

《實體貨幣及不記名可轉讓票據 跨境流動條例草案》（《條例草案》）

▶ Cross-boundary Movement of ▶ Physical Currency and ▶ Bearer Negotiable Instruments Bill (the Bill)

「財務行動特別組織」（「特別組織」） (Financial Action Task Force, FATF)

- 就打擊清洗黑錢及恐怖分子融資活動訂立國際標準（40項建議）。
Sets international standards on anti-money laundering and counter-terrorist financing (40 Recommendations).
- 香港是「特別組織」的成員，有責任落實建議。
Hong Kong is an FATF member. Has obligation to implement the Recommendations.
- 須接受「特別組織」2018年的相互評核。
Subject to FATF's Mutual Evaluation in 2018.

「特別組織」 第32項建議 FATF's Recommendation 32 (R32)

- 設立申報及／或披露制度（「R32制度」），偵測跨境運送的貨幣和不記名可轉讓票據（「現金類物品」）。

Establish a declaration and/or disclosure system (R32 System) to detect the physical cross-boundary transportation of currency and bearer negotiable instruments (CBNIs).

- 如有關跨境運送的現金類物品懷疑涉及清洗黑錢、恐怖分子融資或上游罪行，又或涉及虛假申報或披露，應予以阻截或限制。

Stop or restrain CBNIs that are suspected to be related to money laundering, terrorist financing or predicate offences, or that are falsely declared or disclosed.

- 不是貨幣管制，亦不應限制貿易付款或資金以任何方式自由流動。

Not currency control, and should not restrict trade payments or the freedom of capital movements in any way.

「特別組織」 第32項建議 FATF's R32

- 申報／披露指定上限：15,000美元或歐元（相等於約12萬港元）。

Designated threshold for declaration/disclosure:
USD/EUR15,000 (equivalent to around HKD120,000).

- 香港是「特別組織」中唯一未設立「R32制度」的成員。

Hong Kong is the only FATF member which has not yet established R32 System.

香港推行「R32制度」的原則

Principles for Implementing R32 System in Hong Kong

原則

Principles

- 符合「特別組織」的國際標準，同時兼顧本地情況；
Meeting FATF's international standards, while taking into account domestic circumstances;
- 以現行旅客及貨物的清關安排為基礎，採用申報及披露兩者並行的制度，使易於遵從，並處理龐大的乘客及貨物量；及
Building upon existing customs clearance arrangements for passengers and cargoes, a mixed system of declaration and disclosure to be adopted to render the System simple for compliance and enable handling of huge volume of passenger and cargo throughput; and



香港推行「R32制度」的原則

Principles for Implementing R32 System in Hong Kong

原則（續）

Principles (cont'd)

- 現有管制站順暢和有效率的運作，不應受到影響。
Smooth and efficient operation of existing control points not to be compromised.



《條例草案》的要點 — 旅客

Salient Features of the Bill - Passengers

旅客的申報／披露責任

Declaration/disclosure requirements on passengers

- 經指明管制站（設有紅綠通道系統）入境：申報
管有總值超出12萬港元的現金類物品，用紅通道向海關作出書面申報。

Arrival via specified control points (with Red and Green Channel System) : declaration

Written declaration to Customs and Excise Department (C&ED) using the Red Channel if in possession of CBNIs of a total value exceeding HKD120,000.



《條例草案》的要點 — 旅客

Salient Features of the Bill - Passengers

旅客的申報／披露責任（續）

Declaration/disclosure requirements on passengers (cont'd)

- 非經指明管制站入境，或出境：披露

在海關要求下，披露是否管有總值超出12萬港元的現金類物品，如有，向海關作出書面申報。

Arrival not via specified control points or departure: disclosure

Upon request of C&ED, disclose whether in possession of CBNIs of a total value exceeding HKD120,000. If so, make a written declaration.

《條例草案》的要點 — 旅客

Salient Features of the Bill - Passengers

旅客的申報／披露責任（續）

Declaration/disclosure requirements on passengers (cont'd)

- 知悉的成人須代16歲以下人士申報，或作出披露。
Adults with knowledge must declare or disclose on behalf of a person under 16 years old.
- 不適用於過境旅客。
Passengers in transit not covered.
- 申報內容：旅客基本資料、現金類物品的種類、價值、來源地或目的地，以及航班編號等。
What to be declared: basic information of passenger; type and value of CBNIs; place to or from which CBNIs are brought; flight number, etc.

《條例草案》的要點 — 貨物

Salient Features of the Bill - Cargoes

有關貨物的申報責任

Declaration requirements on cargoes

- 輸入或輸出總值超出12萬港元的現金類物品，須以電子方式預先向海關作出申報。
Advanced electronic declaration to be made to C&ED for import or export of CBNIs of a total value exceeding HKD120,000.
- 參考現有以電子方式提交貨物資料的安排。
Making reference to existing arrangements for advanced electronic submission of cargo information.

《條例草案》的要點 — 貨物

Salient Features of the Bill - Cargoes

有關貨物的申報責任（續）

Declaration requirements on cargoes (cont'd)

- 不適用於過境貨物、航空轉運貨物及郵件。

Cargoes in transit, air transshipment cargoes and mails not covered.

- 申報內容：進／出口人的基本資料、現金類物品的種類、價值、來源地或目的地，以及航班編號等。

What to be declared: basic information of importer/exporter, type and value of CBNIs, place to or from which CBNIs are exported or imported, flight number, etc.

《條例草案》的要點 — 執法

Salient Features of the Bill – Enforcement

- 罰則

Penalty

- 若干初犯者：以繳付款項代替檢控，款額為2,000港元。
Certain first-time offenders: payment of HKD2,000 in lieu of prosecution.
- 其他個案：循刑事檢控處理，最高刑罰為罰款50萬港元及監禁2年。

Other cases: subject to criminal prosecution with a maximum penalty of a fine of HKD500,000 and 2 years of imprisonment.

《條例草案》的要點 — 執法

Salient Features of the Bill – Enforcement

● 主要執法機關

Major law enforcement agency

○ 香港海關

C&ED

- 會獲賦予所需的執法權力（例如搜查旅客、檢查貨物、檢取及扣留被合理懷疑是犯罪得益或恐怖分子財產的現金類物品等）。

To be provided with necessary enforcement powers (e.g. searching passengers, examining cargoes, seizing and detaining CBNIs reasonably suspected to be crime proceeds or terrorist property).

公眾諮詢

Public Consultation

● 公眾諮詢

Public consultation

- 2015年7月至10月進行。

Conducted in July to October 2015.

- 大部分回應者認同香港有需要設立「R32制度」。

Most respondents acknowledged the need to establish R32 System in Hong Kong.

公眾諮詢

Public Consultation

- **立法會保安事務委員會**
LegCo Panel on Security

- 2015年7月7日會議：簡介擬議「R32制度」的框架。
Meeting on 7 July 2015: briefing on framework of proposed R32 System.
- 2016年6月7日會議：匯報公眾諮詢過程中接獲的意見及建議未來路向。
Meeting on 7 June 2016: reporting views received in public consultation and proposed way forward.

謝謝

Thank You