

Legislation Related to Proliferation Financing Investigation, Case Examples in the Asia-Pacific Region and Practical Guide of Suspicious Transaction Reporting

與調查大規模毀滅武器擴散資金籌集有關的法例、
亞太區個案分享及舉報可疑交易實用指南



Joint Financial Intelligence Unit,
Financial Intelligence and Investigation Bureau,
Hong Kong Police Force
香港警務處財富情報及調查科
聯合財富情報組

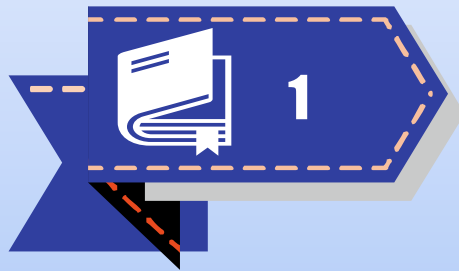
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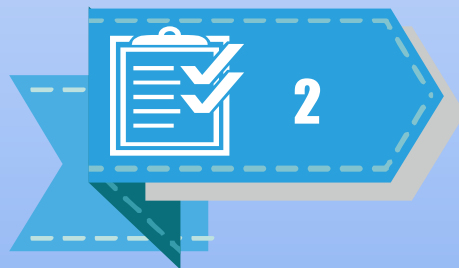
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Agenda



**Legislation Related to Proliferation Financing (PF)
Investigation & Case Examples in the Asia-Pacific Region**
與調查大規模毀滅武器擴散資金籌集有關的法例及亞太區個案
分享



Suspicious Transaction Reporting: A Practical Guide
舉報可疑交易實用指南

Legislation Related to PF Investigation

與調查大規模毀滅武器擴散資金籌集有關的法例

- **United Nations Sanctions Ordinance (Cap.537) (UNSO)**
聯合國制裁條例 (第537章)
- **United Nations Sanctions (Democratic People's Republic of Korea) Regulation (Cap. 537AE)**
《聯合國制裁(朝鮮民主主義人民共和國)規例》(第537AE章)
- **United Nations Sanctions (Joint Comprehensive Plan of Action – Iran) Regulation (Cap. 537BV)**
《聯合國制裁(聯合全面行動計劃 – 伊朗)規例》(第537BV章)
- **Organized and Serious Crimes Ordinance (Cap.455) (OSCO)**
《有組織及嚴重罪行條例》(第455章)

Source: 2nd HK Money Laundering and Terrorist Financing Risk Assessment Report (2nd HRA)

United Nations Sanction Ordinance (Cap.537) (UNSO)

聯合國制裁條例 (第537章)

s.2:

Sanction: complete or partial economic and trade embargoes, arms embargoes, and other mandatory measures decided by the Security Council of the United Nations, implemented against a person or against a place outside the People's Republic of China.

第2條:

制裁：由聯合國安全理事會決定針對任何人或針對中華人民共和國以外地方而實施的全面或局部經濟及貿易禁運、武器禁運以及其他強制性措施。

United Nations Sanction Ordinance (Cap.537) (UNSO)

聯合國制裁條例 (第537章)

s.3(3):

Contravention or breach of regulations shall be punishable —

- (a) on summary conviction by a fine not exceeding \$500,000 and imprisonment for a term not exceeding 2 years;
- (b) on conviction on indictment by an unlimited fine and imprisonment for a term not exceeding 7 years.

第3(3)條:

凡違反或觸犯該等規例 —

- (a) 一經循簡易程序定罪，可處不超逾\$500,000的罰款及不超逾2年的監禁；
- (b) 一經循公訴程序定罪，可處無限額的罰款及不超逾7年的監禁。

Cap. 537BV (Iran Regulation) and Cap. 537AE (DPRK Regulation) 第537BV章 (伊朗規例)及第537AE章(朝鮮民主主義人民共和國規例)

Prohibited acts:

- Making available of funds, other financial assets or economic resources to or for the benefit of “relevant persons” or “relevant entities” ; and
- Dealing with funds, other financial assets or economic resources which belong to, or wholly / jointly owned or controlled by “relevant persons” or “relevant entities”

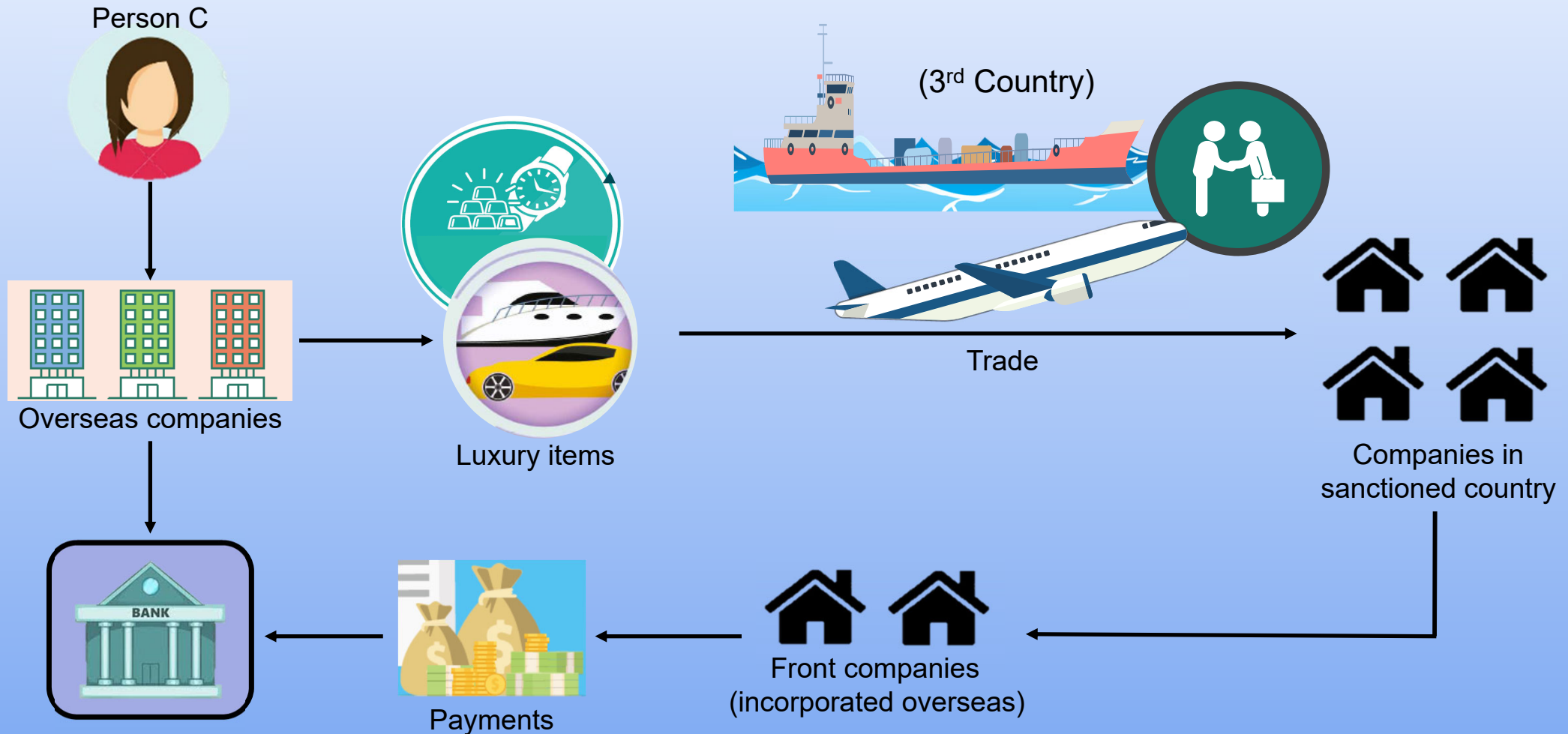
禁止:

- 向“有關人士”或“有關實體”提供，或為其利益提供資金或其他財務資產或經濟資源；及
- 處理屬於“有關人士”或“有關實體”，或由他們完全或與他人共同擁有或控制的任何資金或其他財務資產或經濟資源



Case Examples in the Asia-Pacific Region

亞太區個案分享



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Suspicious Transaction Reporting: A Practical Guide 舉報可疑交易實用指南

Photo Source: Govnews.hk

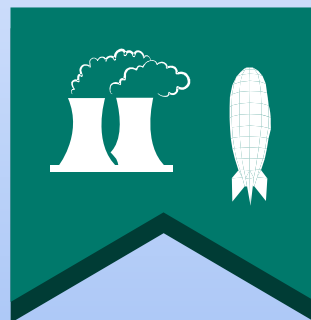
Legal Obligation to File Suspicious Transaction Report (STR)

提交可疑交易報告的法例規定

s25A(1) of OSCO

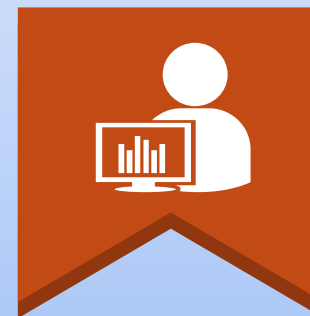


Knows or suspects
that any property
知道或懷疑任何財產



Represents any person's proceeds of/ was used in connection with/ is intended to be used in connection with an indictable offence

全部或部分、直接或間接代表任何人從可公訴罪行的得益/曾在/擬在與可公訴罪行有關的情況下使用



Report to JFIU
向獲授權人披露

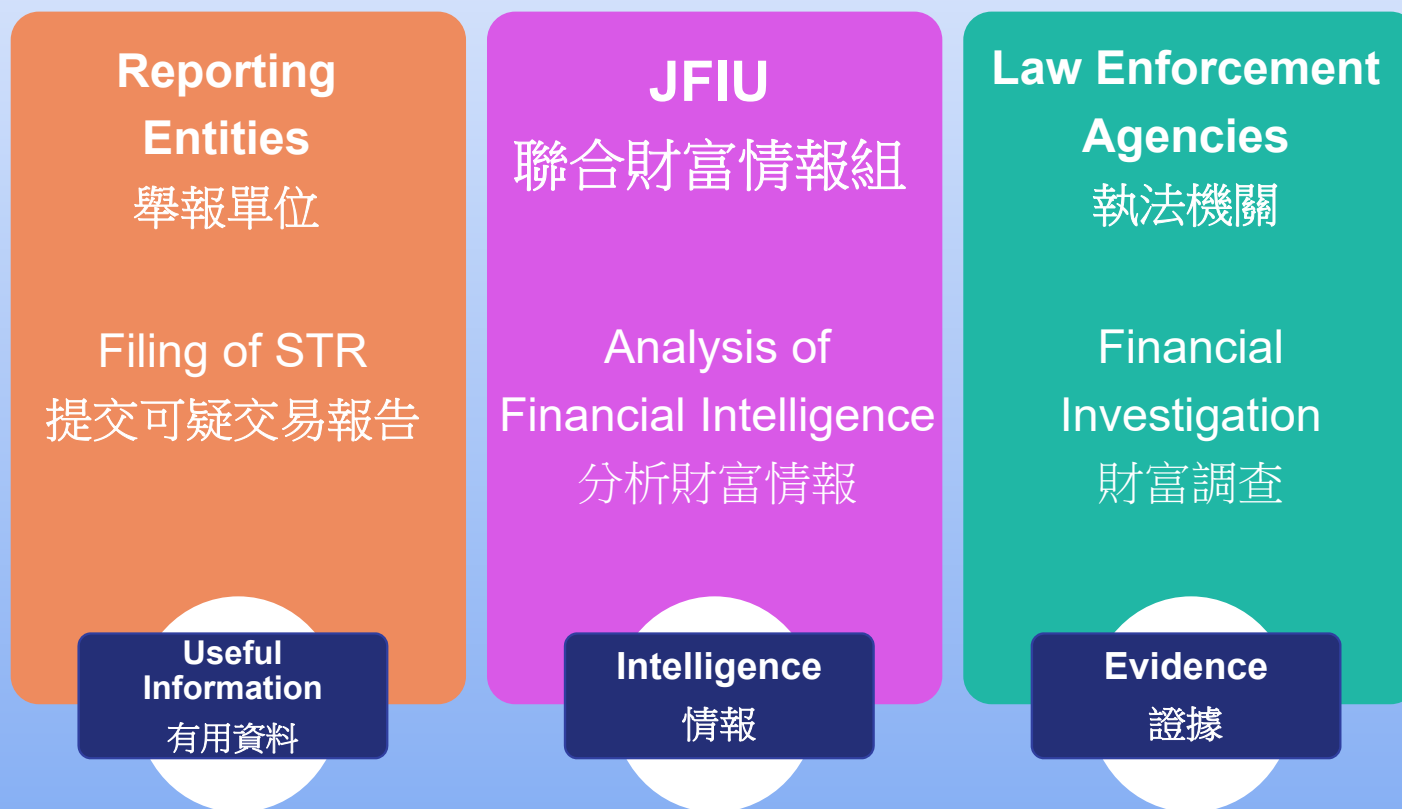


Any Person
任何人

Provision of services that will or may assist the development, production, acquisition or stockpiling of weapons of mass destruction ("WMD")
於有助或可能有助發展、生產、取得或貯存大規模毀滅武器相關的服務

Stakeholders' Roles in Suspicious Transaction Report (STR) Mechanism

各持分者在可疑交易報告機制的角色



How to submit an STR?

Suspicious transaction reports can be made in one of the following ways:



- by e-reporting system, STREAMS
- by email to jfiu@police.gov.hk

[JFIU public page: jfiu.gov.hk](http://jfiu.gov.hk)



- by fax to : (852) 2529 4013



- by mail, addressed to Joint Financial Intelligence Unit, GPO Box 6555 Hong Kong



- by telephone (852) 2866 3366 (for urgent reports during office hours)

If you want to file STR via STREAMS, you have to complete **the application form** and return to JFIU either by fax (2529 4013) or email (jfiu@police.gov.hk). If you need any further information, please feel free to contact JFIU staff.

How to Submit an STR

怎樣向聯合財富情報組舉報

Recommended approach:

建議方法:



[JFIU public page: jfiu.gov.hk](http://jfiu.gov.hk)

[STR Summary](#)
[Reporting Body](#)
[Subject](#)
[Organization](#)
[Phone](#)
[Address](#)
[Account](#)
[Transaction](#)
[Suspected Crimes](#)
[Suspicious Indicators](#)
[Open Source Info.](#)
[Entity Lists](#)
[Check](#)
[Save](#)
[Print](#)

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

STR Summary

STR Number:	<input type="text"/>
Submission Number:	<input type="text"/>
Date of Submission:	<input type="text"/>
Acknowledgement Issue Date:	<input type="text"/>
Consent Letter Issue Date:	<input type="text"/>
Consent:	<input checked="" type="checkbox"/> None <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
Consent Remark:	<input type="text"/>

Special Cases with Time Critical Nature:

* Report Related to Existing Investigation: Yes No

Attachment: [+ Refresh](#)

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

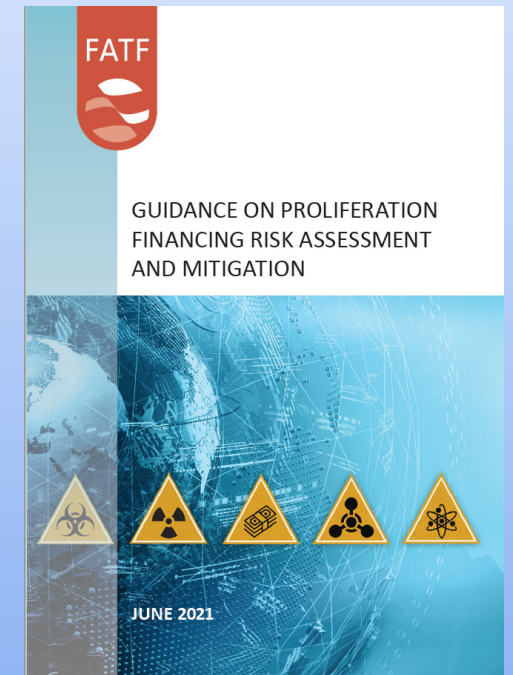
PF Risk Indicators

大規模毀滅武器擴散資金籌集的風險指標

Point-to-Note on this part:

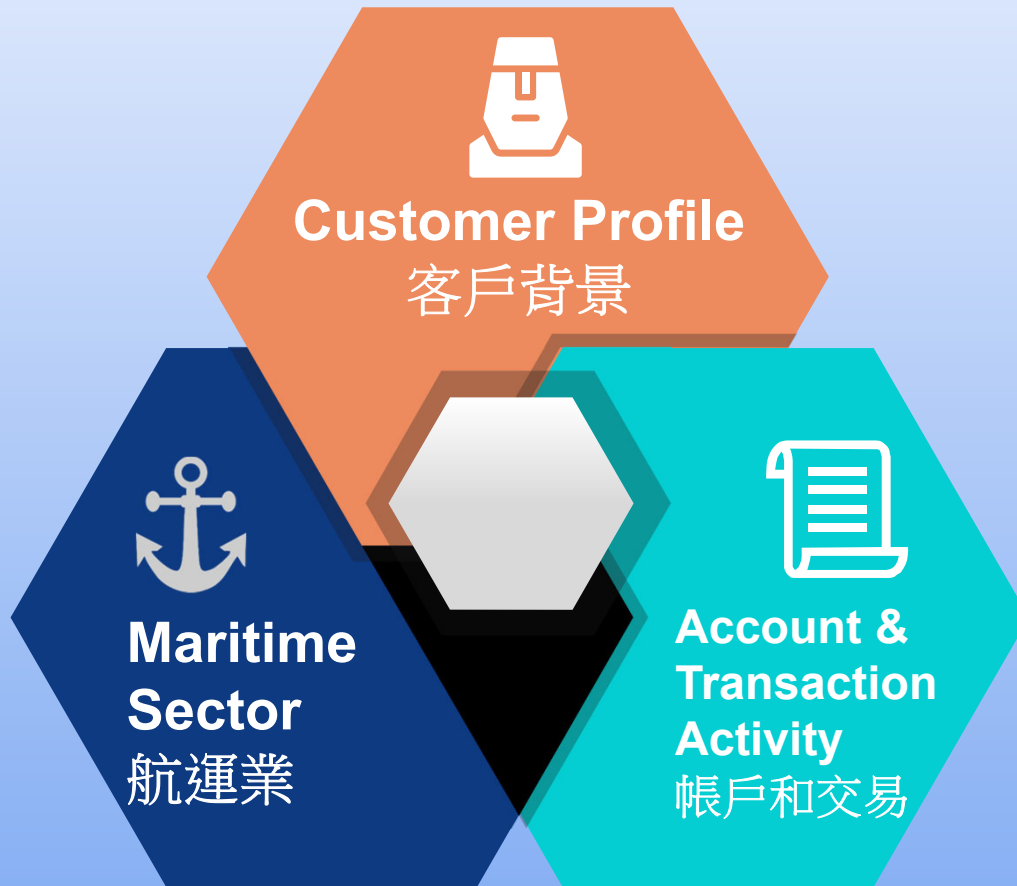
此部分注意要點:

- **By no means exhaustive**
不能盡錄
- **Not mandatory**
非強制性
- **Can't rely on single indicators**
不能依賴單一指標
- **May not always weigh equal**
風險性未必相同
- **Need to consider totality of the customer profile**
需考慮客戶的整體背景



PF Risk Indicators

大規模毀滅武器擴散資金籌集的風險指標



**Average No. of PF-related STR
each year between 2016-2020 :**

**53 (on average ~0.08% of total STR
filed each year between 2016-2020)**

2016-2020 年每年平均與大規模毀滅
武器擴散資金籌集相關的可疑交易報
告數量：

53 (平均為2016 年至 2020 年期間每年
提交的可疑交易報告的~0.08%)

Customer Profile 客戶背景

Individual Account

個人客戶

- Incomplete information about proposed trading activities
計畫交易的資料不完整
- Connected with country of proliferation / high-risk jurisdiction
與大規模毀滅武器擴散資金籌集的國家/高風險國家有連繫
- Deals with dual-use goods/ export control goods /complex equipment for which he/she lacks technical background
處理兩用物品/貿易管制物品/複雜儀器，但沒有相關的技術背景
- Affiliated with tertiary education or research institution involved in trading of dual-use goods / goods subject to export control
與大專/研究機構有關連，而該機構涉及兩用物品/貿易管制物品的交易

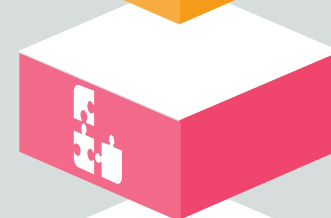
Corporate Account

公司客戶

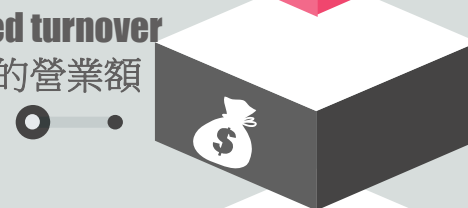
connected to state-sponsored proliferation programme / manufacturers subject to export controls
國家資助的大規模毀滅武器擴散資金籌集計劃/受出口限制的制造商



Complex corporate structure
複雜的公司架構



Unexpected turnover
不符預期的營業額



Business Nature not matched with transaction
交易與業務性質不相符



Account & Transaction Activity

帳戶和交易

Originators / Beneficiaries of Transaction:

匯款者/收款者:

- Are residents of or domiciled in a country of proliferation / high-risk jurisdiction
大規模毀滅武器擴散資金籌集的國家 / 高風險司法管轄區的居民
- Not associated with corporate activities or congruent lines of business
與客戶的業務並不相關

Conduct of Transactions:

進行交易:

- Acted as money-remittance business, involving rapid movement of high volume transactions without clear business reasons
充當經營匯款代理，牽涉大額交易並在短時間內從戶口轉移而沒有明顯的業務原因解釋這等轉帳

Account & Transaction Activity

帳戶和交易

Conduct of Transactions:

進行交易:

- **Involved companies with opaque ownership, front companies, or shell companies**
牽涉擁有人身份隱藏的公司、掛名或空殼公司
- **Involved items controlled under dual-use or export control regimes**
牽涉受兩用物品 / 貿易管制的物品
- **Sudden influxes of cash deposits, followed by cash withdrawals**
突然大量現金存入，然後以現金提取
- **Wire instructions from remitter not identified on the original letter of credit or other documentation**
匯款指示顯示來款人從沒出現在原本的信用狀或其他文件

Maritime Sector

航運業

- Shipment of goods have a low declared value vis-à-vis the shipping cost
船運的貨物的申報價值低於船運費用
- Shipment of goods incompatible with the technical level of the country where being shipped
船運的貨物與目的地國家的技術水平並不符
- Shipment of goods to high risk jurisdictions
船運貨物的目的地是高風險司法管轄區
- Payment for imported commodities is made by an entity other than the consignee of the commodities with no clear economic reasons
入口的貨物由沒有經濟關連的單位付款，而並非由收件人付款

How to Detect 如何識別

**Lists & Tools for
Screening**

列表及工具
作識別

Trade Documents
貿易文件

**Counterparties'
Background**

交易對手背景

**Customer's
Behaviour to
Enquiry**

客戶面對提問
的行為

THE END

完