

有關反洗錢及反恐怖分子資金籌集規定的新指引 NEW GUIDELINES ON COMPLIANCE OF ANTI-MONEY LAUNDERING AND COUNTER-TERRORIST FINANCING REQUIREMENTS

鑑於立法會通過《2018年打擊洗錢及恐怖分子資金籌集(金融機構)(修訂)條例》，監管局發出一份新執業通告(編號18-01(CR))，就《打擊洗錢及恐怖分子資金籌集條例》(下稱「《打擊洗錢條例》」)第7條的規定為業界提供相關的導引。此執業通告已於2018年3月1日生效。

新通告為業界提供實務指引，協助地產代理及其高級管理層制訂並實施各項政策、程序及管控措施，包括風險評估、盡職審查措施、持續監察客戶、舉報可疑交易、備存紀錄及職員培訓，以符合《打擊洗錢條例》的相關規定。

當中，以進行盡職審查及備存紀錄至為重要。所謂盡職審查措施，即規定地產代理要識別及核實客戶身分。如就客戶而言有一名實益擁有人，則要識別該實益擁有人；及採取合理措施核實該實益擁有人的身分。

就備存紀錄而言，根據《打擊洗錢條例》，在識別及核實客戶或客戶任何實益擁有人的身分時，要取得文件的正本或副本，以及相關數據及資料的紀錄。

Owing to the passing of the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Ordinance 2018 at the Legislative Council, the EAA issued a relevant new practice circular (No. 18-01(CR)) to provide guidelines to the trade on the requirements in accordance with section 7 of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance ("AMLO"). This new circular has taken effect on 1 March 2018.

The new circular provides practical guidelines to assist estate agencies and their senior management to establish and execute policies, procedures and monitoring measures, including risk assessment, customer due diligence measures, continuous monitoring of customers, suspicious transactions reporting, record-keeping and staff training in order to fulfill their responsibilities under the AMLO.

Among the above, carrying out customer due diligence and record-keeping are the most important. Customer due diligence requires estate agents to identify the customer and verify the customer's identity. If there is a beneficial owner in relation to the customer, estate agents also need to identify the beneficial owner and verify the beneficial owner's identity by taking reasonable measures.

As for record-keeping, according to the AMLO, when identifying and verifying the identity of a customer or beneficial owner in relation to the customer, the original or a copy of the documents and a record of the data and information obtained should be kept.

上述的執業通告、一套詳盡「問與答」、持牌人的清單及身分核實表格範例已上載於監管局網站。相關的持續專業進修講座已於3月29日舉行，持牌人可瀏覽本局網站以了解更多詳情。

The full practice circular, a set of detailed “Questions and Answers”, a checklist for licensees and sample identity verification forms have already been posted on the EAA’s website. Related Continuing Professional Development seminars were held on 29 March 2018. Licensees are advised to check the EAA’s website for more information.

聯合國安全理事會制裁名單 及恐怖分子或與恐怖分子有聯繫者的更新名單 UNITED NATIONS SECURITY COUNCIL SANCTIONS LIST AND UPDATED LIST OF TERRORISTS AND TERRORIST ASSOCIATES

監管局不時接獲保安局通知，有關聯合國安全理事會委員會不時更新的制裁名單及恐怖分子或與恐怖分子有聯繫者的更新名單。為執行對客戶之盡職審查，持牌人應留意更新名單。

The EAA is notified by the Security Bureau regularly on the updates of the sanctions list and the list of terrorists and terrorist associates from the United Nations Security Council. In order to carry out customers due diligence, licensees should pay attention to the updated list.

<p>有關制裁名單可參閱聯合國安全理事會網頁 Please refer to the webpage of the United Nations Security Council for the sanctions lists</p>
<p>www.un.org/sc/suborg/zh/sanctions/un-sc-consolidated-list (中文) www.un.org/sc/suborg/en/sanctions/un-sc-consolidated-list (English)</p>
<p>有關恐怖分子名單則可參閱聯合財富情報組網頁 As to the list of terrorists, please refer to the webpage of the Joint Financial Intelligence Unit</p>
<p>www.jfiu.gov.hk/tc/news_terrorist_list.html (中文) www.jfiu.gov.hk/en/news_terrorist_list.html (English)</p>

監管局再次提醒所有持牌人，如發現任何懷疑洗黑錢個案，應向政府的聯合財富情報組舉報。

The EAA would like to remind all licensees again that any suspicious cases of money laundering should be reported to the Government’s Joint Financial Intelligence Unit.

