出國報告(出國類別:考察、開會)

## 第36 屆劍橋經濟犯罪國際研討會 (Cambridge International Symposium on Economic Crime) 開會報告

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- 派赴國家: 英國
- 出國期間: 107年 9月1日至7日
- 報告日期: 107年12月6日

行程目的

第36屆「劍橋經濟犯罪國際研討會」自2018年9月3日起,於 英國劍橋大學耶穌學院舉行。為使各國認識我國近來在洗錢防制修訂 之成效已與世界標準接軌,及對跨境詐欺、洗錢犯罪之打擊有所成效, 而有能力及充分意願與各國進行司法合作,本部由檢察司調部檢察官 蔡佩玲、臺灣苗栗地方檢察署檢察官廖倪凰組團參與該研討會,分別 於開幕式演講及研討會進行專題報告。 壹、劍橋大學國際經濟犯罪研討會介紹

自西元 1981 年起,由劍橋大學教授 Barry A.K. Rider 創始之劍 橋經濟犯罪國際研討會(Cambridge International Symposium on Economic Crime),每年邀集世界各國之立法者、法官、檢察官、調查 機關、學者、金融界從業人員,齊聚於歷史攸久之英國劍橋大學耶穌 學院(Jesus College, Cambridge University),共同研討該年度新興之經 濟犯罪議題。近來每年度之研討會均吸引來自 90 個以上不同國家、 共計約1千8百位之與會者參與,堪為促進防制經濟犯罪國際交流合 作之重要平台。

2018年之劍橋經濟犯罪國際研討會邁入第36屆,本年度之主題為:如何更有效率地識別不明、可疑之財產為何人所有並為有效之管制?該研討會之進行除全日於會場大講堂設有主題演講外,大會更於同時段依產、官、學各界不同之需求,設計多場相關主題之小組會議或小型討論會,邀請專家分享經驗並引領討論,供與會者依其志趣參與。

除上揭會議行程外,主辦方為促進各國與會者之交流,各日規劃 不同主題之雞尾酒會、晚宴,其中會議第二天之晚宴主題向來為「台 灣之夜」,由主辦方偕各國與會者向我國代表團致意,將「台灣」印 象深植於外國友人心中,為每年研討會社交活動之高潮。 貳、本部參與本屆研討會情形

一、 研討會開幕式

(一)開幕式演講:

本年度之劍橋國際經濟犯罪研討會於2018年9月3日星期一在 劍橋大學耶穌學院舉行開幕式,來自各國之與會者一早八點鐘 即齊聚於主辦單位搭設之大帳篷內, 聆聽主辦單位邀請之各國 貴賓發表之開幕致詞及演講。今年度受邀於開幕式致詞及演說 之貴賓包括:新官上任之英國重大詐欺犯罪偵查署(Serious Fraud Office of England Wales and Northern Ireland)署長 Lisa Osofsky、新加坡檢察總長 (Attorney General of Singapore) Lucien Wong、迦納司法部部長(Minister of Justice and Attorney) General of Ghana) Gloria Akuffo、國際刑事法院法官 Tomoko Akane、 奈及利亞最高法院法官 Chima Centus Nweze 等人,本 部檢察司調部辦事檢察官兼行政院洗錢防制辦公室政策組組長 蔡佩玲亦代表本部於開幕式發表演說,介紹我國目前洗錢防制 概況,獲得現場與會者熱烈迴響及好評,詳細演說講稿如下。 (二)開幕式演說講稿:

## Creating Mutual Benefit through Transparent Money Flow: On Taiwan's Anti-Money Laundering Performance

Symposium Chairman Saul Froomkin, Co-Chairman Professor Barry Rider, Distinguished Guests, Ladies and Gentlemen, Good Morning!

This is Peiling, a prosecutor from Taiwan. I've been serving as a prosecutor for more than 10 years, among which 5 years I have been working in the Ministry of Justice in policy work on "anti-money laundering". As well, I'm also the chief of policy unit of the Anti-Money Laundering office under the Executive Yuan. And having served as an assessor for the APG mutual evaluation on Thailand two tears ago. Taiwan is going to have its mutual evaluation this November, and I'm in charge of the preparation and coordination work. I have always dreamed to participate in the Cambridge symposium. And I am delighted the dream comes true today. Today, I'm going to introduce you the efforts made by Taiwan government on behalf of the Ministry of Justice.

Looking back in 2015, numerous food safety incidents were uncovered in Taiwan, including cases in which dishonest merchants were selling oil unfit for human consumption on the market to improperly obtain excessive profit while endangering the health of our citizens. The perpetrators were ultimately convicted and sentenced, but their proceeds of crime have not been deprived. These circumstances have incited society as a whole to rethink over crime fighting initiatives, and we have come to discover that we can deter profit-motivated criminal behavior more efficiently by ensuring that "crime doesn't pay". In response, Taiwan has amended the confiscation statutes in the Criminal Code and the provisions for confiscating third-party property in the Code of Criminal Procedure with a view to completely deprive criminals of their proceeds.

However, the deprivation of criminal proceeds after the event is far from sufficient. What's of even greater importance is imposing regulations on the front-end financial acts. In keeping with the new wave of anti-money laundering and anti-tax evasion trends around the world that necessitate greater awareness and knowledge as well as higher requirements for transparency in money flow, Taiwan has furthermore, starting from 2016, amended the "Money Laundering Control Act" and also enacted the "Counter-Terrorism Financing Act". These related laws have been enforced in Taiwan based on standards issued by the Financial Action Task Force (FATF). The revamped system emphasizes the performance of the forefront financial institutions and non-financial sectors such as attorneys, accountants, real estate brokers, and notaries. Taiwan is also strengthening the role and importance of the Financial Intelligence Unit while law enforcement agencies are enhancing their capacity to "follow the money".

Aside from these efforts, we have also identified the biggest obstacles to money flow transparency—that is the abuse of legal entities and lack of information transparency. As such, we passed amendments to the "Company Act" in the first half of this year. And has also established the new "Foundations Act" to achieve true information transparency for all types of legal entities.

In order to enhance inter-agencies cooperation in combating money laundering and terrorist financing, Taiwan established a dedicated anti-money laundering unit on 16<sup>th</sup> March 2017, which is coincidentally the same day the special anti-money laundering unit established in the United Kingdom. The dedicated unit "Anti-Money Laundering Office of the Executive Yuan" was officially unveiled by the Premier, overseeing anti-money laundering work progress and policy coordination between related departments and agencies. Under the supervision and coordination of the Anti-Money Laundering Office, Taiwan has completed its National Money Laundering and Terrorist Financing Risk Report and established a National Action Plan through which new developments and approaches have been proposed.

In addition, we also focus on corruption offenses, which is one of the most prevalent white-collar crimes in many countries. Although Taiwan is not a member of UN, we are making every effort in keeping abreast of international requirements and trends. So you can see that Taiwan was placed 29th in the world and 4th in Asia in the latest Corruption Perceptions Index published by Transparency International in 2017, which is a timely affirmation indeed for the hard work that has been undertaken by our government.

Taiwan is aware that transparency in money flow requires strong and steadfast international judicial cooperation. The MOJ has therefore enacted the "International Mutual Legal Assistance in Criminal Matters Act" which had entered into force in 2018 to increase the efficiency of international judicial cooperation. The informal cooperation is also active. For example, our Financial Intelligence Unit, that is the Anti-Money Laundering Division under the MOJ is not only an important member of the Egmont Group, its outstanding performance in recent years has moreover resulted in the signing of Memorandums of Understanding with as many as 44 countries and regions. With integrated internal and international cooperation, Taiwan has cracked the world's largest ATM fraud case recently, a case involving the international criminal organization Cobalt Gang, which had hacked into financial institutions and sent money mules to withdraw funds from various regions around the world. In 2016, when the group fraudulently withdrew funds from First Commercial Bank in Taiwan, we were able to crack it down in a very short time. What brings the fruitful performance is the strength and integrity of Taiwan's law enforcement system and strong support from Eurojust, European Banking Union, and National Police Corps of Spain. We furthermore collaborated with European authorities this year and resolved a telecommunications fraud ring in Croatia and Slovenia. The criminal group had obtained profits of 1.1 million Pound in just 2 months. A total of 91 individuals were repatriated to Taiwan to stand trial. This important case of international judicial cooperation demonstrates our commitment to financial order and international cooperation as well as our resolve to fight against crime. (Added on spot: This time we also invite Prosecutor Liao with us in the delegation, she is the one in charge

of the case. If you're interested in this case, you can approach her to get further information.)I wish to take this opportunity to share with you how our effective cooperation has brought justice for many victims.

I am very honored to be invited to share Taiwan's experience with you, particularly the efforts the Ministry of Justice has made in legislation and law enforcement in the past years. We identify with the value of "money flow transparency" and hope to, on the basis of such values, create positive results for both law enforcement agencies and the general public, and both Taiwanese and European government authorities in terms of financial and public order. Through the numerous successful cases of collaboration in recent years, we have proven the value with our firm action. So I wish to thank the UK and European authorities for their persistence and for cooperating with us. It would be a pleasure and honor for us to be able to engage in more exchanges with all of you in the future. I always believe personally that every change which is beneficial to the world comes from positive interaction and deep mutual trust. I think this is also a belief recognized by you, and it's our passion and love to this belief bringing us here in the great symposium every year. Isn't it? Lastly, I also hope to invite you all to Taiwan, a beautiful and beloved place, which is my lovely hometown. I welcome all of you to experience Taiwan's warm hospitality and good food. I also wish the Symposium great success and all the best to the distinguished guests in attendance! Thank you!

(三)照片:

(請見下頁,演講者為蔡佩玲檢察官)



(四)現場迴響:

蔡佩玲檢察官身著充滿朝氣的白色套裝站上大會講台,以流利 的英文,誠摯地向與會者介紹台灣近年有關於洗錢防制之新政 及未來目標擘劃,並邀請各國嘉賓至台灣參訪,在場觀眾無不 受到蔡檢察官之熱情感染。會後有許多學者、各國政府機關人 員紛紛主動上前向台灣代表團致意,表達對蔡檢察官演講之讚 許並進行交流,成果豐碩。

- 二、 研討會專題報告
- (一)報告形式

本屆劍橋經濟犯罪國際研討會於開幕式後即依不同子題展開各

場會議。本部除蔡佩玲檢察官於開幕式演講外,臺灣苗栗地方 檢察署檢察官廖倪凰另於2018年9月4日下午1時45分舉辦 之第四場會議「熱錢、有疑問的錢、秘密的錢(Hot, questionable and secret money)」進行專題報告。該場次之主席為 Reginald Rhoda 御用大律師,同場報告之來賓除英國本地之學者專家、 執法單位代表及律師外,尚包括來自美國、香港、瑞典、迦納 等地之洗錢防制相關執法人員。因同時段尚有主題為:「追尋和 打擊恐怖主義資金」之會議及其他工作坊討論,故主辦單位選 定耶穌學院古色古香之 Webb Library 討論室舉辦為本場次會議。 又因報告者眾多,每人均限時10分鐘,報告投影片及講稿如 下。

## (二)報告投影片內容及英文講稿



Good afternoon, ladies and gentlemen. My name is Liao Ni-Huang. I am a prosecutor from Taiwan. It is a great honor for me to be here today. I would like to take this opportunity to share Taiwan's experiences on transnational telecom fraud and money laundering with you.

Canada USA Dominican Republic El Salvado Nicaragua Panama Paraguay Aganda South Africa	Call Centers			
	USA Dominican Republic El Salvadon Nicaragua Panama	Slovente Polánd Croatia Latvia Greece Turkey Egypt Kenya Uganda	Indonesia Japan Malaysia Philippines Singapore South Korea Thailand Australia	

Now, let's start with this map. It listed the countries where Taiwanese fraudsters have set up call centers. I bet they have been to more places than most of us have travelled to. Today with growing use of internet, not only you and I live in a global village, but also the criminals. The call centers could appear at any places in the world.



They are even spreading their fraud techniques to gangsters from other countries. Citizens of any nations could be victims and suffer great loss.



Therefore, besides briefly introducing how their scam and money laundering typically work, I would like to talk about some methods Taiwan has conducted to combat these cross-border crimes by presenting a very remarkable case. Hopefully, my presentation could provide you some inspiration.



The scams work as follows: First, a call center is set up outside of Taiwan because the fraudsters think it would be more difficult for the authority to catch them. There are usually three tiers in one call center. Tier 1 make phone calls to random people in China by using information obtained from data brokers. They pretend to be from a trusted organization – like utility providers and persuade the victims to contact police officials to report identity theft, etc. If the victim is convinced, the call will be transferred to Tier 2, who proses as police officials, and then Tier 3, who disguised as prosecutors. The victim will be told that he or she is suspected of money laundering or other crimes and needs to transfer money for investigations.



Once the payment is done, the call center turns to a network of money laundering. The proceeds will be promptly transferred to various dummy accounts controlled by the laundering group.



Then, a group of "money mules" also called "runners" withdraw money with China UnionPay Cards in Taiwan right afterwards. This is basically how the phone scam and money laundering work.



Next, I would like to talk about what we are trying to do in Taiwan to detect the questionable money related to phone scams.



Recently, we decide to target on the mules, who withdraw the money on the street, just like this man in the picture.



Special police task forces run data analysis on the transaction histories of all the reported dummy accounts to find out the popular ATMs which the mules like to use. Then, the local police are sent to have stakeout on these hot spots to see if they catch suspicious mules. Besides, the CCTV footage taken during the withdrawal and the track of the runners are fully investigated to find out their real identities. The suspected faces of the mules are put into a large database for joint investigation of the whole country. Of course, this takes plenty of time and patience. However, it really pays off. We do detect a lot of questionable money by this operation.



Moreover, if you keep following the lead, a mule on the street may bring you to the whole gang. And this is what the legendary Dominican case I am going to share is about.



This Dominican case was investigated by Prosecutor Chang Shih-Chia from Taiwan Taichung District Prosecutors Office. I think it illustrates how to build up a case from a money mule very well. So now let's get into the case. It started from a random mule arrested with a lot of cards and money at the end of 2015.



Please look at this graph. According to our understanding, the money withdrawn by the mules eventually will be sent to the laundering center which is the headquarter of money laundering for further integration. It means if we follow the mule, we have a chance to find the laundering center.



In this case, after investigation, a laundering center was located and searched one month later. More questionable money was found. But the account books found in the laundering center are numbers with secret codes, so no one knew how much money this gang really earned. However, the fraud gang was still out there. More victims are cheated by the call centers every day. Our goal is to wipe out the whole crime group.



But how? The clues in the laundering center are a few pieces of outward remittance forms to some foreign accounts and some flight itinerary to a country far away, the Dominican Republic. Well...this seems kind of difficult, but a good prosecutor never gives up.



Following the clues, the investigation team spent a year on tracing the transnational money flows of the laundering group. We also made mutual legal assistance request to the United States and other foreign countries to find out the beneficial owner of dozens of suspicious foreign accounts. This diagram is the result of the hard work. It shows that the laundering group has transferred more than 3 million euros to plenty of foreign accounts all controlled by a Taiwanese with a passport from the Dominican Republic. It is believed that this person is the local agent of the call center, who provides everything the call center needs for operation in the Dominican Republic.



Later, we cooperated with the Dominican Republic's authority and arrested this guy there in 2017. The evidence of the call centers was collected as well. Therefore, all the members of the call centers were caught.



At the end, we finally got to know this gang earned 20 million Euro within two months in 2015! Without perseverance, we would never know the whole picture of the entire scam syndicate.



In conclusion, to investigate transnational telecom fraud and money laundering is no doubt very difficult. However, no matter how complex the crime techniques get, there are still fundamental methods we could give it a try. "Greatness is from small beginnings." Moreover, Taiwan, as a member of a global society is dedicated to cooperating with other countries to tackle crimes together. If there is any investigation we can do together, or you need any help from us, please do not hesitate to contact me or our Ministry of Justice. I believe to protect our fellow people is our common goal.



Thank you for your kind attention.

(三)報告照片:



(四)現場迴響:

廖倪凰檢察官於 2018 年辦理波蘭詐騙集團案,親赴波蘭進行司 法互助,取回大批詐騙機房相關卷證,並起訴二團機房成員共 計 48 人。本次報告即以跨境詐欺集團為主題,介紹詐欺機房跨 境運作、洗錢模式,並介紹我國擴大查緝車手,再循線破獲洗 錢水房,進而查獲國外機房之實例。報告結束後,廖倪凰檢察 官與來自香港律政司之檢察官討論、分享台、港兩地查緝詐欺 集團之經驗與心得。翌日廖倪凰檢察官於研討會另一會議巧遇 迦納代表團,該國司法部代表特別表示對前日報告之深感興趣, 並索取報告之投影片檔案,顯見本次報告成功向各國執法單位 分享台灣偵查經驗,並促進國際交流,成果斐然。

三、 參與研討會其他活動:

(一)與SFO新任署長相見歡

英國 Serious Fraud Office (重大詐欺偵查署,簡稱 SF0) 針對重 大詐欺案件進行偵辦,不同於英國其他偵查機構,其兼顧了調查 與公訴的工作。SFO 署長 Lisa Osofsky 於 2018 年 9 月 3 日甫上任 署長職務,隨即於本屆研討會開幕式發表演說,作為其宣示 SFO 工作目標之第一站,強調國際合作為 SFO 未來業務發展重點。本 代表團於開幕式當日即在會場向 Osofsky 署長致意,預祝新署長 業務推動順利,也期望將來與 SFO 有更多實質合作。

(二)工作坊:

本屆研討會主題係追查可疑資金,各工作坊之講題亦依此設計。 其中與檢察業務較為相關的係前揭英國 Serious Fraud Office (重大詐 欺偵查署,SFO)設計之「如何因應調查中大量之數位證據」(The Management of large volume digital evidence in complex prosecutions)、 「犯罪所得沒收」(Asset Recovery)等。因為 SFO 係為處理重大詐欺 案件而結合檢察官、調查人員、各種專業會計、資訊人員的特別單位, 實為特別。考量我國目前各種重大詐欺案件四起,往往全國各單位分 頭偵查,疊床架屋有損效益,若能整合各項資源,或可事半功倍。另 SFO 於課程中表示該署與各國調查單位互動密切,並提供見習機會, 建議將來可與 SFO 接洽見習,以供我國設計制度之借鏡。

(三)台灣之夜

劍橋大學耶穌學院 Barry Rider 教授及夫人偕研討會主要承辦人 於 2018 年 9 月 3 日即研討會第一天議程結束的傍晚,在耶穌學院 Combination room 為臺灣代表團舉行歡迎酒會,外交部駐英代表林永 樂大使亦特別出席參與,與 Rider 教授合影如下頁照片。



當晚,主辦單位之晚宴設於下圖大廳,宴會中主席特別感謝台灣 法務部等各單位長期對於該研討會之支持,全場賓客共同舉杯向台灣 致意,為「台灣之夜」畫下美好的句點。



參、心得與建議

本部代表團此次參與第36屆劍橋經濟犯罪國際研討會雖路途遙遠,實際停留天數短暫,故一路行程緊湊,但收穫滿滿,謹分享如後。

首先,經過此次國際研討會洗禮,深刻體會我國代表團不論參與 何種國際場合,舉手投足均係代表台灣,各國政府官員、專家學者無 不藉此認識、觀察我國之司法體制及司法人員素質。倘代表我國法務 部之吾等能在此彙集各國之司法人員之非官方場合,展現我方檢察官 打擊跨境犯罪之能力及國際合作之熱誠,確實是有效的實質國際外交, 並可促進將來可能之司法互助合作。

是以,本部代表團之開幕式演講及研討會報告自然就是與會者檢

視我國司法人員能力的重要指標,重要性不在話下。以下幾點是本部 代表團人員自身完成演講及報告,並參與數日研討會比較其他與會者 講演內容後,整理關於演講及報告之心得與建議:

(一) 切題、以聽眾為導向之內容:

相較於部分演講者老調重彈或與本次主題似無關聯的內容,本 次本部蔡佩玲檢察官於開幕式演講大獲好評之原因即在於蔡檢 察官以簡明、扼要之陳述方式,向在場熱切吸收新知的聽眾介 紹我國目前的洗錢防制概況,講演內容適切符合本次大會主題, 自然能脫穎而出。另外,研討會每日報告人數眾多,內容多所 重複,廖倪凰檢察官特別選擇介紹我國偵辦跨國詐欺案件實務 經驗為主題,此與其他報告內容者大為不同,不僅較易吸引聆 聽者之注意,也能藉此介紹台灣司法偵查、司法互助合作之能 力及熱誠。

(二)建議以投影片形式進行專題報告:

本研討會除部分小型會議、工作坊是由三人以內之講者主講外, 其他形式多為由一名主席主持,多達15名左右講者輪番上台報 告之會議。根據數日參與之觀察,僅有極少數講者製作投影片 搭配報告,然而相較之下,投影片確實是一值得採行之方式。 因為當聽者見到用心製作投影片,自然會先肯定講者的努力並 對接下來的報告內容產生興趣。又報告係以英文為之,但英文 畢竟不是我們的母語,現場參與者也非人人都英文流利,透過 投影片輔助報告,訊息的溝通交流會更為容易。再者,倘若與 會者有興趣,投影片檔案之索取也可作為開啟話題之契機,達 成進一步交流,也是實質外交的良方。故雖然大會並無要求報 告者須製作投影片,仍建議未來報告之同仁可以試行。

(三) 先行製作英文報告講稿:

實際完成專題報告之前,最令人焦慮之事莫過於需全程以英文 完成約10分鐘的報告。當然,先前準備時可以把全部報告內容 一字一句全寫下來,然而又擔心上台看著稿子念是不是不夠專 業。不過,實際參與本次研討會後,發現之前擔心的都是杞人 憂天。因為現場講者無論國籍、母語,為了控制時間並完整表 達報告內容,人人都是帶著講稿上台,甚至有人從頭到尾埋頭 苦念,連頭都沒抬起來過。這或許是因為研討會的目的是在於 知識的交流,而非演講技巧的展現,大家自然都以內容為重, 而不計較演講的風采。是以,事前不須給自己太大的壓力,只 要努力把想和聽眾分享的訊息好好地呈現於講稿上,並熟唸講 稿,帶著講稿上台唸並不奇怪,除了能控制時間,也能避免因 為緊張而腦筋一片空白的狀態,就會有好表現。 除了上揭演講、報告外,參與研討會社交活動也是對外介紹台灣 的好機會。當然,要單槍匹馬地向素不相識的外國人以英文侃侃而談, 確實會讓人頭皮發麻。但如果不踏出舒適圈,就會失去許多交流的好 機會。關於參與社交活動部分,謹提供下列粗淺心得供各位參考:

(一) 事先準備充分數量的名片和自我介紹:

研討會上參與者眾多,每日都可能遇到許多新朋友,建議自台 灣出發時,就需準備足夠數量的名片以供交換。如果不知如何 和陌生的外國人攀談,也可以先草擬一段簡短的自我介紹(例如: 我是來自台灣的檢察官,我將會在9月4日下午進行報告,介 紹臺灣的跨境電信詐欺、洗錢案例等),並設定幾個可以詢問對 方的問題(例如:您如何得知此研討會?會在研討會待幾天?您會 參與哪些研討會活動呢?)。萬事雖然起頭難,但只要經過幾番 練習,相信會發現沒有我們想像中困難,甚至有許多外國友人 紛紛主動向我們表示和先前工作與台灣政府單位、民間互動的 美好經驗。台灣其實是個很好的社交話題,端看我們願不願意 踏出讓他人認識我們的第一步。

(二) 向坐在身邊的陌生人打招呼做起:

交朋友不在於華麗的外交詞彙,也不需要唐突地衝向各國政要 自我介紹,更重要的是向實際接觸的人展現台灣人友善的特質 和參與國際事務的熱誠。因此,何不從在會議開始前、用餐前, 坐下的那一刻,主動向一旁的陌生人打招呼,簡單地自我介紹 開始,一段新的友誼或許就此展開。

(三) 台灣隊一起出發:

如果單槍匹馬行動實在太刺激,建議也可以三兩成群一同出擊 認識新朋友。本次研討會台灣代表團除法務部檢察官外,尚有 調查局、台灣集中保管結算所,均抱持著一同行銷台灣的共同 目標,故也常一同主動向外國友人介紹本次台灣代表團成員及 各自業務,獲得熱烈回應。

最後,誠摯感謝法務部國際及兩岸法律司蔡司長秋明指導、調部 辦事林檢察官明誼籌備、協調本次參與劍橋經濟犯罪研討會行程。沒 有國際及兩岸司的擘畫,就沒有本次得以參與國際研討會,對外開拓 各種司法合作機會的可能。唯有靠每一次台灣在國際場合出現的寶貴 機會盡力表現,我們才有機會爭取將來合作的可能性。謹以此與每位 關心台灣未來的先進共勉之。

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