

Counter-Proliferation Financing

打擊大規模毀滅武器擴散資金籌集

2022 WEBINAR FOR ESTATE AGENTS 線上講座－地產代理

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

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1

Weapons of Mass Destruction, Proliferation Financing and Targeted Financial Sanctions

大規模毀滅武器、大規模毀滅武器擴散資金籌集及針對性財政制裁

What are weapons of mass destruction (WMDs)?

何謂大規模毀滅武器？

- Definition provided by the United Nations (UN) – 聯合國的定義：



Source: <https://www.un.org/disarmament/wmd/>

What is proliferation financing (PF)?

何謂大規模毀滅武器擴散資金籌集？

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

... the act of providing funds or financial services that 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)...

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

What is targeted financial sanction (TFS)?

何謂針對性財政制裁？

- FATF's Recommendation 7 – “TFS related to Proliferation” – 財務行動特別組織的建議七 - 「與大規模毀滅武器擴散相關的針對性財政制裁」：
 - Requires jurisdictions to implement TFS to comply with UN Security Council (UNSC) Resolutions relating to the prevention of proliferation of weapons of mass destruction 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規模毀滅武器擴散通過的決議

*... 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...*

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

- Full application of requirements under Recommendation 7 is mandatory regardless of risk level 不論風險高低，各地必須全面執行建議七的要求

What is targeted financial sanction (TFS)?

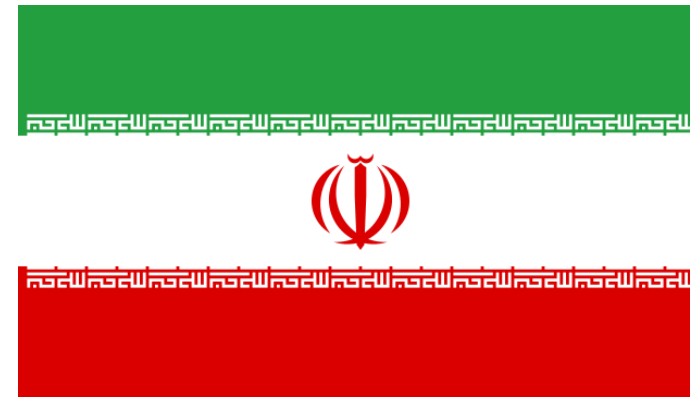
何謂針對性財政制裁？

- At the FATF level, TFS related to proliferation covers the following countries –
在財務行動特別組織的層面，與大規模毀滅武器擴散相關的針對性財政制裁涵蓋以下國家：



The Democratic People's Republic of Korea
(The DPRK)

朝鮮民主主義人民共和國（「朝鮮」）



Iran

伊朗

What is targeted financial sanction (TFS)?

何謂針對性財政制裁？

- TFS related to proliferation covers persons or entities designated by the UNSC committees related to the DPRK and Iran

與大規模毀滅武器擴散相關的針對性財政制裁涵蓋聯合國安理會轄下與朝鮮及伊朗相關的委員會所指明的人士及實體

Countries 國家	Designated persons 指明人士	Designated entities 指明實體	Last update on 最後更新日期
The DPRK 朝鮮	80	75	30 June 2020 2022年6月30日
Iran 伊朗	23	61	17 January 2016 2016年1月17日

Sources: <https://www.un.org/securitycouncil/sanctions/1718/materials> and <https://www.un.org/securitycouncil/content/2231/list>

2

Counter-proliferation Financing Legislative Framework in Hong Kong

香港打擊大規模毀滅武器擴散資金籌集的法律框架

Relevant legislations

相關法例

**Weapons of Mass Destruction (Control of Provision of Services) Ordinance
(Cap. 526)**

大規模毀滅武器（提供服務的管制）條例（香港法例第526章）

Relevant legislations

相關法例

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

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

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

Sources: https://www.elegislation.gov.hk/hk/cap537AE!en?INDEX_CS=N and https://www.elegislation.gov.hk/hk/cap537BV!en?INDEX_CS=N

Relevant legislations

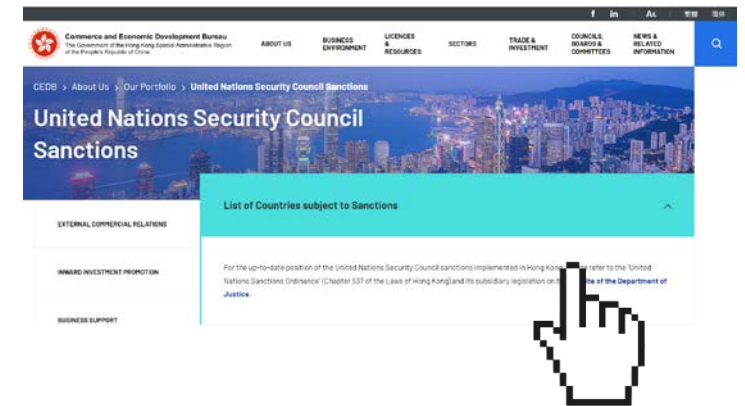
相關法例

- For example, according to the United Nations Sanctions (Democratic People's Republic of Korea) Regulation –
例如，根據聯合國制裁（朝鮮民主主義人民共和國）規例：
 - Except authorised, **NOT** to make available to, or deal with funds, other financial assets or economic resources of:
除獲授權，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：
 - a) individuals or entities designated by the UNSC;
聯合國安理會指明的人士或實體；
 - b) individuals or entities acting on behalf of, or at the direction of (a); and
代表(a)或按(a)指示行事的人士或實體；及
 - c) entities owned or controlled by (a) or (b)
由(a)或(b)所擁有或控制的實體

Updating of sanctions lists

更新制裁名單

- When the UNSC updates its sanctions lists, the Commerce and Economic Development Bureau will accordingly publish the updated list on website (for the DPRK), or in the Gazette (for Iran)
當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）
- Once the updated lists are published, the relevant TFS is in force in Hong Kong
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
- Anyone who contravenes the relevant requirements is liable to a fine and maximum imprisonment for 7 years
任何人如違反相關要求，可判罰款及最高監禁七年



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

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Obligations of Estate Agents

地產代理的責任

Sanction evasion by designated persons/entities

指明人士或實體逃避制裁

- Use of shell or front companies
利用空殼或掩護公司
- Dummy accounts
假戶口
- Fraudulent intermediaries
假中介
- Fraudulent businesses
假業務

Obligations of estate agents

地產代理的責任

- Except authorised, never establish any business relationship with designated persons or entities (or those acting on the behalf, etc.)
除獲授權，切勿與指明人士或實體（或其代表等）有任何商業關係
- Maintain compliance and implement effective, regular screening system
保持合規意識、實施有效和一致的篩查機制
 - Up-to-date database 資料庫保持更新
 - Adequate, timely customer due diligence 客戶盡職審查充足、及時
 - Conduct enhanced due diligence if necessary 如有需要，進行加強盡職審查
 - Adequate record keeping 紀錄充足
 - Adequate transaction screening and monitoring 交易篩查及監察充足

Obligations of estate agents

地產代理的責任

- If there is any suspicion, consider submitting a suspicious transaction report (STR) to the Joint Financial Intelligence Unit
如有懷疑，考慮向聯合財富情報組遞交可疑交易報告

Signs requiring attention

須注意的跡象

- Involving legal person or arrangement that act on their behalf?
牽涉法人或法律安排代其行事？
- Involving multiple shell or front companies?
牽涉多間空殼或掩護公司？
- Unrelated to private sector firm's stated business profile?
與私人公司表明的業務無關？
- Frequently carrying out cross-border transactions?
頻繁的跨境交易？
- Originating from, transiting through or designating overseas jurisdiction with weak implementation of TFS obligations or FATF standards?
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？

Risk Indicators

風險指標

- Customer Profile 客戶資料
 - Did they provide vague or incomplete information about their commercial activities during on-boarding due diligence?
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？
 - Are they reluctant to provide additional information about their activities when queried?
在追問下，會否不願意提供額外資料？
 - At due diligence stage, do they appear in sanctions lists or negative news?
在盡職審查階段，有否出現在制裁名單或負面新聞？
 - Are they affiliated with a university or research institution, and involved in the trading of dual-use goods or goods subject to export control?
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？

Risk Indicators

風險指標

- Account and Transaction Activity 戶口或交易活動
 - Are there any signs indicating that a customer, declared to be a commercial business, conducts transactions as a money-remittance business or a payable through account? 可有跡象顯示聲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？
 - Are the originator and beneficiary of a transaction a person or an entity domiciled in a country of proliferation concern (i.e. the DPRK and Iran)? 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）？
 - Do the transactions involve dual-use goods, goods subject to export control goods or complex equipment? If so, do the customers have congruent technical background or stated line of activity? 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？

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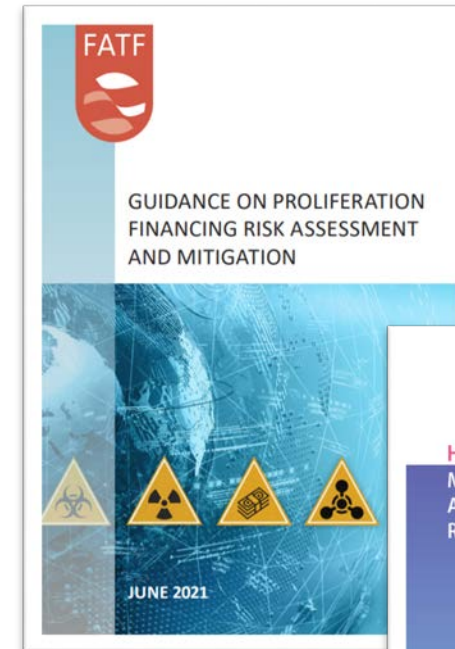
Proliferation Financing Risk Assessment in Hong Kong

香港大規模毀滅武器擴散資金籌集風險評估

PF Risk Assessment

大規模毀滅武器擴散資金籌集風險評估

- FATF published a *Guidance on PF Risk Assessment and Mitigation* in June 2021
財務行動特別組織2021年6月發表《大規模毀滅武器擴散資金籌集風險評估及緩解指引》
- The Government will publish in July 2022 the new *Hong Kong Money Laundering and Terrorist Financing Risk Assessment Report*, which will include a separate chapter on PF risks
政府計劃將於2022年7月發表新一份《香港洗錢及恐怖分子資金籌集風險評估報告》，首次專題講述大規模毀滅武器擴散資金籌集的風險



Reference Materials

參考資料

- Website of the Commerce and Economic Development Bureau – Page on UNSC sanctions
商務及經濟發展局網站 – 聯合國安理會制裁專頁
<https://www.cedb.gov.hk/en/policies/united-nations-security-council-sanctions.html>
- *Hong Kong Money Laundering and Terrorist Financing Risk Assessment Report*
《香港洗錢及恐怖分子資金籌集風險評估報告》
<https://www.fstb.gov.hk/fsb/aml/en/risk-assessment.htm>
- *Guidance on PF Risk Assessment and Mitigation* by FATF (June 2021)
財務行動特別組織《大殺傷力武器擴散融資風險評估及緩解指引》（2021年6月）
<https://www.fatf-gafi.org/media/fatf/documents/reports/Guidance-Proliferation-Financing-Risk-Assessment-Mitigation.pdf>
- *Guidance on Counter PF* by FATF (February 2018)
財務行動特別組織《打擊大殺傷力武器擴散融資指引》（2018年2月）
<https://www.fatf-gafi.org/media/fatf/documents/reports/Guidance-Countering-Proliferation-Financing.pdf>

Thank you
多謝

