

金融情報辦公室通訊（金融業）

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可疑交易報告統計(2014年)

- 本辦公室於2014年所收到的STR數量，較2013年上升了13.6%。
- 來自金融業的STR佔總數量的24.3%，而由博彩業舉報的STR佔75.6%。
- 本辦公室向檢察院舉報的STR共163份。

STR數量(份)	2014年	2013年
由金融及保險機構舉報	441 (24.3%)	457 (28.7%)
由幸運博彩經營者舉報	1,370 (75.6%)	1,138 (71.3%)
由其他機構舉報	1 (0.1%)	0 (0.0%)
總數	1,812	1,595



Suspicious Transaction Reports Statistics (Year 2014)

- The total number of STRs received by GIF in year 2014 increased by 13.6%, as compared with year 2013.
- STRs received from financial sector and gaming sector constituted 24.3% and 75.6% of total respectively.
- A total of 163 STRs were sent to the Public Prosecutions Office for further investigation.

Number of STRs	2014	2013
From Financial Institutions and Insurance Companies	441 (24.3%)	457 (28.7%)
From Games of Fortune Operators	1,370 (75.6%)	1,138 (71.3%)
From Other Institutions	1 (0.1%)	0 (0.0%)
Total	1,812	1,595

國際趨勢— 非牟利機構

前言

非牟利機構可基於種種不同原因而被恐怖分子利用。非牟利機構具有獲公眾信任的特性，可依多種渠道籌集資金，而資金往往牽涉大量現金。此外，一些非牟利機構更在不同國家/地區設有據點，相互間進行國內或跨國的運作及金融交易。恐怖組織看準非牟利機構較少受政府監管特性，濫用非牟利機構的資金或運作以隱藏或支持恐怖活動。



非牟利機構的定義

非牟利機構是以慈善、宗教、文化、教育、社會福利或聯誼目的，又或是為了履行其他類型的“善事”而設立的法人、法律安排或機構，並可為成立目的而籌集資金或使用款項。

非牟利機構的風險

風險可以被定為外來的威脅再加上自身的弱點而引致的影響(威脅+弱點=風險)。非牟利機構所面對的威脅是指被支持恐怖組織的個人或團體利用，而弱點是指合法的非牟利機構可被機構的員工或其他個人濫用，而使機構潛在風險；又或個人成立一間不合法的非牟利機構，而損害非牟利機構業界的合法性及聲譽。

根據研究指出，較高風險的非牟利機構具有下列特質：

- 從事“服務性”活動，包括房屋、社會服務、教育及醫療，及
- 經營環境非常靠近受到活躍恐怖分子威脅的地區，意思指非牟利機構設置在有活躍恐怖分子威脅的地區經營，或非牟利機構在某地區經營，但該地人民常被恐怖份子利用作後勤支援及掩護。

下列為一些非牟利機構風險指標的例子：

- 年度財務報表模糊不清
- 資金轉移至其他機構，但與其所從事的服務或活動沒有關連
- 分拆資金以避開大額交易的申報
- 資金用途沒有記帳記錄
- 較少或沒有進行合法的慈善活動



澳門的非牟利機構界

於 2014 年，在澳門登記的非牟利機構共有 6,728 間，與 2013 年比較增加 9.5%。非牟利機構按照其闡明的宗旨及目的分類為不同類別，劃分有體育、慈善、文化、專業、僱主、勞工、教育及其他等，當中體育、慈善及文化類別的非牟利機構數目合共約佔總數 60%，另約有 6% 的非牟利機構是與宗教有關。與宗教有關的非牟利機構尤以基督教、佛教及天主教為最普遍，還有其他類別的宗教存在於本澳地區(例如道教、儒教、巴哈伊教及伊斯蘭教等)。

目前，一些涉及慈善性質的非牟利機構最受國際組織的關注，因該等機構較容易被恐怖份子利用或濫用去進行恐怖活動。其實大部份在本澳涉及慈善目的的非牟利機構主要以辦學、同鄉會、聯誼會及同學會等形式進行活動，故當中隱含恐怖活動的風險相對較低。不過隨著本澳日益增多的旅客及外籍僑居人士，一些新的、非常見的具宗教性質的非牟利機構開始在本澳相繼浮現，而其等所進行的活動亦是西方國家所高度關注的。有見及此，金融機構應針對涉及與高風險地區(可參閱 FATF 的官方網站 <http://www.fatf-gafi.org/>)交易的非牟利機構進行持續監察，並按所識別到的風險執行相應的風險減緩措施。

針對非牟利機構界應實施的風險為本措施

金融機構應有效地執行反洗錢及反恐融資的措施，及以風險為本方式去處理非牟利機構的客戶，但這並非指金融機構應全面去逃避相關風險(例如：對所有類別的非牟利機構拒絕交易或限制提供的服務)。相反，金融機構應考慮個別非牟利機構客戶所存在的清洗黑錢/恐怖融資風險而實施適當的風險緩減措施。

就金融機構向非牟利機構客戶提供金融服務的指引

當金融機構與非牟利機構建立商業關係時，應收集所需的基本客戶識別資料，例如：

- 組織架構
- 由身份證明局發出的有效登記文件
- 刊登於政府憲報的組織章程
- 資金收支的準則 (包括基本受益人的資料)
- 會長/主席或帳戶授權人的身份證明文件
- 開戶目的 (例如：籌募捐款或行政上的資金調動)
- 了解其服務的地區及與其他非牟利機構或組織倘有的附屬關係

一些非牟利機構客戶會被金融機構視為有較高風險，例如於海外運作或向海外提供服務、進行不尋常或可疑交易活動、或欠缺適當的證明文件等。針對該等客戶須採取強化的客戶盡職審查，措施包括：

- 每當管理層、章程結構或活動出現變動/變更時，須向身份證明局索取最新的證明文件；
- 如海外的非牟利機構來自高風險國家或與高風險國家進行跨境資金轉移時，必須核實資金來源及用途；
- 應實施足夠的客戶盡職審查以確保非牟利機構客戶因慈善目的所收集的資金是用於其聲稱的籌款目的上，尤其當開立帳戶的目的是收集公眾捐款。

International Trend — Non-profit Organizations

Introduction

Non-profit Organizations (NPOs) may be vulnerable to abuse by terrorists for a variety of reasons. NPOs enjoy the public trust, have access to considerable sources of funds, and are often cash-intensive. In addition, some NPOs have a global presence that provides a framework for national and international operations and financial transactions. Terrorist organizations have taken advantage of the characteristics of NPO that may be subject to minimal or no governmental oversight to infiltrate the sector and misuse NPO funds and operations to conceal, or support terrorist activity.



Definition of NPO

A legal person or arrangement or organization that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social or fraternal purposes, or for the carrying out of other types of “good works”.

Risk of NPO

Risk can be defined as the potential for harm as a result of a threat exploiting a vulnerability (Threat + Vulnerability = Risk). The threats facing NPOs in the context of terrorist abuse are individuals or groups who support terrorist organization, while the vulnerabilities are a legitimate NPO be exploited by internal or external individuals, who put the organization at risk; or an individual may create an illegitimate NPO, which put the NPO sector’s legitimacy and reputation at risk.



It is found that the NPOs most at risk appear to be those that:

- are engaged in service activities, including housing, social services, education and health care , and
- operate in close proximity to an active terrorist threat, which refers to an NPO operating in an area of conflict where there is an active terrorist threat, or to an NPO that operates domestically, but within a population that is actively targeted by a terrorist movement for support and cover.

Some examples of risk indicators of NPOs are as follows:

- Financial reports are not clear and confusing
- NPO funds are transferred to entities not associated with declared activities
- NPO transactions are structured to avoid transaction reporting
- No documentation on use of funds
- Little or no history of legitimate charitable activities

NPO Sector in Macao

In 2014, the total number of NPOs registered in Macao were 6,728, which increased by 9.5% as compared with 2013. The registered NPOs are classified into different categories by their stated objectives and purposes, i.e. Sports, Charity, Culture, Profession, Employer, Labor, Education and Others. Among them, Sports, Charity and Culture accounted for almost 60% of NPOs in Macao and about 6% are religion-related NPOs. In terms of the religion-related NPOs, Christian, Buddhism and Catholic are the most popular, while other religions are also found in Macao (e.g. Taoism, Confucianism, Baha'i Faith and Islamism).

Nowadays, charitable NPOs become the main concern from international organizations as they are easily availed to facilitate terrorist activities or abuse by terrorists. In Macao, since most of the NPOs with charitable purposes are functioning in the form of school, native associations, fellowship activities and schoolmate associations, etc., their risk level in terms of terrorist activities are considered relatively low. However, with the increasing number of tourists and expatriates, some new and uncommon religion-related NPOs are emerging and their activities are of great concern by western countries. Therefore, from financial institution's perspective, ongoing monitoring on those NPOs with transactions connected to high risk regions (refer website of <http://www.fatf-gafi.org/>) should be made and risk mitigation measures be implemented based on the risks identified.

Risk –based approach for NPO sector

Financial institutions should effectively implement AML/CFT measures, and apply a risk-based approach in dealing with NPOs, but this does not imply that financial institutions should avoid risk entirely (e.g. refusal or restriction of services provided to entire classes of NPO). Instead of refusing services, financial institutions should take into account on a case-by-case basis the level of ML/TF risk of individual NPO customers and apply adequate risk mitigation measures.

Guidance for financial institutions on providing financial services to NPOs

When establishing a business relationship with a NPO, financial institutions should collect the basic required customer identification information, such as:

- Organizational structure
- Valid registration document issued by DSI
- Articles of Association published in Official Gazette
- Funding and disbursement criteria (including basic beneficiary information)
- Identification documents of directors or authorized signatory of accounts
- Purpose of account opening (e.g. fundraising or administrative fund movement)
- Understand the geographic locations served and any affiliation with other NPOs or groups

NPO accounts that financial institution considers to be of higher risk for illicit activity are those operating or providing services internationally, conducting unusual or suspicious activities, or lacking proper documentation. Enhanced customer due diligence for these accounts should include:

- An updated certificate issued by DSI should be obtained whenever there is change in management board, constitution structure or activities;
- For overseas NPOs from high risk countries or cross border movement of funds with high risk countries, verification of the source and use of funds is necessary;
- Adequate CDD measures should be in place to ensure that funds collected in NPO accounts for charity purposes are used for the declared fundraising purpose especially when NPO accounts are opened to collect funds from public.

個案例子

個案一：員工涉嫌股價操控

同屬一集團的數間公司於同一日在 C 國分別開立了銀行帳戶，並使用同一個登記地址。於開戶後不久便收到多筆來自 D 國公司的匯款，金額由數百萬元至數千萬元不等，每當收到匯款後便開立本票予娛樂場，所有本票由第三者於賭廳 K 使用。

其後賭廳 K 的職員 A 到銀行存入大額現金到職員 B 及 C 的銀行帳戶，兩名職員 B 及 C 便隨即以該筆資金買入同一隻股票。調查後發現該等公司為空殼公司，迂迴地將資金作跨境轉移，而上市公司的實益擁有人與賭廳 K 的其中一名股東為同一人，懷疑利用職員協助將上市公司的股價提高，從而獲取利益。

疑點：

- 公司登記的地址為住宅而非商業大廈，而各股東之間是有關連的；
- 投資的資本於投資前才由他人以存入；
- 職員所投資的金額遠高於其收入，並於短時間內集中投資一隻股票。

建議：

- 風險為本的方法 – 數間公司於成立後不久便進行跨境大額資金轉移交易，但缺乏理據證明交易真偽，應採取加強客戶盡職審查措施；
- 加強客戶盡職審查措施應包括了解客戶的業務背景、識別管理層的身份、開戶目的、經常更新客戶資料、定期檢查賬戶交易以及要求上級審批高風險交易 (即交易金額已達指定的門檻或被金融機構的反洗黑錢政策設定為高風險範圍的交易)。

個案二：利用借記卡及自動櫃員機進行洗錢

銀行在審查自動櫃員機的交易記錄時，發現一些不知名的第三者在特定的時段內使用超過數百張借記卡，在不同地點設置的自動櫃員機提取款項。該等人士一般會使用不同的借記卡並在同一地點不斷提取現金，金額由港元 2 千至 1 萬不等。由於所使用的借記卡均為真卡，所以交易最後均能順利完成。銀行在分析上述交易後向金融情報組織舉報。

經金融情報組織分析後，確認上述借記卡主要由 A 國的銀行發出，犯罪分子將資金存入借記卡賬戶，並利用此渠道將不法資金在不同地區之間轉移。

疑點：

- 一名或多名人士在一段短時間內利用不同的借記卡持續地進行提款；
- 利用人頭戶在其他地區申請借記卡；
- 由於自動櫃員機可由不同人士在不同地區進行存款及提款，故自動櫃員機可被視為一種將資金分層來達至洗錢目的的工具。

建議：

- 金融機構應設定恆常及足夠的監測系統，以偵測嶄新付款方式（如自動櫃員機、信用卡/借記卡等）的任何不規則情況；
- 通過媒體提供的新聞資料，金融機構可了解犯罪分子進行跨境資金轉移的最新趨勢，從而建立適當的對應措施。



Case Studies

Case 1: Manipulation of stock price by staff

Several companies under the same group opened bank accounts on the same day with the same registered address in Country C. Soon after the accounts were opened, numerous remittances over several million dollars were received from Country D and the funds were subsequently used to issue cashier orders to a casino. All the cashier orders were used by third parties in Junket K. Later on, Staff A of Junket K deposited large amount of cash into the bank accounts of Staff B and C, who then used those funds to buy shares of the same listed company on the same day.

After analysis by FIU, those companies from Country C were shell companies and they were used to transfer funds across borders. Besides, the beneficial owner of the listed company and one of the shareholders of Junket K were the same person. It is believed that the staffs of Junket K were used to boost the share price of the listed company, and therefore the owner of Junket K could benefit from it.

Red flags:

- Use residential address, instead of commercial address, as the companies' registered address and the shareholders of the companies were interrelated;
- The investment capital were deposited by third party just before investment were made;
- The investment amount was incommensurate with the staff's income, they focused on investing one listed company only and within a short period of time.

Recommendations:

- Risk-based approach – Significant amount received from overseas shortly after the companies were established, enhanced CDD should be applied to ensure reasonableness of the transactions with its business nature;
- Enhanced CDD should include: understand the corporate customer's background and purpose of account opening, verify the identity of management board of the company, frequently update client's profile, regularly review the accounts' transaction pattern and request senior's approval for high risk transaction.

Case 2: Money Laundering through debit cards and Automatic Teller Machine (ATM)

In reviewing the ATM transaction records, the bank found that some unknown individuals had been using over hundreds of debit cards to withdraw money from the ATMs at various locations within a certain period of time. Usually, the suspect use different debit cards to withdraw cash continuously at one location and the withdrawn amount ranged from HKD2,000 to HKD10,000. All the cards were genuine as all the transactions were completed successfully. The bank then reported the case to the FIU.

After analysis by the FIU, the debit cards were mainly issued by banks in Country A. It is believed that the debit cards were applied by different individuals in Country A. Criminals deposited funds into each of these cards' account and used this channel to transfer illicit funds between jurisdictions.

Red flags:

- One or more individuals continuously use different debit cards to withdraw money from ATM within a short period of time;
- Debit cards were applied by straw man in other jurisdictions;
- ATM might be used as a tool to launder money as illicit funds could be layered, through deposits and withdrawals by different people at different locations.

Recommendations:

- Financial institutions should have frequent and adequate triggering system to detect any irregular transaction patterns in new payment methods (e.g. ATM, credit/debit card, etc) ;
- Through the daily news provided by media, financial institutions should observe any new trend on cross-border transfer of funds used by criminals and establish proper mitigation measure accordingly.



個案例子 Case Studies

個案三: 利用非牟利機構進行洗錢

M 先生開立一個銀行賬戶並授權 N 先生為賬戶的簽署人, M 先生報稱在 B 國從事福利事業。M 先生於開戶後收到 XYZ 服務有限公司從 B 國匯入的港元 100 萬款項, 報稱匯款目的為商業用途, 但所有的資金最終被 N 先生以現金形式提走。

從海外金融情報組織所收到的情報顯示, XYZ 服務有限公司是一家慈善機構, 並由 MN 代理有限公司持有, 而 N 先生正是 MN 代理有限公司的董事。XYZ 服務有限公司在 B 國的銀行賬戶涉及大量可疑交易, 因此懷疑該慈善機構收到的捐款涉及非法資金, 而 N 先生則通過非牟利機構及第三方的賬戶進行洗錢。

疑點:

- 非牟利機構利用捐款以隱藏非法資金;
- 利用沒有關連的第三方賬戶進行跨境資金調撥;
- 使用代理人公司以隱藏最終實益擁有人的身份。

建議:

- 金融機構應對可疑捐款者實施強化的客戶盡職審查及索取其背景資料, 尤其交易涉及跨境的資金轉移;
- 金融機構應設立適當的客戶盡職審查措施以確保所收集的資金與非牟利機構所聲稱的募捐目的一致。

Case 3: Money laundering through Non-Profit Organization

Mr. M opened a bank account and nominated Mr. N as the authorized signatory of the account, Mr. N declared that he engaged in social welfare business in Country B. After account was opened, Mr. M received a remittance of HKD 1 million from XYZ Services Limited in Country B and claimed that the funds would be used for business purpose. However, all funds were then withdrawn in cash by Mr. N.

With the intelligence received from foreign FIU, it was revealed that XYZ Services Limited is a charity organization, which was owned by MN Nominee Limited. Mr. N was the director of MN Nominee Limited. The bank accounts of XYZ Services Limited in Country B involved large amount of suspicious transactions. It was suspected that the donation received under the name of the charity organization involved illicit funds and Mr. N laundered money through NPOs and third parties' accounts.

Red flags:

- Conceal illicit funds with the donation received by NPOs;
- Use third party's account for cross border movement of funds with no apparent relationship;
- Use nominee company to hide the ultimate beneficial owner.

Recommendations:

- Financial institutions should apply enhanced CDD and obtain background information of any suspicious counterparties involved in donation, especially for cross border movement of funds;
- Adequate CDD measures should be in place to ensure the funds collected for charity purpose is in line with the fund raising purpose as declared by the NPO.

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金融情報辦公室資訊

辦公室參與金融管理局舉行的銀行及保險業專題講座

金融管理局的銀行監察處及保險監察處於 2015 年 4 月 16 日為銀行及保險業舉辦「第九屆反清洗黑錢及反恐融資專題講座」, 並邀請本辦派代表作演講嘉賓。是次專題講座約有 170 名業界從業員參與, 主要目的為提升與會者對反洗黑錢及反恐融資的專業知識。辦公室向與會者介紹可疑交易報告的統計數據、個案特徵及最新趨勢, 以及有關本澳地區性風險評估的進展情況。

GIF Information

GIF presented in AMCM AML/CFT Seminar for Banking and Insurance Sector

GIF was invited by the Banking and Insurance Supervision Departments of AMCM to present in "The 9th Annual Seminar on AML/CFT" for the banking and insurance sectors on 16 April 2015. There were about 170 participants attending the seminars. The objective of the seminars was to enhance the professional knowledge of participants on AML/CFT regime. GIF introduced to the participants about STR statistics, recent trends and typologies of money laundering cases, as well as the progress of National Risk Assessment Project of Macao SAR.