01-風險評估表

**Name of Real Estate Firm (業者名稱):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

The *AML/CFT Act and Regulations* requires real estate agents to adopt a risk based approach of your exposure to money laundering and terrorism financing and apply corresponding mitigation and controls. This checklist is meant to assist you in meeting these obligations. This form is presented as an example only. You may choose to conduct your risk assessment using a different approach.

不動產經紀業依據“洗錢防制法/資恐防制法”及相關規定，對於潛在之洗錢及資恐風險，需以風險為基礎之方法評估風險，並採取相應之降低和控制措施。本表目的主要為協助您達成相關要求，僅為建議表格，可以其他方式進行風險評估。

*Instructions:* When you answer yes to one of the question below, this situation or client is considered higher risk and a control measure to reduce the risk should be applied. For each higher risk client or situation a suggested control measure is proposed. You can adapt the control measures to correspond to your business (see Annex for list of control measures). You should make this determination based on your activities over the last two years.

說明：

以下問題如您回答為“是”，此類情形或客戶即為較高風險，應採取降低風險之控制措施。 對於每項較高風險客戶或情形，已為您提供建議之控制措施。 您可以依據業務所需（參考附件），調整控制措施。請以最近2年之營運活動作為判斷基礎。

The results of this risk assessment should be communicated to all real estate agents and employees that deal with clients. The training should include a review of what is considered higher risk and the corresponding control measures. The date of the training should be documented. You should review your risk assessment every two years.

風險評估之結果，應提供所有經紀人及與客戶有進行接觸之員工作為參考。相關教育訓練應包括檢視較高風險及其相對應之控制措施。此外，教育訓練之日期應加以記錄，並於每兩年重新檢視風險評估是否妥適。

# Risk Assessment(請逐項勾選是或否，如答案為是，請勾選相應的控制措施)

|  |  |  |  |
| --- | --- | --- | --- |
| **Higher risk clients and situations**  **較高風險客戶及情況** | **Yes是**  Higher risk  較高  風險 | **No**  **否**  Low risk  低風險 | **Control Measures**  *控制措施* |
| **Clients 客戶** | | | |
| Are your clients foreigners?是否有外國客戶? |  |  | * Determine if individuals are politically exposed persons.如為個人，應確認該個人是否為重要政治性職務人士。 * Obtain additional information on source of funds or source of wealth.取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| Do you have clients who are politically exposed persons?是否有重要政治性職務人士之客戶? |  |  | * Obtain senior management approval to conduct the transaction.取得高階主管許可進行交易。 * Obtain additional information on source of funds or source of wealth.取得與資金來源或財產有關之額外訊息。 * Monitor any future real estate transactions.監控任何未來之不動產交易。 * Other, specify其他，請敘明： |
| Is your client an intermediate vehicle such as corporations, trusts, foundations, partnerships or other structure that makes it difficult to determine who is the beneficial owner?客戶是否為公司、信託、財團法人、合夥或其他型態之組織，難以界定實質受益人身分？ |  |  | * Obtain name of person(s) behind corporation, trust or legal arrangement.取得公司、信託或法律協議之實質控制人員姓名。 * Obtain additional information on organizational structure.取得組織架構之額外資訊。 * Obtain additional information on source of funds or source of wealth.取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| Are your clients intermediaries (i.e. lawyers and accountants acting on behalf of clients)?客戶是否為代理人?（例如代表客戶進行交易之律師及會計師）？ |  |  | * Obtain name of person(s) on whose behalf the transaction is being conducted.取得交易進行本人之姓名。 * Obtain additional information on source of funds or source of wealth.取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| Do you have clients that have a criminal background? 客戶是否有犯罪背景？ |  |  | * File Suspicious Transaction Report (STR).提交可疑交易報告。 * Obtain additional information on source of funds or source of wealth.取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| Do you have a client that is purchasing a property that is not within his or her means based on his stated occupation or income? 客戶是否購買與職業或收入顯不相當之不動產？ |  |  | * Obtain additional information on source of funds or source of wealth.取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| Do your clients that engage in activities that are consistent with the indicators identified for Suspicious Transactions? (See Guidance Note). 客戶從事活動是否與可疑交易報告所揭示之可疑指標一致？(請參考指引內容) |  |  | * Consider filing a Suspicious Transaction Report (STR).考慮提交可疑交易報告。 * Obtain additional information on source of funds or source of wealth.取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| * **Products, services and transactions 產品、服務及交易** | | | |
| Do you accept cash?是否接受現金 |  |  | * Confirm source of funds 確認資金來源。 * Set limits to cash transaction amounts. 對於現金交易額度設限。 * Request bank drafts instead of accepting large amounts of cash 大額交易要求以銀行匯票方式支付 * Other, specify其他，請敘明： |
| Do you undertake high value transactions (over $150 million NTD)? 是否進行大額交易(新臺幣1.5億元以上) |  |  | * Pay special attention for unusual transaction and ML/TF indicators. 注意不尋常交易洗錢/資恐指標 * Obtain additional information on source of funds or source of wealth. 取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| * **Geographic Risk 地理風險** | | | |
| Are any of your clients or the source funds originate from countries subject to sanctions, embargoes or similar measures issued by Taiwan or International Organizations such as the United Nations (“UN”)? 客戶或資金來源國家是否屬於台灣或國際組織如聯合國公告制裁、禁運或其他類似措施之對象?  Taiwan(臺灣)：  https://www.mjib.gov.tw/mlpc  United Nations(聯合國)： <https://www.un.org/sc/suborg/en/sanctions/un-sc-consolidated-list> |  |  | * Obtain senior management approval to proceed with the transaction. 取得高階主管許可進行交易。 * Ask for additional information piece of identification to confirm the identity. 要求額外資訊，以辨識身分。 * Obtain additional information on source of funds or source of wealth or source of wealth.取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| Are any of your clients or the source funds originate from countries identified as financial secrecy havens or jurisdictions. 客戶或資金來源是否有來自被視為是金融秘密庇護所之國家或區域。  <http://www.oecd.org/countries/monaco/listofunco-operativetaxhavens.htm> <http://www.imolin.org/imolin/finhaeng.html#Map.%20%20Major%20Financial%20Havens> |  |  | * Obtain senior management approval to proceed with the transaction. 取得高階主管許可進行交易。 * Ask for an additional piece of identification to confirm the identity. 要求額外資訊，以辨識身分。 * Obtain additional information on source of funds or source of wealth.取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| Are any of your clients or the source funds originate from countries identified by the Financial Action Task Force (FATF) as having strategic deficiencies in the fight against money laundering or subject to an FATF statement? 客戶或資金來源是否有來自被金融行動工作組織（FATF）確認為係防制洗錢與打擊資助恐怖分子具有技術性缺失之國家或受到FATF聲明約束之地區？  FATF: <http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions/?hf=10&b=0&s=desc(fatf_releasedate>) |  |  | * Obtain senior management approval to proceed with the transaction. 取得高階主管許可進行交易。 * Ask for an additional piece of identification to confirm the identity. 要求額外資訊，以辨識身分。 * Obtain additional information on source of funds or source of wealth.取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| Are any of your clients or the source funds originate from countries identified by credible sources as providing funding or support for terrorist activities?客戶或資金來源是否有被辨識出係與提供資金給恐怖分子或支持恐怖活動有關？  https://www.mjib.gov.tw/mlpc |  |  | * Obtain senior management approval to proceed with the transaction. 取得高階主管許可進行交易。 * Ask for an additional piece of identification to confirm the identity. 要求額外資訊，以辨識身分。 * Obtain additional information on source of funds or source of wealth.取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| Are any of your clients or the source funds originate from countries identified by credible sources as having significant levels of corruption, or other criminal activity? 是否辨識出客戶或資金來源與高層貪污或其他犯罪活動有關？  <http://www.transparency.org/news/feature/corruption_perceptions_index_2016> |  |  | * Obtain senior management approval to proceed with the transaction. 取得高階主管許可進行交易。 * Ask for an additional piece of identification to confirm the identity. 要求額外資訊，以辨識身分。 * Obtain additional information on source of funds or source of wealth.取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| Are any of your clients or the source funds originate from top 20 of financial secrecy index?  客戶或資金來自前20名金融保密指數之國家?  <https://www.financialsecrecyindex.com/introduction/fsi-2018-results> |  |  | * Obtain senior management approval to proceed with the transaction. 取得高階主管許可進行交易。 * Ask for an additional piece of identification to confirm the identity. 要求額外資訊，以辨識身分。 * Obtain additional information on source of funds or source of wealth. 取得與資金來源或財產有關之額外訊息。 * Other, specify其他，請敘明： |
| * **Delivery channel and business practices 交付管道及商業慣例** | | | |
| Do you conduct transactions where you do not meet the client? 在沒有面對面見到客戶之情況下，會進行交易嗎? |  |  | * Deliver comprehensive AML/CFT training specifically focused on client due diligence requirements.提供全面性之防制洗錢與打擊資恐教育訓練，特別是客戶審查。 * Ask for an additional piece of identification to confirm the identity.要求額外資訊，以辨識身分。 * Conduct periodic review of records to ensure that client due diligence requirements are adequately implemented.定期檢視交易記錄，以確保客戶審查合宜。 * Other, specify其他，請敘明： |
| Do you have clients that are referred to you by a third party?  是否有來自第三方轉介之客戶？ |  |  | * Conduct client due diligence measures directly. 直接對客戶進行客戶審查。 * Conduct periodic review of records to ensure that client due diligence requirements are respected by third party.定期進行檢視保存記錄，以確保第三方遵守客戶審查之要求。 * Other, specify其他，請敘明： |
| Do you have short-term or part-time agents?  是否有短期或兼職之經紀人員？ |  |  | * Include ML/FT obligations in job descriptions and performance reviews.將洗錢/資恐義務加入要求工作範圍並檢視相關成效。 * Deliver comprehensive AML/CFT training for all new employees.對於新進員工提供全方位之防制洗錢與打擊資恐教育訓練。 * Other, specify其他，請敘明： |
| **Other risk factors: (list any additional factors)**  其他風險因素(請列舉) |  |  |  |

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***Signature of the Firm’s owner (業主簽名) Date(日期)***

***Date of employee training:*** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***(員工教育訓練日期)***

**Annex . Examples of Risk Control Measures:**

**附件. 建議風險控制措施**

1. Obtain senior management or compliance officer approval to proceed with the transaction.

取得高階主管或法遵人員之許可進行交易。

1. Ask for an additional piece of identification to confirm the identity.

要求額外資訊辨識身分。

1. Obtain name of person(s) behind corporation, trust or legal arrangement.

取得實質控制公司、信託或法律協議之人員姓名。

1. Monitor if client conducts additional real estate transactions.

客戶進行其他不動產交易時，進行監控。

1. Obtain information on source of funds or source of wealth of the client.

取得與客戶資金來源或財產有關之訊息。

1. Deliver more frequent employee training.

加強對員工進行教育訓練。

1. Include ML/FT obligations in job descriptions and performance reviews.

將洗錢/資恐義務加入要求工作範圍並檢視相關成效。

1. Set limits to cash transaction amounts in certain situations.

對特定情況之現金交易額度設限。

1. Request bank drafts instead of accepting large amounts of cash.

要求使用銀行匯票，取代大額現金。

1. Conduct transaction only in person.

限本人親自進行交易。

1. Obtain appropriate additional information to understand the client’s business or circumstances.

藉由取得適當之額外資訊以瞭解客戶之業務狀況。