

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.

**?** 持牌人是否必須在安排客戶訂立臨時買賣協議（「臨約」）之前完成盡職審查程序？

**✓** 根據《打擊洗錢及恐怖分子資金籌集條例》附表2第3(1)(a)條規定，除該附表的其他條款另有規定外，地產代理須在與客戶建立業務關係之前執行客戶盡職審查措施，因此，持牌人在安排客戶訂立臨約之前完成盡職審查程序，乃審慎做法。

然而，在以下的情況下，持牌人可在訂立臨約之後才核實客戶及任何實益擁有人的身分，如果(a)為就客戶的業務正常運作不造成干擾，如此行事是必需的；及(b)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/恐怖分子資金籌集風險已獲有效管理。無論如何，其後持牌人必須在合理切實可行的情況下盡快完成該盡職審查程序。

請參閱監管局發出的有關地產代理業遵守反洗錢及反恐怖分子資金籌集規的指引（執業通告編號23-01（CR））第4.6段、第4.12段及第4.13段。

**?** **Must the customer due diligence (“CDD”) process be completed by a licensee before arranging for his/her client to enter into a provisional agreement for sale and purchase (“PASP”)?**

**✓** As stipulated in section 3(1)(a) of Schedule 2 to the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, subject to other provision of the Schedule, an estate agent must carry out the CDD measures before establishing a business relationship with the customer, it is prudent for a licensee to complete the CDD process before arranging for his/her client to enter into a PASP.

However, a licensee may complete the CDD process after arranging for his/her client to enter into a PASP if (a) this is necessary not to interrupt the normal conduct of business with regard to the client; and (b) any risk of money laundering and/or terrorist financing arising from the delayed verification of the client's or beneficial owner's identity is effectively managed. In any case, the licensee must complete the CDD process as soon as reasonably practicable thereafter.

For details, please refer to paragraphs 4.6, 4.12 and 4.13 of the Guidelines on Compliance of Anti-Money Laundering and Counter-Terrorist Financing Requirements for the Estate Agency Sector (Practice Circular No. 23-01 (CR)) issued by the EAA.

