

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有用資訊及最新消息。

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



為符合《打擊洗錢及恐怖分子資金籌集條例》下的規定，持牌人有責任進行客戶盡職審查，如客戶是法團，持牌人須了解該客戶的擁有權及控制權結構，及採取合理措施核實客戶實益擁有人的身分，以知悉該實益擁有人為何人。法團的實益擁有人是直接或間接擁有或控制超過25%已發行股本或投票權的個人，或對法團的管理層行使最終控制權的個人或如該法團是代表另一人行事，指該另一人。

持牌人須收集的法團客戶資料包括：其全名、成立日期及所在地、登記或註冊號碼、於成立所在地的註冊辦事處地址、所有現任董事的名稱、所有現任股東的名稱，及所有實益擁有人的名稱。

就於香港根據《公司條例》註冊成立的法團，持牌人應於公司註冊處進行查冊並取得公司的上述查冊文件資料及其他存檔於公司註冊處的文件影像紀錄以核實公司資料。

如客戶是於香港以外的地方註冊成立的法團，為核實有關法團的資料，持牌人應向客戶取得在法團成立所在地的公司註冊處出具的公司查冊報告，或與公司查冊報告類似或同等的文件；或由該法團成立所在地的註冊代理人簽發的現任職權證明書或同等文件；或其由相關司法管轄區內的專業第三方簽發的核證副本；或由該法團成立所在地的政府或官方機構出具的任何其他書面證明。

若客戶是具有多層擁有權結構的公司(不論於香港或香港以外地方註冊)，持牌人應識別公司的所有中間層級及自行決定收集該等資料的方式，例如，取得一份董事聲明，其中附有描述中間層級的擁有權架構圖表(當中應至少包括中間層級所有公司的名稱及註冊成立地點)。此外，持牌人亦應採取合適的方法(如上文所述方法)核實公司各中間層級的資料。

以上各種文件，持牌人須保留副本作備存紀錄，詳見於地產代理監管局執業通告編號23-01(CR)。

To comply with the requirements in the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, licensees are obligated to conduct due diligence on their clients. If the client is a corporation, licensees must identify the customer's ownership and control structure and take reasonable measures to identify the beneficial owner's identity to know who the beneficial owner is. The beneficial owner in relation to a corporation is an individual who owns or controls, directly or indirectly, more than 25% of the issued share capital or voting rights, or who exercises ultimate control over the management of the corporation, or, if the corporation is acting on behalf of another person, means the other person.

Licensees are required to collect the following information from the customer which is a corporation, including: full name of the corporation; date and place of incorporation; registration or incorporation number; address of the registered office in the place of incorporation; name(s) of the current director(s); name(s) of the current shareholder(s); and names of all beneficial owners.

For corporations incorporated in Hong Kong under the Companies Ordinance, licensees should verify such information by conducting a search at the Companies Registry and obtain the company search report and other image records of documents of the company filed at the Companies Registry.

For a corporation incorporated outside Hong Kong, to verify the corporation, licensees should obtain from the customer about a company search report issued by the company registry in the place of incorporation, or a similar or comparable document to a company search report; or a certificate of incumbency or equivalent issued by the registered agent in the place of incorporation or a copy thereof certified by a professional third party in the relevant jurisdiction; or any other written evidence issued by the government or an official authority in the place of incorporation.

For companies with multiple layers in their ownership structures, whether incorporated in or outside Hong Kong, the intermediate layers of the companies should all be identified. The manner in which this information is collected should be determined by licensees, for example, obtaining a director's declaration annexing an ownership chart describing the intermediate layers (should at least include the company name and place of incorporation). Furthermore, licensees should also use appropriate methods (as described above) to verify the information at each intermediate layer of the companies.

Licensees must keep copies of the above documents for their record keeping, please refer to the practice circular (No. 23-01 (CR)) issued by the EAA for more details.