

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".



根據2018年3月開始實施的《打擊洗錢及恐怖分子資金籌集條例》（第615章）（「《打擊洗錢條例》」），持牌人在涉及為客戶購買或出售地產的交易之前，必須進行客戶盡職審查（「盡職審查」），及保存所有相關紀錄，包括在進行盡職審查過程中獲取的紀錄。

為遵守《打擊洗錢條例》，地產代理在安排客戶訂立買賣協議前，必須識別該客戶及/或其代理人以及實益擁有人的身份。就個人客戶而言，地產代理必須透過客戶的身份證明文件（例如香港身份證、護照或旅遊證件）核實客戶的身份，並取得其身份證明文件的副本以備存紀錄。

由於有一些持牌人曾表示，他們在索取客戶身份證明文件副本以符合《打擊洗錢條例》的要求方面仍面對困難，故監管局最近與保安局及個人資料私隱專員公署（「私隱公署」）更新了一份電子單張，以協助持牌人更好地向客戶解釋《打擊洗錢條例》有關索取客戶身份證明文件及保存副本作紀錄的規定。

已更新的電子單張確定了私隱公署的立場，即地產代理可根據《打擊洗錢條例》的要求收集客戶的香港身份證號碼，亦可收集客戶的香港身份證或其他身份證明文件副本，以證明地產代理有遵守《打擊洗錢條例》的法定要求。

已更新的電子單張已上載於監管局網頁：www.eaa.org.hk/Portals/0/Sections/CC/AML_tc.pdf

持牌人可在有需要時使用此更新版的電子單張。

Under the Anti-Money Laundering and Counter-Terrorist Financing Ordinance (Cap. 615) ("AMLO"), which commenced operation in March 2018, licensees are required to conduct customer due diligence ("CDD") and keep all relevant documents, including those obtained during CDD, before being involved in a transaction concerning the buying or selling of real estate for a client.

To comply with the AMLO, an estate agent must, before arranging for a client to enter into an agreement for sale and purchase, identify the client and/or the client's representative, as well as the beneficial owner(s). For a client who is an individual, the estate agent must verify the client's identity against his/her identification document (e.g. Hong Kong identity ("HKID") card, passport, or travel document), and obtain a copy thereof for record-keeping.

As some licensees have indicated that they still have difficulty in obtaining copy of their clients' identification document in compliance with the record-keeping requirement under the AMLO, the EAA together with the Security Bureau and the Office of the Privacy Commission for Personal Data ("PCPD") have recently updated an e-leaflet to help licensees to better explain to their clients about the AMLO requirement of obtaining their clients' identity document and keeping a copy thereof for record.

The updated e-leaflet confirms the PCPD's position that estate agents can collect the HKID number of their clients under the obligation pursuant to the AMLO and they can also collect a copy of their clients' HKID card or other identification document in order to provide proof of compliance with the statutory requirement under the AMLO on the part of the estate agent.

The updated e-leaflet has been uploaded to the EAA website: www.eaa.org.hk/Portals/0/Sections/CC/AML_en.pdf

Licensees are advised to make use of the updated e-leaflet where necessary.