

在《專業天地》內，我們會解答持牌人的一些常見提問。

In *Horizons*, we will answer questions commonly asked by licensees.

**問** 倘若我未能完成客戶盡職審查程序及核實客戶的身分，應採取甚麼行動以遵守有關地產代理業的反洗錢及反恐怖分子資金籌集的要求？

**答** 根據執業通告（編號18-01(CR)）第4.15段，如持牌人未能完成客戶盡職審查程序，其：

- (a) 不可與該客戶建立業務關係，亦不可與該客戶進行任何非經常交易；
- (b) 如其已與該客戶建立業務關係，必須在合理切實可行的範圍內盡快終止該業務關係；及
- (c) 應評估未能完成客戶盡職審查程序是否為知悉或懷疑有洗錢及/或恐怖分子資金籌集活動的情況及向聯合財富情報組提交可疑交易報告的理據。

此外，根據該通告第4.11及4.12段，持牌人須在建立任何業務關係或執行特定非經常交易之前完成客戶盡職審查程序。然而，如果（i）延遲核實客戶或實益擁有人的身分而可能引致的任何洗錢及/或恐怖分子資金籌集風險已獲有效管理；及（ii）為就客戶的業務正常運作不造成干擾，如此行事是必需的話；則持牌人可在建立業務關係之後才核實客戶及實益擁有人的身分。

**Q** If I am unable to complete the Customer Due Diligence ("CDD") process and verify a customer's identity, what should I do in order to comply with the requirements of anti-money laundering and counter-terrorist financing for the estate agency sector?

**A** According to paragraph 4.15 of Practice Circular No. 18-01 (CR) ("Circular"), where a licensee is unable to complete the CDD process, he:

- (a) must not establish a business relationship or carry out any occasional transaction with that customer;
- (b) must terminate the business relationship as soon as reasonably practicable if he has already established a business relationship with that customer; and
- (c) should assess whether failure to complete the CDD process provides grounds for knowledge or suspicion of money laundering, and/or terrorist financing and for filing an Suspicious Transaction Report with the Joint Financial Intelligence Unit.

Moreover, paragraph 4.11 and 4.12 of the Circular state that a licensee must complete the CDD process before establishing any business relationship or before carrying out a specified occasional transaction. However, licensees may verify the identity of the customer and any beneficial owner after establishing the business relationship, if (i) any risk of money laundering and/or terrorist financing arising from the delayed verification of the customer's or beneficial owner's identity is effectively managed; and (ii) this is necessary not to interrupt the normal conduct of business with regard to the customer.

