Prevención del blanqueo de capitales y regla de viaje en Hong Kong

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland and Germany),
Solicitor (England & Wales and Hong Kong)
Of Counsel, KGP Legal LLC
alexander.ressos@kgplegal.com.sg
www.ressos.com.sg

El régimen de Hong Kong contra el blanqueo de capitales para los activos virtuales se encuentra en la misma ordenanza que el régimen de licencias. Una VATP con licencia es una institución financiera a efectos del anexo 2 de la GwV/OBA y debe aplicar diligencia debida con respecto al cliente, conservación de registros y seguimiento continuo conforme a la guía de la SFC sobre prevención del blanqueo de capitales para sociedades con licencia y VATP. La regla de viaje (travel rule) se aplica a las transferencias de activos virtuales desde el 1 de junio de 2023: exige la información completa del ordenante y del beneficiario para transferencias de 8000 HK$ o más, e información reducida por debajo de esa cifra. En las transferencias a monederos no alojados, la plataforma debe aplicar un enfoque basado en el riesgo y, cuando el riesgo lo justifique, solo puede transferir a monederos cuya titularidad haya verificado. Los bancos que trabajan con clientes de activos virtuales siguen las circulares de la HKMA, que desde 2023 animan a los bancos a atender a las VATP con licencia y desaconsejan la reducción generalizada de riesgos (de-risking).[1]

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El umbral es el punto práctico para un grupo suizo o singapurense. Suiza aplica la regla de viaje a todas las transferencias. Singapur exige la información completa por encima de 1500 S$, Hong Kong por encima de 8000 HK$ y MiCA desde el primer euro con arreglo al Reglamento sobre transferencias de fondos. Una política de grupo redactada según el estándar suizo cumple con los cuatro. Una política de grupo redactada según el estándar de Hong Kong no basta en Zug. Las comunicaciones de operaciones sospechosas se dirigen a la Joint Financial Intelligence Unit conforme a la Organized and Serious Crimes Ordinance (Cap. 455) y a la Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405), con un delito de revelación (tipping-off) que refleja el de la CDSA de Singapur.[2]

Notas

1. AMLO Cap. 615, anexo 2, secciones 13A y ss. (transferencias de activos virtuales). SFC, Guideline on Anti-Money Laundering and Counter-Financing of Terrorism (For Licensed Corporations and SFC-licensed Virtual Asset Service Providers), junio de 2023, capítulo 12. HKMA, Circular on banking services to virtual asset-related entities, 27 de abril de 2023. ↩
2. Organized and Serious Crimes Ordinance (Cap. 455), secciones 25 y 25A. Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405), secciones 25 y 25A. La Joint Financial Intelligence Unit está gestionada conjuntamente por la Hong Kong Police Force y el Customs and Excise Department. ↩

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Author contact: Dr Alexander Ressos, TEP · contact@ressos.com

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