

Angle

CHAPTER 6. SUPERVISION

第六章 監理

Key Findings and Recommended Actions

重要發現及建議行動

Key Findings

重要發現

- 1) Chinese Taipei has a generally robust system of AML/CFT supervision in the financial sectors. The risk-based approach for AML/CFT supervision is still new in some sectors. FSC implementation of risk based supervision commenced in late 2015 however risk inputs were lacking at the initial stages.

中華臺北在金融部門擁有普遍強大的防制洗錢/打擊資恐監理制度。以風險為本的防制洗錢/打擊資恐監理在某些部門仍屬新概念。金管會在 2015 年底開始實施以風險為本的監理，但在初始階段缺乏風險方面的投入。

- 2) DNFBP supervision has only recently commenced. The EY has allocated additional resources to DNFBP regulators, which has enabled them to greatly enhance outreach and take a number of steps towards risk-based supervision, including preliminary onsite examinations. There may be a need to enhance the powers of DNFBP sectoral supervisors.

DNFBP 監理最近才開始實施。行政院為 DNFBP 監理機關配置了額外的資源，這使他們能夠大大加強宣導力道，並採取一系列措施進行以風險為本的監理，包括初步的現場檢查。可能需要加強 DNFBP 部門監理機關的權力。

- 3) FSC has taken various steps to maintain and further develop its understanding of ML/TF risks including an understanding of relative risks between different sectors and of individual institutions. FSC has risk information from FIs and sectoral assessments, however all supervisors need greater inputs from the FIU and LEAs to better support risk-based supervision and fit and proper controls. BOAF requires more information on risk to support risk-based supervision.

金管會已採取各種措施來維持和進一步發展其對 ML/TF 風險的理解，包括了解不同部門和個別機構之間的相對風險。金管會擁有來自金融機構和部門評估的風險資訊，但所有監理機關都需要更多來自金融情報中心和執法機關的投入，以更好地支持以風險為本的監理和適格性控制措施。農金局需要更多風險資訊來支持以風險為本的監理。

- 4) Licensing and related fit and proper requirements are applied to all FIs. FSC has controls in place to prevent criminals from entering the market by owning or controlling FIs. There are gaps in the scope of obligations (associates of criminals) and implementation needs to be deepened taking into account risks (including foreign currency exchange counters & agricultural FIs).

所有金融機構均適用許可制度及相關的適格性要求。金管會已實施控制措施防止犯罪分子通過擁有或控制金融機構進入市場。相關義務的範圍（罪犯的關係人）存在落差，考慮到風險情況，執行上需要深化（包括外幣收兌處和農業金融機構）。

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- 5) Limited market entry and fit and proper controls are in place across DNFBP sectors. Gaps include the scope and implementation of measures related to criminal and their associates.

DNFBP 部門已有限制進入市場和適格性的控制措施。落差則包括有關規範犯罪分子及其關係人措施的範圍和執行。

- 6) The frequency, scope and intensity of offsite and onsite supervision is increasingly based on identified risks. Additional FSC supervisory resources need to be applied to higher risk scenarios.

場外和現地檢查的頻率、範圍和強度正愈來愈基於已辨識的風險。金管會額外的監理資源需要應用於更高風險的情境。

- 7) The quality of FSC's offsite and onsite supervision appears to be relatively high. FSC supervisors have good AML/CFT skills and experienced staff. While the bulk of AML/CFT supervision has been done in combination with prudential supervision, increasingly stand-alone full scope AML/CFT supervision and thematic supervision is being conducted by FSC.

金管會的場外和現地檢查的品質相對較高。金管會擁有良好的防制洗錢/打擊資恐技能和經驗豐富的員工。雖然大量的防制洗錢/打擊資恐監理與審慎監理相結合，但金管會正在進行越來越獨立的全面防制洗錢/打擊資恐監理和專案監理。

- 8) The fines imposed on banks, securities, and insurance for AML/CFT breaches are relatively low and may not be wholly proportionate. Going beyond fines, the overall effects of remedial measures, enforcement actions and reputation damage appear to positively influence compliance.

對有防制洗錢/打擊資恐違規行為的銀行、證券業和保險業的罰款相對較低，可能不完全相稱。在罰款之外採取的補救措施、強制行動和聲譽損害，整體而言對法遵產生正面影響。

- 9) Authorities have undertaken a very large number of programs to promote a clear understanding of ML/TF risks and AML/CFT obligations in the recent years. This has included close cooperation between supervisors, sectoral associations, the FIU and LEAs.

當局近年來開展了大量計畫，以促進各界對洗錢 / 資恐風險和防制洗錢/打擊資恐義務的明確理解。這包括監理機關、公會、金融情報中心和執法機關之間的密切合作。

Recommended Actions

建議行動

- a) Supervisors (especially for DNFBPs) should ensure they have the full set of supervisory powers, increase capacity (particularly the number of specialist AML/CFT supervisory staff), supervisory tools (manuals, etc.) and training for risk-based supervision. Relevant threat analysis from LEAs or the FIU should be provided to FI and DNFBP supervisors to benefit risk-based supervision. The FSC and LEAs should implement further measures to support information exchange on risk.

監理機關（尤其是指 DNFBP）應確保具備全面的監理權力、增加能力（特別是專業防制洗錢/打擊資恐監理人員）、監理工具（手冊等）和以風險為本的監理培訓。應向 FI 和 DNFBP 監理人員提供執法機關或金融情報中心的相關威脅分析，俾對以風險為本的監理有所幫助。金管會和執法機關應實施進一步措施以支持風險資訊的交換。

- b) Expand the obligations on market entry fit and proper and further implement the obligations. This should include enhanced information sharing between agencies, including international cooperation between supervisors.

擴大市場進入之適格性義務，並進一步履行該義務。這應包括加強各機關之間的資訊共享，包括監理機關之間的國際合作。

- c) Continue to expand the use of stand-alone full scope AML/CFT supervision and the conduct of thematic onsite supervision to target persisting or emerging risk areas (e.g. trade finance areas).

繼續擴大使用獨立的全面防制洗錢/打擊資恐監理，和針對持續或新興風險領域（如貿易洗錢領域）實施主題式現地檢查。

- d) Strengthen remedial actions and sanctions regimes and increase the application of dissuasive and proportionate sanctions to ensure a risk-based compliance culture.

加強補救行動和裁罰制度，增加應用具勸阻性和相稱的裁罰，以確保以風險為本的法遵文化。

- e) Support the coordination and sharing of knowledge and information between FI and DNFBP supervisors.

支持 FI 和 DNFBP 監理機關之間知識和資訊的協調與共享。

- f) Further support continuing international cooperation with foreign supervisors on a risk sensitive basis (see IO2).

進一步支持在風險敏感的基礎上，與外國監理機關繼續展開國際合作（見 IO2）。

Immediate Outcome 3 (Supervision)

直接成果 3 (監理)

Licensing, registration & controls preventing criminals and associates from entering the market

許可、註冊及監管措施以防制罪犯及其關係人進入市場

Banks, securities and insurance

銀行、證券及保險業

351. Licensing controls are generally robust in the financial sector. FSC has control measures in place to prevent criminals from owning or controlling FIs or holding a management function in financial holding companies, banks, insurers, securities firms, and other FSC-regulated FIs. Major shareholders and responsible persons for FIs are subject to fit and proper test. However, there are challenges in FSC obtaining sufficient information from LEAs and intelligence agencies (domestic and foreign) on possible associations with criminals in order to supporter a deeper approach to reviews.

金融部門的許可控制通常很是強而有力的。金管會制定控制措施，防止犯罪分子通過持有、控制或管理金融控股公司、銀行、保險公司、證券公司和其他金管會監理的金融機構。金融機構的主要股東和負責人必須經過適格性的測試。然而，金管會面臨的挑戰是從執法和情報機關（國內和國外）獲取有關可能是犯罪分子關係人的充分資訊，以支持更深入的審查方法。

352. Requirements are in place on the person or concerned party (including a third party acting on behalf of the same person or same concerned party in trust, by mandate or other legal arrangements) who intends to singly, jointly or collectively hold more than a certain threshold of outstanding voting shares (i.e. 10%, 25% and 50%) of a bank and insurance company. In such a case FSC's prior approval

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is required. For securities, firms must file a report with the FSC when there is a change in the total number of shares owned by those officers and shareholders who hold more than 10% of outstanding shares. In practice, FSC periodically reviews the list of shareholders to verify whether holding structures have reached reporting thresholds. However, more needs to be done to ensure that fit and proper checks are undertaken on the natural persons who ultimately own or control the FI regardless of the percentage of holding.

對個人或有關方（包括第三方以信託、授權或其他法律協議代表同一人或同一關係人）如意圖單獨、共同或集體持有銀行和保險公司一定門檻以上的表決權股份（即 10%，25%和 50%）之要求已經到位，這需經過金管會事先核准。對於證券業，當持有已發行股票超過 10%的高級職員和股東所擁有的股份總數發生變化時，公司必須向金管會提交報告。在實務上，金管會定期審查股東名單，以核實控股結構是否達到報告門檻。然而，無論持股比例為何，還需要做更多以確保對最終擁有或控制金融機構的自然人進行適格性檢查。

353. During establishment or any change of responsible persons in companies (including prospective directors, supervisors and general managers) and banks (directors, supervisors, general managers, and *de facto* responsible persons), the FSC implements prior approval reviews. These reviews comprise of both positive (i.e. competency and capacity) and negative tests (i.e. no disqualification criteria, such as implication or conviction for criminal activity).

在設立階段，或公司負責人（包括可能的董事，監事和總經理）和銀行負責人（董事，監事，總經理和實際上的負責人）有任何變更時，金管會均會事先進行核准審查。這些審查包括積極（即資格和能力）和消極資格測試（即取消資格的標準，例如隱含犯罪活動或被判刑）。

354. FSC implements on-going review of any changes in shareholders list and responsible persons to ensure fit and proper major shareholders including beneficial owners and responsible persons of FI under FSC regulations.

金管會根據自身規定，對股東名單和負責人的任何變更進行持續審查，以確保主要股東包括金融機構實質受益人和負責人的適格性。

355. From 2013 to 2017, the FSC handled 29 cases involving disqualification of 49 FIs' responsible persons or major shareholders (refer to Table below). The FSC has imposed sanctions thereon, including dismissals and suspension from duties.

從 2013 年到 2017 年，金管會處理了 29 起涉及 49 家金融機構負責人或主要股東消極資格的案件（參見下表）。金管會已對此加以裁罰，包括解除和暫停職務。

Table 6.1: Sanctions against office holders or major shareholders of FIs

表 6.1: 針對金融機構持有者或主要股東之裁罰

Type 型態	Number of cases/persons 件數/人數					
	2014	2015	2016	2017	2018	Total 合計
Financial holding company 金融控股公司	1/1	0	0	4/4	0	5/5
Domestic banks 本國銀行	0	1/1	2/6	0	2/7	3/7
Credit cooperatives 信用合作社	0	1/1	0	2/3	0	3/4
Credit card companies 信用卡公司	1/3	0	0	0	0	1/3
Electronic stored value card issuers	0	1/1	0	0	0	1/1

Type 型態	Number of cases/persons 件數/人數					
	2014	2015	2016	2017	2018	Total 合計
電子票證機構						
Securities firms 證券商	0	0	0	1/1	4/4	1/1
Securities investment trust enterprises 證券投資信託事業	1/1	0	0	0	0	4/8
Securities investment consulting enterprises 證券投資顧問事業	1/1	0	1/2	2/2	0	4/5
Life insurance companies 壽險公司	1/4	0	1/1	0	2/5	5/12
Non-life insurance companies 非壽險公司	0	0	0	0	0	1/1
Insurance broker companies 保經公司	0	0	0	1/1	0	1/1
Grand total 總計	5/10	3/3	4/9	10/11	8/16	30/49

Case Example 6.1: FSC rejection of application for establishment in the securities sector

The applicant filed to establish a securities investment consulting corporation with the FSC on August 5, 2014. The FSC checked the Judicial Yuan's court decision database and further information and found that the promoters had once illegally operated a securities investment consulting business. In accordance with Article 68 of the Securities Investment Trust and Consulting Act, a person under the above circumstances shall not serve as a promoter.

案例 6.1：金管會拒絕證券業的設立申請案

申請人於 2014 年 8 月 5 日向金管會申請成立證券投資顧問公司。金管會查詢司法院的法院判決資料庫和進一步的資訊，發現發起人曾經非法經營證券投資顧問業務。根據“證券投資信託及顧問法”第 68 條，在上述情況下，任何人不得擔任發起人。

Table 6.2: No. of approvals/rejections for the establishment of FIs (head offices) (source: FSC)

表 6.2: 申設金融機構(總機構)之核准/拒絕件數(資料來源: 金管會)

Type 型態	2014			2015			2016			2017			2018			Total 合計		
	Application 申請	Approval 核准	Rejection 拒絕	Application 申請	Approval 核准	Rejection 拒絕	Application 申請	Approval 核准	Rejection 拒絕	Application 申請	Approval 核准	Rejection 拒絕	Application 申請	Approval 核准	Rejection 拒絕	Application 申請	Approval 核准	Rejection 拒絕
Foreign bank branches 外國銀行在臺分行	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	1	1	0
Credit card co. 信用卡公司	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
E-payment 電子支付機構	0	0	0	5	3	0	0	2	0	1	0	0	1	1	0	7	6	0
Electronic stored value card issuers 電子票證機構	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Securities firms 證券商	0	0	0	3	3	0	0	0	0	0	0	0	0	0	0	3	3	0
Securities investment trusts co	0	0	0	2	1	0	0	1	0	0	0	0	0	0	0	2	2	0



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證券投資 信託公司																		
Securities investment consulting 證券投資 顧問公司	3	2	1	4	1	1	6	5	2	2	2	1	6	5	1	21	15	5
Non-life insurance 非壽險公 司	0	0	0	1	0	0	1	1	0	0	1	0	6	0	0	2	2	0
Insurance brokers 保經公司	4	2	0	4	4	0	1	3	0	4	2	0	6	4	0	19	15	0
Insurance agents 保代公司	1	3	0	0	0	0	2	1	0	4	4	0	3	3	0	10	11	0
Grand total 總計	8	9	1	19	12	1	11	14	2	10	9	0	16	13	1	65	57	5

Agricultural FIs

農業金融機構

356. Agricultural FIs include ABT, credit departments of farmers' and fishermen's associations. The responsible persons of ABT (including directors, supervisors, and managerial officers) must meet the eligibility requirements of the person in charge of the bank and provide information to the supervisors for review and approval.

農業金融機構包括全國農業金庫、農會及漁會信用部。全國農業金庫的負責人（包括董事，監事和經理人員）必須符合銀行負責人的資格要求，並向監理機關提供資訊以供審查和批准。

357. COA has a review mechanism for the appropriateness of the persons in charge of ABT. COA undertakes daily supervision, which includes checks to determine whether the responsible persons in charge have violated relevant eligibility requirements. COA appoints and/or recommends the ABT's 15-person board of directors, of whom four are government representatives and five are independent directors. The remaining six directorships have been assumed by the secretaries-general of the farmers' or fishermen's associations after the competent authority's verification of their qualifications for appointment. Its chairman of the board is elected by the directors and further approved by EY. Besides, the selection of the general manager must also be reported to EY for approval.

農金局對全國農業金庫負責人的適格性有一個審查機制。農金局進行日常監理，包括檢查以確定負責人是否違反相關的資格要求。農金局任命和/或推薦全國農業金庫的 15 人董事會，其中 4 人是政府代表，5 人是獨立董事。其餘 6 名董事職位由監理機關核實其任命資格後，由農會或漁會的總幹事擔任。全國農業金庫董事長由董事選舉產生，並經行政院進一步批准。此外，總經理的選任也必須報告給行政院核准。

358. Farmers' and fishermen's associations' local contexts are considered by regulators when identifying and managing fit-and-proper risks. COA and local authorities take steps to review whether applicants have committed a specific crime, have been convicted or have been proved to engage in or be involved in other dishonest or improper activities at the time a farmers' association or fishermen's association applies for their establishment or there is a change of the credit department director. In practice, they are discharged if any violations are found. COA also has a power to reject any applications to establish a credit department due to improper management.

監理機關在辨識和管理適格性風險時，會考慮農會和漁會的當地情況。在農會或漁會申請成立或信用部負責人有變更時，農金局與當地政府會審查申請人是否曾犯特定犯罪、被判刑、被證實涉入或參與其他不誠信或不適當的行為。在實務上，如果發現任何違規行為，信用部負責人將被解除職務。農金局有權拒絕任何有管理不當的農漁會申請設立信用部。

359. In practice, COA conducts ongoing checks to verify the competency and capacity of farmer or fishermen's associations' secretary-generals or candidates aspiring to such a post. For example, a secretary-general of a fishermen's association was convicted by a criminal court in 2015, which prompted COA to order this association to dismiss him. Additionally COA may suspend directors, supervisors, and secretaries-general of the farmers' or fishermen's associations (including their credit departments), if they are proven to violate the law and articles of incorporation, or otherwise subject farmers' and fishermen's associations to harm. Despite controls in place to prevent criminals from holding or controlling agricultural FIs, improvements are needed in the area of fit and proper checks to ensure criminal's associates are unable to enter the market.

在實務上，農金局進行持續檢查，以核實農會或漁會的總幹事或有志於擔任此職位的候選人的資格和能力。例如，有漁會的總幹事在 2015 年被刑事法庭定罪，這促使農金局命令該農會解除他的職務。此外，農金局可以暫停農會或漁會（包括其信用部）的董事、監事和總幹事的職務，如

果他們被證明違反法律和設立章程，或者使農會和漁會受到損害。儘管已採取控制措施防止犯罪分子持有或控制農業金融機構，但在適格性檢查方面仍需要改進，以確保犯罪分子的關係人無法進入市場。

Foreign Currency Exchange Counters

外幣收兌處

360. Regulations came into force in August 2018 that require a police criminal record certificate with no conviction record in Chinese Taipei whenever a foreign exchange counter is established or changes its person-in-charge. Existing foreign currency exchange counters are exempt from re-registering. However, the obligations over changes to persons-in-charge will apply to any changes to current license holders. The Central Bank appointed BoT to undertake documentary review of application of establishment of foreign currency exchange counters.

依據 2018 年 8 月生效的法規，當外幣收兌處設立或變更負責人時，必須提出在中華臺北沒有犯罪紀錄的警方證明。現有的外幣收兌處可免於重新登記，但是負責人變更的義務將適用於現有持有執照者。中央銀行指定臺灣銀行對外幣收兌處的設立申請進行文件審查。

Table 6.3 Applications to establish foreign currency counters

表 6.3 外幣收兌處申請設立統計

Year 年度	Applications 申請	Approvals 核准	Rejection 拒絕
2013	34	34	0
2014	30	30	0
2015	45	45	0
2016	21	21	0
2017	37	34	3

361. The Central Bank's revision of related regulations is welcomed as an improvement to help ensure that criminals and their associates are prevented from entering the market. There are gaps with in-depth review of owners including the beneficial owner of foreign exchange counters and its person-in-charge. The Central Bank and BoT should not only review certificate submitted by applicants but should also consider information from relevant authorities e.g. FIU and LEAs.

央行修訂相關法規是一項受歡迎的改進，它有助於確保犯罪分子及其關係人無法進入市場。對外幣收兌處所有人，包括實質受益人及其負責人的深度審查仍存在落差。中央銀行和臺灣銀行不僅應審查申請人提交的證書，還應考慮有關當局提供的資訊，例如：金融情報中心和執法機關。

DNFBPs

指定之非金融事業或人員

362. Jewellers are the only business without a licensing system. However, they are subject to the general negative qualifications under the Company Act. All other DNFBPs are subject to licensing, registration and other controls to prevent criminals being professionally accredited. However, the controls over DNFBPs regarding fit and proper are still limited and are not implemented on a risk-sensitive basis. Regulators do not pursue ongoing fit-and-proper review to ensure criminals and their associates are prevented from entering the market.

銀樓業是唯一無執照申請系統的產業，但是銀樓業仍受公司法之一般性消極資格限制。除銀樓業以外之 DNFBP，有相關發照、登記及其他形式之控制措施，以避免犯罪者成為專業人士。然而，DNFBP 對於適格性管制仍然有限，且未以風險為本方式執行。另主管機關並未持續進行適格性審查，以確保防止犯罪者及其關係人進入市場。

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*Supervisors' understanding and identification of ML/TF risks**監理機關對 ML / TF 風險的理解和辨識*

363. FSC undertook its first sectoral risk assessment in 2015 to establish a baseline understanding of elements of ML risk. Supervisors demonstrate increased understanding of ML/TF risks since their participation in 2017/18 NRA. The NRA goes some way to identifying the sectoral vulnerabilities based on inherent factors; business characteristics, nature of products and services, nature of business relationship, geographical reach, and nature of delivery channels.

金管會於 2015 年進行了第一次部門風險評估，以建立對洗錢風險要素的基本瞭解。自 2017/18 年參與 NRA 以來，監理機關表現出對洗錢 / 資恐風險的更多瞭解。NRA 在某種程度上根據下列固有因素辨識部門弱點：產業特性、產品和服務的性質、業務關係、地理範圍和通路的性質。

364. While FSC, as long-standing FIs supervisors, has the most robust mechanism to understand the risk of their supervised sectors as a whole as well as an understanding of relative risks between different sectors of individual institutions, other supervisors still have further steps to take to deepen their understanding of ML/TF risks of their supervised sectors.

雖然金管會作為長期的金融機構監理機關，擁有最強大的機制來了解整個受監理部門的風險，以及對各個機構不同部門之間相對風險的理解，但其他監理機關仍需進一步加深對他們受監理部門洗錢 / 資恐風險的理解。

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365. FSC takes various steps to maintain its understanding of ML/TF risks in support of their supervision. Before development of NRA in 2017-2018, the first financial Sector Risk Assessment (SRA) was conducted by FSC in 2015, with inputs from the private sector and AMLD. FSC categorizes the ML/TF risk of each sector, looking at the threat of ML/TF to each sector before coming up with a scoring (low/medium/high) for inherent risk, based on a number of factors such as size, volume, cash intensity, frequency of international transactions, of non-resident customers, of higher risk customers and the number of STRs reported. An assessment of a set of control factors (such as market entry, AML/CFT regulations, guidelines and enforcement mechanism in place) then results in a further rating, which is combined to produce an overall risk score for the sub-sector. SRA covered all of FSC-regulated FIs at that time (Chunghwa Post was included amongst domestic banks in the SRA).

金管會採取各種措施來保持對洗錢/資恐風險的理解，以支持其監理行動。在 2017-2018 年發展 NRA 之前，金管會於 2015 年進行第一次金融部門風險評估（SRA），其中包括私部門和洗錢防制處的投入。金管會對每個部門的洗錢/資恐風險進行分類，根據規模大小、交易金額、現金密集度、國際交易頻率、非居民客戶、高風險客戶和可疑交易報告數量等多種因素，分析洗錢/資恐對每個部門的威脅，並得出固有風險等級（低/中/高）。接續評估一系列控制因素（例如市場進入，防制洗錢/打擊資恐法規、指引和執法機制受否存在等）後得出另一評等，該評等被併入組合後產生子部門的總體風險評分。當時部門風險評估涵蓋所有金管會監理的金融機構（中華郵政被納入部門風險評估的本國銀行部門）。

366. FSC participated in 2018 NRA process and most NRA findings are in line with 2015 SRA, i.e. domestic banks and OBUs are rated higher risk sectors. FSC plans to update the SRA to take into account the findings of 2018 NRA.

金管會參與 2018 年的 NRA 程序，且大多數 NRA 的結果與 2015 年部門風險評估一致，即本國銀行和國際金融業務分行是風險較高的部門。金管會計劃納入 2018 年 NRA 的結果以更新部門風險評估。

367. FSC has a reasonable understanding of the nature of products, customers, delivery channels and geographical spread of their supervised sectors. Though there was some effort by FSC to address higher risks area, for example, requiring OBUs to re-do CDD of their customers, further works are needed especially threats analysis conducted together with FIU and LEAs to increase understanding of how each FI was used for ML or TF. There is a need for continuing work to consider FIs' risk exposure across the full range of priority threats identified in the NRA, for example a more detailed understanding to risks of proceeds from domestic and foreign corruption risks. There are also concerns that the dynamics of risk faced by the OBU sector is not sufficiently well assessed in either the SRA or the NRA and could usefully be a focus of further updating risk assessments.

金管會對受其監管部門的產品、客戶、交付通路和地理範圍的性質有合理的理解。雖然金管會為解決高風險領域做了一些努力，例如要求國際金融業務分行重新執行客戶的盡職調查，但還需要進一步的工作，特別是與金融情報中心和執法機關共同進行威脅分析，以增加對每個金融機構如何被利用於洗錢或資恐的理解。針對 NRA 辨識出各種必須優先處理的威脅，需要繼續展開工作以瞭解金融機構面臨的風險，例如針對國內外貪污所得的風險須有更詳細的瞭解。另在部門風險評估或 NRA 中，國際金融業務分行部門面臨的風險動態並未得到充分評估，可於進一步更新風險評估時加以關注。

Agricultural FIs

農業金融機構

368. Apart from participating in the NRA, BOAF has yet to complete risk assessments of individual credit departments of the farmers' and fishermen's associations. BOAF has taken steps to increase its understanding of controls in the sector through an offsite questionnaire surveying 311 credit departments. BOAF has instructed all credit departments to complete an ERA and the BOAF plans to conduct a comprehensive risk assessment on all agricultural FIs once the ERAs are complete.

除參與 NRA 外，農金局尚未完成個別農會和漁會信用部的風險評估。通過對 311 個信用部進行場外問卷的調查，農金局已採取措施增加對該部門控制機制的理解。農金局已指示所有信用部完成 ERA，並計劃在 ERA 完成後對所有農業金融機構進行全面的風險評估。

369. BOAF should continue to enhance its understanding of ML/TF risks and work closely with FSC, FIU and LEAs to improve inputs, with the objective of conducting deeper analyses of ML/TF risks. Additionally, FSC should consider sharing knowledge and expertise on supervision, reviews, and ERAs.

農金局應繼續加強對洗錢/資恐風險的理解，並與金管會、金融情報中心和執法機關密切合作以改進投入，對洗錢/資恐風險進行更深入的分析。此外，金管會應考慮分享有關監管、審查及 ERA 的知識和專業。

Foreign exchange counters

外幣收兌處

370. The Central Bank assesses institutional level risk based on identified characteristics of each counter. These include higher volume of transactions, a counter's physical location, and the nature of the business which a counter is attached to (including high-value goods such as jewellery). The Central Bank has used this to identify higher risk counters as a focus of supervision.

中央銀行根據所辨識出的各個收兌處特性以評估機構層面的風險。這些特性包括更高的交易量、收兌處的實際位置，以及收兌處原屬業務的性質（包括高價值商品例如珠寶等）。中央銀行利用這一點辨識高風險收兌處以確定監管重點。

371. There Central Bank takes relatively limited steps to obtain additional risk information to allow it to maintain an up to date understanding of risk and periodically review risk assessments.

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Risk information from the FIU, LEAs other supervisors of primary businesses, especially jewellers, is needed to maintain a more comprehensive view of ML/TF risk that each counter may pose.

中央銀行採取相對有限的步驟獲得額外的風險資訊，以使其能夠保持對風險的最新理解，並定期審查風險評估結果。需要取得來自金融情報中心、執法機關及其他主要業務監管機關特別是銀樓業的風險資訊，以便更全面地了解每個收兌處可能產生的洗錢/資恐風險。

DNFBPs

指定之非金融事業及人員

372. In addition to the NRA's results, some regulators have used questionnaires to covered sectors to further develop the regulator's understanding of the sectors they supervise. However, developing in-depth analysis of sectoral risk remains a work in progress.

除國家風險評估結果以外，部分監管機關以問卷方式進一步瞭解所監理之產業。然而，深入的產業風險分析仍在進行當中。

Risk-based supervision of compliance with AML/CFT requirements

以風險為本之監理如何遵循防制洗錢/打擊資恐之要求

373. FSC has moved to a risk-based approach to supervision, with some initial steps since late 2015. Its internalisation of risk-based approaches has improved. The measures used by the FSC to understand and assess ML/TF risks of respective sectors and entities reflects a reasonable understanding of some of the threats and vulnerabilities. However there is a need for deeper consideration of a range of key threats and vulnerabilities. While the FSC supervisor has developed risk analysis tools to assess inherent risks of each sector (NRA and SRA findings and consideration of ERA), however the FSC has not sufficiently drawn on LEA and FIU information. The team welcomes the cooperation between FSC and AMLD but highlights a need for more structured regular interaction between FSC and AMLD to jointly consider AML/CFT supervisory choices (e.g. emerging risk areas, thematic supervision to enhance quality of STR filing, etc.). Overall ML/TF risk increasingly serves as a key input in determining the focus and intensity of supervision, although this is taking time to mature.

自 2015 年底以來，金管會已採取一些初步措施朝向以風險為本的監理方法。以風險為本方法的內化已得到改善。金管會用於理解和評估各部門和實體 ML/TF 風險的措施，已反映金管會對某些威脅和弱點具有合理的理解。但是，需要更深入地考慮一系列關鍵的威脅和弱點。雖然金管會監理人員已開發風險分析工具來評估每個部門的固有風險（NRA 和 SRA 結果以及 ERA 的考慮），但金管會還沒有充分利用執法機關和金融情報中心的資訊。評鑑團歡迎金管會和洗錢防制處之間的合作，但強調金管會和洗錢防制處之間需要更有組織化的定期互動，以共同考慮 AML/CFT 監理選擇（例如新興風險領域、專案監理以提高可疑交易報告品質等）。總體而言，ML/TF 風險越來越成為決定監理重點和強度的關鍵因素，儘管這需要時間才能臻於成熟。

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374. FSC has covered AML/CFT examination by conducting full-scope (prudential with element of AML/CFT) supervision, AML/CFT targeted examination (all AML/CFT measures), and thematic AML/CFT examination.

金管會對 AML/CFT 進行檢查，包括一般監理（審慎監理內含 AML/CFT 要素），AML/CFT 目標性檢查（所有 AML/CFT 措施）以及 AML/CFT 專案檢查。

375. FEB is only bureau responsible for on-site examination of all FSC-regulated FIs. As of November 2018, there were 217 onsite examiners, with 45 AML/CFT specialists. FEB use a

supervision manual to conduct AML/CFT targeted (thematic) or full scope on-site examination which covered every aspect of AML/CFT requirements. Time spent onsite, number of staff in the team, scope and sample size are based on individual FI's residual risk.

檢查局是唯一負責對所有金管會監理之金融機構進行現地檢查的機關。截至 2018 年 11 月，共有 217 名現地檢查人員，其中有 45 名 AML/CFT 專家。檢查局使用監理手冊進行 AML/CFT 目標（專案）或一般現地檢查，涵蓋 AML/CFT 要求的各個方面。現地檢查花費的時間、團隊成員數量、檢查範圍和樣本規模均依據個別金融機構的剩餘風險來決定。

376. FSC has used findings of the SRA to determine priority and frequency of onsite examination plans for FIs under FSC's supervision. The SRA also contributed to determining the number of AML/CFT targeted examinations. From 2015 to Q3 2018, the banks are subject to FSC examination on AML/CFT at 69%, while ratio for securities and insurance sectors are lower, 22% and 9% respectively. The SRA itself did not provide detailed risk information about threats, but focused on a sub-set of vulnerabilities, so a number of the determinations may be lacking.

金管會利用部門風險評估的結果決定對金管會監理下的金融機構制定現地檢查計劃的優先順序和頻率。此外，部門風險評估還有助於確定 AML/CFT 目標檢查的數量。從 2015 年到 2018 年第三季，銀行接受金管會防制洗錢/打擊資恐檢查的比率為 69%，而證券和保險部門的比率較低，分別為 22% 和 9%。部門風險評估本身並未提供有關威脅的詳細風險資訊，而是側重於部分弱點，因此可能缺乏一些判斷因素。

377. FSC takes a structured approach to identify ML/TF risks in individual institutions which comprise of 4 levels—very high, high, medium and low. These levels are based on FI's inherent risk level and level of satisfactory of control measures. The frequency of re-assessment is based on the individual FI's residual risk rating. FSC's approach is to use individual FI's residual risk is used to determining the frequency and sample size needed for each institute's on-site examination. The approach is used for every FSC-regulated sector.

金管會採用結構化方法辨識個別機構的 ML/TF 風險，包括 4 個等級-非常高，高，中和低。這些評等係基於金融機構的固有風險水準和控制措施是否令人滿意的等級。重新評估的頻率取決於個別金融機構的剩餘風險評等。金管會的方法是使用個別金融機構的剩餘風險來決定每個機構現地檢查所需的頻率和樣本規模。該方法適用於每個金管會監理的產業。

Table 6.4: Risk-based AML/CFT Examination in depth and frequency (FSC)

表 6.4: 以風險為本防制洗錢/打擊資恐檢查之深度與頻率 (金管會)

Individual FI's residual risk 個別金融機構剩餘風險	Reviewed Samples Needed 所需抽查樣本	Frequency of Targeted Exam 專案檢查頻率
High 高	+30% of benchmark 較基準值提高 30%	At least Biennially 至少 2 年一次
Medium 中	Benchmark (e.g. new opening accounts needed to be reviewed) 依基準值(例如應審查之新開帳戶)	At least Triennial (priority for FI with inferior compliance rating) 至少 3 年一次(優先針對法遵評等較差金融機構)
Low 低	-10% of benchmark 較基準值降低 10%	N/A 不適用

378. While in practice FSC did not strictly follow the timing set out in the banking sector risk matrix conducted in 2017, there are reasonable measures in place to target examinations. FSC

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examined all four banks rated with a 'high' level of risks in 2018. Four other banks rated with 'medium' risks, including those identified as having inferior internal controls relative to their peers, were selected for inspection in 2018. FSC indicated that all four banks that were determined to have 'high' level of risks have been examined in 2018.

雖然實際上金管會並未嚴格遵循 2017 年銀行業風險矩陣中規定的時程安排，但已採取合理措施來確定檢查目標。金管會對 2018 年評等為“高”風險的四家銀行進行了檢查。其他四家被評為“中”風險的銀行，其中包括內部控制相對同業較差者已於 2018 年檢查。金管會表示，所有“高”風險的 4 家銀行均已於 2018 年進行檢查。

379. Concerns remain that the pre-set samples size and frequency of bank supervision may not wholly reflect a risk-based approach. FSC has taken some steps to adjust the frequency and intensity of supervision based on both sectoral and institutional level of ML/TF risks. There is a remaining need for sectors such as domestic bank and OBUs which pose higher risk, to be subjected to more frequent and intense off-site/on-site visit tailored to the risks. Also, with more input regarding threats analysis FSC may focus more on area of products, services, locations, type of customers that pose higher risk. This may be included in thematic examinations underpinned by more detailed AMLD and LEA data.

然而評鑑團仍關注，預先設定的樣本規模和銀行監理頻率可能並不完全反映以風險為本的方法。金管會已採取一些措施，根據部門和機構的 ML/TF 風險水準，調整監理的頻率和強度。對於風險較高的部門如本國銀行和國際金融業務分行等部門，仍然需要根據風險進行更頻繁和更高強度的場外/現地檢查。此外，隨著更多有關威脅的分析投入，金管會可能要更關注較高風險的產品、服務、地理位置和客戶類型等領域。這可能包含在有更詳細的洗錢防制處和執法機關資料支持的主題式檢查中。

380. FSC pursues a reasonable number of AML/CFT onsite examinations, with a balance between prudential plus AML/CFT and AML/CFT only assessments. The tables below illustrate that since 2015, on average 23% of all such supervision is AML/CFT-only (full scope or thematic). It is notable that higher proportions of full-scope AML/CFT visits are focused on higher risk areas (esp. OBUs).

金管會追求合理次數的 AML / CFT 現地檢查，以在審慎附加的 AML / CFT 和單純 AML / CFT 評估之間取得平衡。下表顯示自 2015 年，平均有 23% 的監理是僅針對 AML / CFT（一般或主題），但值得注意的是，有更高比例的一般 AML / CFT 檢查集中在較高風險領域（特別是國際金融業務分行）。

381. The quality of FSC's supervision appears to be relatively high and the agency demonstrates that it has staff who are skilled and experienced in AML/CFT supervision. As of November 2018, 10.4% of FSC's manpower (91 people) was mainly focusing on AML/CFT. FSC may need to apply additional resources, mainly to higher risk scenarios.

金管會監理的品質相對較高，該機關證明，在 AML/CFT 監理方面擁有熟練和有經驗的員工。截至 2018 年 11 月，金管會中 10.4% 的人力資源（91 人）主要專注於防制洗錢/打擊資恐。金管會可能需要應用額外資源，主要是針對更高風險的情況。

382. Onsite supervision by FSC adopts well considered methodologies supported by comprehensive manuals. FSC examiners evaluate the adequacy and effectiveness of AML/CFT/CFP controls based on the bank's own business characteristics and its risk profile. Examiners consider documentation, interviews, sample testing, etc.

金管會的現地監理採用了嚴謹的方法論，並有完整詳盡的手冊。金管會檢查員根據銀行各自的業務特徵及其風險概況，評估 AML / CFT / CFP 控制措施的充分性和有效性。檢查員會參考文件、訪談、抽樣測試等。

Table 6.5: FSC's onsite examinations- All types

(Including prudential examinations with AML/CFT elements and full scope AML/CFT examinations)

表 6.5: 金管會的現地檢查 - 所有類型
(包括涵蓋 AML/CFT 項目的審慎檢查以及全面的 AML/CFT 檢查)

AML/CFT onsite examinations by the FSC 金管會 AML/CFT 現地檢查	2014	2015	2016	2017	2018	Totals
On-site examinations on banking, securities and insurance sectors (prudential incl. AML) 對銀行、證券、保險業的現地檢查(包含 AML 的審慎檢查)						
Banking sectors 銀行業						
Domestic banks (including OBU) (37 FIs) 本國銀行(含國際金融業務分行)(37 家)	56	53	58	71	75	313
OBU 國際金融業務分行	33	29	42	50	28	182
Foreign bank branches in Chinese Taipei (29 FIs) 外國銀行在臺分行(29 家)	15	10	12	14	18	69
Postal Office(1 FI) 郵政機構(1 家)	1	10	1	6	7	25
Credit cooperative associations (23 FIs) 信用合作社(23 家)	13	16	30	20	19	98
Bills finance companies (8 FIs) 票券金融公司(8 家)	7	4	4	6	5	26
Credit card companies (5 FIs) 信用卡公司(5 家)	3	1	2	2	3	11
Electronic payment institutions (5 FIs) 電子支付機構(5 家)	0	0	0	2	1	3
Electronic stored value card issuers (4 FIs) 電子票證機構(4 家)	1	0	1	2	2	6
Subtotal 小計	129	123	150	173	158	733
Securities sectors 證券業						
Securities firms (including OSUs) 證券商(含國際證券業務分公司)	11	30	13	23	17	109
Securities investment trust enterprises (39 FIs) 證券投資信託公司(39 家)	16	24	17	26	19	116
Securities finance (2 FIs) 證券金融事業(2 家)	2	0	2	1	1	6
Centralized securities depository (1 FI) 證券集中保管事業(1 家)	0	0	0	0	1	1
Subtotal 小計	29	54	32	50	38	232
Insurance sectors 保險業						
Life insurance (including OIUs, 23 FIs) 壽險公司(含國際保險業務分公司, 23 家)	17	12	13	15	17	88
Non-life insurance (incl. reinsurance-22 FIs) 產險公司(含再保險, 22 家)	7	10	10	11	7	58
Insurance brokers (approx. 470 FIs) 保經公司(約 470 家)	0	1	0	2	4	7
Insurance agents (approx. 305 FIs) 保代公司(約 305 家)	0	0	0	0	2	2
Subtotal 小計	24	23	23	28	30	155
Annual total 各年度合計	182	200	205	251	226	1,064
Commissioned examinations performed by the FSC 金管會受託檢查						
Credit departments of farmers' associations (288 FIs) 農會信用部(288 家)	100	93	91	116	81	481
Credit departments of fishermen's associations (28 FIs) 漁會信用部(28 家)	10	13	14	12	12	61
ABT (1 institution) 全國農業金庫(1 家)	1	0	1	0	2	4
Total examinations 受託檢查合計	111	106	106	128	95	546

Table 6.6: FSC's onsite examinations- AML/CFT only (including thematic)

表 6.6: 金管會現地檢查-AML/CFT 專案(含主題式檢查)

AML/CFT onsite examinations by the FSC 金管會 AML/CFT 現地檢查	2015	2016	2017	2018	Total
Domestic banks (38) 本國銀行(38 家)	8	17	30	27	82
OBUs (61units) 國際金融業務分行(61 家)	8	24	26	8	66
Foreign bank branches in Chinese Taipei (29 institutions) 外國銀行在臺分行(29 家)	-	3	-	7	10
Postal saving and remittance service provider (1 institution) 辦理儲金匯兌之郵政機構(1家)	10	-	6	6	22
Credit cooperative associations (23 institutions) 信用合作社 (23 家)	6	18	7	8	39
Bills finance companies (8 institutions) 票券金融公司(8家)	-	-	2	2	4
Electronic payment institutions (5) 電子支付機構(5 家)	-	-	2	-	2
Electronic stored value card issuers (4) 電子票證機構(4 家)	-	-	2	-	2
Securities firms (including OSUs) 證券商(含國際證券業務分 公司)	18	-	10	7	35
Securities investment trust enterprises (39) 證券投資信託 公司(39家)	-	-	5	6	11
Securities finance (2 institutions) 證券金融事業(2家)	-	-	1	-	1
Securities investment consulting enterprise 證券投資顧問事 業	-	-	4	2	6
Future commission merchants 期貨商	-	-	-	3	3
Life insurance (including OIUs, 28 institutions) 壽險公司(含 國際保險業務分公司, 28家)	1	-	5	5	11
Non-life insurance (incl. reinsurance-22) 產險公司(含再保 險, 22家)	1	-	2	-	3
Insurance brokers (331 institutions) 保經公司(331家)	1	-	2	4	7
Insurance agents (294institutions) 保代公司(294家)	-	-	-	2	2
Annual totals 各年度合計	53	62	104	87	306

383. Full scope supervision considers elements of assessing risks and related responses; CDD and EDD routines; ongoing monitoring and STR filing; TFS implementation (TF/PF); policies and procedures; and organisation and personnel. Focus areas include correspondent banking controls (policies/procedure and their implementation, 3rd party payments, foreign branches and subsidiaries, etc.).

一般檢查的監理考慮評估風險和相關因應的要素；客戶審查和強化審查的例行性實務；持續監控和可疑交易申報；執行目標性金融制裁（TF / PF）；政策與程序；以及組織和人員。重點領域包括通匯銀行的控制措施（政策/程序及其執行、第三方支付、外國分支機構和子公司等）。

384. FSC has begun to conduct thematic targeted supervision of banks, with some undertaken in response to trigger events, and some arising from findings of risk assessments. In 2015 FSC conducted targeted thematic examination of 8 domestic banks on their deposit account opening and related AML measures in response to FSC/FIU consideration of risks from the proceeds of telecom frauds. In 2016 and 2017 FSC conducted a number of rounds of targeted thematic supervision of OBUs implementation of CDD on beneficial ownership and control of customers. In the same years FSC did thematic targeted supervision on AML controls of foreign branches of domestic banks. In 2018 FSC conducted thematic supervision of TFS implementation on 15 domestic banks.

金管會已開始對銀行進行主題式專案監理，其中一些針對觸發事件進行，另一些針對風險評估結果。在 2015 年，為回應金管會和金融情報中心對電信詐欺收益風險的考量，金管會針對 8 家國

內銀行之存款帳戶開戶和相關防制洗錢措施進行了專案主題性的檢查。2016 年和 2017 年，對於國際金融業務分行針對客戶的實質受益權和控制權執行客戶盡職調查方面，金管會進行了多次針對性專案檢查。同年，金管會對國內銀行之國外分支機構的防制洗錢管控進行了主題式專案檢查。2018 年，金管會對 15 家國內銀行目標性金融制裁之執行，辦理主題式監理。

385. Off-site monitoring is conducted by each of the FSC bureaus and is well implemented. Offsite reviews consider whether policies, procedures and action plans of risk management formulated by FIs are reasonably commensurate with the outcomes of their enterprise-wide risk assessments. In addition, the FSC also evaluates if FIs have appropriate personnel and budgets to implement relevant controls, including their audit. In respect of reviewing methods, the FSC mainly requires FIs to submit relevant reports and conducts individual interviews of each entity in order to understand the FIs' AML/CFT mechanisms in place and the implementation thereof.

金管會各局都有進行場外監控，並且實施良好。場外審查考量金融機構所制定的風險管理政策、程序和行動計畫，是否與其企業整體的風險評估結果一致。此外，金管會還評估金融機構是否有適當的人員和預算來實施相關控制，包括稽核。在審查方法方面，金管會主要要求金融機構提交相關報告，並對每個實體進行單獨訪談，以了解金融機構的現行防制洗錢/打擊資恐機制及其實施情形。

386. FSC has requirements for external auditing by an independent third party. In 2016, the FSC identified 12 banks of high risks, based on the size of total assets and OBU assets as well as onsite examination findings, and required them to have external auditing on the effectiveness of their enterprise-wide AML/CFT risk assessments and AML/CFT programs. For securities firms, in 2017 the FSC required an independent third party to examine the effectiveness of their enterprise-wide AML/CFT risk assessments and AML/CFT programs.

金管會要求獨立第三方進行外部查核。2016 年，金管會根據總資產和國際金融業務分行資產的規模以及現地檢查結果確定了 12 家高風險銀行，並要求他們對其企業整體的 AML/CFT 風險評估及計畫的有效性進行外部查核。對於證券公司，2017 年金管會要求獨立的第三方檢查其企業整體的 AML/CFT 風險評估和 AML/CFT 計畫的有效性。

387. In 2018, the FSC required third parties to examine securities firms and increase the scope and intensity of external audit on banking sector and insurance sector. This included requiring all domestic banks, credit cooperatives, bill finance companies, life insurance companies and 2 non-life insurance companies to commission public certified accountants to conduct an examination on AML/CFT with assurance.

2018 年，金管會要求第三方查核證券公司，並增加銀行業和保險業外部查核的範圍和強度。這包括要求所有國內銀行、信用合作社、票券金融公司、人壽保險公司和 2 家非壽險公司委託會計師對 AML/CFT 辦理查核。

388. For insurance companies, the FSC selected 11 life insurance companies based on the same mechanisms outlined above and subjected them to examination similar to the examination of banks and securities firms (i.e. AML/CFT elements undertaken as part of onsite prudential supervision.

對於保險公司，金管會根據上述相同機制選擇了 11 家人壽保險公司，並對其進行類似於銀行和證券公司的審查（即作為現地審慎監理的一部分進行的 AML/CFT 要素）。

389. Moreover, although banking sector is under supervision of FSC, the Central Bank also conducts examination on wire transfer transactions which decision made on volume of transactions and is wholly rules based. Thus, in this area, the supervision reflects a mix of a risk-sensitive and some rules-based measures.

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此外，雖然銀行部門受到金管會的監理，但中央銀行還對電匯交易進行審查，該交易涉及交易量的決定，且完全以法規為本。因此，在這一領域，監理反映了風險敏感和一些以法規為本措施的混合。

Agricultural FIs

農業金融機構

390. BOAF, has appointed the FSC FEB to conduct onsite examinations of agricultural FIs for both prudential and AML/CFT controls. FEB (FSC) conduct on-site AML/CFT supervision by following BOAF's risk analysis, rather than FSC's own risk assessment. Following FEB on-site examinations, the BOAF or local competent authorities are responsible for taking follow-up actions and help agricultural FIs to improve their AML/CFT compliance.

農金局已委託金管會檢查局對農業金融機構進行現地檢查和防制洗錢/打擊資恐管控。金管會檢查局係依循農金局的風險分析而不是金管會本身的風險評估來進行現地 AML/CFT 檢查。在檢查局現地檢查之後，農金局或地方主管機關負責採取後續行動並幫助農業金融機構改善其防制洗錢與打擊資恐遵循情形。

Foreign currency exchange counters

外幣收兌處

391. The Central Bank identifies ML/TF risks of individual foreign currency exchange counters through the institutional risk assessments to guide its risk based supervision. It also considers findings from earlier supervision as well as the risk factors (geographical region, industry, exchange volume and deficiencies identified in previous inspections) in determining the frequency and scope of inspections for AML/CFT. Exchange volumes and previous inspection findings are given the greatest weight. Applying this methodology, the Central Bank identified 10% (45) of all the counters as high risk, with 35% (152) as medium risk.

中央銀行通過機構風險評估確定個別外幣收兌處的 ML/TF 風險，以指引其以風險為本之監理。它還在確定防制洗錢/打擊資恐檢查的頻率和範圍時，考慮了早期監理的結果以及風險因素（先前檢查中辨識出的地理區域、行業、交易量和弱點）。交易量和以前的檢查結果是最重要的。採用這種方法，中央銀行將所有收兌處的 10%（45）確定為高風險，35%（152）為中等風險。

392. The Central Bank completed operational inspections of each of the 45 high-risk counters between September 2016 and August 2018. In addition, the Central Bank also has an immediate check-up mechanism whereby operational inspection will immediately follow any filing of an STR by a the foreign currency exchange counter.

2016 年 9 月至 2018 年 8 月，中央銀行對 45 個高風險收兌處中進行了業務檢查。此外，中央銀行也有立即檢查機制，在外幣收兌處申報可疑交易報告後，將立即對該外幣收兌處進行業務檢查。

393. On-site inspection of foreign exchange counters focuses on adherence with the Foreign Currency Exchange Counter Regulations, which includes the covered requirements of AML/CFT. The Central Bank has taken follow-up actions including official request to improvements or written counselling and follow-up on deficiencies by BoT.

中央銀行對外幣收兌處進行現地檢查的重點是“外幣收兌處設立和管理辦法”的遵循，這個辦法涵蓋防制洗錢/打擊資恐的要求。中央銀行已採取後續行動，包括正式要求改進或書面諮詢以及對臺灣銀行發現缺失的後續追蹤。

DNFBPs

指定之非金融事業及人員

394. MLCA amendments in 2016-2017 clarified AML/CFT supervisory powers for DNFBPs regulators. Since that time, DNFBP supervisors have taken some steps to monitor AML/CFT compliance within their supervised sectors.

洗錢防制法在 2016~2017 的修正，明訂 DNFBP 主管機關防制洗錢/打擊資恐的監理權力。自此以後，DNFBPs 主管機關就其主管產業開始進行監管行動。

395. In mid-2017, the jewellery retailer supervisor has distributed questionnaires in advocacy activities to learn if the daily businesses and transactions in jewellery business complied with the laws, and to further identify and analyse customer types as well as the existence of large-amount currency transactions and cash payments. The on-site inspections on large-scale jewellers also conducted in 2017. It was found that 3 of them failed to report currency transactions above NT\$500,000 to the MJIB and failed to comply with the regulations regarding CTR and 4 of them have yet to receive trainings in AML and CFT. However, supervisor decided not to punish those who failed to comply with AML/CFT obligations but provided assistances punishments as the one-year assistance period had not expired at the time of the inspections.

銀樓業主管機關在 2017 年度中針對業者發放問卷，瞭解業者在日常業務及交易上，是否遵守相關法令規定，並深入確認及分析顧客樣態、大額現金交易及現金付款之業務狀況。對於大型業者進行之現地檢查亦在 2017 年度進行。主管機關發現 3 家業者未依規定向調查局申報 50 萬元以上之大額通貨交易，4 家業者未接受相關防制洗錢/打擊資恐之訓練。然而，因為 1 年輔導期未滿，主管機關決定不對違反規定之業者進行處罰。

396. Inspections of CPAs in the 12 months since coming under the AML/CFT regime, have focussed on AML internal control systems. FSC has adopted some risk-based inspection method, targeting the inspections on firms with higher risks according to factors like the scale of the firm, number of attestation cases, and types of clients as well as considering the deficiencies found in routine supervision. FSC also signed a collaborative inspection agreement with the Public Company Accounting Oversight Board (PCAOB) of the U.S. and has conducted numerous joint inspections. In 2018, 24 CPA firms were subject to off-site inspection include the 'big four' firms and 14 medium firms which were of higher inherent risks to be included in the inspections; 6 small firms were also included in combining higher inherent risks and noncompliance risks and considering related supervision information. The off-site inspection focus on understanding business and AML/CFT implementation. FSC plans to perform on-site inspections on 8 firms (from large to small firms) from July to December of 2018.

自會計師納入防制洗錢/打擊資恐監管範圍後 1 年內，相關檢查著重於洗錢防制內部控制系統。金管會採取以風險為本之方法，考慮事務所規模、認證案件數量、客戶種類以及一般性檢查之缺失等面向，以高風險業者為主要查核對象。金管會亦與美國 PCAOB 簽訂聯合檢查協定，並執行許多聯合檢查。2018 年，針對 24 家固有風險較高事務所，包含 4 大會計師事務所及 14 家中型事務所，進行場外檢查；就固有風險、未遵循風險較高及考慮其他相關監理資訊，對 6 家小型事務所進行檢查。場外檢查側重瞭解業務及防制洗錢/打擊資恐執行情況。金管會已於 2018 年 7 至 12 月對 8 家業者(從大規模到小規模皆有)進行現地檢查。

397. Lawyers, unlike other DNFBPs, are subject to long-established self-regulation. MOJ plans to conduct a form of on-site supervision with 20 selected law firms beginning in July 2018. This will be done in conjunction with the Bar Association. MOJ is working through a number of logistical issues with the sector, given sensitivities with the new obligations. The standard for selection of firms for on-site supervision are (1) off-site supervision results, those which are thought to have information

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disparity, or which have higher non-compliance risk index; (2) law firms with special business form (i.e., non-partnership alliance of independent lawyers); (3) random samples.

與其他 DNFBP 業者不同，律師長久以來就是高度自律的單位。自 2018 年 7 月起，法務部即規劃結合律師公會選定 20 家業者進行現地檢查。鑑於新法實施的敏感性，法務部持續與業界就邏輯性議題加以溝通。所選現地檢查業者標準為(1)依據場外檢查結果，認定有資訊落差或較高不遵循之風險業者(2)特別營業型態的事務所(如個別律師採非合夥形式之合作)(3)隨機抽樣。

398. According to the 2018 NRA's sectoral vulnerability analysis, real estate brokerages have high levels of vulnerabilities while land administration agents have medium levels of vulnerabilities. DLA considered the availability of existing resources and selected the real estate brokerage sector with higher risks as the target for "offsite supervision" in this round and issued official letters to 40 real estate brokerages (those with the most branches) on April 10, 2018 to request them to fill out offsite supervision questionnaires, which were divided into "ML/TF risks" and "non-compliance risks". DLA conducted on-site inspections in August and September 2018 on 17 real estate brokerages following further review of the returned offsite questionnaires. In October 2018 DLA delivered on-site inspection results and recommended action reports to local governments, associations of land administration agents, real estate agents, and the inspected businesses. These reports urged the businesses to make improvement and strengthen awareness to avoid repeating the same mistakes.

依據 2018 年國家風險評估有關產業弱點的分析，不動產經紀業存在高度弱點，地政士為中度弱點。內政部地政司考量現有資源，選擇較高風險業者進行場外監理，於 2018 年 4 月 10 日發文要求 40 家有最多分支機構之業者填寫場外監理問卷，包括洗錢/資恐風險及未遵循風險。在完成回收問卷的審查後，內政部地政司於 2018 年 8 月和 9 月對 17 家房地產經紀人進行了現地檢查。內政部地政司於 2018 年 10 月向地方政府、地政士公會，不動產經紀人和被檢查企業提供了現地檢查結果和建議行動報告，敦促企業改進並加強意識，避免重複同樣的錯誤。

399. Overall, the AML/CFT supervision on DNFBP sector is ongoing as they recently include in the regime. There are improvements needed especially on maintain an understanding of ML/TF risks within the sector and individual level and more detailed off-site and on-site examination in keeping with risk profile. Previously, AMLO assigned some resources to promote DNFBP's supervision. Therefore, DNFBP supervisors need more resources to strengthen their works on AML/CFT supervision.

整體而言，DNFBP 產業納管不久，防制洗錢/打擊資恐相關監理仍在持續進行。對於瞭解產業及自身洗錢/資恐風險，因應風險分布而進行詳盡的非現地及現地檢查，尚有進步空間。之前洗防辦已經提供部分資源供 DNFBP 的監理運用。因此，DNFBP 主管機關需要更多資源以強化防制洗錢/打擊資恐相關監理工作。

Remedial actions and effective, proportionate, and dissuasive sanctions

改善措施和有效、合乎比例且具勸阻性的處罰

400. FSC has a graduated range of remedial measures that it can impose on financial institutions. A variety of sanction measures in place, such as official requests for improvement, correction orders, reprimands, warning letters, restrictions of businesses, dismissals of directors or managers, among other means to adequately address the AML/CFT deficiencies found in FIs.

金管會對金融機構採取一系列漸進的改善措施，並制定各種處分方式，例如函請改善、糾正、懲戒、警告函、限制業務、解除董事或經理人職務及其他措施，以充分處理金融機構在防制洗錢/打擊資恐發現之缺失。

401. Amendment to the MLCA in 2016, increased fines available for failure to comply with AML/CFT obligations to a range of NT\$500,000 - \$10 million (previously, fines had ranged from

NT\$200,000 to NT\$1 million). Insurance Act amended increased the upper limit of fines to NT\$12 million (from NT\$6 million) for deficiencies involving internal controls. Similar amendments are also planned for the Banking Act and the Securities and Exchange Act with planned increases of from NT\$10 million to NT\$50 million, and from NT\$2.4 million to NT\$4.8 million for banks and securities firms, respectively.

2016 年洗錢防制法修正後，對未遵守防制洗錢/打擊資恐義務之罰款增加至新台幣 50 萬元~新台幣 1000 萬元（此前，罰款金額從新台幣 200,000 元到新台幣 100 萬元不等）。並修訂保險法，將涉及內部控制缺失的罰款上限提高到新台幣 1200 萬元（原為新台幣 600 萬元）。銀行法和證券交易法也計劃進行類似的修訂。對於銀行和證券公司，罰款的上限將分別從新台幣 1000 萬元增加到新台幣 5000 萬元，及從新台幣 240 萬元增加到新台幣 480 萬元。

402. Overall, the financial sanctions imposed on banks, securities and insurance are not proportionate to gaps identified, in particular with rules-based obligations. In some cases, the low quantum of fines available was a problem (for example the Mega International Bank case).

總體而言，對銀行、證券、保險施以的金融裁罰與所辨識出的防制洗錢/打擊資恐落差合乎比例，特別是與以法規為本的義務有關。在某些情況下，可裁處的罰款金額過低是一個問題（例如兆豐國際商業銀行案例）。

403. The fines imposed increased significantly from 2016 to 2017 due to the recent global supervisory focus. It is apparent that sanctions imposed mainly relate to deficiencies or breaches of CTR, CDD (including ongoing monitoring), STR and internal control requirements. Since 2017, FSC has identified more breaches with ongoing monitoring and STR mechanisms.

由於最近的全球監理重點，從 2016 年到 2017 年，罰款額大幅增加。顯然，實施的制裁主要涉及大額通貨交易報告、客戶審查（包括持續監控）、可疑交易報告和內部控制要求的缺失或違反。自 2017 年以來，金管會已通過持續監控和可疑交易報告機制辨識了更多違規行為。

404. One of the most severe punishments imposed by supervisory authorities in the last three years includes the incident in which Mega International Bank was fined by the US DFS in 2016. The FSC imposed a range of sanctions as set out in the case study below.

監理機關在過去三年中施加的最嚴厲的處罰之一包括 2016 年兆豐國際商業銀行被美國紐約金融服務署罰款的事件。金管會施以一系列的處罰措施如下案例所列。

Case Example 6.2: Fines imposed on Mega International Bank's New York branch

Onsite examinations by the New York State Department of Financial Services (DFS) in 2015 found that the New York branch had engaged in suspicious transactions with its Panama Branch, and failed to provide an adequate explanation. In 2016 Mega International Bank was fined USD 180 million by the DFS over its New York branch's inferior internal controls and failure to carry out exhaustive CDD, while the head office had failed to provide adequate oversight. This was the highest fine to have ever been imposed on the overseas location of a domestic financial institution.

FSC established an inter-agency taskforce, and found Mega Bank had exhibited multiple deficiencies with compliance, internal audits, independence and expertise of compliance officers, internal report procedures, and communication with competent authorities. The FSC imposed a maximum fine of NTD 10 million (approx. USD330,000), along with a correction order. It suspended the bank's application for the establishment of additional overseas branches until the deficiencies were completed rectified, and removed a director who was a representative of a legal person (a financial holding company). The FSC also ordered the bank to dismiss senior executives including its general manager, manager of the New York Branch, vice president, chief auditor, and chief compliance officer.

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案例 6.2：對兆豐國際商業銀行紐約分行處以罰款

紐約金融服務署（DFS）在 2015 年的現地檢查發現，該行紐約分行與其巴拿馬分行進行可疑交易，但未提供合理的解釋。2016 年兆豐國際商業銀行因其紐約分行的內控欠佳以及未能執行詳盡的客戶審查，且總行未能提供充分的監督，故被紐約金融服務署處以 1.8 億美元的罰款。這是有史以來國內金融機構在海外遭懲處的最高罰款。

金管會建立一個跨機構工作小組，發現兆豐銀行在法遵、內部稽核、法遵長的獨立性和專業性、內部報告程序以及與主管當局的溝通方面呈現多處缺失。金管會處以最高罰款新台幣 1,000 萬元（約合 330,000 美元）以及糾正；暫停該銀行增設海外分支機構的申請，直到缺失完全改善為止，並罷免一名法人代表董事（一家金融控股公司）。金管會還下令該行解僱高級管理人員，包括其總經理、紐約分行經理、副總經理、總稽核和法遵長。

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Table 6.7: Sanctions levied by the FSC for AML/CFT failings

表 6.7: 金管會對 AML/CFT 缺失裁罰情形

Year 年度		Fines 罰鍰	Measures other than correction orders 糾正以外措施	Correction orders 糾正	Official letter requesting improvement 函請改善	Total 合計
2014	Banking 銀行業	1	0	0	96	97
	Securities 證券業	0	0	0	29	29
	Insurance 保險業	0	0	0	24	24
	Subtotal 小計	1	0	0	149	150
2015	Banking 銀行業	0	0	0	95	95
	Securities 證券業	0	1	3	56	60
	Insurance 保險業	1 (USD 80k)	0	0	24	25
	Subtotal 小計	1	0	3	175	180
2016	Banking 銀行業	17 (USD 1.63m)	10	10	131	168
	Securities 證券業	0	0	3	53	56
	Insurance 保險業	3	0	7	23	33
	Subtotal 小計	20	10	20	207	257
2017	Banking 銀行業	16 (USD 1.05m)	1	28	124	169
	Securities 證券業	1 (USD 20k)	3	14	59	77
	Insurance 保險業	0	0	2	29	31
	Subtotal 小計	17	4	44	212	277

2018 (Jan/Sep)	Banking 銀行業	8 (USD 90k)	0	18	99	125
	Securities 證券業	0	0	30	37	67
	Insurance 保險業	7 (USD 106,667)	2	30	23	62
	Subtotal 小計	15	2	78	159	254
Totals 合計		54 (approx. USD 3 million)	16	145	902	1117

405. For Agricultural FIs, prior to the implementation of the amended MLCA, violations were mostly punished by official letter requesting improvement, corrections, or other administrative penalties. Despite the implementation of amended MLCA and regulations commencing in June 2017, the BOAF focuses on providing guidance and assistance to increase the awareness and operations of agricultural FIs toward AML/CFT, rather than supervision. In case of breaches involving AML/CFT obligations, BOAF has mostly issued official letters to the local competent authorities to request more supervision for improvements and instruct the ABT to strengthen guidance and assistance. More needs to be done by supervisors to impose effective remedial actions or sanctions.

農業金融機構部分，在實施經修訂的洗錢防制法之前，農業金融機構的違規行為大多受到要求改進、更正函或其他行政處罰的處罰。儘管自 2017 年 6 月開始實施經修訂的洗錢防制法和法規，但農金局的重點是提供指導和幫助，以提高農業金融機構對防制洗錢/打擊資恐的認識和運作，而不是監理。如果涉及防制洗錢/打擊資恐義務的違規行為，農金局主要向當地監理機關發公文，要求對改進進行更多監理，並指示全國農業金庫加強指導和協助。監理者需更加努力，以確保所採取之補救措施或裁罰的有效性。

406. For foreign currency exchange counters, sanctions for AML/CFT are only available in the *Foreign Currency Exchange Counters Regulations*. These sanctions include official letter from BoT for remedial action or cancelling the approval for serious violations of regulations. No fines are available to enforce compliance. From 2014 to June 2018, the Central Bank inspected 465 foreign exchange counters and issued 398 official letters for AML/CFT violations and issued 439 letters requiring remedial actions. Only in one case were breaches serious enough to cancel the approval to operate.

外幣收兌處部分，違反防制洗錢/打擊資恐要求的制裁僅規定於“外幣收兌處設置及管理辦法”。這些制裁措施包括透過臺灣銀行函請其後續改善，或對嚴重違反規定者廢止其核准。但沒有罰款可以強制業者遵循。2014 年至 2018 年 6 月，中央銀行檢查了 465 個外幣收兌處，發出 398 份違反防制洗錢/打擊資恐法規的公文，及 439 封要求採取改善措施的公文。只有一起案件，因違規行為嚴重到足以廢止其營業許可。

Table 6.8: Sanctions imposed for AML/CFT violations by foreign currency counters

表 6.8: 外幣收兌處違反 AML/CFT 規定受裁罰情形

Year 年度	Counters inspected 受查家數	Issue official letter 函請改善	Cancel approval 廢止核准
2014	64	49	-
2015	61	37	-
2016	80	69	-
2017	147	136	1
2018 (Q1 to Q2)	113	107	-
Totals	465	398	1

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DNFBPs

指定之非金融事業及人員

407. DNFBPs were brought into the MLCA framework in June 2017. As such, fines had not yet been imposed, but some remedial actions had been taken, following an initial round of off-site and limited on-site inspections of some sectors. The efforts put in place by relevant authorities with each DNFBP sector is an important foundation for future supervision and promotion of risk-based AML/CFT implementation amongst the DNFBPs.

2017年6月，DNFBP被納入洗錢防制法。因此，雖尚未實施罰款，但在對一些部門進行了第一輪場外檢查和有限的現地檢查之後，已採取了一些補救措施。有關當局與每個DNFBP部門的努力是未來監理和促進DNFBP以風險為本實施AML/CFT的重要基礎。

6

Impact of supervisory actions on compliance 監理行動對法遵的影響

408. The fines imposed on banks, securities, and insurance for AML/CFT breaches are relatively low and may not be wholly proportionate. However, it should be noted that fines and the publication of the fines and the negative findings, are contributing to significant changes in the culture and conduct of compliance in Chinese Taipei. The overall effects of remedial measures, enforcement actions and reputation damage appear to positively influence compliance. Supervisory actions are, overall, having a very significant impact on compliance and a move towards a risk-based approach across the financial sector and, more recently, with DNFBPs. According to off-site and on-site examination results in recent years, FSC stated that FIs have enhanced their understanding of the AML/CFT obligations, devoted significant amount of resources, and established systems and procedures to improve examination deficiencies. However, CDD measures (including the identification of beneficial owners and PEPs), ongoing CDD, and transaction monitoring are still challenging for FIs. The authorities, including AMLO and supervisors and SRBs stressed that their efforts have helped DNFBPs to improve their awareness of ML/TF risks and obligations in each sector.

對於有防制洗錢/打擊資恐違規行為的銀行業、證券業和保險業的罰款相對較低，可能並不完全相稱。但是，應該指出的是，罰款以及罰款和負面檢查結果的公佈，都會導致中華臺北的法遵行為和文化發生重大變化。補救措施、執法行動和聲譽損害的總體影響似乎對法遵產生積極影響。總體而言，監理行動對法遵產生了非常重大的影響，並在整個金融部門和最近的DNFBP中採用以風險為本的方法。根據近年來的場外和現地檢查結果，金管會表示金融機構已加深了對AML/CFT義務的了解，投入了大量資源，並建立了改善檢查缺失的系統和程序。但是，客戶審查措施（包括辨識實質受益人和重要政治性職務人士）、持續的客戶審查和交易監控對於金融機構而言仍然充滿挑戰。包括洗防辦、監理機關以及公會在內的主管機關強調，他們的努力幫助DNFBP提高了對每個部門ML/TF風險和義務的認識。

409. Given that the stakes of AML/CFT breaches are getting higher especially the cases of fines imposed by US authority, the industry-wide awareness of AML/CFT compliance in the financial sector is increasing and more resources have been dedicated by FI/DNFBPs. For example, dedicated AML/CFT officers of domestic banks have increased to 1,079 at end-March 2018 from 171 at the end of 2014. The growth rate is over 500%.

鑑於防制洗錢/打擊資恐違規行為越來越高，特別是美國當局罰得越來越重，金融部門對行業範圍內防制洗錢/打擊資恐法遵的意識提高，而且金融機構/DNFBP都投入更多的資源。例如，2018年3月底為止，國內銀行專門的防制洗錢/打擊資恐人員從2014年底的171人增加到1,079人。增長率超過500%。

Promoting a clear understanding of AML/CFT obligations and ML/TF risks

促進對AML/CFT義務和ML/TF風險的清楚瞭解

410. FSC's efforts promote a clear understanding among FIs of their AML/CFT obligations and ML/TF risks by establishing long-term partnerships and engaging in ongoing communications with sectors through their associations, holding meetings, coordinating the financial industry to hold training courses and advocacy sessions, and setting up dedicated AML/CFT webpages. FSC also advises on sectoral guidance issued by associations. FSC has an established long-term partnership and ongoing communication with the financial sector especially through the establishment of task-force and one-on-one communication to maintain understanding of AML/CFT obligations and discussion on emerging ML/TF risks.

金管會透過建立長期合作夥伴關係，並透過公會與各部門進行持續溝通、召開會議、協調金融業舉辦培訓課程、宣傳會議及設立專門的防制洗錢/打擊資恐網頁，促進金融機構明確瞭解其防制洗錢/打擊資恐義務和 ML/TF 風險。金管會還對公會發布的部門指引提出建議。金管會與金融部門建立了長期合作夥伴關係和持續溝通，特別是通過建立工作小組和一對一溝通，以保持對防制洗錢/打擊資恐義務的理解，並討論新出現的 ML/TF 風險。

411. In addition to the formation of AML task force in May of 2017 to plan for the amendments of regulations and enforcement of guidance and assistance, there are several follow-up actions on inspected agricultural FIs to ensure they have sound understanding of AML/CFT obligations. Competent authorities continue to hold educational trainings each year and since 2016, the AML/CFT subjects were incorporated into relevant courses. AML/CFT guidelines for agricultural FIs were issued and BOAF has established an AML/CFT Section on its website to provide the latest relevant regulations of AML/CFT and Q&A for reference.

除了 2017 年 5 月成立防制洗錢工作小組以計劃修訂法規和執行指引和援助之外，還對受檢的農業金融機構採取了若干後續行動，以確保他們對防制洗錢與打擊資恐義務有充分的理解。自 2016 年起監理機關每年持續舉辦教育訓練，防制洗錢/打擊資恐被納入相關課程。農金局發布了農業金融機構防制洗錢/打擊資恐準則，並在其網站上設立了防制洗錢/打擊資恐專區，以提供防制洗錢/打擊資恐和問答的最新相關規定供參考。

412. The Central Bank conducted public engagements in 2017 and 2018 to explain the rationale for amendments made to relevant Regulations. The Central Bank has hosted seminars and training. In addition, BoT issued SOPs, Q&A and other guidelines for foreign currency exchange counters to understand their AML/CFT obligations. These are also available on website for the counters to review and download.

中央銀行在 2017 年和 2018 年舉行公開活動，以說明相關辦法之修正意旨，並舉辦研討會和培訓。此外，臺灣銀行亦發布外幣收兌處標準作業程序、Q&A 和其他指引，以促其了解 AML/CFT 義務。這些並放在網站上供業者查閱和下載。

DNFBPs

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413. Most DNFBPs were involved in the drafting and provided their feedback on new obligations regarding AML/CFT. Many meetings between authorities, SRBs and senior officials were held prior to this round mutual evaluation. The competent authorities have consulted opinions from the associations on training, and composition of guidance, as well as on the amendments of related regulations.

大多數 DNFBP 有參與修法草擬過程，並提供相關新增防制洗錢/打擊資恐義務之回饋意見。第三輪相互評鑑之前，主管機關、公會及高階官員已舉行許多會議。主管機關就培訓，指引構成以及相關法規的修訂已徵求各協會的意見。

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414. Best practice Guidance Notes on Implementing Anti-Money Laundering and Countering the Financing of Terrorism for DNFBPs" was developed by AMLO and supervisors. It has recently been implemented by all DNFBPs to ensure they adopt consistent methods of AML and CFT, as well as ensure the supervisory authorities adopt consistent interpretations of the MLCA and the CTF Act.

執行防制洗錢/打擊資恐最佳指引由洗防辦及主管機關制定。最近提供 DNFBP 作為執行參考，以確保採行一致之防制洗錢/打擊資恐方法，並確保主管機關就洗防法及資恐防制法採取一致性解釋。

415. However, in the near future, relevant authorities should consider developing the detailed guidelines for specific DNFBP sector to response to threats and risks regarding specific activity.

然而，不久的將來，相關主管機關應考慮對特定 DNFBP 產業建立更詳細的指引，以呼應相關威脅及特定活動風險。

Overall conclusions on Immediate Outcome 3

直接成果 3 之整體結論

416. Fit and proper checks by supervisors are generally sound, though there is a need to enhance controls against criminal associates, and implementation for select FI/DNFBP. A risk-based supervisory regime is in place for FIs and DNFBPs, though the latter have only been recently included and more needs to be done to improve both monitoring capabilities and regulatory transparency with respect to clearly-defined statutory powers. FSC's frequency scope and intensity of offsite and onsite supervision is increasingly based on the identified risks. Chinese Taipei's supervisory regime is holistic, encompassing close cooperation through private-public associations, through to graduated remedial measures towards ensuring AML/CFT compliance. However, there are opportunities for improvement including regular risk inputs from the FIU and LEAs. Fines imposed on FIs for serious AML/CFT breaches are relatively low and may not be wholly proportionate. Going beyond fines, the overall effects of remedial measures, enforcement actions and reputation damage appear to positively influence compliance.

監理機關對適格性的審查普遍是健全的，但需要加強對罪犯關係人的控管，以及對特定金融機構 / DNFBP 實施。金融機構和 DNFBP 已經建立以風險為本的監理制度，儘管後者最近才被納入，並且在明定的法定權力方面需要更加努力以提高監督能力和監管透明度。金管會場外和現地監理的頻率範圍和強度，愈趨近已識別的風險。中華臺北的監理制度是全面的，包括透過與私-公協會的密切合作，透過漸進的補救措施，來確保 AML/CFT 的遵循。但還有改進的空間，包括金融情報中心和執法機關的定期風險資訊的提供。對於金融機構嚴重的 AML/CFT 違規行為，罰款相對較低，可能並不完全合乎比例。罰款以外，補救措施、執法行動和商譽損害的整體影響似乎對法遵產生積極影響。

417. **Chinese Taipei has a moderate level for effectiveness for Immediate Outcome 3.**

中華臺北在直接成果 3 之評等為中度有效。