

# 大殺傷力武器擴散融資風險評估及緩解

## *Proliferation Financing Risk Assessment and Mitigation*

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香港特別行政區政府 商務及經濟發展局  
Commerce and Economic Development Bureau  
The Government of the Hong Kong Special Administrative Region

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# 內容

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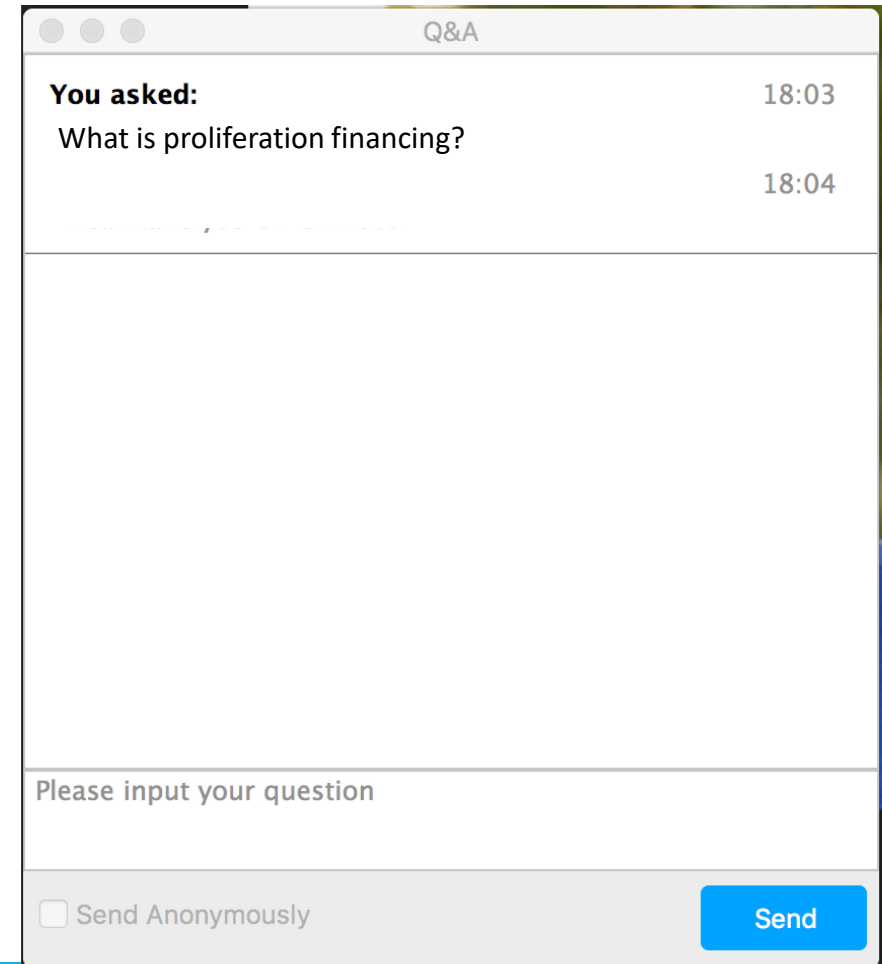
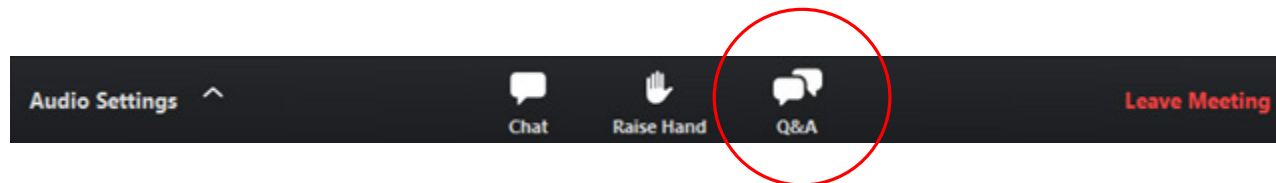
1. 介紹反大殺傷力武器擴散融資及針對性財政制裁的相關概念  
Introduction to concepts related to proliferation financing and targeted financial sanctions
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3. 財務行動特別組織就大殺傷力武器擴散融資風險評估的要求  
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Actions to mitigate proliferation financing risks
5. 問答環節  
Q&A Session

# 如有提問...

*To raise a question...*

請利用「問答」功能，輸入你的提問。

Make use of the Q&A function to raise a question.



# 1

## 大殺傷力武器擴散融資及 針對性財政制裁

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PROLIFERATION FINANCING AND  
TARGETED FINANCIAL SANCTIONS

# 何謂大殺傷力武器擴散融資？

*What is proliferation financing (PF)?*

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- 財務行動特別組織的定義：  
Definition provided by the Financial Action Task Force (FATF) –

*... providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, trans-shipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons and their means of delivery and related materials (including both technologies and dual use goods used for non-legitimate purposes)...<sup>1</sup>*

<sup>1</sup> Source: <https://www.fatf-gafi.org/media/fatf/documents/reports/Status-report-proliferation-financing.pdf>

# 何謂針對性財政制裁？

## *What is targeted financial sanction (TFS)?*

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- 財務行動特別組織的建議七 - 「與大殺傷力武器擴散相關的針對性財政制裁」：  
FATF's Recommendation 7 – “Targeted Financial Sanctions related to Proliferation” –
  - 要求各地執行針對性財政制裁，以落實聯合國安理會針對防止大殺傷力武器擴散通過的決議  
Requires jurisdictions to implement TFS to comply with UNSC Resolutions relating to the prevention of proliferation of weapons of mass destruction

*...to freeze, without delay, the **funds or other assets** of, and to ensure that no funds and other assets are made available to, and for the benefit of, **any person or entity designated** by the United Nations Security Council... <sup>1</sup>*

# 何謂針對性財政制裁？

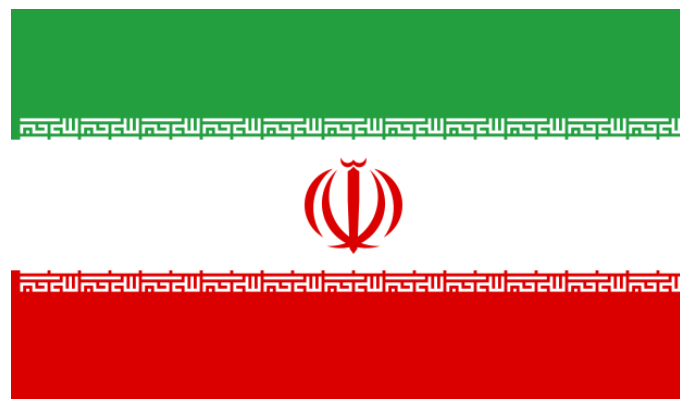
*What is targeted financial sanction (TFS)?*

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- 在財務行動特別組織的層面，大殺傷力武器擴散融資只針對以下兩個國家：  
At the FATF level, PF relates only to the following countries –



朝鮮民主主義人民共和國（「朝鮮」）  
The Democratic People's Republic of Korea  
(DPRK, more commonly known as "North Korea")



伊朗  
Iran



# 何謂針對性財政制裁？

## *What is targeted financial sanction (TFS)?*

- 因此，針對性財政制裁就是針對聯合國安理會轄下的與朝鮮及伊朗相關的委員會所指明的人士及實體

PF TFS targets only persons or entities designated by the UNSC committees related to the DPRK and Iran

國家 Regime	指明人士 Designated persons	指明實體 Designated entities	最後更新日期 Last update on
朝鮮 <sup>1</sup> DPRK	80	75	2020年5月11日 11 May 2020
伊朗 <sup>2</sup> Iran	23	61	2016年1月17日 17 January 2016

<sup>1</sup> Source: <https://www.un.org/securitycouncil/sanctions/1718/materials>

<sup>2</sup> Source: <https://www.un.org/securitycouncil/content/2231/list>

# 2

## 香港打擊大殺傷力武器擴散融資的制度

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COUNTER-PROLIFERATION FINANCING REGIME IN HONG KONG

# 相關法例

## *Relevant laws*

**聯合國制裁條例（香港法例第537章）**  
**United Nations Sanctions Ordinance**  
**(Cap. 537)**

聯合國制裁（朝鮮民主主義人民共和國）規例  
*United Nations Sanctions*  
*(Democratic People's Republic of Korea) Regulation*<sup>1</sup>

聯合國制裁（聯合全面行動計劃—伊朗）規例  
*United Nations Sanctions (Joint Comprehensive*  
*Plan of Action—Iran) Regulation*<sup>2</sup>

<sup>1</sup> Source: [https://www.elegislation.gov.hk/hk/cap537AE!en?INDEX\\_CS=N](https://www.elegislation.gov.hk/hk/cap537AE!en?INDEX_CS=N)

<sup>2</sup> Source: [https://www.elegislation.gov.hk/hk/cap537BV!en?INDEX\\_CS=N](https://www.elegislation.gov.hk/hk/cap537BV!en?INDEX_CS=N)

# 針對性財政制裁 – 條例要求

## *Targeted financial sanctions (TFS) – Requirements under Regulations*

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- 根據聯合國制裁條例下的規例：  
According to the Regulations under the United Nations Sanctions Ordinance –
  - 不得為以下人士或實體提供或處理資金、其他財務資產或經濟資源：  
**NOT** to make available or deal with funds, other financial assets or economic resources of:
    - a) 聯合國安理會指明的人士或實體；及  
individuals or entities designated by the United Nations Security Council; and
    - b) 代表上者、按上者指示行事或由上者控制的人士或實體  
individuals or entities acting on behalf of, or at the direction of (a); or entities owned or controlled by (a).

# 相關法例

*Relevant laws*

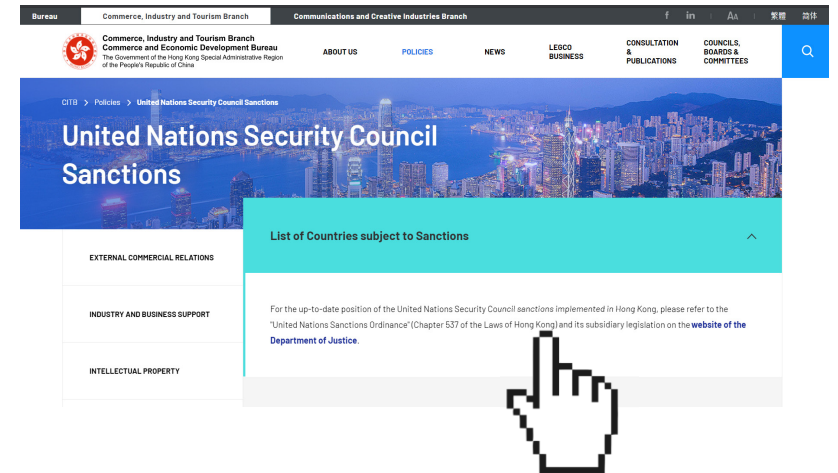
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**大規模毀滅武器（提供服務的管制）條例（香港法例第526章）  
Weapons of Mass Destruction (Control of Provision of Services) Ordinance  
(Cap. 526)**

# 更新制裁名單

## *Updating of sanctions list*

- 如聯合國安理會更新其制裁名單，商務及經濟發展局會隨即更新網頁（朝鮮名單）或刊憲（伊朗名單）  
If the UNSC updates its sanctions lists, the Commerce and Economic Development Bureau will publish the updated list on website (for DPRK), or in the gazette (for Iran)
- 最新的名單一經刊登，相關的針對性財政制裁即在本地生效  
Once the updated list is published, the relevant TFS will be in force in Hong Kong
- 任何人如違反相關制裁，可判罰款及最高監禁七年  
Anyone who contravenes the relevant sanction is liable to fine and maximum imprisonment for 7 years



<https://www.cedb.gov.hk/citb/en/policies/united-nations-security-council-sanctions.html>

# 3

## 財務行動特別組織就 大殺傷力武器擴散融資風險評估的要求

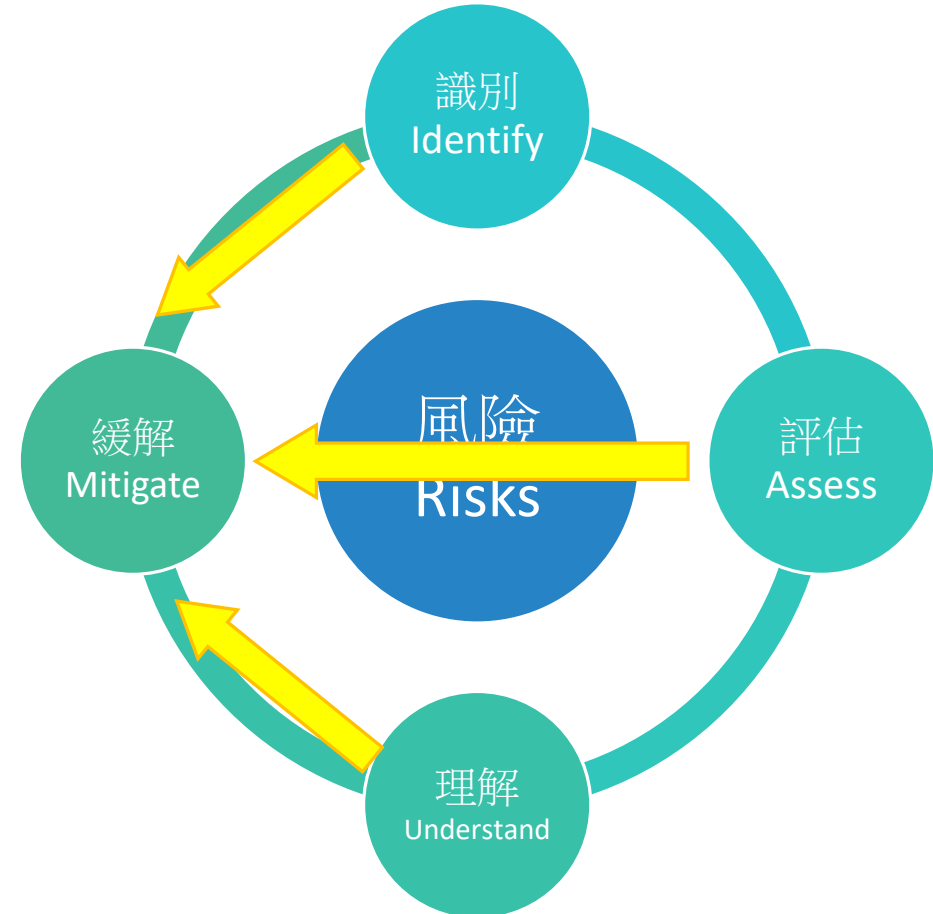
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FATF'S REQUIREMENTS FOR PROLIFERATION FINANCING  
RISK ASSESSMENT

# 財務行動特別組織對風險評估的要求

## FATF's Requirement for Risk Assessment

- 財務行動特別組織建議一 - 「風險評估及實施風險為本方法」  
FATF Recommendation 1 - “Assessing Risk and Applying Risk-based Approach”
- 須識別、評估及理解風險  
Should identify, assess and understand risks
- 從而採取適當措施，將風險緩解至較低或可接受水平  
Develop appropriate measures to mitigate the risk to a lower or acceptable level

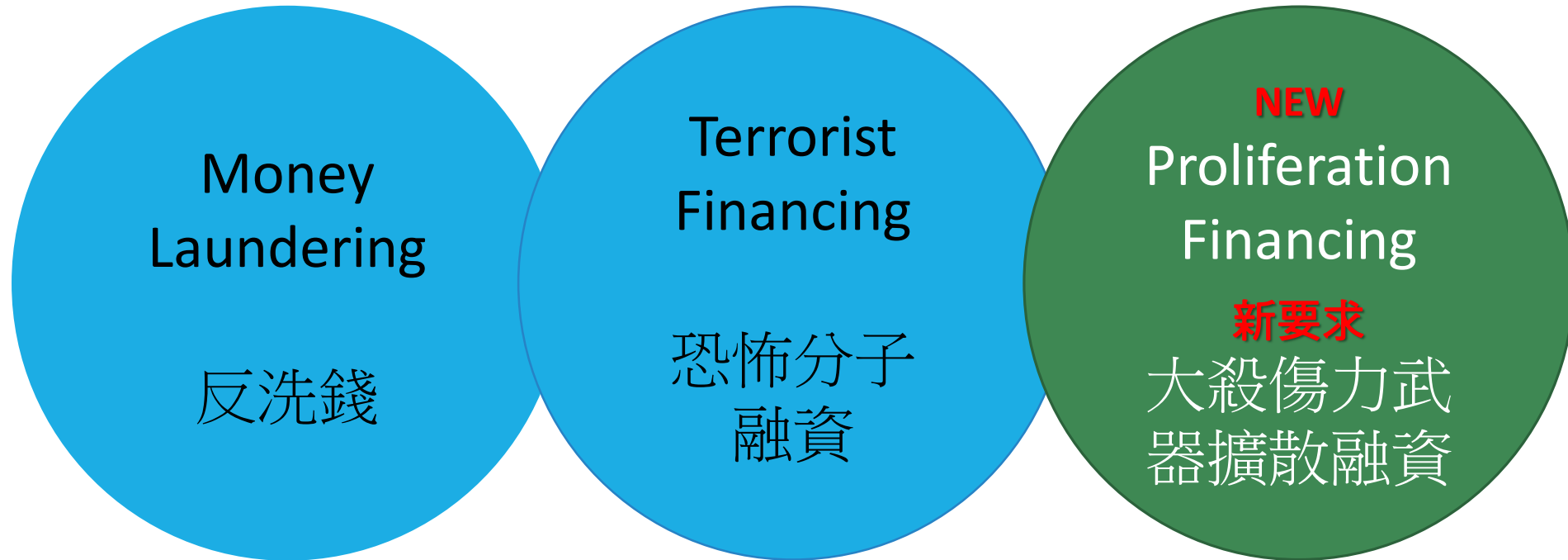




# 大殺傷力武器擴散融資風險評估

## *PF Risk Assessment*

- 財務行動特別組織於2020年10月通過修訂建議一  
FATF has adopted amendments to Recommendation 1 - “Assessing Risk and Applying Risk-based Approach” in October 2020



# 大殺傷力武器擴散融資風險評估

## PF Risk Assessment

- 財務行動特別組織建議一中的「大殺傷力武器擴散融資風險」是指：  
The PF Risk referred to in the FATF Recommendation 1 refers to –

*the potential breach, non-implementation or evasion of the targeted financial sanctions obligations referred to in Recommendation 7*

- 可以在私營實體現存的針對性財政制裁或合規工作內進行  
May be done within the framework of a private sector entity's existing TFS and/or compliance programmes

聯合國安理會針對朝鮮及伊朗  
實施的針對性財政制裁  
TFS implemented by UNSC  
against DPRK and Iran

# 大殺傷力武器擴散融資風險評估

## *PF Risk Assessment*

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- 潛在違反及不執行相關責任的風險可能在以下情況出現：  
The risk of **potential breach or non-implementation** may materialize in the following situations –
  - 客戶盡職審查不足  
Weak customer due diligence procedures
  - 未有持續監察  
Weak on-going monitoring processes
  - 員工訓練不足  
Lack of staff training
  - 不一致或欠彈性的篩查過程  
Irregular or inflexible screening procedures
  - 缺乏合規意識  
General lack of compliance culture

# 大殺傷力武器擴散融資風險評估

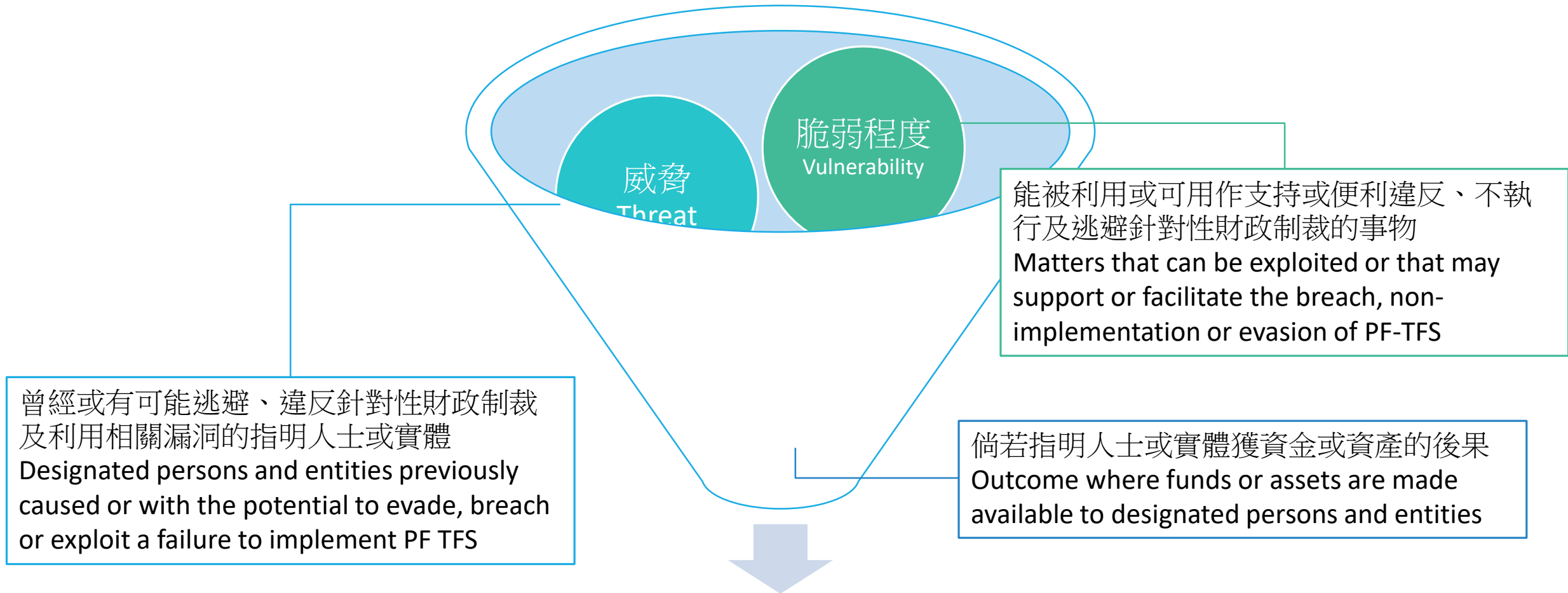
## *PF Risk Assessment*

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- 潛在逃避相關責任的風險可能在以下情況出現：  
The risk of **potential evasion** may materialize in the following situations –
  - 指明人士或實體利用空殼或掩護公司  
Use of shell or front companies by designated persons or entities
  - 假戶口  
Dummy accounts
  - 假中介  
Fraudulent intermediaries
  - 假業務  
Fraudulent businesses

# 大殺傷力武器擴散融資風險評估

## PF Risk Assessment



# 資料來源

## *Potential source of information for identifying PF risks*

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- 公司或集團的客戶盡職審查資料庫（特別是與實益擁有權相關的資料）  
Firm and group-wide databases containing customer due diligence (CDD) information (in particular information related to beneficial ownership)
- 買賣兩用或受出口管制產品的交易紀錄  
Transaction records involving the sale of dual-use goods or good subject to export control
- 聯合國專家小組報告  
United Nations Panel of Experts Report
- 《洗錢及恐怖分子資金籌集風險評估報告》  
*Hong Kong Money Laundering and Terrorist Financing Risk Assessment Report*
- 監管機構發表的行業報告  
Sectoral reports published by regulators
- 同業資料分享  
Information sharing from other members of the industry
- 財務行動特別組織相互評估報告  
FATF Mutual Evaluation Reports
- 政府機構的資料庫例如公司註冊處、由監管機構發布的名冊、土地註冊處  
Databases of public authorities e.g. Companies Registry, registers maintained by regulators, Land Registry
- 商業資料庫  
Commercial database

# 風險指標

## *Risk Indicators*

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- 客戶資料風險指標

### Customer Profile Risk Indicators

- 客戶有否在盡職審查過程中，就其商業活動提供含糊或不完整的資料？  
Did the customer provide vague or incomplete information about their proposed trading activities during customer on-boarding due diligence?
- 客戶在追問下，會否不願意提供額外資料？  
Is the customer reluctant to provide additional information about their activities when queried?
- 在盡職審查階段，客戶（或實體客戶的東主或管理層）曾否出現在制裁名單或負面新聞？  
At due diligence stage, does any customer (or the owners or senior managers of an entity customer) appeared in sanctions lists or negative news?
- 客戶是否與大學或研究機構有聯繫、而又牽涉兩用或受出口管制物品的貿易？  
Is the customer affiliated with a university or research institution, and involved in the trading of dual-use goods or good subject to export control?

# 風險指標

## *Risk Indicators*

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- 戶口或交易活動風險指標

### Account and Transaction Activity Risk Indicators

- 可有跡象顯示宣稱從事商業活動的顧客，進行有可能顯示其實為匯款或支付過渡帳戶的交易？如頻繁的大額交易，或沒有清晰商業原因的小額每日結餘？  
Are there any signs that indicate a customer, declared to be a commercial business, conducts transactions that suggests they are acting as a money-remittance business or a payable through account? Such as rapid movement of high-volume transactions, small end-of-day balance without clear business reasons, etc?
- 交易雙方是否居住／有業務在與大殺傷力武器擴散可能有關的國家（即朝鮮或伊朗）？  
Is the originator or beneficiary of a transaction is a person or an entity domiciled in a country of proliferation concern (i.e. DPRK and Iran)?
- 交易是否牽涉到兩用產品、受出口管制的物品或複雜的儀器？如有，客戶的技術背景或報稱的業務是否相稱？  
Does the transaction involve dual-use goods or goods subject to export control goods or complex equipment. If so, does the customer have congruent technical background or stated line of activity?



# 脆弱之處

## *Vulnerability*

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- 香港的結構性脆弱之處

### Structural vulnerability of Hong Kong

- 國際金融中心  
International financial centre (IFC)
- 較部分其他國際金融中心近朝鮮及伊朗  
Geographically closer to DPRK and Iran than some other IFCs
- 進入市場及成立公司較易  
Ease of market entry and company formation
- + 不受任何聯合國安理會制裁  
Not subject to any UNSC sanctions
- + 管治良好  
Strong governance
- + 罪案及貪污率低  
Low crime and corruption rate
- + 有效的法律框架  
Effective legal framework
- + 執行聯合國安理會制裁及時  
Timely implementation of UNSC sanctions
- + 有能力進行複雜的財務調查  
Ability to conduct complex financial investigations

# 脆弱之處

## *Vulnerability*

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- 行業脆弱之處  
Sectoral vulnerability
  - 低大殺傷力武器擴散融資風險意識  
Low PF risk awareness
  - 對針對性財政制裁的要求認識不足  
Low understanding of TFS requirements
  - 合規意識不足  
Overall weak culture of compliance
  - 資金流動複雜  
Complexity of funds movement

# 脆弱之處

## *Vulnerability*

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- 客戶脆弱之處  
Customer vulnerability
  - 大量高風險客戶  
High number of high risk customers
  - 頻繁的跨境交易  
Often carrying out cross-border transactions
  - 牽涉法人或法律安排、代其行事  
Involving legal person or arrangement, or acting on their behalf

# 脆弱之處

## *Vulnerability*

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- 交易脆弱之處  
Transaction vulnerability
  - 大量高風險交易  
Large number of high risk transactions
    - 跨境交易？  
Cross-border transactions?
    - 牽涉多間空殼或掩護公司？  
Involving multiple shell or front companies?
    - 源自、經由或目的地為落實針對性財政制裁或財務行動特別組織標準不足的海外地區  
Originating from, transiting through or designating overseas jurisdiction with weak implementation of TFS obligations or FATF standards
    - 與私人公司表明的業務無關  
Unrelated to private sector firm's stated business profile

# 風險評估

*Risk Assessment*

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# 大殺傷力武器擴散融資風險評估

## *Reference materials for PF Risk Assessment*

- 財務行動特別組織今年6月發表《大殺傷力武器擴散融資風險評估及緩解指引》  
*FATF published a **Guidance on PF Risk Assessment and Mitigation** in June*
- 有關本港目前的風險，可以參閱2018年4月發表的《洗錢及恐怖分子資金籌集風險評估報告》  
*For the current ML/TF/PF risk of Hong Kong, please refer to the **Hong Kong Money Laundering and Terrorist Financing Risk Assessment Report** published in April 2018*
- 政府計劃將於年底發表第二份《洗錢及恐怖分子資金籌集風險評估報告》，預計會專題講述大殺傷力武器擴散融資的風險  
*The Government will publish the second **Hong Kong Money Laundering and Terrorist Financing Risk Assessment Report** by end of this year, which is expected to include a separate chapter on PF*



# 4

## 緩解大殺傷力武器擴散融資風險

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ACTIONS TO MITIGATE PROLIFERATION FINANCING RISKS

# 緩解大殺傷力武器擴散融資風險

## *Mitigating PF Risks*

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- 財務行動特別組織要求採取合乎比例的措施以緩解風險  
FATF Standards require commensurate steps be taken to mitigate PF risks identified
- 緩解風險 v.s. 規避風險  
Risk mitigation v.s. risk avoidance
  - 金融排斥  
Financial exclusion
  - 令有需要人士無法獲得金融服務  
Denial of access to financial services for those who need it
  - 相關客戶轉而向不法或沒有健全風險管理措施的服務提供者索取服務  
Customers may seek services from unregulated providers or providers without robust risk control measures
- 不論風險高低，各機構仍須全面執行《建議七》要求的針對性財政制裁  
Nevertheless, full application of TFS as required by Recommendation 7 is mandatory in all cases



# 緩解大殺傷力武器擴散融資風險

## *Mitigating PF Risks*

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- 切勿與指明人士或實體有任何商業關係  
Never establish any business relationship with designated persons or entities
- 維持有效的篩查機制  
Maintain effective screening system
  - 客戶盡職審查充足、及時  
Adequate, timely customer due diligence
  - 交易監察充足  
Adequate transaction monitoring
  - 紀錄充足  
Adequate record keeping
  - 資料庫保持更新  
Up-to-date database

# 緩解大殺傷力武器擴散融資風險

## *Mitigating PF Risks*

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- 如有需要，應加強盡職審查  
Conduct enhanced due diligence if necessary
  - 客戶身份  
Customer identity
  - 商業關係的性質及建立原因  
Intended nature and reasons of business relationship
  - 資金或財富來源  
Source of funds or wealth
- 尋求高級管理人員的同意才開展商業關係  
Approval of senior management to commence or continue business relationship
- 加強監察：增加管控措施的頻率及數目  
Enhanced monitoring by increasing timing and number of controls

# 緩解大殺傷力武器擴散融資風險

## *Mitigating PF Risks*

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- 員工訓練  
Training for staff
  - 合規工作  
Compliance
  - 交易篩查及監管  
Transaction screening and monitoring
  - 與新客戶建立關係  
New customer on-boarding
  - 持續客戶關係  
Ongoing customer relations
- 如有懷疑，應考慮向聯合財富情報組遞交可疑交易報告  
If you have any suspicion, please consider submitting a suspicious transaction report (“STR”) to the Joint Financial Intelligence Unit

# 參考資料

## Reference Materials

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- 商務及經濟發展局網站 – 聯合國安理會制裁專頁  
Website of the Commerce and Economic Development Bureau – Page on UNSC sanctions  
<https://www.cedb.gov.hk/citb/en/policies/united-nations-security-council-sanctions.html>
- 《香港洗錢及恐怖分子資金籌集風險評估報告》  
*Hong Kong Money Laundering and Terrorist Financing Risk Assessment Report*  
<https://www.fstb.gov.hk/fsb/aml/en/risk-assessment.htm>
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## 問答環節

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Q&A SESSION

多謝  
THANK YOU



香港特別行政區政府 商務及經濟發展局  
Commerce and Economic Development Bureau  
The Government of the Hong Kong Special Administrative Region