



# 客戶盡職審查：了解您的客戶 Customer Due Diligence: Know your clients

香港作為國際金融中心，實在有必要確立一套有效的制度以打擊洗錢及恐怖分子資金籌集。由於物業交易涉及洗錢或恐怖分子資金籌集的風險，地產代理、物業買賣雙方均有責任協助打擊此罪行。

根據監管局發出的相關執業通告（編號 18-01 (CR)），地產代理須進行客戶盡職審查，以減低洗錢/恐怖分子資金籌集的風險。今期《專業天地》將為從業員介紹有關執行客戶盡職審查的程序，以協助他們了解該通告的要求。

As an international financial centre, it is essential for Hong Kong to establish an effective system to combat money-laundering and terrorist financing. Since property transactions involve the risk of money-laundering or terrorist financing ( “ML/TF” ), estate agents, property purchasers and vendors all have the responsibilities in combating such crime.

According to the relevant Practice Circular (No.18-01(CR)) issued by the EAA, licensees are required to conduct customer due diligence ( “CDD” ) in order to mitigate the risk of ML/TF. In this issue of *Horizons* we will introduce the procedures relating to CDD so that practitioners may better understand the requirements set out in the Practice Circular.

# 焦點話題

## In Focus

### 通告的適用範圍

#### Application of the Practice Circular

首先，執業通告所載的指引適用於香港參與涉及為客戶買賣地產物業交易的持牌人，不論該物業位處於香港境內或境外，一手還是二手物業，住宅物業還是非住宅物業。



Firstly, the guidelines set out in the Practice Circular are applicable to licensees when they are involved, in Hong Kong, in a transaction concerning the buying and selling of real estate for a client, no matter whether the property is situated in or outside Hong Kong and no matter whether it is a first-hand or second-hand, residential or non-residential property.

此外，就《打擊洗錢及恐怖分子資金籌集條例》（「《打擊洗錢條例》」）而言，執行盡職審查的時間為訂立物業買賣合約的時候。

In addition, for the purpose of Anti-Money Laundering and Counter-Terrorist Financing Ordinance ( “AMLO” ), CDD is only applicable when an agreement for sale and purchase of a property is entered into.

### 身分核實表格

#### Identity verification form

為遵守《打擊洗錢條例》及執業通告的規定，持牌人須取得識別客戶及核實客戶身分所需的所有資料，以及識別與客戶有關之實益擁有人（如有）及核實實益擁有人身分所需的所有資料。持牌人可採用監管局設計的身分核實表格（已上載於網頁）進行客戶盡職審查。倘若有人聲稱代表客戶行事，持牌人除要識別及核實該代表的身分外，還要核實其代表客戶行事的授權。

To comply with the AMLO and the Practice Circular, licensees are required to obtain all the information necessary for identifying and verifying the identity of the client and also for identifying the beneficial owner (if any) and verifying the identity of the beneficial owner. For this purpose, licensees may adopt the identity verification form designed by the EAA (uploaded on website) to carry out the CDD. If a person purports to act on behalf of the customer, then apart from identifying and verifying the representative’s identity, licensees are also required to verify the representative’s authority to act on behalf of the customer.

持牌人可對客戶給予洗錢/ 恐怖分子資金籌集風險評級，在進行評估時應考慮一系列因素，持牌人可參閱相應的身分核實表格當中與風險評級有關的部分以了解詳情。

Licensees may also assess the ML/TF risks of their customers by assigning a ML/TF risk rating to them. In determining the risk rating, a list of factors should be considered. Licensees may refer to relevant section on risk assessment of the respective identity verification forms for details.

另外，為識別及核實客戶身分所取得的與交易有關的文件的正本或副本，以及有關數據及資料的紀錄，必須在自有關業務關係終止之日或有關交易完成的日期起計至少 5 年期間內備存。

In addition, the original or a copy of the documents and a record of the data and information obtained in the course of identifying and verifying the identity of each customer and those documents and record in connection with the transaction should be kept for a period of at least five years beginning on the date on which the business relationship ends or the transaction is completed.

### 加強消費者教育

#### Strengthening consumer education

監管局明白有部份客戶可能因不知悉《打擊洗錢條例》對地產代理的要求而不願意提供其個人資料及/ 或不容許持牌人備存他們的身分證明文件。為此，監管局已經印製教育套材予業界，協助他們向其客戶解釋有關新要求。同樣，監管局亦透過不同的媒體，向公眾解釋業界在收集客戶的個人資料時，需要遵從一系列指引，而收集所得的資料是受到保障的。

總括而言，有效的溝通可減少爭拗及誤會。透過與客戶解釋持牌人要執行客戶盡職審查的目的，並確保客戶的個人資料會受到保障，相信客戶會更願意合作，以協助打擊洗錢及恐怖分子資金籌集的活動。

The EAA understands that some customers may not be aware of the requirements imposed on estate agents under the AMLO and hence unwilling to provide licensees with their personal information and/or allow licensees to retain copies of their identity documents for record. Hence, the EAA has already produced educational kits for the trade to facilitate them to explain to consumers the new requirements. Likewise, the EAA has already conveyed to the public, through different media platforms, that there are guidelines for the trade on the collection and protection of clients' personal information so that the information collected will be well protected.

To conclude, disputes and misunderstandings could be eliminated by effective communication. By better explaining to consumers why licensees have to conduct CDD, coupled with a better assurance on the protection of clients' personal information, we believe consumers will be more willing to cooperate and play their roles in combating ML/TF.

