



新加坡金钻珠宝商会
SINGAPORE JEWELLERS ASSOCIATION

15 December 2020

Dear Members

CONSULTATION ON REPORTING REQUIREMENT – MINLAW’S RESPONSES

We had submitted your feedback and comments on the latest reporting requirement to MinLaw and engaged in an in-depth discussion with them on 27 November 2020. MinLaw has since reviewed our feedback and came back with the following changes to their reporting requirement :

- Replace the request for revenue and transaction details by payment mode, with the request for the value range of cash and cash equivalent transactions; and revenue amount for the period;
- Reduce the request for information from 10 to 5 highest valued transactions; and
- If dealers submitted the risk assessment and internal policies, procedures and controls (IPPC) documents in the previous submission and have no changes, they will not need to re-upload these documents.

MinLaw has also prepared responses to the written comments and feedback that SJA submitted. The document is as attached for your kind reference. MinLaw is looking to organise demos/training sessions in 2021 to help you understand this reporting requirement better and to know how to submit the semi-annual returns.

Please feel free to contact the Secretariat should you require further clarification. Thank you.

Regards

Singapore Jewellers Association



2020年12月15日

致：全体会员

律政部申报要求的咨询回复

我们已将您对申报要求的反馈提呈给律政部，并于2020年11月27日与他们进行了深入讨论。律政部对会员的反馈进行了审核，并对申报要求进行了以下的修订：

- 对于详细业务的付款方式，要求只提供现金和与现金相关交易的价值范围以及该期间的收入金额；
- 将与交易相关的信息的前10个最高价值交易减少至5个；和
- 如果经销商已经提交内部政策、程序和监管措施（IPPC）文件，并且没有任何修改，他们无需再重新上载这些文件。

律政部对本会所提呈的反馈意作出回应。您可以参阅随函附上的解答说明。律政部希望在2021年组办示范培训课程，以帮助您更好地了解此申报要求及如何提呈每半年的申报。

如果您需要进一步说明，请随时与秘书处联系。

谢谢您的合作

新加坡金钻珠宝商会

**MINISTRY OF LAW (MINLAW)'S RESPONSES TO COMMENTS AND FEEDBACK FROM
SINGAPORE JEWELLERS ASSOCIATION (SJA) ON REPORTING REQUIREMENT**

S/N	SJA's Comments and Feedback	MinLaw's Responses
1.	<p>Why is there a need for semi-annual reporting when there are already laws governing the reporting regime of cash transactions above SGD20K and all used gold / scrap gold transactions (to Singapore Police Force)?</p> <p>现在已经有一个现金交易报告制度，为什么还需要增添另一个每六个月的申报规格？</p>	<ul style="list-style-type: none"> • In the precious stones and precious metals (PSPM) industry, there is a large pool of diverse dealers. It is a challenge for MinLaw as a regulated dealer to know each and every one of the dealers. As such, we need to collect a reliable, timely and consistent set of information across the large pool of regulated dealers to allow us to understand their risk profiles. Information from cash transactions reports is not sufficient for MinLaw's supervision purpose. <p>律政部目前监管的经销商有大概两千名。各个受监管经销商因为有不同性质的生意模式与客户，所拥有的风险也因人而异。为了更有效的辨认那些洗黑钱/恐怖主义融资风险较高的因而不能有效的辨别风险较高的受监管经销商，身为一个监控机构，律政部必须有足够可靠与及时的资料。单靠现金交易报告呈报的资料是不足够的。</p> <ul style="list-style-type: none"> • We have powers of monitoring and investigation under Section 23 in the Precious Stones and Precious Metals (Prevention of Money Laundering and Terrorism Financing) Act 2019 (PSPM Act), to request for information from regulated dealers for us to supervise them effectively. The information requested is mainly on designated transactions, with a small section on non-designated transactions to ascertain if the regulated dealers can comply with measures under the Act. The information on non-designated transactions will help us understand the profile of the dealers, especially for those who declared that they did not conduct any designated transactions during the period of reporting. <p>目前法令给予律政部的权限包括向受监管经销商索取用于监测与调查所需的资料。这个申报规格所索取的资料大多局限于受监管经销商的个体和指定交易资料。我们也会索取一小部分指定交易以外的交易资料来鉴别各种不同的经销商。这些非指定交易的资料能帮助我们了解经销商，特别是那些没有指定交易的经销商。</p> <ul style="list-style-type: none"> • If the dealer does not have designated transactions, it will be quite simple to do the reporting. <p>如果受监管经销商没有指定交易的话，申报过程应该会很简单。</p>

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2.	<p>The cost of running a jewellery business in Singapore is not only high, but labour intensive. Regulated dealers have to compete globally with online jewellery retailers on price competitiveness, additional reporting requirements will put pressure substantially on our back-end staff, making it even more unproductive during global economic downturn.</p> <p>经营珠宝生意的开支已经很高。这个新的申报规格只会增加受监管经销商的营运成本。</p>	<ul style="list-style-type: none"> • MinLaw understands businesses' constraints and that the business environment is challenging, especially in these times. Nonetheless, it remains important that regulated dealers stay vigilant to money laundering / terrorism financing (ML/TF). <p>MinLaw has to regulate a large number of precious stones and precious metals dealers (PSMDs) and there was insufficient information on the dealers for MinLaw to conduct effective supervision. Only 73% of the dealers responded to the Feb 2020 survey and some of the received responses were verified to be inaccurate during inspections. Furthermore, MinLaw did not have powers to compel the dealers to respond to the survey. It is important for MinLaw to have access to timely and reliable information on all the dealers for ongoing monitoring purpose.</p> <ul style="list-style-type: none"> • As there is never a perfect time to implement the reporting requirements, we have decided to implement now as information has to be collected from dealers. Overall, the information requested would not be difficult to report and we have requested for only information which we deem necessary for ongoing monitoring purpose. We have designed the form so that the submission is made easier (e.g. click/ dropdown/ key figures fields) and not expected to take much time to complete, if the regulated dealers have all information at hand. • We are also in the midst of setting up a secured e-Portal and mobile application which will make the submission process for dealers easier and more secured. • If a regulated dealer does not conduct any designated transactions during the period of reporting, the form can be completed quite quickly. <p>我们体恤受监管经销商在疫情之中所面对的困难与压力。不过，在这时期，我们也必须更加警惕那些利用疫情来犯罪的不法分子。</p> <p>即使我们不这个时候推出这项申报规格，也得向受监管经销商索取第二轮的调查问卷答案。可是成交调查问卷答案属于自愿式的。律政部没有法律权限来强制经销商提交问卷答案，根据之前的经验，我们会欠缺 27%经销商的资料。这会大大削弱我们监控的效用。在我们均衡利与弊后，我们决定在这时候推出这项申报规格。</p>

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		<p>在设计申报表格时，我们以简单与便易为前提。我们所索取的资料大多局限于受监管经销商的个体和指定交易资料。我们也会索取一小部分指定交易以外的交易资料来鉴别各种不同的经销商。我们现在也已开始设计用来申报资料的安全系统 和应用程序。</p> <p>如果受监管经销商没有指定交易的话，申报过程应该会很简单。</p>
3.	<p>Would MinLaw consider putting in place any measures to regulate precious stone / metal dealers who ship directly to customers in Singapore? Technically, any unscrupulous personnel could also order online and ship gemstones over, bypassing the reporting requirements.</p> <p>律政部可否考虑监管那些从外国直接运输货品给客户的经销商?</p>	<ul style="list-style-type: none"> • Any dealer operating in Singapore has to be registered with MinLaw Anti-Money Laundering/ Countering the Financing of Terrorism Division (ACD) and comply with the PSPM Act and Regulations. Such dealers would be considered dealing in Singapore (goods imported and delivered directly to customers in Singapore) and have to be registered before they can conduct regulated dealings. <p>凡是在新加坡售卖宝石和贵金属的人或公司都得遵守宝石和贵金属（反洗黑钱与反恐融资）法令。</p> <ul style="list-style-type: none"> • If you come across such unscrupulous personnel and cases that may present ML/TF risks, please provide us details by contacting us directly or reporting through our website, so we could monitor and take enforcement action. <p>您可以通过律政部的网站呈交这类经销商的资料。我们有一个专属部门负责调查与取缔没有遵守法令规格的经销商。</p>
4.	<p>What is the rationale for regulated dealers to reveal to MinLaw the top 10 transactions as well as the nationality of the customers? Shouldn't this already been covered under the cash transactions reporting threshold of SGD20K?</p>	<ul style="list-style-type: none"> • Information on the top 5 highest valued transactions is to help MinLaw better understand regulated dealers' profile, especially for those who declared that they did not conduct any designated transactions during the period of reporting. The information collected will then help us identify those dealers who we need to engage more. • Non-designated transactions can be used for ML/TF activities as well.

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	<p>律政部为什么要向受监管经销商索取前十最高金额交易以及客户国际的资料。现有的指定交易申报规格不是已经包括这类资料吗？</p>	<p>我们所索取的资料大多局限于经销商的个体和指定交易资料。我们会索取一小部分指定交易以外的交易资料来辨别申报没有指定交易的经销商。比如说，如果两千个经销商，都申报他们在半年里没有执行任何指定交易，我们还是无法辨别各个经销商的风险。</p> <p>现有的指定交易申报规格不包括这类资料。</p>
5.	<p>Could MinLaw provide valid reasons to justify the additional steps for more reporting to such granular level? This does not seem to have any relevance in helping to prevent anti-money laundering</p> <p>请律政部解释为什么需要这么细化的申报。这项申报规格与反洗黑钱与反恐融资也不像有关连。</p>	<ul style="list-style-type: none"> • We have answered this in questions (1). • In the PSPM industry, there is a large pool of diverse dealers. It is a challenge for MinLaw as a regulated dealer to know each and every one of the dealers. As such, we need to collect a reliable, timely and consistent set of information across the large pool of regulated dealers to allow us to understand their risk profiles. • MinLaw does not have information on 27% of the dealers who did not respond to the Feb 2020 survey and some of the received responses were verified to be inaccurate during inspections. As this was a voluntary survey, MinLaw was unable to compel these dealers to respond to the survey nor take action on the inaccurate submission. This has also led to our decision to collect the necessary information through the reporting requirements. <p>答（一）</p> <p>律政部目前监管的经销商大概有两千名。各个经销商因为有不同的生意模式与客户，所拥有的风险也因人而异。</p> <p>因此为了更有效的辨认那些洗黑钱/恐怖主义融资风险较高的因而不能有效的辨别风险较高的受监管经销商，我们必须有足够可靠与及时的资料。</p> <p>今年二月，我们向受监管经销商要求呈报调查问卷。可是，经过我们两个月不断的提醒与追踪，也只有73%的经销商呈报所需要的资料。我们也是在别无更好的选择下才在这个时候推出这项申报规格。</p>

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		<ul style="list-style-type: none"> In addition, the information that we are requesting is not very different from that in the Feb 2020 survey, and the information that we request from dealers at inspections and compliance reviews. Customer and supplier names are not requested. <p>更何况，申报规格索取的资料内容与之前的调查问卷和最近的审查都是大同小异的。最大的分别应该是，经销商不必呈交立刻呈上客户和批发商的资料。</p>
6.	Comments and queries on MinLaw's requirements (collection of information)	
a.	<p>Once a year instead of bi-annual submission</p> <p>为什么不是一年而是六个月?</p>	<ul style="list-style-type: none"> There is no perfect time or way to set out reporting requirements, and this information should be prepared throughout the year. 6 months is a reasonable period and the longest we can go. For info, most regulators will ask for submissions. MinLaw cross-referenced the period with other regulators, and considered 1 month, 3 months and 1 year cycle. We decided against 1 and 3 months as that would be too much reporting for the dealers. The information from a 1 year cycle will not be sufficiently current for our ongoing monitoring purposes. We understand regulated dealers have limited time and resources, so we made the reporting as simple and straight-forward as possible. Regulated dealers can submit the returns through a secure e-Portal. We are also exploring a mobile application. We allow regulated dealers 30 days to submit returns after the end of the reporting period. <p>在设定申报频次时，我们查看了别的监督机关的申报规格。有些是一个月，三个月，六个月或一年。我们没采取一个月和三个月的频次 主要是因为这会大大的增加经销商工作量。然而，一年的频次，资料又不够及时。所以我们就定在每六个月。</p>
b.	<p>Is this based on entity or per outlet? Would be easier if based on per outlet.</p>	<ul style="list-style-type: none"> This is based on entity. Regulated dealers will consolidate and aggregate the data for reporting, from all outlets. For many dealers, it is easier to report based on entity, especially where they have a centralised reporting system.

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	<p>是以公司或门店来申报?</p>	<p>公司。经销商得汇总各个门店的交易记录。</p>
c.	<p>Top Transacted value - Shouldn't it be based on the \$20K threshold under the ACD guidelines? For small-scale jewellers, highest transacted amount may not even hit \$10k!</p> <p>前十最高金额交易应该以指定交易底线来设定。大多小型经销商最高的交易额可能都没有十千。</p>	<ul style="list-style-type: none"> • MinLaw needs to collect information on the highest valued transactions so we can better understand regulated dealers' activities and identify those dealers that we need to engage more. This feeds into our collective efforts to effectively supervise and raise the standards of anti-money laundering/ countering the financing of terrorism (AML/CFT) across the industry. Transaction amounts below \$20k may also present ML/TF risks. • The information needed for the highest valued transactions is just the type of product, transaction value, payment mode and whether the transaction is done face-to-face or not (mostly click/dropdown fields). We do not need details on customer name or nationality. • To address SJA's feedback raised at the 27 Nov 2020 discussion, we will be reducing the request for information from 10 to 5 highest valued transactions. <p>这些高金额交易资料是用来辨别申报没有指定交易的经销商。比如说，如果两千个经销商，都申报他们在半年里没有执行任何指定交易，我们还是无法辨别各个经销商的风险。</p> <p>经销商不需要提供这类交易的客户资料。</p>
d.	<p>MinLaw should provide templates for "Entity related information" and "Transaction related information". For example, a form to fill in when requesting for information instead of ad hoc reporting so that dealers will not miss out important information.</p> <p>律政部应该提供实体相关规定和交易相关 规定报表样板。</p>	<ul style="list-style-type: none"> • We have a template/ form. It is not difficult to fill in and will not take up much time to complete, once dealers have the necessary information at hand. Information can largely be filled in through click/dropdown/ key figures information fields. <p>我们会通知经销商所该准备的资料并提供实体相关规定和交易 相关 规定报表样板。</p>

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e.	<p>MinLaw will definitely add unnecessary burden administratively. Other than MinLaw, dealers are required to submit reports to ACRA and IRAS and other relevant authorities. It is more productive to submit one to one coordinating body to save costs and time.</p> <p>这项申报规格肯定会增添经销商的行政工作。经销商已经得呈交报表给税务局和会计与企业管理局。如果可以一次呈交报表给各个政府部门，那可以省下很多时间。</p>	<ul style="list-style-type: none"> • Different information is required by different agencies for different purposes. Information collected by ACRA and IRAs are not for assessing ML/TF risks and AML/CFT supervision. • MinLaw understands the benefits of having a coordinating body or mechanism for regulatory reporting, and feedback internally. As part of ongoing interagency efforts, we are constantly reviewing how we can provide an easier, integrated experience for businesses. However, this may take time to implement if it involves various agencies and systems. <p>税务局和会计与企业管理局所与律政部所索取的资料是用在不同用途的。与律政部不同，税务局和会计与企业管理局并不是主要监管洗黑钱与恐融资风险。所以资料需求也很不一样。</p> <p>我们同意如果可以一次性呈上各个政府机构所需要的资料，那的确会为经销商省下很多时间。各个政府机构还在探讨这个方案的可行性。可是这是需要时间的。</p>
f.	<p>MinLaw should send several reminders/notifications to the dealers prior to the submission date.</p> <p>律政部应该在呈报截止日期前提醒经销商。</p>	<ul style="list-style-type: none"> • MinLaw will send reminders/notifications to dealers before the submission deadline. <p>我们会在呈报截止日期前给经销商数次提醒。</p>
g.	<p>Dealers may have problem submitting report in Jan within 30 days (due to seasonal holidays, Dec – Feb, business is normally busier, foreign staff on holidays and year end account closing period).</p> <p>经销商可能没法在三十天内呈上报表。</p>	<ul style="list-style-type: none"> • 30 days is a standard and reasonable timeframe for reporting. • If dealers face reasonable delays to submit returns, we will review each case and see how much more time we can provide. <p>三十天也是其他监督机关所设的时限。</p> <p>如果经销商是因为合理的原因没法在三十天内呈上报表，我们也会合理对待。</p> <p>我们也打算在第一轮申报后，检讨这三十天的时限。</p>

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h.	<p>Could MinLaw review the threshold? Perhaps, to be applicable only to those dealers whose sales turnover is high, e.g. only need to report if they have any transaction above S\$20K within 6 months/12 months?</p> <p>律政部可以重新考虑申报标准吗？例如只有销售量高的经销商需要提成报表。</p>	<ul style="list-style-type: none"> MinLaw has to go through a few rounds of reporting to understand the risk profile of the PSPM sector and dealers before we can come up with a system to properly categorise regulated dealers. <p>目前为止，我们对各个经销商的模式还欠缺了解。所以我们还无法将经销商好好的归类。在几轮申报后，我们应该能比较熟悉各种不同经销商。到时，我们会检讨申报标准。</p>
i.	<p>Is it possible to provide the nationality of the customers only if value of the transaction is more than S\$20K?</p> <p>可以只在交易超出二十千时，才呈交客户国际吗？</p>	<ul style="list-style-type: none"> MinLaw only request for nationality of customers for designated transactions. <p>我们只要求经销商为指定交易呈上客户国际资料。</p>