



## 通知信第 01/DSO/IPIM/2006 號 Circular No. 01/DSO/IPIM/2006

**Subject:** 清洗黑錢及資助恐怖主義犯罪的預防措施  
**Preventive Measures on Anti-Money Laundering and  
Combating the Financing of Terrorism**

### 1. 指引的依據 Legal Framework

十月十八日第 58/99/M 號法令第二條 g 項及 h 項、第四條第一款 c 項及 d 項以及第六十二條，以及第 236/GM/99 號批示和行政長官第 205/2005 號批示的附表，規範了離岸商業及輔助服務機構及相關的業務活動，以及澳門貿易投資促進局批准上述機構之運作的權限。

Pursuant to Article 2 items g) and item h), Article 4 Paragraph 1 c) and d) and Article 62 of Decree Law No. 58/99/M on 18 October and Despacho No. 236/GM/99 and Administrative Regulation No. 205/2005, being standardised in relation to all offshore business activities for both commercial offshore services institutions and auxiliary offshore service institutions, Macao Trade and Investment Promotion Institute (IPIM) is authorised to regulate and supervise both of these types of non-financial offshore institutions.

另一方面，第 2/2006 號法律第七條第一款 1) 至 6) 項，以及第 7/2006 號行政法規第二條第一款 1) 項及第二款，規定上述機構需履行該行政法規第三條至第八條所定的義務，澳門貿易投資促進局不僅負責監察所定義務的履行情況，還負責透過指引落實識別合同訂立人及通知所進行的活動之義務的前提條件，以及訂定履行下列義務時須遵行的程序：識別客戶以及所進行之活動、拒絕進行有關活動、保存所識別資料的證明文件、通知有跡象顯示清洗黑錢或資助恐怖主義犯罪活動以及與具預防和遏止上述犯罪活動之職權的當局合作。

Moreover, pursuant to Article 7 paragraph 1 item 1 to item 6 of Law No. 2/2006, and Article 2 Paragraph 1 item 1 and Paragraph 2 of Administrative



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Regulation No. 7/2006, the above institutions should fulfil all stipulated regulations stated in Article 3 to Article 8 of the same Administrative Regulation. IPIM is responsible for supervising the implementation of the above-said obligations, as well as setting out prerequisites for duties of identifying contractors and notifying specific business activities, and systematising the procedures for compliance with the duties by means of instructions. Obligations include, identifying clients and corresponding business activities, refusing to take certain transactions, preserving related documents for identification, reporting to competent authorities on any suspicious activities of money laundering or financing terrorism and cooperating with the competent authorities responsible for the prevention and repression of the crimes stated above.

基於此，澳門貿易投資促進局發出下列指引：

Therefore, Macao Trade and Investment Promotion Institute has established the following guidelines:

### 2. 適用範圍 **Scope of Application**

第 236/GM/99 號批示和行政長官第 205/2005 號批示的附表規定的離岸商業及輔助服務機構之業務活動。

Business activities by commercial offshore services and auxiliary offshore service institutions as defined in the table attached with Despacho No. 236/GM/99 and Despacho of the Chief Executive No. 205/2005.

### 3. 履行下列義務的程序規定：

**Procedures to Ensure the Fulfilment of the Following Duties:**



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### 3.1 客戶的識別 Identification of the Client

**3.1.1** 在所進行的活動（所提供之服務）出現下列任一情況時，有關機構應核對客戶的身份證明文件：

While conducting any business activity (providing service), verification of client's document of identification should be applied whenever any of the following situations occur:

- a) 有跡象顯示有人實施清洗黑錢或資助恐怖主義犯罪，尤其經分析客戶的做法後考慮到該等活動的性質、複雜性、所涉金額、次數或當中所出現的不尋常情況；

When the operations might indicate the commission of the crimes of money laundering or financing of terrorism, due to, inter alia, their nature, complexity, the amounts involved, volume or non-habitual occurrence, relative to the activity of the client;

or

- b) 一次涉及金額超過澳門幣二萬元或同等金額之外幣、或多次合計涉及金額超過澳門幣二十五萬元或同等金額之外幣的現金活動。

Individual business activity with cash settlement up to MOP 20,000.00 (Twenty Thousand Patacas) equivalent, or aggregate amount of business activities with cash settlement up to MOP 250,000.00 (Two Hundred and Fifty Thousand Patacas) or the equivalent.



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or

- c) 一次或多次合計涉及金額超過澳門幣五十萬元或同等金額之外幣的非現金活動。

Aggregate amount of one or more business activities with non-cash settlement up to MOP500,000.00 (Five Hundred Thousand Patacas) or the equivalent.

**3.1.2** 為執行本指引之規定，現金活動是指：

In relation to these guidelines, cash activity here means:

- a) 任何面值紙幣及硬幣；

Any denomination of bank-notes and coins;

- b) 銀行匯票或本票；

Bank drafts or cashier's orders;

- c) 不記名支票；

Bearer cheques;

**3.1.3** 為執行本指引之規定，客戶不僅包括以任何形式與離岸商業及輔助服務機構訂立提供服務之合同的人（自然人或法人），還包括其代理人或受託人，以及提供服務之受益人 – 即使是透過仲介提供服務。

To exercise these guidelines, the client is not confined to the contractor (natural person or corporation) rendering services to commercial offshore services and auxiliary offshore service



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institution, but also the corresponding agent, trustee, beneficiary of the service provider – even with services rendered through intermediaries.

- 3.1.4** 為確定第 3.1.1 款 b)項及 c)項所指之合計金額，應合併考慮同一客戶在每一財政年度 – 或在例外情況下由本指引生效日起計、至本財政年度結束日止 - 所進行的活動。

For reflection of the aggregate amount under Article 3.1.1 b) and c), it can be considered as same client in each financial year, or under exception, for business activities from the effective date of this guidelines to the financial yearend of this year.

- 3.1.5** 識別客戶的程序在合同關係的存續期均須以書面形式進行，無論在訂立合同的初期以及合同執行期間都是如此，離岸商業及輔助服務機構應及時更新其客戶紀錄，並根據需要作定期覆核。

The procedure of identification of the client must be done, not only in the preliminary phase of the contract but also up to and including its completion, commercial offshore services and auxiliary offshore service institutions must keep up-to-date registers of all clients and review the registers regularly.

- 3.1.6** 自然人的識別透過核對身份證或同等身份證明文件進行，重要的個人資料包括姓名、國籍、出生日期及地點、身份證明文件的編號、簽發地點和日期，以及住址。

The identification of natural person is made through the verification of the Identity Card or any equivalent identification



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document, essential personal particulars including full name; nationality; date and place of the birth; details of identification documents such as identification number, date and place of issue; and complete residential address.

- 3.1.7** 如屬法人，識別的程序是核對有關的證明文件，其中應包括企業名稱、經營範圍、企業類型（如股份有限公司等）、註冊資本以及股東和管理人的姓名。

Regarding corporations, identification is made through the verification of certificates or testimonials of which the name of the company is listed, nature of business, type of company (Partnership, Limited Company, etc.), share capital and names of the shareholders and directors.

- 3.1.8** 上述識別方式並不排除在有疑問時採用補充性方法，尤其是要求鑑證有關文件或出示其他文件（例如近期的電費單，以核實地址）。

In addition to the above identification requirements, other supplementary measures should be applied in case of doubt. In particular, certification of related documents or presentation of additional documents should be requested (i.e. latest electric bill to verify the address).

- 3.1.9** 在接收易於偽造、有疑問或易於獲取之文件時 - 尤其是虛假身份的文件 - ，須特別留意。

Special attention should be given to ensure that forgeries, doubtful and easily accessible documents – especially false



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identity documents are not accepted.

### 3.2 識別所進行的活動 **Identification of Operations**

**3.2.1** 有關機構應紀錄 3.1.1 款所指之活動的資料，尤其是關於該活動的性質、標的、金額及所使用的支付方法的資料。

In the cases established in the Article 3.1.1, written information concerning the operation, regarding inter alia its nature, object, amount and the methods of payment employed, must be recorded.

**3.2.2** 離岸商業及輔助服務機構可採用相關標準評估客戶的風險，尤其是考慮客戶的背景、國別、交易、提供服務的性質及職業。  
Commercial offshore services and auxiliary offshore service institutions can use related criteria for evaluation of risk of the clients, by considering their customers' backgrounds, country of residence, transactions, the nature of services rendered and profession.

### 3.3 拒絕進行有關活動 **Refusal to Commence Operations**

**3.3.1** 有關機構如未能獲得按上述條件識別客戶及相關活動之義務所必需的資料，應拒絕進行任何活動。

Institutions failing to obtain customer identification and related activities in accordance with the conditions set above should refuse to undertake any business activities with the prospective customer.



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**3.3.2** 客戶匿名或使用假名均構成拒絕進行有關活動（或提供服務）的理由。

What constitutes a reason for refusal of the commencement of operations (or rendering of services) is the customer refusing to reveal their identity or insisting on anonymity or the use of a pseudonym.

### **3.4 保存文件 Document Preservation**

有關機構應保存識別客戶及相關活動的所有證明文件的紀錄，自簽訂提供服務合約之日或自交易關係結束後為期五年，但不妨礙這些文件由微縮底片替代或轉載至數碼載體內；《商法典》第四十七條、第四十八條及第四十九條第二款的規定經作出適當配合後，適用於此情況。

The verifiable identification documents of clients and operations carried out must be kept for five years from the date the contract is concluded or transaction closed. The documents referred to here may be substituted by microfilms or transferred to a digital platform, in which case Articles 47, 48 and 49 (2) of the Commercial Code shall be applicable to the necessary adaptations.

### **3.5 更嚴格的監察措施 Enhanced Measure of Monitoring**

**3.5.1** 對於與《政治公眾人物》有關的業務活動，除通常的監察措施外，還須採取更嚴格的措施，尤其是：

Regarding business activities with “politically exposed persons” (PEPs), in addition to normal monitoring procedures, some other



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enhanced measure should be adopted, especially:

- a) 與這一類客戶建立交易關係，須經離岸商業及輔助服務機構管理層批准；

Approval should be obtained from senior management of commercial offshore services and auxiliary offshore service institutions for establishing business relationships with this category of client.

- b) 以適當的措施確定活動中涉及之財產及資金的來源；

To take reasonable measures to establish the source of wealth and source of funds for the respective business activities.

- c) 採取措施保證對有關活動的關係進行嚴格而持續的監察。

To conduct enhanced ongoing monitoring of the business relationship.

**3.5.2** 為執行本指引之規定，凡在外國或中國其他地區擔任重要公共職務的自然人（例如國家元首或政府首腦、高級政務官員、司法官員或軍官），包括其直系親屬或與之關係密切的人士，均視為《政治公眾人物》。

“Politically exposed persons” (PEPs) in these guidelines refers to persons with public functions in a foreign country or other regions in the People’s Republic of China (i.e. Heads of State or of government, senior politicians, judicial or military officials,



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including their family members and close associates).

### 3.6 通知所進行的活動 Communication of Operations

**3.6.1** 如在有關活動中有跡象顯示有人實施清洗黑錢或資助恐怖主義犯罪，尤其經分析客戶的做法後考慮到該等活動的性質、複雜性、所涉金額、次數或當中所出現的不尋常情況，有關機構應在該活動進行後兩個工作日內將情況通報金融情報辦公室（以下簡稱為 GIF）。

The operations that might provide indicia of the commission of the crimes of money laundering or financing of terrorism, due to, inter alia, their nature, complexity, amounts involved, volume or non-habitual occurrence, relative to the activity of the client, must be communicated to the Office of Financial Intelligence (hereinafter called “GIF”) within 2 working days following the commencement of such business operations.

**3.6.2** 報告書（格式附後）應包括識別客戶的所有相關資料，以及超出客戶正常業務模式的活動情況。

The report (as attached) must include all information collected for the identification of the customer, as well as the business activities that are out of the ordinary for this customer.

**3.6.3** 如在有關活動中有跡象顯示有人實施清洗黑錢或資助恐怖主義犯罪，則嚴禁有關機構將履行通知義務時瞭解的情況知會相關的客戶或第三方。

It is forbidden to inform the customer concerned or third party



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regarding the known information related to the fulfilment of the duty of communication of operations, whenever there are signs of money laundering or financing terrorism.

### 3.7 合作 Co-operation

**3.7.1** 應負責預防和遏止清洗黑錢及資助恐怖主義犯罪的有關當局 – 特別是法院、檢察院、司法警察局、金融情報辦公室及澳門貿易投資促進局 – 之要求，上述機構須提供全力的協助，尤其是提供相關的資料及文件。

The above institutions are required so that full assistance can be provided, particularly in the provision of relevant data and documents to the relevant authorities for the prevention and suppression of crimes related to money laundering and financing terrorism, specially the Court, the Public Prosecution Department, the Judiciary Police, the GIF and IPIM.

**3.7.2** 離岸商業及輔助服務機構在提交予澳門貿易投資促進局的年報中，應報告如下事項：已依照前述行政法規第七條通報金融情報辦公室的有跡象顯示清洗黑錢或資助恐怖主義犯罪之活動的數目及相關的客戶，以及金額超過第 3.1.1 款 b)項及 c)項之規定的活動。

Commercial offshore services and auxiliary offshore service institutions must report the following matters in their annual reports to IPIM: the number including amount and customer name of suspicious reports filed with GIF in accordance with Article 7 of the Administrative Regulation stated above, as well as the



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number of business activities as stated in Article 3.1.1 item b) and item c) of this guidelines.

#### 4. 不履行義務 Non-Compliance of Guidelines

不履行上文所指之義務則構成行政違法行爲，依照前述行政法規第九條至第十一條的規定予以處罰。

Non-compliance with obligations stated above constitutes an administrative infraction punishable under the terms of Article 9 to Article 11 of the above-mentioned Administrative Regulation.

#### 5. 最後規定 Final Provisions

5.1 上述指引於二零零六年十一月十二日生效。

These guidelines are in force as from 12 November 2006.

5.2 倘要求就執行上述指引作出相關的解釋，應向澳門貿易投資促進局（離岸業務廳）提出。

Any enquiries concerning further interpretation of these guidelines should be directed to IPIM (Offshore Services Department).

\*\* If there are any discrepancies between the English and the official languages of these guidelines, the final interpretation will be subject to the version of official languages.