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CHAPTER 5. PREVENTIVE MEASURES

第五章 防制措施

Key Findings and Recommended Actions

重要發現及建議行動

Key Findings

重要發現

- 1) Most TC elements are in place, however the updated obligations on DNFBPs only came into force in late 2018, and as such effectiveness is yet to be demonstrated in those sectors.

大多數技術遵循都已到位，但 DNFBPs 更新之義務在 2018 年底始生效，因此這些部門的有效性尚未得到證明。

- 2) The transition from a rules-based to a risk-based approach has been occurring in banking sectors in a preliminary manner since 2013, with more direct support since late 2015. The transition is newer in other sectors. Whilst important progress is being made, further work remains for each FI/DNFBPs' to more fully reflect enterprise risk assessment (ERA) findings in their risk based approach. Understanding of the rules is best amongst banks, generally good amongst other FIs and increasing amongst DNFBPs. FIs other than banks and DNFBPs have much further to go in relation to an understanding of risk.

銀行業初步自 2013 年以來，從以規則為本的方法導入以風險為本的方法，自 2015 年底以來，獲得更多直接的支持。就其他產業而言導入的時間則較短。雖然已有重要進展，但每一金融機構/指定之非金融事業或人員在其風險為本的方法中，仍然需要更充分地反映機構風險評估 (ERA) 的結果。銀行對相關法令的理解最好，其他金融機構大致良好，指定之非金融事業或人員對相關法令的理解則提升中。銀行以外的金融機構和指定之非金融事業或人員在理解風險方面有更多努力空間。

- 3) Sectoral supervisors and the AMLD have undertaken very significant awareness raising on AML/CFT obligations and ML/TF risks. Guidance has been issued for each respective sector. Most FIs have completed an ERA, as have some DNFBPs. There is a need for more detailed inputs on risk to be made available to each sector to ensure that the ERAs reflect sector and enterprise-specific risks. Risk mitigation measures need to be more substantially based on the risk profile. This is particularly the case with enhanced measures.

各業別的監理機關及洗錢防制處在防制洗錢/打擊資恐義務和洗錢/資恐風險方面進行了大量提升意識的作為。已為每個產業發布了指引。大多數金融機構已經完成了機構風險評估，部分指定之非金融事業或人員也已經完成。需要對每個部門的風險提供更詳細的資訊，以確保機構風險評估反映部門和企業的特定的風險。風險抵減措施需要更大程度地基於風險圖像。特別是強化措施的案例。

- 4) Rules, guidelines, outreach and FSC supervision have greatly assisted FIs and DNFBPs to implement CDD, but challenges remain. In some cases regular CDD routines may rely too heavily on basic documentation. Enhanced CDD does not appear to apply a sufficiently targeted range of controls. Many FIs refuse business when CDD is incomplete, related STR filing is low in specific

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sectors and balancing potential de-risking by domestic banks needs to be closely managed. In practice, identification of beneficial ownership of domestic customers may be over-reliant on ownership documentation and declarations, despite obligations and guidance to FIs.

各種規範、指引、宣導以及金管會的監理非常有助於金融機構和指定之非金融事業或人員 CDD 的執行，但挑戰仍然存在。在某些情況下，定期例行性的客戶審查可能過於依賴基本文件。加強客戶審查似乎沒有應用足夠聚焦的控制範圍。許多金融機構在客戶審查不完整時，會拒絕業務，但在某些產業中相關的可疑交易申報件數是少的，並且需密切管理國內銀行潛在去風險化的情形。實務上，辨識國內客戶的實質受益權可能過度依賴所有權文件及聲明書，儘管對金融機構已訂有義務及指引。

- 5) Identification of beneficial ownership of foreign customers is even more challenging from complex structures and foreign trusts. There are also significant risks from informal nominee arrangements to obscure beneficial ownership. Identifying controlling interests for offshore companies is particularly problematic for Chinese Taipei FIs, as for most banks globally. OBUs present the greatest challenges in this regard, with significant legacy CDD gaps remaining. The depth and quality of recently updated CDD across the OBU sector is a concern.

辨識外國客戶的實質受益權，對於複雜結構和外國信託則更具挑戰。非正式代名人的安排也有很大的風險以掩蓋實質受益權。辨識境外公司的控制權，對於中華臺北的金融機構(如同全球大多數的銀行所面臨的)，尤其是有疑問的。國際金融業務分行在這方面面臨最大的挑戰，許多遺留下來的客戶審查落差，仍然存在。國際金融業務分行產業最近更新的客戶審查的深度和品質也是一個疑慮。

- 6) A wide range of FIs/DNFBPs utilise PEP checklists. Most domestic banks and large NFBI establish their own risk management system to identify and monitor the activities of PEP clients. The availability of the TDCC system is a real strength. However, the focus on identification of foreign PEPs does not sufficiently reflect the risk profile. Foreign exchange counters are exempted from PEP obligations.

許多金融機構/指定之非金融事業或人員使用重要政治性職務人士清單。多數國內銀行及大型的 NFBI 建立自身的風險管理系統，以辨識並監控 PEP 客戶的活動。TDCC 系統能提供資訊真的是一項優點。但是，外國重要政治性職務人士的辨識重點並未充分反映風險圖像。外幣收兌處被豁免 PEP 的義務。

- 7) Record keeping obligations are well implemented. Controls on correspondent banking appear to be well implemented. Risk assessments of new technologies are well integrated with ERAs and FSC's risk based approach. The recent regulatory sandbox is an important development for assessing product AML/CFT risk and opportunities to balance financial inclusion concerns.

充分執行記錄保存義務。通匯銀行業務的控制顯示得到了很好的執行成果。新科技的風險評估與機構風險評估，和金融監督管理委員會以風險為本的方法結合良好。最近的監理沙盒是一個重要的發展，以評估產品 AML/CFT 風險，也是平衡普惠金融性疑慮的機會。

- 8) FIs' implementation of controls on wire transfers appear to be reasonably well supported.

金融機構實施的電匯控制顯示出得到了相當好的支持。

- 9) Implementation of TFS controls appears to be reasonably well supported. The availability of the TDCC system greatly supports implementation by small and medium FIs/DNFBPs.

目標性金融制裁控制的執行顯示出得到了相當好的支持。集保系統的使用，大大地支持了小型和中型 FIs/DNFBPs 的執行。

- 10) Application of jurisdictional risk is given a great deal of emphasis, with greater focus on jurisdictional-specific risks faced by Chinese Taipei being implemented since the 2018 NRA.

國家風險的應用受到了很大的重視，從 2018 年 NRA 以來，更加著重在中華臺北面臨的特殊國家風險。

- 11) Overall the quality and quantity of STRs appear to have improved in the last 12 months, reflecting greatly increased outreach, red flags and typologies as well as a focus on monitoring. Even more focus needs to be given to customer profile and additional risk indicators to identify suspicion. DNFBP sectors still appear to be under-reporting.

總體而言，在過去 12 個月中，可疑交易報告的品質和數量顯示出有所改善，反映出宣導活動、紅旗指標、態樣及對監測的關注大大增加。需要更加關注客戶的資料和其他風險指標，以識別可疑的情況。DNFBP 產業顯示仍申報較低。

- 12) Internal controls appear to be well developed. FIs have taken many steps and expended considerable resources to greatly enhance their internal controls in a short period of time. The information sharing gaps have been very recently addressed.

內部控制顯示出發展得很好。金融機構採取了許多措施，並花費了大量資源，在短時間內大大加強了內部控制。最近解決了資訊分享落差的問題。

Recommended Actions

建議行動

- a) Continue outreach, awareness raising and training to priority sectors to reinforce understanding of obligations, risks and the risk-based approach to AML/CFT implementation.

繼續向優先部門進行宣導、提升意識及訓練，以加強對義務、風險和執行 AML/CFT 以風險為本的方法的瞭解。

- b) Address TC gaps in relation to TFS and consider extending PEP obligations to foreign exchange counters.

處理外幣收兌處在目標性金融制裁方面的技術遵循落差，並考慮對其施以有關 PEP 的義務。

- c) Prioritise deeper implementation of ML risk management, in particular CDD, over higher risk sub-sectors among banks. OBUs and cross border risks present the greatest need in this regard.

優先考慮對銀行間風險較高的子部門進行更深層次洗錢風險管理，特別是客戶審查。國際金融業務分行和跨境風險仍然是這方面的最需要的。

- d) Enhance liaison and engagement between supervisors and LEAs and the private sector, including industry associations. In particular, improved and more frequent inputs from LEAs on ML/TF/PF risks posed to FIs and DNFBPs subject to higher threats and vulnerabilities.

加強監理機關和執法機構與私部門，包括產業公會之間的聯繫和接觸。特別是，執法機關對於金融機構和指定之非金融事業或人員構成較高威脅和弱點的洗錢 / 資恐 / 資助武擴風險，應提供更好和更頻繁的資訊。

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e) Provide further risk-based guidance, taking into consideration Chinese Taipei's FI and DNFBP sectoral vulnerabilities and balancing financial inclusion and de-risking concerns.

提供進一步以風險為本的指引，特別要考慮到中華臺北金融機構和指定之非金融事業或人員的產業弱點並平衡普惠金融和去風險化的疑慮。

f) Support continuing improvement of CDD and overall consideration of counterparty risks, moving beyond confirmation of customer identity.

持續改進客戶審查並全面考慮交易對手風險，而不只是確認客戶身份。

g) Support continuing shifts to proactive STR reporting based on customer profile and evolving risk indicators.

支持持續轉變為係依據客戶資料和所涉風險指標主動申報 STR。

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296. The relevant Immediate Outcome considered and assessed in this chapter is IO4. The recommendations relevant for the assessment of effectiveness under this section are R9-23.

本章評估的直接成果為 IO4。與本節效能評估相關的建議項次為 R9-23。

Immediate Outcome 4 (Preventive Measures)

直接成果 4 (防制措施)

Understanding of ML/TF risks and AML/CFT obligations

瞭解洗錢/資恐風險及防制洗錢/打擊資恐義務

297. Significant progress has been made by financial institutions in the shift to a risk-based approach over two years. While banks have been required to adopt a risk-based approach since 2013, findings from risk assessments and detailed guidance on risk mitigation were not available to FIs until late 2015. More in-depth findings on risk were made available through the 2017/8 NRA process. It is notable that authorities and the private sector have applied very significant resources to fast-track improvements in FIs' understanding of risks and obligations in a very short timeframe.

在兩年內金融機構在改變以風險為基礎的方法方面取得重大進展。雖然自 2013 年以來，要求銀行採用風險為本的方法，但直到 2015 年底，金融機構才獲得風險評估結果和詳細的抵減風險指導。在 2017/8 NRA 過程中提供更深入的風險發現。值得注意的是，權責機關和私部門已經投入大量資源，金融機構在很短的時間內，快速改善對風險和義務的理解。

298. The move to a risk-based approach is even more recent among DNFBPs, but authorities and industry associations have prioritised AML/CFT activities and allocated significant resources to increasing awareness of risks and obligations. Supervisors have extensively communicated with respective DNFBPs on their AML/CFT obligations and risks. Associations have played a key role in coordinating outreach and education, developing guidance and supporting the move to a risk-based approach. Some DNFBPs have only recently been fully included in Chinese Taipei's AML/CFT regime. In particular lawyers, accountants, notaries, land administration agents and real estate brokers were only included since 28 December 2016.

對於 DNFBPs 而言，採取以風險為基礎的方法是較為最近的事，但是主管機關及產業公會皆優先導入防制洗錢及打擊資恐相關資源，以提升風險意識及法令遵循。監理機關已廣泛就遵循義務及風險與業者進行溝通。在宣導及教育的協調、制定指引及支持採取以風險為基礎的方法等方面，公會扮

演重要的角色。部分 DNFBPs 直到最近才被納入防制洗錢及打擊資恐的監理範圍。特別是律師、會計師、公證人、地政士及不動產經紀業，自 2016 年 12 月 28 日起，才被納入監理。

299. Banks, securities, insurance FIs were particularly notable for their developed approach to understanding their ML risks and obligations, although challenges remain with dummy accounts and informal nominees. Those sectors have completed ERAs since 2016, and many reported updating their ERA since the NRA's completion. In contrast, other FIs require further support in this area. Those FI sectors recently brought into the AML/CFT regime are still catching up on education and outreach on their risks and AML/CFT obligations. These include financial leasing companies—which were brought into AML/CFT supervision in 2018—and credit departments of fishermen and farmers' associations as well as Chunghwa Post.

特別值得注意的是銀行、證券及保險等金融機構已發展方法來瞭解其洗錢風險和義務，雖然人頭帳戶和非正式代名人的挑戰仍在。自 2016 年以來，該等產業已經完成機構風險評估，並且多家說明，自 NRA 完成以來，已更新他們的 ERA。相較之下，其他金融機構需要在這一領域得到進一步支持。那些近期被納入防制洗錢/打擊資恐制度的金融機構仍在追趕其風險和防制洗錢與打擊資恐義務的教育和宣導作為。其中包括融資性租賃公司(其在 2018 年納入防制洗錢/打擊資恐監理)和農漁會信用部以及中華郵政。

300. Banks identified their high-risk areas to be: cross-border wire transfers (particularly as they are the only RE which can remit funds overseas), deposit accounts and cash transactions, electronic banking, trade finance and correspondent banking. Securities firms have identified non-face-to-face account opening, grouped accounts or multiple accounts traded by a third-party. Life insurers have identified risks from products with high non-forfeiture value or cash value.

銀行辨識其高風險領域為：跨境電匯（特別是因為它們是唯一可以向海外匯款的申報機構）、存款帳戶和現金交易、電子銀行、貿易融資和通匯銀行業務。證券公司已辨識非面對面開戶，由第三方交易的多個帳戶。人壽保險公司已辨識具有高保單價值準備金或現金價值的產品的風險。

301. Some DNFBPs have completed ERAs, and some have also undertaken steps to risk rate their customers and transactions. While the NRA findings of DNFBPs appear reasonable, there were indications of divergent understanding in risk, threats and vulnerabilities. The NRA found accountants, lawyers, real estate brokers and jewellery businesses carry the greatest vulnerabilities. Meetings with supervisors and the sector did not illustrate detailed understanding of dynamics of risk facing each sector. In some cases, for example amongst jewellers, there are mismatches between sectoral understanding of elements of risk (e.g. the sector considers their small scale to reduce their risk as a vector for laundering funds, while the NRA and other assessments identified jewellery businesses as vulnerable to the proceeds of organised crime).

部分 DNFBPs 已經完成機構風險評估，部分業者也開始對顧客及交易的風險進行分級。雖然國家風險評估對於 DNFBPs 的發現尚稱合理，但對於風險、威脅及弱點的瞭解有分歧的現象。國家風險評估發現會計師、律師、不動產經紀業及銀樓業存在相當大的弱點。與監理機關及各產業進行的會議，無法詳細描繪各產業所面臨的風險變動情形。在某些情況下，例如銀樓業，業者對於產業風險的考量因素，有不一致的認知情形。(例如，該產業認為其規模小，以降低其作為洗錢活動載體的風險，但國家風險評估和其他評估則辨識銀樓業易受組織犯罪獲取所得的弱點)。

302. There are opportunities for further improvement with assessing and understanding risks. The assessment team had concerns about contrasts in FIs' understanding and assessments of their own risks, when compared with the findings of the NRA and SRA. Banks almost uniformly indicated their most significant threats were posed by fraud and proceeds from domestic offences. This is supported by FSC outreach and supervisory findings. Both contrasted with the 2017/8 NRA's finding that the banking sector is vulnerable to proceeds of a much wider set of crimes, including proceeds from foreign offences. FIs and their supervisors acknowledged understanding of organised crime and other very high level ML threats—as per the NRA—to be areas of improvement. Moreover FIs' assessments and

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understanding of risks from OBU customers and channels would benefit from a range of enhanced inputs on risk to strengthen risk-based approaches. To address this, the FSC has launched the AML/CFT Strategy Roadmap with comprehensive action plans specifically in response to NRA. With respect to the very high risk areas identified in the NRA, the FSC has been in close collaboration with AMLD, LEAs and relevant stakeholders to move forward with a variety of risk mitigation measures, which is a welcome development.

5 在評估和了解風險方面，有進一步改進的機會。當比較 NRA 和 SRA 的發現結果時，評鑑團對於金融機構對其風險的理解和評估的差異表示關注。銀行幾乎一致表示，他們最重要的威脅來自詐欺及國內犯罪的犯罪所得，這與 FSC 宣導和監理所發現的結果一致。這兩者都與 2017/8 國家風險評估的發現結果形成鮮明對比，即銀行業容易受到更多犯罪所得的影響，包括國外犯罪所得。金融機構及其主管機關承認對組織犯罪和其他非常高的 ML 威脅（根據 NRA）的理解是有待改進的領域。此外，一系列強化的風險資訊有助於金融機構對 OBU 客戶和渠道風險的評估和理解，並強化以風險為本的方法。為處理上述情形，FSC 已開始進行 AML/CFT 策略藍圖，特別針對 NRA 制定全面的行動計畫。針對 NRA 辨識為非常高風險的領域，FSC 已與洗錢防制處、執法機關和相關利害關係人密切合作，採取各種抵減風險措施，這是一個令人樂見的發展。

303. Two particular challenges include risks from corruption and also risks from informal sector (underground banking, cash economy related to ML). When considering corruption risk, FIs (and their supervisors) appear to significantly focus on identification of PEPs (whether domestic or foreign) and adverse media reporting. Banks do not focus on other elements of domestic and foreign corruption risk, including at-risk industries, geographic considerations, electoral funding issues and so forth. ML risks particular to banks—including Chinese Taipei's cash-based economy and cross-straits underground banking—are not well assessed by FIs nor factored into their risk mitigation.

兩個特殊挑戰包括貪污風險以及非正規部門的風險（地下通匯業務，與洗錢有關的現金經濟）。在考慮貪污風險時，金融機構（及其主管機關）似乎將重點放在識別 PEP（無論是國內還是國外）和負面新聞報導上。銀行不關注其他國內和國外貪污風險的因素，包括高風險行業、地理因素、選舉資金問題等。金融機構沒有妥善評估銀行特有的洗錢風險，包括中華臺北的現金經濟和兩岸地下通匯，也沒有將其納入抵減風險的因素。

304. Frequent and structured engagement between LEAs (including the FIU) and FIs/DNFBPs has commenced, but more needs to be done to assist FI/DNFBPs to deepen their risk-based approach. FIs participated in the NRA which contributed to a shared understanding and the FSC and LEAs have commenced new Compliance Forum meetings which started immediately prior to the ME onsite and are intended to be a regular occurrence for sharing risk information with FI/DNFBPs. Improved communication with NPA and Customs on the major crime types was identified by the FSC as an area for improvement. There is a need for sustained cooperation between the FIU, LEAs and the financial sector on sharing information on specific threats and vulnerabilities as well as risk trends.

LEAs(包含 FIU)和 FI / DNFBPs 之間已開始頻繁、有系統的參與，但在協助 FI / DNFBPs 深化以風險為本的方法上，仍有很多改善空間。金融機構參與 NRA 的過程，有助於共識形成，FSC 與執法機關在現地評鑑前，已開始舉辦法遵論壇會議，並希望定期與 FI / DNFBPs 分享風險資訊。FSC 認為應改善並強化與內政部警政署和海關，就主要犯罪類型的溝通。金融情報中心、執法機關和金融業之間就特定威脅和弱點，以及風險趨勢的資訊分享需持續合作。

Application of risk mitigating measures

採取風險抵減措施

305. FIs have begun to adopt mitigating measures to address many of their risks. Investment in AML/CFT compliance across major FIs, including human capital, enterprise and industry-wide efforts, is notable. Supervisory authorities have taken steps to track indicators of progress with the application of mitigating measures. FSC identified an increase of AML/CFT-related expenditure of more than 300%

amongst banks, insurance and securities firms from 2014 to 2018. This equates to very significant increases in dedicated AML/CFT personnel, systems and training.

金融機構已開始採取抵減措施來處理其許多風險。大型金融機構對防制洗錢/打擊資恐的法遵投資是顯著的，包括人力成本、企業和整個行業的努力。監理機關已透過採取抵減措施，追蹤進展指標。自 2014 年至 2018 年，FSC 指出銀行、保險和證券公司的防制洗錢/打擊資恐支出增加超過 300%，此代表專責的防制洗錢/打擊資恐人員、系統和培訓增加顯著。

306. Mitigation measures involve restriction on products commensurate to risk levels, with a particular focus on restricting or declining business when there are doubts on customer identity or authenticity. The assessment team has concerns about these mitigations' potential for de-risking.

抵減措施包括限制與風險水平相稱的產品，尤其是在對客戶身分或真實性存在疑慮時，限制或拒絕業務。評鑑團對這些抵減措施有潛在去風險(derisking)的疑慮。

Offshore units

離岸單位(國際業務分行/分公司)

307. Banks, securities and insurance firms are permitted to establish offshore units. Of these, OBUs are the most developed and carry by far the greatest risks. These units were particularly noted by authorities and FIs to have very high inherent risks, due to unverified client identities and unresolved ownership structures, the liquidity of their holdings, and the deployment of their capital offshore. FSC's most recent supervisory information identified over 70% of BO of OBU customers are from Chinese Taipei. OBU accounts are not allowed to accept foreign-denominated cash payments, which they perceive reduces ML/TF risks. The NRA and SRA identified significant risks in the OBU sector, both from the nature of the sector and its customers and from the wholesale gaps in CDD prior to 2017.

允許銀行、證券和保險公司建立離岸單位(國際業務分行/分公司)。其中，OBUs 是最發達的，並且具有最大的風險。由於未經核實的客戶身分和未分解的所有權結構所持有資產的流動性以及離岸資本的部署，權責機關和金融機構特別注意到這些單位具有非常高的固有風險。FSC 最新的監理資訊發現 OBU 客戶的實質受益人超過 70% 來自中華臺北，OBU 帳戶不允許接受外幣的現金支付，他們認為這樣做可以降低 ML/TF 風險。NRA 和 SRA 從 OBU 的行業性質、客戶，以及 2017 年之前 CDD 的諸多落差中，辨識出 OBU 產業的重大風險。

308. From late 2017 the FSC has been pursuing a CDD remediation exercise with the OBUs, which is an important risk control. While this project has made important progress, implementation has further to go to complete the CDD remediation exercise and manage risks in the sector. FSC priority risk mitigation measures are welcome, particularly with the assistance of LEAs, AMLD and relevant stakeholders. Together they have provided Q&As, guidance on tax-related ML risks and TBML risk, focus group discussions with AMLD and tax authorities to enhance the understanding of risk and risk mitigation of OBUs.

從 2017 年底開始，金管會一直在對 OBUs 進行 CDD 的改善工作，這是一項重要的風險控制。雖然這項改善工作有重要的進展，但其執行上還能做得更好，以完成 CDD 改善作業並管理該行業的風險。評鑑團樂見金管會將風險抵減措施作出優先順序，特別是在執法機關、洗錢防制處和相關利害關係人的協助下，提供問答集、稅務相關洗錢風險和貿易融資洗錢風險的指引，並舉辦專案會議，與洗錢防制處和稅務機關商討，以強化風險的理解並抵減 OBUs 的風險。

Box 5.1: Background on Chinese Taipei's offshore units (OBU)

Box 5.1: 中華臺北OBU的背景

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OBU were originally established in 1983 under the Offshore Banking Unit Act, partly in order to enhance Chinese Taipei's attractiveness as a regional financial centre and access to foreign investment, but also due to restrictions on cross-strait investment and direct engagement with Chinese businesses. All OBU customers must be foreign individuals or foreign corporates. Currently more than 70% of OBU customers are subsidiaries of Chinese Taipei businesses. Offshore insurance and securities units (OIU and OSU) are relatively new (established in 2014/15). OBUs, OIUs and OSUs' account for 7% of the financial sector's total assets.

國際金融業務分行（OBU）最初於1983年根據“國際金融業務條例”成立，部分原因是為了提升中華臺北作為區域金融中心和獲取外國投資的吸引力，同時也是由於兩岸投資和直接參與中國大陸的業務的限制。所有 OBU 客戶需為外國人或外國公司。目前超過 70% 的國際金融業務分行客戶是中華臺北公司的子公司。國際保險和證券業務分公司（OIU 和 OSU）發展相對較晚，於 2014/15 年成立。OBUs、OIUs 和 OSUs 佔中華臺北金融業總資產的 7%。

309. Banks, securities firms and life insurers have sought to mitigate offshore units' risks since the updated CDD requirements were issued by the FSC. Mandatory CDD remediation, focussed on the verification of customer identities and identifying ultimate beneficial owners and controllers, has been required since 2016. This process was undertaken on a rules basis and did not include updating enterprise risk assessment work, nor any guidance on risk elements. The project has been largely facilitated through customer self-disclosure and document review. Offshore units are notable in that EDD extends to site visits in addition to desk-based work. In the particular case of OBUs, mitigating measures have concluded with account closure, or restriction of new business and transactions until documents for CDD have been provided by clients.

自 FSC 更新 CDD 的要求以來，銀行、證券公司和人壽保險公司一直在尋求降低國際業務分行/分公司的風險。自 2016 年以來，已要求進行強制性 CDD 的補救，重點是驗證客戶身分並確定最終實質受益人與控制者。該流程是在以規則為基礎上進行，不包括更新機構風險評估工作，也不包括任何風險要素指南。該計畫主要透過客戶自我揭露和文件檢查，以獲得大幅度的改進。值得注意的是離岸單位執行 EDD 除了文件審查外，還擴展到實地訪問。特別在 OBUs 的情況下，在客戶提供 CDD 文件之前，抵減措施有關閉帳戶或限制新業務和交易。

310. For other categories of FIs, risk mitigation implementation includes declining business or restricting higher risk activities for accounts. Other mitigating measures have included increased frequency of periodic reviews based on assessed risk, and closer surveillance for suspicious transactions.

就其他類型的金融機構，風險抵減措施包括婉拒業務或限制帳戶較高風險的活動。其他抵減措施包括根據評估的風險增加定期審查的頻率，以及對可疑交易進行更密切的監測。

311. Most TC elements are in place for DNFBPs, but comprehensive obligations were very new at the time of the onsite visit. DNFBPs are the early stage of applying AML/CFT measures in keeping with the risks. While Chinese Taipei has recognised risks from the cash economy and requires cash transaction reports for most sectors, these controls were not applied to the real estate sector. This is despite clear identification of clear ML risks associated with cash transactions in the sector. Authorities noted that the basis for real estate being excluded was because the volume of reporting would be excessive. However concerns remain that this was not risk-based.

對 DNFBPs 而言，大多數 TC 的要件皆已具備，但是在現地評鑑時該全面性的義務是非常新的。DNFBPs 應用 AML/CFT 措施應對風險才剛起步。然而，對於資恐相關的可疑交易申報及目標性金融制裁的凍結義務等相關執行能力尚有缺失。雖然中華臺北承認現金經濟具備相當的風險，多數產業具備相關門檻的現金交易申報，卻獨漏不動產相關產業。儘管該產業現金交易相關洗錢風險相當明顯，且已清楚辨識。權責單位指出將不動產產業排除在外的原因是因為申報數量將會相當龐大。然而如此認知並非以風險為基礎。

Application of CDD and record keeping requirements

採取客戶審查及紀錄保存措施

312. Risk-based CDD has been a requirement since 2013. Record keeping obligations are well understood by FIs and implementation follows the international standards. LEAs and other competent authorities confirmed the availability of records and timeliness of their retrieval.

自 2013 年起，依法必須採用以風險為基礎的客戶審查措施。金融機構充分瞭解紀錄保存規定並依據國際標準加以執行。執法機關與其他權責機關確認紀錄可取得並得及時檢索。

313. FIs, supervisors, and FIs' associations acknowledged some of the difficulties in performing CDD. There are challenges with resolving ultimate beneficial ownership or control, particularly in cases involving trusts, low-transparency jurisdictions, complex corporate structures and/or nominees in foreign corporate holdings.

金融機構、監理機關和金融機構公會體認到在執行 CDD 的一些困難，解決最終實質受益權與控制權方面存在挑戰，特別是涉及信託、低透明度司法管轄區、複雜公司結構和/或外國公司控股的代名人的案件。

314. The timing of CDD undertaken by FIs is, generally, in keeping with the rules. However it does not appear that FIs adjust the timing and intensity of their CDD work to reflect customer risk. CDD is now performed prior to on-boarding and periodically updated, but risk events do not sufficiently determine the timing of updating or ongoing CDD.

金融機構執行 CDD 的時點普遍符合規範。但是，金融機構似乎沒有調整其 CDD 工作的時點和強度來反映客戶風險。CDD 現在於新開戶前執行並定期更新，但風險事件不足以確定更新或持續進行 CDD 的時點。

315. Based on feedback from supervisors, FIs' associations and FIs interviews, certain banks were able to demonstrate cases of very detailed CDD work, including in relation to relatively layered ownership and control structures. However, this appears to be most thorough in cases of significant credit lines being established and may focus on prudential rather than ML/TF risk. In some cases CDD may rely too heavily on basic documentation and customer identity verification, being overly reliant on checklists of documentation, account opening forms, self-declarations of beneficial ownership (obtaining certificates of good standing or incumbency) and source of funds.

根據監理機關、金融機構公會和金融機構面談的回饋，某些銀行能夠說明非常詳細的 CDD 工作案例（包括分層所有權及控制權結構），但似乎在建立重要信貸額度的情況下是最徹底的，並且可能側重於審慎而非 ML / TF 風險。在一些案件中，CDD 可能過於依賴基本文件和客戶身分驗證，過於依賴文件的檢核清單、開戶表格、實質受益權的自我聲明書（取得存續或職權證明）和資金來源。

316. The case of CDD remediation undertaken for OBUs, OSUs and OIUs since 2016 illustrates some challenges with the progress towards a risk-based approach to CDD and understanding of connections between CDD and suspicion of ML and possible STR reporting. The authorities required the banking sector to improve its CDD for OBUs through customer identity verification from May 2017, and to complete CDD remediation for all OBU account-holders by 31 December 2017. This process led to a significant number of accounts being closed at account-holders' request. According to FSC, banks terminated relationships with 43,124 customers (23% of all OBU customers). Additionally, a third of OBU accounts were still held by banks but in a 'frozen' state due to customers being unwilling to provide sufficient documentation for OBUs to complete the CDD remediation. Very few STRs were reported arising from this work, which does not reflect the NRA findings on the sectoral risks and the OBUs' inability to complete CDD in many cases. The team has concerns regarding the depth and quality of

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recently updated CDD across the sector. While FSC stated the CDD remediation process was complete, in practice banks' efforts are generally ongoing.

自 2016 年以來對 OBUs、OSUs 和 OIUs 進行 CDD 改善案例說明，在採用以風險為本方法的 CDD 方面取得進展，以及瞭解 CDD 與疑似洗錢及可能的 STR 申報之間關係的一些挑戰。權責機關要求銀行業從 2017 年 5 月 22 日起，透過客戶身分驗證改善 OBUs 的 CDD，並在 2017 年 12 月 31 日之前完成所有 OBU 帳戶持有人的 CDD 改善。這一過程導致大量帳戶被關閉，係依帳戶持有人的要求。據 FSC 稱，銀行終止與 43,124 名客戶的關係（佔所有 OBU 客戶的 23%）。此外，由於客戶不願意為 CDD 提供足夠的文件，三分之一的 OBU 帳戶被凍結。該作業程序產生的 STR 申報量很少，無法反映 NRA 於產業風險的發現以及許多 OBUs 無法完成 CDD 的情形。評鑑團對整個行業最近更新 CDD 的深度和品質有疑慮。雖然 FSC 表示 CDD 改善程序已經完成，但實際上銀行仍繼續努力中。

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317. When applying EDD, FIs do not appear to apply a sufficiently targeted range of enhanced measures. Banks appear to be more willing to conduct EDD, particularly when there are cases of complex ownership structures or PEP concerns. In some cases bank staff may visit the premises of OBU account holders to verify the business and beneficial ownership.

在採取 EDD 時，金融機構似乎沒有應用足夠聚焦的強化措施。銀行似乎更願意進行 EDD，特別是在有複雜的所有權結構或 PEP 問題的情況下。在某些情況下，銀行職員可能會至 OBU 帳戶持有人的處所訪查，以驗證其業務和實質受益權。

318. Identification of beneficial ownership of foreign customers presents particular challenges from weaknesses in assessing customer risk and profile, complex and opaque structures (foreign legal persons and arrangements formed in secrecy jurisdictions). Identifying controlling interests for offshore companies is particularly problematic for OBUs, with very significant legacy CDD gaps remaining.

在確定外國客戶的實質受益權方面，於評估客戶風險和概況、複雜結構和不透明結構（在保密司法管轄區成立的外國法人和協議）方面的弱點存在特殊挑戰。辨識境外公司的控股權益對 OBUs 而言尤其是問題，剩餘的客戶審查有非常明顯的落差。

319. Despite requirements and guidance from the FSC, there are concerns that in practice FIs may relay too much on MOEA documentation for the identification of beneficial ownership of domestic corporate customers. The Company Act amendments in late 2018 may assist with CDD. There are also significant risks from informal nominee arrangements to hide BO. The threshold of 25% of share ownership may be too high in practice, in particular when applying EDD. In many cases banks go beyond the stated thresholds when establishing the ultimate beneficial owners or controllers, particularly for matters involving the management of credit risk, however concerns remain.

儘管有 FSC 的規範及指引，但在實務上，仍有金融機構在辨識國內客戶的實質受益權時，可能過度依賴經濟部的文件之疑慮。2018 年底“公司法”的修正有助於 CDD。安排非正式代名人，以隱藏實質受益人也存在重大風險。在實務上，25% 股權的門檻可能過高，特別是在應用加強客戶審查時。在許多情況下，銀行在建立最終實質受益人或控制權人時，會做得優於門檻規定，在涉及信用風險管理的事項上尤其如此。然而，此部分仍有疑慮。

320. Guidance from authorities in relation to risk-mitigation considerations when refusing business when CDD is incomplete requires further development to ensure strengthened implementation overall. As mentioned above, the CDD remediation project for OBUs saw tens of thousands of accounts being closed for incomplete CDD, but FIs' consideration of STR filing led to STRs in only very limited circumstances. Banks were not sufficiently well guided to consider ML risk, in particular the types of scenarios that might give rise to suspicion and therefore STR filing.

有關當 CDD 不完整時，拒絕業務關係的風險抵減考量，主管機關應對此發展進一步的指引，以確保強化整體執行。如上述，OBUs 的 CDD 補救措施因 CDD 不完整，因而關閉數萬個帳戶，但金融機構

對於 STR 申報的考量，導致僅在非常有限的情況下才申報 STR。銀行未得到足夠的指導，考量洗錢風險及風險抵減，特別是那些可能引起懷疑並因此申報 STR 的情境類型。

321. Securities firms have a number of additional risk mitigation measures in place. These include limits to trading amounts opened remotely, grouping accounts with same designated third-parties, IP addresses or contact details, and undertaking EDD when third-party is trading securities. Securities firms have established daily monitoring to identify suspicious activity.

證券公司還有許多其他的抵減風險措施，包括對遠端交易金額進行限制，對具有相同指定第三方、IP 位址或聯繫方式的帳戶進行分組，並在第三方交易證券時進行 EDD。證券公司已建立日常監控，辨識可疑活動。

322. DNFBPs have begun risk-based approach to CDD with the fuller requirements only entering into force in late 2018. Record keeping obligations are well understood by DNFBPs and implementation follows the international standards. It is apparent most DNFBPs take steps to identify customers, and take measures to conduct elements of CDD. DNFBPs' CDD work is supported by sectoral guidance, however the CDD rules are new and the move to the risk based-approach for CDD is at a very early stage.

DNFBPs 已開始對於 CDD 採用風險為基礎的方法，更全面的要求在 2018 年底才生效。DNFBPs 充分理解紀錄保存義務，並且遵循國際標準實施。大多數 DNFBPs 很明顯採取措施來辨識客戶，並採取措施執行 CDD 的規定。DNFBPs 的 CDD 工作得到產業部門指引的支持，但 CDD 規則是新的，轉變為以風險為本的方法執行 CDD 尚處於剛開始階段。

323. The timing of CDD undertaken by DNFBP is not yet clearly established and it is not yet clear that DNFBPs adjust the timing and intensity of their CDD work to reflect customer risk. Based on feedback from DNFBP associations and interviews, certain DNFBPs were able to demonstrate cases of detailed CDD work.

DNFBP 執行 CDD 的時機尚未明確建立，目前尚不清楚 DNFBPs 調整其 CDD 工作的時機和強度以反映客戶風險。根據 DNFBPs 公會的回饋和訪談，某些 DNFBPs 能夠展現其 CDD 詳細工作的實例。

Application of EDD measures

採取強化措施

i. PEPs

擔任重要政治性職務人士

324. Chinese Taipei authorities and sectoral associations have made high quality commercial databases for PEP screening available to FIs and DNFBPs at subsidised rates. This supports screening for PEPs and sanctions matches. There is a widespread use of commercial databases, supplemented by open source research, to screen for both domestic and foreign PEPs. TDCC's screening system and those of other commercial providers, have been widely taken up amongst FIs and DNFBPs to screen for PEPs, which adds to effectiveness. Guidance provided to FIs and DNFBPs also adds to effectiveness. However, there are limits overall on how well some FIs and many DNFBPs' identify wider family members and associates in their PEP screening.

中華臺北主管機關和產業公會以優惠價格，提供金融機構和 DNFBPs 高品質的 PEP 檢核商業資料庫，有助其篩濾 PEPs 與制裁名單。該商業資料庫業經廣泛使用，並輔以公開資訊搜尋，檢核國內與外國 PEPs。金融及非金融業者廣泛採用 TDCC 的系統或其他商業資料庫進行 PEPs 的檢核，提升檢核成效。提供金融機構和 DNFBPs 的指引參考亦增加檢核效能。然而，對於部分金融機構和許多 DNFBPs 在 PEP 檢核中辨識家庭成員及關係人的能力，總體而言仍存在限制。

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325. FIs and DNFBPs require greater practical guidance on how PEPs screening should reflect and be moderated according to ML/TF risk. Guidance is available on this subject, but the risk based application of these controls is not yet well implemented. This is particularly the case with exposure to foreign corruption risks and also offshore structures (OBUs), noting the uptake of OBUs by domestic PEPs and their associates. Weaknesses with CDD and beneficial ownership add to the challenges to identify PEPs, including their associates.

5 金融機構和 DNFBPs 在 PEP 的檢核應如何反映並根據洗錢/資恐風險進行調整，需要更多實務的指引。雖然在該主題可以找到指引，但未妥善運用以風險為基礎的管控，特別是暴露於國外貪腐風險及離岸架構(OBUs)的情況下，要注意國內 PEPs 及其關係人使用的 OBUs。CDD 和實質受益權的弱點增加辨識 PEPs（包括與其有關係之人）的挑戰。

326. FIs and regulators acknowledged that there are some challenges for FI and DNFBP with screening for possible Chinese PEPs. Banks, in particular, noted the challenges of identifying such PEPs through most commercial databases and other FIs face similar challenges. Banks were notable in their demonstrated efforts to mitigate cross-straits PEP risk through compilation of their own information holdings on local PEPs, through Chinese-language searches for adverse media reporting and online legal filings, and other initiatives. Further guidance and support is recommended to enhance this important area.

金融機構和監理機關承認，FIs 和 DNFBPs 在篩檢可能的中國大陸 PEPs 方面存在一些挑戰。注意到特別是銀行，透過大多數商業數據庫辨識此等 PEPs 的問題，其他金融機構亦面臨類似情況。銀行透過自己彙集掌握的當地 PEPs 資訊、中文負面報導、線上法律文件和其他措施，於抵減兩岸 PEP 風險上做出明顯的努力。建議進一步提供指導和支持，以加強這一重要領域。

ii. Correspondent banking

通匯銀行

327. Controls applied to correspondent banking appear to be relatively well implemented. Banks and supervisory findings did not highlight any major difficulties in implementing correspondent banking requirements under the AML/CFT rules and circulars. Due diligence practices across the FIs, including questionnaires and open source research, escalate as necessary according to jurisdictional risks. However, it is not clear that banks sufficiently consider correspondent banking risk in their ERAs.

執行通匯銀行業務的控制成果良好。銀行及監理機關未特別指出根據防制洗錢/打擊資恐法規和通函，實施通匯銀行業務要求的任何重大困難。各個金融機構的盡職調查實務，包括問卷調查和公開資訊查證，已根據國家風險，進行必要的強化。但是，目前尚不清楚銀行是否在其企業風險評估中，充分考量通匯銀行風險。

iii. New technologies

新科技運用

328. Risk assessments of new technologies are well integrated with ERAs and the FSC is supportive of risk based approaches. The recent establishment of a regulatory sandbox is an important development to support FIs and the FSC develop new technology and manage AML/CFT risk. Authorities continue to place an emphasis on financial inclusion in their consideration of risk based approaches to regulation of new technologies.

新技術的風險評估良好結合機構風險評估，FSC 支持以風險為本的方法。最近的監理沙盒是一個重要的發展，支持金融機構及 FSC 發展新技術並管理 AML/CFT 風險。監理機關在考慮基於風險的新技術監理方法時，繼續強調普惠金融。

iv. Wire transfer rules

電匯規則

329. FIs' implementation of controls on wire transfers appear to be reasonably well supported. Rules are applied without threshold and apply to domestic and cross border wires. This is supported by outreach and guidance and confirmed through supervision.

金融機構對電匯實施的控制措施顯示得到相當好的支持。電匯規則沒有設定門檻，並適用於國內和跨境電匯。這項規則的執行得到宣導活動和指引發布的支持，並透過監理得到確認。

v. Targeted financial sanctions – TF

有關資恐之目標性金融制裁

330. While there are technical compliance gaps for TFS (see R.6), guidance has been issued to all sectors and a great deal of awareness raising and outreach has been undertaken with FI and DNFBP sectors. In addition, as discussed in IO3, this has been a major area for offsite and on-site supervisory focus.

雖然目標性金融制裁(見 R.6)的技術遵循存在落差，對於金融及非金融業者已提供相關指引並進行許多提升意識宣導活動。此外，如同於 IO3 之報告內容，此為非現地及現地監理之重點項目。

331. Reflecting the outreach and guidance, FIs and DNFBPs appear to implement list-based screening without delay through automated screening software and manual processes. FIs and DNFBPs demonstrated a reasonable approach to receiving sanctions list updates through various channels including website, RSS, social media channels. As mentioned in relation to PEPs, TDCC software is subsidised to help to ensure that a very wide set of FIs and DNFBPs can make use of automated checking software TFS. Implementation of TFS controls appears to be reasonably well supported as outlined in IO 10 and 11.

金融機構和 DNFBPs 透過自動檢核軟體及人工程序，毫不遲延地執行制裁名單的篩檢，此反映宣導和指引的成果。金融機構和 DNFBPs 說明已透過合宜方式，包括網站、線上訂閱(RSS)、社群媒體之各種管道，取得最新制裁名單資訊。如前關於 PEPs 的描述，提供 TDCC 系統使用優惠，可確保金融機構和 DNFBPs 更廣泛使用自動化檢核軟體，可以有效協助管控目標性金融制裁的執行上，如 IO10 及 11 之報告內容。

332. Routines for verifying positive matches, including escalating matches to the AMLD and continuing a freeze have been demonstrated through the implementation of Rec 7 (see IO 11).

透過建議第 7 項的實施(見 IO 11)，展現檢核比對的例行作業，包括與 AMLD 的升級比對以及持續凍結。

vi. Higher-risk countries identified by the FATF

FATF 所認定之較高風險國家

333. Application of jurisdictional risk is given a great deal of emphasis by FIs and DNFBPs, including a number of CPF and CFT related controls. Consideration of jurisdictional risk has been enhanced and better calibrated to reflect jurisdictional specific risks faced by Chinese Taipei since the 2018 NRA was completed.

金融機構和 DNFBPs 相當重視國家風險的應用，包括一些與打擊武擴和打擊資恐有關的控制措施。自 2018 年 NRA 完成以來，強化並調校國家風險分析，反映中華臺北面臨的特殊國家風險。

CHAPTER 5. PREVENTIVE MEASURES

Reporting obligations and tipping off

申報義務及預防資訊洩漏

FIs

金融機構

5 334. STR reporting obligations have a minor TC gap for predicates, however in practice, FIs appear to be applying the international standards and screening for any STRs, including those related to PF. Most categories of FIs are also required to file CTRs which is an important additional control.

可疑交易申報義務在前置犯罪部分存在微小的技術遵循落差，但實務上，金融機構似乎應用國際標準，篩選任何可疑交易，包括與武擴相關的 STR。大多數類別的金融機構也需要申報 CTR，這是一個重要的額外管控。

335. Overall the quality and quantity of STRs appear to have improved in the last 12 months, reflecting a number of factors. FI/DNFBPs involvement in the NRA has increased understanding of risk, and sectoral associations have produced much more detailed guidance in cooperation with the AMLD and regulators and these include both objective and subjective criteria for suspicion, which are tailored to particular sectors. FSC's supervision has focused on FIs' compliance with STR reporting obligations. AMLD has increased feedback to FIs reporting STRs to encourage improvements in quality and increases in the numbers of STRs filed. FIs internal controls for identifying possible matters of suspicion are generally operating well. These areas have seen significant improvements over the last 18 months. FSC highlighted findings of additional dedicated AML personnel and upgraded IT systems in many sectors, which has contributed to the volume and quality of STR filing.

總體而言，在過去 12 個月中，可疑交易報告的品質和數量顯示情況有所改善，這反映許多因素。金融機構和 DNFBPs 參與國家風險評估，增進對風險的瞭解；產業公會與 AMLD 和監理機關合作制定更詳細的指引，其中包括針對特定部門量身訂制的客觀和主觀可疑表徵的標準；FSC 的監理聚焦在金融機構 STR 申報義務的遵循；AMLD 增加對金融機構可疑交易申報的回饋，以鼓勵改善可疑交易報告的申報品質與數量。金融機構對於辨識可疑情事的內部控制大致運作良好。這些範疇在最近 18 個月內有顯著進步。FSC 強調發現，許多產業部門投入更多的專職反洗錢人員和升級 IT 系統，此有助於提升 STR 申報的數量和品質。

336. AMLD confirmed that the quality of STRs has improved greatly within the last year. Since early 2018 AMLD has required STR filings to include more detailed information as part of the STR, including information that may have given rise to suspicion and all related CDD and transactional data associated with the matter. This has helped to improve the basis of AMLD analysis of STRs.

AMLD 確認在過去一年 STR 的品質有很大改善。自 2018 年初以來，AMLD 要求 STR 申報文件包含更詳細的資訊，含括可能引起懷疑以及案關的所有 CDD 和交易資料，這有助改善 AMLD 分析 STRs。

337. There is a mix of reactive and proactive reporting and FIs demonstrated suspicion being identified at various stages of business and arising from various lines of control within FIs. Assessors have some concerns that the final decision to file an STR may be too reliant on negative press reporting about the customer and/or objective criteria included in guidance, rather than concerns arising from the customer's profile and additional risk indicators arising from findings of risk assessments (this is despite clear obligations for the later).

金融機構表示在不同的業務階段，辨識出可疑情事，並且由金融機構內部的各種控制防線產生各種被動和主動報告。評鑑員疑慮之處在於，申報可疑交易報告的最終決定，可能過於依賴客戶的負面新聞和/或指引中的客觀標準，而非來自於客戶的資料和風險評估結果發現的其他風險指標所產生的考量(儘管後來有明確的義務規定)。

Table 5.1: STRs reported by FIs from 2014 to 2018
表 5.1: 2014 年至 2018 年金融機構申報 STRs

Financial Institutions 金融機構	2014	2015	2016	2017	2018
Domestic banks ¹⁰ 本國銀行	6,389	9,139	12,608	19,326	25,552
Foreign bank branches 外銀在臺分行	22	24	31	33	75
Chunghwa Post 中華郵政	355	345	1,010	2,303	4,656
Credit cooperatives 信用合作社	34	43	70	700	1343
Credit card companies 信用卡公司	3	5	10	13	30
E-payment service providers 電子支付機構	-	-	-	6	24
Electronic stored value card issuers 電子票證機構	-	-	1	17	28
Securities firms 證券商	6	5	11	115	717
Securities investment trust enterprises 證券投資信託事業	4	2	6	17	73
Securities investment consulting enterprises 證券投資顧問事業	-	-	-	-	2
Securities finance enterprises 證券金融事業	-	-	2	5	19
Centralised securities depository enterprises 證券集中保管事業	21	20	19	24	23
Futures merchants 期貨商	-	-	2	9	53
Reinsurance companies 再保險公司	-	-	-	-	-
Life insurance companies 壽險公司	39	59	164	789	1,757
Property insurance companies 產險公司	2	-	17	10	23
Insurance brokers 保經公司	-	-	1	-	17
Insurance agents 保代公司	-	-	-	1	28
Farmers' associations' credit departments 農會信用部	15	14	20	224	1,186
Fishermen's associations' credit departments 漁會信用部	-	-	-	10	40
Agricultural Bank 全國農業金庫	-	-	-	3	31
Bills finance companies 票券金融公司	-	-	-	-	8
Foreign Exchange Counters 外幣收兌處					82
Yearly total 各年度合計	6,890	9,656	13,972	23,605	35,767
Total STRs reported by FIs since 2014 2014-2018 年金融機構申報 STR 總數	89,890				

338. The use of red flags and typologies are a strength for monitoring, but even more focus needs to be given to customer profile and additional risk indicators to identify instances of suspicion, in particular during ongoing CDD.

紅旗指標和態樣的使用是監控的一項優勢，但需要更加關注客戶的資料和其他風險指標，以辨識可疑的情況，特別是在進行持續性的客戶審查。

339. Foreign exchange counters have only just commenced STR reporting. While the risks of the sector are assessed as relatively low, there is a concern that more needs to be done to support the implementation of internal controls and monitoring to identify and file STRs.

外幣收兌處剛開始進行 STR 申報。雖然該部門的風險被評估為相對較低，但仍需要有更多作為支持內控和監督的執行，以辨識並提交可疑交易報告。

340. Concerns remain with some elements of risk-based monitoring for possible STRs given the mismatch in threat assessment between NRA and FI ERAs. Assessors interviews with FIs and

¹⁰ OBU STR filing is included within these figures OBU 申報的 STR 包括在此數字內。
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supervisors indicate that a significant number of STRs filed appear to be reactive or defensive, as opposed to proactive (e.g. from CDD or customer monitoring). A related example is the CDD remediation exercise with OBUs and relatively few STRs, despite tens of thousands of accounts for which CDD could not be completed. FSC reported that OBUs filed 367 STRs in 2016, 656 in 2017 and 276 in 2018 (from January to March), which shows an increasing trend, albeit from a very low base. Concerns remain about the relatively small number of STRs filed from higher risk sectors and this is not commensurate with the overall risks.

鑑於 NRA 和金融機構的 ERA 之間的威脅評估不盡符合，對可能的 STRs 進行以風險為基礎的監控的某些要素仍然存在疑慮。評鑑員與金融機構和監理機關的訪談發現，似乎有大量的 STRs 申報為被動或是防禦性申報，而非主動申報（例如來自 CDD 或客戶監控）。一個相關的例子是 OBU 的 CDD 改善措施，儘管有上萬個帳戶無法完成 CDD，但其中卻申報相對較少的 STRs。依 FSC 的說明，在 2016 年申報 367 件有關 OBU 的 STRs，2017 年申報 656 件，而 2018 年 1 月至 3 月申報 276 件，申報數量呈現增長趨勢，儘管申報數量低。對於高風險部門卻申報相對較少數量 STRs 的情況，仍存有疑慮，因為與整體風險不相符。

341. FIs generally appear to understand and apply measures to avoid tipping off. Consistent guidelines and training have been provided to inculcate the maintenance of confidentiality of STR and related information. According to regulators, FIs compartmentalise STRs and have been responsive to recommendations restricting access to a need-to-know basis. Tipping off by FI personnel has not been detected by LEA or supervisory authorities.

金融機構大致上理解並採取措施避免資訊洩漏，並已提供一致的指引和訓練，灌輸員工維護 STR 和相關資訊的機密。據監理機關表示，金融機構會區隔不同的 STRs，並因應建議，將相關資訊僅限縮於必需知道的範圍內。執法機關或監理機關目前尚未發現金融機構人員有洩密的情事。

DNFBPs

非金融事業或人員

342. Given the newness of the full coverage of DNFBP sectors in AML/CFT controls, the focus for the first year has been supervisory outreach and education and preliminary steps towards supervision. The second year since coverage has seen further supervision and steps towards enforcing the new obligations.

基於 DNFBP 甫全面納入洗錢防制/打擊資恐規範範圍，第一年重心為宣導監理及訓練，以及初步的監理活動。第二年為強化新規定執行之深度監理活動。

Table 5.2: STRs reported by DNFBPs since 2017 (year MLCA coverage commenced)

DNFBP	2017	2018
Accountants	29	62
Land administration agents	11	12
Notaries	6	15
Lawyers	0	2
Bookkeepers / Bookkeeping and Tax Return Filing Agents	0	3
Jewellery Businesses	0	2
Real Estate Agents	0	3
Company Service Providers	0	3
Yearly Totals	46	102
Total STRs reported by DNFBPs since 2017	148	

表 5.2: DNFBPs 自 2017 年以來申報的 STR (該年納入洗防法)

DNFBP	2017	2018
會計師	29	62
地政士	11	12
公證人	6	15
律師	0	2
記帳士 / 記帳及報稅代理人	0	3
銀樓業	0	2
不動產經紀業	0	3
公司服務提供者	0	3
年度總計	46	102
自 2017 年以來申報 STR 總計	148	

343. Regulators and associations have disseminated prescriptive red flags to guide STR filing. These have included subjective and objective factors tailored to each sector and have contributed directly to a greater number of STRs being filed with increasing quality in many cases. However case studies tend to be due to suspicion based on customer profile and circumstances beyond typologies.

監理機關及公會發布詳盡的可疑交易申報的紅旗指標，包括為每一產業部門量身訂做的客觀及主觀表徵，也直接促成一定數量的可疑交易申報，提升許多申報案例的品質。然而案例顯示可疑之處係在於顧客資料及交易樣態以外之情況。

344. Apart from accountants (who have long been supervised by FSC and more closely involved in outreach at an earlier stage), STR filing is not yet commensurate with risks in most DNFBP sectors. Notably, there have been only four STRs filed by jewellery businesses or lawyers in 2018. Only 23 STRs were filed by land administration agents over the course of 2017-18. In response to the low numbers, the objective and subjective criteria for filing have been further tailored to each sector and to reflect NRA findings and feedback from AMLD.

除了會計師（長期受 FSC 監督，並在較早階段即密切地參與宣導活動）外，在大多數 DNFBP 產業部門的可疑交易申報並未與風險相稱。值得注意的是，銀樓業及律師在 2018 年僅有 4 件可疑交易申報案例。2017 及 2018 年度僅地政士業別申報 23 件可疑交易。為因應如此少的申報數量，應該為每個產業部門更進一步地量身訂做客觀及主觀因素標準，並納入 NRA 的發現以及 AMLD 的回饋意見。

345. There have been no cases identified of tipping off by DNFBPs. Guidelines require staff to maintain confidentiality. Uneven degrees of sophistication around how reporting is conducted. Bookkeepers and tax return filing agents will report STRs “by post” to maintain confidentiality. Consistent statements that internal controls and training pursuant to regulations prevent leaks.

尚未發現 DNFBPs 洩密的案例。發布的指引要求員工應保守秘密，但就如何進行申報的要求並不一致。記帳士暨記帳及報稅代理人以郵寄方式申報可疑交易，以避免洩密。各業別對於遵守法規要求進行內控及訓練，以避免洩密之陳述一致。

Internal controls and legal/regulatory requirements impending implementation

內部控制及妨礙執行之法律或相關規定

346. Internal controls appear to be well-developed among FIs. Considerable resources have been allocated to internal controls since 2016 and almost all sectors have greatly increased their compliance departments and routines. This has extended to employee screening, AML/CFT policies and procedures, monitoring and systems, staff training, audit, etc. In addition, FIs are required to ensure their AML/CFT compliance officer make decisions independently to file STRs. There are, however, concerns that internal controls to ensure that compliance staff independently make decisions within banks to file

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STRs is undermined in practice. In some instances this may not be done independently by compliance staff, but is dependent on Bank President or other managers' say-so. Internal controls amongst DNFBPs have been support by outreach, guidance and offsite supervision.

5 金融機構內部控制發展良好。自 2016 年以來，金融機構配置大量資源於內部控制，幾乎所有產業都大幅增加法遵部門和例行性工作，並已擴展到員工選任、AML/CFT 政策和程序、監控和系統、員工培訓、稽核等。此外，金融機構必須確保其 AML/CFT 法遵主管能獨立自主進行 STRs 申報之決策主。然而在內部控制的實務運作，以確保銀行內的法遵人員能獨立決定申報 STR 仍有弱化的疑慮。在某些情況下，申報 STR 可能不是由法遵人員獨立完成，而是取決於銀行總經理或其他主管人員指示。DNFBPs 的內部控制透過宣導、指引以及非現地監理獲得支持。

347. Group-wide compliance is improving, albeit from a low base. Supervision and outreach by FSC has given some focus to group-wide controls, which has supported implementation on that basis. Information sharing gaps have been addressed only very recently.

儘管基數低，但集團整體的法遵情況正在改善。FSC 的監理和宣導已關注到集團層級的控制層面，在此基礎上即可支持實務運作，例如最近已解決集團間資訊分享落差的問題。

348. Sectoral associations have given some support to DNFBPs to assist them to develop internal controls and routines to support identifying and reporting STRs. This has been reinforced in outreach sessions by AMLD.

產業部門公會為 DNFBPs 提供一些協助，幫助他們制定內部控制和例行性工作，以識別和申報可疑交易報告。AML D 的宣導活動亦能強化此項工作。

Overall conclusions on Immediate Outcome 4

直接成果 4 之整體結論

349. TC elements for preventive measures are mostly comprehensive. The transition from a rules-based to a risk-based approach has been occurring in banking sectors since 2013 but is newer in other sectors. Detailed obligations for DNFBP are new and implementation has only recently commenced. FI/DNFBP Sectoral supervisors have undertaken very significant amounts of awareness raising on AML/CFT obligations and ML/TF risks. Guidance has been issued for each respective sector.

防制措施的各项技術遵循要件大多數是完整的。自 2013 年以來，銀行部門從以規則為本的方法朝向以風險為本的方法轉變，但對其他產業而言仍然是新的領域。新的規範要求 DNFBP 的詳細義務，並且最近才開始實施。金融機構和 DNFBP 產業的監理機關，對 AML/CFT 義務和 ML/TF 風險舉辦許多意識提升活動，並發布每個產業部門的指引。

350. **Chinese Taipei has a moderate level of effectiveness on Immediate Outcome 4.**

中華臺北在直接成果 4 之評等為中度有效。