

執業問與答 Practice Q&A

在《專業天地》內，我們會解答與持牌人執業息息相關的一些常見提問。
In *Horizons*, we will answer selected enquiries commonly raised by licensees concerning estate agency practice.

問：在執行有關反洗錢的客戶盡職審查時，倘若客戶不願意提供其身分證副本，地產代理應該怎樣做？

答：根據《打擊洗錢及恐怖分子資金籌集條例》（「《打擊洗錢條例》」）及監管局的指引，持牌人必須採取所有合理措施，以減低處理物業買賣時可能涉及洗錢或恐怖分子資金籌集的風險。這些措施之一是進行客戶盡職審查，持牌人因而需收集物業賣方及買方客戶的個人資料以識別及核實他們的身分，同時亦須取得他們的身分證明文件副本以作備存。



倘若客戶不願意提供其身分證副本，持牌人應向客戶解釋，是因應《打擊洗錢條例》的要求而收集其身分證明文件的副本。持牌人亦可在收集客戶的身分證明文件副本時，在客戶面前，於影印本上的相片位置加上「副本」或「只用作反洗錢用途」字眼（或蓋印），以增加客戶對持牌人如此備存該文件副本的信心。

倘若客戶堅拒合作，持牌人應考慮有關的拒絕舉動是否已構成懷疑的依據，並考慮向聯合財富情報組提交有關可疑交易的報告。

Q: In conducting the customer due diligence under AML, what should estate agents do if the client refuses to provide a copy of his/her identity card?

A: According to the Anti-Money Laundering and Counter-Terrorist Financing Ordinance (“AMLO”) and the guidelines of the EAA, licensees must take all reasonable steps to mitigate the risk of money-laundering and terrorist financing in handling transactions involving sale and purchase of properties. One of the measures is to conduct customer due diligence. Hence, licensees are required to collect the personal information of the purchaser and vendor client in order to identify and verify their identities. Also, licensees need to retain copies of their identification documents for record.

If the client is unwilling to provide a copy of his/her identity card, licensees should explain to him/her that the collection of a copy of his/her identification document is required for the purpose of complying with the AMLO. Licensees may also, in the presence of their clients, mark (or chop) the word “COPY” or “FOR AML PURPOSE ONLY” across the photo on the copy identification document to enhance clients’ confidence of licensees’ keeping his copy identification document for record as such.

If the client is adamant not to cooperate, licensees should consider whether such refusal amounts to a ground for suspicion and should consider lodging a suspicious transaction report with the Joint Financial Intelligence Unit.