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監管局成員戴敏娜女士 Ms Meena Datwani, Member of the EAA

本期《專業天地》專訪了監管局成員戴敏娜女士，與各位持牌人分享她的觀點。

In this issue of *Horizons*, we interview Ms Meena Datwani, member of the EAA, to share her views with licensees.

問：在2018年加入監管局董事局之前，你對地產代理行業有何看法？你現在看法又是如何呢？

答：我在大約一年多前加入監管局，之前一直誤以為所有人都可以隨意地加入地產代理行業，任何找不到工作的人都可以做地產代理賺快錢然後離開。其實地產代理行業是受到監管的，入行人士要考試合格符合發牌要求，受到操守守則所約束，並有持續的專業培訓提升行業水平，近來更要遵守反洗錢條例的要求。我必須說，監管局在主席的領導下、輔以行政總裁及稱職的管理團隊，將把關工作做得很好，透過確保地產代理行事適當，提高行業聲譽並為消費者提供保障。當然總會有改進的空間，特別是有關遵循反洗錢條例要求方面。正如我所見，監管局一直意識到有必要提高行業的專業和道德標準，以贏取香港人的信任。

Q: Before you joined the EAA Board in 2018, what were your perceptions of the estate agency business? What are your views now?

A: Before I joined the EAA a little over a year ago I was under the misapprehension that the estate agency business is a free for all. That anyone who could not find a job could work as an estate agent and make a quick buck and leave. In fact the estate agency business is a well regulated business with licensing requirements requiring applicants to pass examinations, governed by conduct rules and standards and that ongoing professional training courses are being offered to raise the standards of the trade. More recently, estate agents have been subject to requirements under the Anti-Money Laundering Ordinance (AMLO). I must say that the EAA led by the Chairman and supported by the CEO and a competent management team are doing a great job in gatekeeping by ensuring the fitness and properness of estate agents in order to enhance the reputation of the trade as well as to afford protection to consumers. Obviously there is always room for improvement particularly in meeting the new requirements under AMLO. As I see it the EAA is ever conscious of the need to scale new heights to enhance the professional and ethical standards of the trade to win the confidence of the people of Hong Kong.

問：你覺得監管局哪一個委員會的工作最具挑戰性？你想為其注入甚麼貢獻？

答：我是紀律委員會和執業及考試委員會的成員。鑑於我的法律背景，加上我在金管局退休前負責執法部門多年，我對紀律委員會的工作特別感興趣。現時的規管者較注重監管前線，這是有意義的，因為無論監管過程有多出色都須以有效的執法為基礎。監管局設有有效的機制調查違規行為和處理投訴，採取有效執法，並公開紀律研訊結果，具有阻嚇力。

執業及考試委員會也是一個非常重要的委員會。其職責包括制定和更新操守守則、執業通告以及有關地產代理執業的指引，並監察行業對地產代理條例及這些指引的遵守情況。

我最初面對的挑戰，是我對監管局的工作並不熟悉。因此，我需要學習有關業界的規管，但鑑於我的規管工作背景，加上監管局管理團隊和同事們的支持，所以也不難掌握。

問：你在金融界別經驗豐富，並對反洗錢擁有深厚知識。你可以就此議題向業界分享一些建議嗎？

答：我過去在金管局擔任反洗錢監督工作的主管，所以我對反洗錢條例十分熟悉。2018年3月，地產代理作為其中一個指定非金融企業及行業被納入該條例，地產代理條例也因而作出了相應的修改，以使任何違反反洗錢條例的行為都會被紀律處分，例如暫時吊銷或撤銷牌照。作為反洗錢條例下的相關機構，監管局發出了一份執業通告，規定了有關反洗錢和反恐怖分子資金籌集的準則，包括進行客戶盡職審查、風險評估、對客戶進行持續監察、備存記錄、舉報可疑交易和員工培訓等。

對於地產代理來說，接受新法例並遵守其要求及指引至為重要，這樣才可免於觸犯法例。這也會令公眾更有信心，並提高行業聲譽。為了維持香港辛苦經營得來、作為一個符合國際反洗錢及反恐怖分子資金籌集標準的司法管轄區的地位，包括地產代理在內的所有人都必須繼續致力這方面的工作。

Q: Which EAA committee's work do you find the most challenging and what would you like to contribute to its work?

A: I am a member of the Disciplinary Committee (DC) and the Practice and Examination Committee (PEC). I am particularly interested in the work of the DC given my legal background and as I served as Head of Enforcement for a number of years before I retired from the HKMA. Regulators now like to focus on front loaded supervision which makes sense as no matter how good the supervisory process, it has to be underpinned by effective enforcement. The EAA has an effective mechanism for investigating breaches of conduct and handling complaints and taking effective enforcement action and its disciplinary findings are publicised and therefore serve as a deterrence.

The PEC is also a very important Committee. Its responsibilities include drawing up and updating code of ethics, practice circulars and guidelines governing the conduct and practice of the estate agency trade. It also functions to monitor the compliance of the EAO and these codes, circulars and guidelines by the trade.

My challenge in the beginning was that I was not familiar with the work of the EAA so I had to learn about the requirements governing the trade but given my background as a regulator it was not difficult to pick this up particularly as I had support from the management team and my colleagues at the EAA.

Q: You are very experienced in the financial sector and have strong knowledge in the area of anti-money laundering (AML). Could you share some advice for the trade on this subject?

A: One of my other roles in the HKMA was the head of AML supervision so I am familiar with the AMLO. In March 2018 estate agents as one of the designated non-financial businesses and professions were brought into the statutory regime under the Ordinance. Consequential amendments were made to the EAO so that any contravention of AMLO could trigger disciplinary actions such as suspension or revocation of licence. As a relevant authority under AMLO, the EAA issued a practice circular setting out guidelines on anti-money laundering and counter terrorist financing (CTF) requirements including conducting customer due diligence and performing risk assessment and maintaining continuous monitoring of customers, record keeping and reporting of suspicious transactions and staff training.

It is very important for estate agents as gatekeepers to embrace the new regime and comply with statutory requirements and guidelines in order not to fall foul of regulatory requirements. This will attract public confidence and enhance the reputation of the trade. Combatting money laundering and terrorist financing is incumbent upon all, including estate agents in order to maintain the hard earned status of Hong Kong as a jurisdiction that is compliant in meeting international AML/CTF standards.