliance	11
整體效能及技術遵循程度.....	11
Priority Actions.....	20
優先行動	20
Effectiveness & Technical Compliance Ratings.....	22
效能及技術遵循評等.....	22
MUTUAL EVALUATION REPORT OF CHINESE TAIPEI.....	25
中華臺北相互評鑑報告.....	25
Preface.....	25
前言	25
CHAPTER 1. ML/TF RISKS AND CONTEXT.....	27
第 1 章 洗錢/資恐風險及概況	27
ML/TF Risks and Scoping of Higher-Risk Issues	27
洗錢 / 資恐風險及高風險議題之範疇.....	27
Materiality.....	33
重要性	33
Structural Elements	37
結構性因素	37
Background and other Contextual Factors.....	38
背景及其他概況因素.....	38
CHAPTER 2. NATIONAL AML/CFT POLICIES AND COORDINATION	47
第 2 章 國家防制洗錢/打擊資恐政策及協調.....	47
Key Findings and Recommended Actions	47
重要發現及建議行動.....	47
Immediate Outcome 1 (Risk, Policy and Coordination).....	49
直接成果 1(風險、政策及協調)	49
CHAPTER 3. LEGAL SYSTEM AND OPERATIONAL ISSUES	58
第 3 章 法律制度與實務議題	58
Key Findings and Recommended Actions	58
重要發現與建議行動.....	58
Immediate Outcome 6 (Financial intelligence ML/TF)	63
直接成果 6 (洗錢/資恐金融情報)	63
Immediate Outcome 7 (ML investigation and prosecution).....	79
直接成果 7 (洗錢犯罪調查及起訴)	79
Immediate Outcome 8 (Confiscation).....	92
直接成果 8(沒收)	92
CHAPTER 4. TERRORIST FINANCING AND FINANCING OF PROLIFERATION.....	108
第四章-資恐及資助武器擴散	108
Key Findings and Recommended Actions	108
重要發現及建議行動.....	108
Immediate Outcome 9 (TF investigation and prosecution).....	113

直接成果 9 (資恐調查與起訴)	113
Immediate Outcome 10 (TF preventive measures and financial sanctions).....	121
直接成果 10(資恐防制措施及金融制裁)	121
Immediate Outcome 11 (PF financial sanctions).....	126
直接成果 11(資助武擴金融制裁)	126
CHAPTER 5. PREVENTIVE MEASURES	135
第五章 防制措施	135
Key Findings and Recommended Actions	135
重要發現及建議行動.....	135
Immediate Outcome 4 (Preventive Measures)	138
直接成果 4 (防制措施)	138
CHAPTER 6. SUPERVISION	153
第六章 監理	153
Key Findings and Recommended Actions	153
重要發現及建議行動.....	153
Immediate Outcome 3 (Supervision).....	155
直接成果 3 (監理)	155
CHAPTER 7. LEGAL PERSONS AND ARRANGEMENTS.....	179
第 7 章-法人及法律協議	179
Key Findings and Recommended Actions	179
重要發現及建議行動.....	179
Immediate Outcome 5 (Legal Persons and Arrangements).....	181
直接成果 5(法人及法律協議)	181
CHAPTER 8. INTERNATIONAL COOPERATION	191
第八章 國際合作	191
Key Findings and Recommended Actions	191
重要發現及建議行動.....	191
Immediate Outcome 2 (International Cooperation)	193
直接成果 2 (國際合作)	193
TECHNICAL COMPLIANCE ANNEX	209
技術遵循附件	209
Recommendation 1 - Assessing Risks and applying a Risk-Based Approach.....	209
建議第 1 項 - 風險評估及風險基礎方法之應用	209
Recommendation 2 - National Cooperation and Coordination	213
建議第 2 項 - 國際合作及協調	213
Recommendation 3 - Money laundering offence	215
建議第 3 項 - 洗錢犯罪	215
Recommendation 4 - Confiscation and provisional measures	218
建議第 4 項 - 沒收及暫時性措施	218
Recommendation 5 - Terrorist financing offence.....	222
建議第 5 項 - 資恐罪行	222
Recommendation 6 - Targeted financial sanctions related to terrorism and terrorist financing ..	225
建議第 6 項-資助恐怖分子及恐怖主義之目標性金融制裁	225
Recommendation 7 - Targeted Financial sanctions related to proliferation.....	232
建議第 7 項-武器擴散之目標性金融制裁	232
Recommendation 8 - Non-profit organisations	238
建議第 8 項 - 非營利組織	238

Recommendation 9 – Financial institution secrecy laws	243
建議第 9 項 - 金融機構保密法律	243
Recommendation 10 – Customer due diligence	245
建議第 10 項-客戶審查(下稱 CDD)	245
Recommendation 11 – Record-keeping	252
建議第 11 項-紀錄保存	252
Recommendation 12 – Politically exposed persons	254
建議第 12 項-重要政治性職務人士	254
Recommendation 13 – Correspondent banking	255
建議第 13 項 - 通匯銀行	255
Recommendation 14 – Money or value transfer services	257
建議第 14 項-金錢或價值移轉服務	257
Recommendation 15 – New technologies	259
建議第 15 項 - 新科技運用	259
Recommendation 16 – Wire transfers	261
建議第 16 項 - 電匯	261
Recommendation 17 – Reliance on third parties	263
建議第 17 項-依賴第三方	263
Recommendation 18 – Internal controls and foreign branches and subsidiaries	265
建議第 18 項 - 內控及國外分支機構和子公司	265
Recommendation 19 – Higher-risk countries	267
建議第 19 項-高風險國家	267
Recommendation 20 – Reporting of suspicious transaction	268
建議第 20 項-申報疑似洗錢或資恐交易	268
Recommendation 21 – Tipping-off and confidentiality	270
建議第 21 項 - 揭露與保密	270
Recommendation 22 – DNFBPs: Customer due diligence	270
建議第 22 項-DNFBPs:客戶審查	270
Recommendation 23 – DNFBPs: Other measures	274
建議第 23 項-DNFBPs:其他措施	274
Recommendation 24 – Transparency and beneficial ownership of legal persons	275
建議第 24 項-法人之透明度和實質受益權	275
Recommendation 25 – Transparency and beneficial ownership of legal arrangements	283
建議第 25 項 - 法律協議透明度及實質受益權	283
Recommendation 26 – Regulation and supervision of financial institutions	289
建議第 26 項 - 金融機構之規範與監理	289
Recommendation 27 – Powers of supervisors	294
建議第 27 項-監理機關之權力	294
Recommendation 28 – Regulation and Supervision of DNFBPs	296
建議的 28 項-DNFBPs 之規範與監理	296
Recommendation 29 - Financial intelligence units	299
建議第 29 項-金融情報中心	299
Recommendation 30 – Responsibilities of law enforcement and investigative authorities	304
建議第 30 項-執法和調查機關之責任	304
Recommendation 31 - Powers of law enforcement and investigative authorities	305
建議第 31 項 - 執法和調查機關之權力	305
Recommendation 32 – Cash Couriers	308

建議第 32 項—現金攜帶	308
Recommendation 33 – Statistics	311
建議第 33 項-統計數據	311
Recommendation 34 – Guidance and feedback	313
建議第 34 項-指引與回饋	313
Recommendation 35 – Sanctions	315
建議第 35 項-處罰	315
Recommendation 36 – International instruments	317
建議第 36 項--國際相關公約與規範	317
Recommendation 37 - Mutual legal assistance	318
建議第 37 項—司法互助	318
Recommendation 38 – Mutual legal assistance: freezing and confiscation	321
建議第 38 項—司法互助：凍結和沒收	321
Recommendation 39 – Extradition	323
建議第 39 項—引渡	323
Recommendation 40 – Other forms of international cooperation	326
建議第 40 項—其他形式之國際合作	326
Summary of Technical Compliance – Key Deficiencies	334
技術遵循摘要—重要缺失	334