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 ("AML") and counter-terrorist financing, we will provide useful information and updates about AML in the "AML Corner".

監管局已於2026年5月22日就有關遵守反洗錢及反恐怖分子資金籌集規定的執業通告(編號23-01(CR))，更新了一套詳細的問與答，以下是其中一條新增的問與答以供參考：

問：

如持牌人的客戶是一間在香港註冊成立的無股本擔保有限公司，持牌人是否須識別及核實其客戶實益擁有人的身分？

答：

是。

就法團而言，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。

即使某香港註冊成立的擔保有限公司並無股本，持牌人仍須識別，並採取合理措施核實其實益擁有人／對該公司的管理有最終控制權的人士的身分。

在判斷何謂合理措施以核實該公司的實益擁有人／對該公司的管理有最終控制權的人士的身分時，持牌人應考慮該公司的洗錢／恐怖分子資金籌集風險，並考慮向該公司取得其根據《公司條例》(第622章)備存的重要控制人登記冊，或要求該公司提供從可靠及獨立來源取得的有關其實益擁有人／對其管理有最終控制權的人士身分的文件或資料(例如：由律師／會計師發出的書面確認)。

The EAA has updated a set of detailed questions and answers related to the Practice Circular (No. 23-01) on Guidelines on Compliance of Anti-Money Laundering and Counter-Terrorist Financing Requirements for the Estate Agency Sector on 22 May 2026. Below is one of the newly added questions and answers for licensees' reference:

Question:

Does a licensee have to identify and verify the identity of the customer's beneficial owner if the customer is a Hong Kong incorporated company limited by guarantee, which has no share capital?

Answer:

Yes.

A 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.

Even though a Hong Kong incorporated company limited by guarantee has no share capital, licensees are still required to identify and take reasonable measures to verify the identity of the beneficial owner(s)/person(s) who has(ve) ultimate control over the management of the company.

In determining what constitutes reasonable measures to verify the identity of the beneficial owner(s)/person(s) having ultimate control over the management of the company, licensees should take into account the money laundering/terrorist financing risks posed by that company, and consider obtaining from it the significant controllers register maintained in accordance with the Companies Ordinance (Cap. 622), or request it to provide documents or information in relation to the identity of its beneficial owner(s)/the person(s) having ultimate control over its management obtained from a reliable and independent source (e.g. written confirmation issued by a solicitor/accountant).

閱讀完整的問與答內容，請瀏覽：
https://www.eaa.org.hk/Portals/0/Sections/LGA/Circular/23-01_CRC_QAs_20260522.pdf
For the full set of the Questions and Answers, please visit
https://www.eaa.org.hk/Portals/0/Sections/LGA/Circular/23-01_CRE_QAs_20260522.pdf