



Anti-Money Laundering Seminar

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Joint Financial
Intelligence Unit



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Overview of JFIU



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Overview of JFIU

Joint Financial Intelligence Unit (“JFIU”)

- Set up in 1989 at Police HQs
- Jointly operated by HKPF & C&E (44 staff)
- Not an Investigative Unit
- Not a Reporting Center
- Law Enforcement Model



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Overview of JFIU

Joint Financial Intelligence Unit (“JFIU”)

- Major Responsibilities (1) :
 - Receive
 - Analyze
 - Disseminate of Suspicious Transaction Report (‘STR’)
- Major Responsibilities (2) :
 - Study the trend used by the criminals in ML/TF
 - Outreaching and training



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Relevant Legislation



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Relevant Legislation

1. Drug Trafficking (Recovery of Proceeds) Ordinance, Cap. 405 ('DTROP'), 1989
2. Organized and Serious Crimes Ordinance, Cap. 455 ('OSCO'), 1994
3. United Nations (Anti Terrorism Measures) Ordinance, Cap. 575) ('UNATMO'), 2002



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Relevant Legislation

Money Laundering Offence

s.25 of DTROP / OSCO

- Knowing / Having reasonable grounds to believe that any property represents proceeds of drug trafficking or proceeds of indictable offence, **AND**
- Deals with that property
- **MAX PENALTY:**
 - Fine of HK\$ 5,000,000 **AND**
 - Imprisonment for 14 years



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Relevant Legislation

Legal Obligations to make STR

s.25A(1) of DTROP / OSCO

- Knows or Suspects any property represents proceeds of crime
- Shall make a report to an authorized officer(i.e.JFIU)

- **MAX PENALTY:**
 - Fine of HK\$ 50,000 AND
 - Imprisonment for 3 months



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Relevant Legislation

Statutory Defence to ML

s.25A(2) of DTROP / OSCO

- if a person deals with property and that person has a defence to ML, provided if :
 - (1) STR is made BEFORE the act
 - And the act done with consent from JFIU
 - OR
 - (2) STR is made AFTER the act
 - On own initiative &
 - As soon as reasonable practicable



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Relevant Legislation

Statutory Protection on Disclosure s.25A(3) of DTROP / OSCO

- Not treat as a breach of any conditions imposed by contract, rule of conduct or other provision
- Not render the person who made it liable in damages for any loss



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Relevant Legislation

Offence to Disclose the Disclosure

s.25A(5) of DTROP / OSCO

- Tipping Off (i.e. to disclose to other person)
- Any matter likely to prejudice an investigation
- **MAX PENALTY:**
 - On conviction on indictment: Fine of HK\$ 500,000 & 3 years' imprisonment
 - On summary conviction: Fine HK\$ 100,000 & 1 year imprisonment



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The “SAFE” Approach



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The “SAFE” Approach

- How to Identify a Suspicious Transaction?
 - Screen
 - Ask
 - Find
 - Evaluate



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“SAFE”

- **Screen** the customers’ background and transactions
- **Ask** appropriate questions
- **Find** out records for review



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“SAFE” - Evaluate

Evaluate

- Ask yourself:
 - All steps in ‘Screen’, ‘Ask’, ‘Find’ were completed?
 - Is the transaction suspicious?
 - Having considered all circumstances, can the suspicious be eliminated?
 - If conclusion = genuinely suspicious
→ File an STR



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“SAFE”

Could You Do More?

Subject A subscribed 2 life products and 3 investment linked products.

- Shortly after, Subject A requested for cash withdrawals resulting a loss of 13% - HK\$ 1.2 million.
- Further frequent withdrawals.
- STR made.
- Police enquiry revealed that Subject A has previous Drug Trafficking conviction. Suspected that Subject A used insurance policies to launder drug proceeds.



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Reporting of STR

STR Statistics

	2009	2010	2011 (1-11)
No. of STR Received by JFIU	16,062	19,690	18,294
No. of STR filed by Insurance Sector	111	154	188
Percentage (%)	0.69%	0.78%	1.03%



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Reporting of STR

Feedback from JFIU:

- Acknowledgement of Receipt
 - File ref.
 - Details of contact person
- Receive of Consent / No Consent Letter
- Results:
 - Arrests / Prosecutions / Conviction of money laundering offence



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Reporting of STR

- **How to file a STR?**

- E-reporting system (Suspicious Transaction Report And Management System)
- Email
- Fax
- Post
- Verbal (Urgent only – follow up by hardcopy)

Website : <http://www.jfiu.gov.hk>



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Thank You



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