

反洗錢

為加深持牌人對反洗錢及反恐怖分子資金籌集（「反洗錢」）議題的認知，我們會在《專業天地》這個「反洗錢專區」為大家提供有關反洗錢的不同資訊及最新消息。

To enhance licensees' knowledge on the subject of anti-money laundering ("AML") and counter-terrorist financing ("CTF"), we will provide various information and updates about AML in the "AML Corner".



《2022年打擊洗錢及恐怖分子資金籌集（修訂）條例》（「《修訂條例》」）已於2023年6月1日生效。為協助持牌人遵從《修訂條例》中與地產代理業有關的雜項修訂（「雜項修訂」）及提供最新的指引予業界遵從，監管局已發出一份新的執業通告（編號23-01(CR)），並已於同日生效。

《修訂條例》內的雜項修訂包括：(i)按照財務行動特別組織的要求修訂「政治人物」一詞的定義，並容許在處理不再擔任重要公職的前政治人物時有較大的彈性；(ii)修訂《打擊洗錢及恐怖分子資金籌集條例》下有關信託「實益擁有人」的定義，使之與《稅務條例》下「控權人」的定義一致，並訂明就信託而言，「實益擁有人」包括受託人、受益人及受益人類別等；以及(iii)在客戶不在場的情況下，容許以數碼識別系統協助進行客戶盡職審查，以識別和核實客戶的身分等。

整份執業通告及一套詳細的「問與答」，以及經更新的清單及身分核實表格已上載至監管局網站，以供業界參考。監管局建議持牌人瀏覽監管局網站以獲得更多相關資訊（規管>執業通告）。

The Anti-Money Laundering ("AML") and Counter-Terrorist Financing ("CTF") (Amendment) Ordinance 2022 ("Amended AMLO") has taken effect on 1 June 2023. To assist licensees to comply with the miscellaneous amendments relevant to the estate agency sector ("Miscellaneous Amendments") under the Amended AMLO and provide up-to-date guidelines for licensees to follow, the EAA has issued a new Practice Circular (No. 23-01(CR)) which has also taken effect on the same date.

The Miscellaneous Amendments under the Amended AMLO include: (i) amending the definition of "politically exposed person" ("PEP") in accordance with the Financial Action Task Force requirement and allowing more flexibility in the treatment of former PEPs who are no longer entrusted with a prominent public function; (ii) aligning the definition of "beneficial owner" in relation to a trust under the AML and CTF Ordinance with that of "controlling person" under the Inland Revenue Ordinance, by clarifying that, where a trust is concerned, a beneficial owner includes a trustee, a beneficiary and a class of beneficiaries, etc.; and (iii) allowing the engagement of digital identification systems to assist the conduct of customer due diligence in situations where a customer is not physically present for customer identification and verification purposes, etc.

The full set of the new Practice circular, a set of detailed "Questions and Answers" and an updated checklist and identity verification forms have already been posted on the EAA's website. Licensees are advised to check the EAA's website for more information (Compliance > Practice Circular).