



CUSTOMS AND EXCISE DEPARTMENT

**Anti-Money Laundering and Counter-Terrorist
Financing Ordinance
Chapter 615, Laws of Hong Kong**

Guidance Notes

Form 3A

**Fit and Proper Person Declaration Form
for sole proprietor / partner / director / ultimate owner
who is an individual**

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CUSTOMS AND EXCISE DEPARTMENT
Anti-Money Laundering and Counter-Terrorist
Financing Ordinance
Chapter 615, Laws of Hong Kong

Guidance Notes on Form 3A
Fit and Proper Person Declaration Form
for sole proprietor / partner / director / ultimate owner who is an individual
Part A - General Information

1. Introduction

1.1 Statutory Requirements

Under the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Chapter 615 (AMLO), any person who wishes to operate a money service, namely a money changing and / or a remittance service, is required to obtain a Money Service Operator (MSO) licence from the Commissioner of Customs and Excise (CCE). The CCE may grant a licence to an applicant only if he / she is satisfied that the applicant who is a sole proprietor / each partner / each director of Applicant which is a partnership / corporation and the ultimate owner (if any) of the applicant is a “fit and proper person”. To meet the “fit and proper person” criteria, the sole proprietor and / or ultimate owner in relation to the sole proprietorship, partners and / or ultimate owner in relation to the partnership, directors and / or ultimate owner in relation to the corporation should not have been convicted of the specified offences locally and overseas or is / are not currently subject to an undischarged bankrupt(s) or bankruptcy proceedings in respect of an individual or liquidation or winding up order in respect of a corporation. For details of the Fit and Proper Person Criteria, please refer to [Appendix A](#).

1.2 The Fit and Proper Person Declaration Form must be accompanied with a fee specified in Schedule 3 of the AMLO for each person who is subject to the fit and proper person test. For details of the fee for fit and proper person test, please refer to the [Appendix B](#).

1.3 Ultimate Owner

(i) In relation to a sole proprietorship:

- (a) means another individual who ultimately owns or controls the money service business of the sole proprietor; or
- (b) if the sole proprietor is acting on behalf of another person, means the other person.

(ii) In relation to a partnership, means an individual who:

- (a) is entitled to or controls, directly or indirectly, more than a 25% share of the capital or profits of the partnership;
- (b) is, directly or indirectly, entitled to exercise or control the exercise of more than 25% of the voting rights in the partnership; or
- (c) exercises ultimate control over the management of the partnership.

(iii) In relation to a corporation, means an individual who:

- (a) owns or controls, directly or indirectly, including through a trust or bearer share holding, more than 25% of the issued share capital of the corporation;
- (b) is, directly or indirectly, entitled to exercise or control the exercise of more than 25% of the voting rights at general meetings of the corporation; or
- (c) exercises ultimate control over the management of the corporation.

2. Submission of Fit and Proper Person Declaration Form

2.1 Declaration Forms

- (i) Declaration forms can be obtained from the Money Service Supervision Bureau (MSSB) of the Customs and Excise Department (C&ED) at Units 402-403, 4/F, Centre Parc, 11 Sheung Yuet Road, Kowloon Bay, Kowloon or downloaded from C&ED's website at <http://www.customs.gov.hk>.

- (ii) An applicant who is a sole proprietor and individual partner / director of applicant which is a partnership / corporation are required to submit Form 3A together with Appendices I & II. Where there is any corporate partner or director, the applicant is also required to submit Form 3B for such partner / director.

2.2 Supporting Documents

- (i) Hong Kong Resident:
A copy of Hong Kong Identity Card
- (ii) Non-Hong Kong Resident:
A copy of the Bio-data page of the Travel Document

2.3 In person or by post

- (i) The declarant has to duly complete the declaration form and sign on it. Regarding the Appendix, I which is attached to Form 3A, the declarant has to sign in the presence of a witness who is an authorized officer of the C&ED, a practicing professional (e.g. solicitor, accountant, auditor), a notary public or a Justice of the Peace. The witness shall check the personal particulars as stated in the Appendix I against the original identity document(s) of the declarant and certify that the personal particulars stated therein are true and correct. The witness shall also certify that this Appendix I is signed by the declarant in witness' presence.
 - (a) Appendix I to be signed in the presence of C&ED officer in an interview:-
Please submit the Form 3A with Appendices I & II and supporting documents (copies only) during the interview with C&ED officers. The declarant will be notified of the time, date and venue of the interview in due course.
 - (b) Appendix I to be signed in the presence of a practicing professional, a notary public or a Justice of the Peace:-
Please enclose the duly completed Form 3A together with Appendices I & II and supporting documents (copies only) in a sealed envelop and submit them in person or by post with sufficient postage to the MSSB. **Declaration form submitted by fax or e-mail will NOT be accepted.**

- (ii) After receiving the declaration forms submitted in person or by post, the MSSB will issue an Acknowledgement of Receipt within 7 working days from the submission or the postal date.

- (iii) If there is any change to the information provided by the declarant or the declarant wishes to amend or provide supplementary information in relation to the submitted declaration during the declaration processing stage, the declarant must notify the MSSB in writing promptly. The supplementary information should be submitted together with copies of relevant supporting documents to the MSSB.

3. Assessment of Fit and Proper Person

On receipt of a declaration, various checks will be carried out to make sure the information provided is correct. The information will be checked against the declarant's own records and the records kept by other regulatory authorities, government and law enforcement agencies.

Part B - Notes on How to Complete the Declaration Form

Please fill in the form in **capital letter** and **black ink** according to the instructions stated in the declaration form and the Guidance Notes. Illegible handwritten form may be rejected by the CCE.

4. Part 1 - General Information of the Applicant connected to the Declaration Form

Please provide the information of the Applicant connected with the Declaration including name of the Applicant's business / corporation and business registration number.

5. Part 2 - Particulars of the Sole Proprietor / Partner / Director / Ultimate Owner¹ or the Particulars of the Individual proposing to become Licensee's Partner / Director / Ultimate Owner

Please provide the personal information of the sole proprietor / partner / director / ultimate owner.

6. Part 3 - Answer the Questions

6.1 Please state whether the sole proprietor / partner / director :

- (i) has any conviction record in Hong Kong or outside Hong Kong;
- (ii) has failed to comply with any requirement imposed under AMLO or any regulation made by the CCE under section 51 of the AMLO;
- (iii) has ever been adjudged bankrupt and not yet been discharged;
- (iv) has ever been the subject of any bankruptcy proceedings under the Bankruptcy Ordinance, Chapter 6;

6.2 You may use additional sheets when necessary by making photocopies of the relevant page to fill in the information.

7. Specimen of a Completed Declaration Form 3A

For further information on the requisite particulars and documents, the declarant should make reference to the "Specimen of a Completed Form 3A - Fit and Proper Person Declaration Form" at [Appendix C](#).

Part C - Personal Information Collection Statement

8. Purpose of Collection

8.1 The personal data provided in the declaration form as well as any updates of them will be used by the C&ED for facilitating processing of applications / record purpose / record update / investigations for the enforcement of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance (AMLO), Chapter 615.

8.2 It is obligatory for you to supply the personal data as required by the declaration form. If you do not provide sufficient information, we may not be able to process your declaration form.

¹ Please refer to 1.3

9. Classes of Transferees

The personal data you provided in the declaration form as well as any updates of them may be disclosed to other government departments / bureaux or organizations for the purposes mentioned in paragraph 8.1 above; or any third parties under section 49 of the AMLO; or where such disclosure is authorized or required by law.

10. Access to Personal Data

You have the right of access to and correction of your personal data as provided for in the Personal Data (Privacy) Ordinance (PDPO). Your right of access includes the right to obtain a copy of your personal data provided in this form. In accordance with the provisions of the PDPO, we have the right to charge a reasonable fee for the processing of any data access request.

11. Enquiries to Personal Data

Enquiries concerning the personal data collected by this declaration form, including the request for access to and correction of personal data, should be addressed to:

**Departmental Secretary
Office of Departmental Administration
Customs and Excise Department
31/F, Customs Headquarters Building
222 Java Road, North Point, Hong Kong**

Part D - General Enquiry

Applicants may visit the C&ED website at <http://www.customs.gov.hk> for details of information on application. For enquiries on individual application, applicant may write to msoenquiry@customs.gov.hk or call the following enquiry hotline:

Enquiry Hotline : 3742 7742 (during normal office hours)

Address

**Money Service Supervision Bureau
Customs & Excise Department
Units 402-403, 4/F, Centre Parc
11 Sheung Yuet Road, Kowloon Bay
Kowloon**

WARNING: Please read the Guidance Notes carefully before completing the Declaration Form. The data provided in the form must be true and correct. Under section 52 of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Chapter 615 (AMLO), any person who provides false or misleading information in connection with an application for grant or renewal of a Money Service Operator Licence commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 6 months.

This Guidance Note is not a legal document. It only serves as a guide in completing the Form 3A Fit and Proper Person Declaration Form for sole proprietor / partner / director / ultimate owner who is an individual. In case of doubt about legal issues, you should refer to the Anti-Money Laundering and Counter-Terrorist Financing Ordinance or if necessary, seek assistance from your legal advisor.

Criteria of a “Fit and Proper Person”

[Section 30(4) of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Chapter 615 (AMLO)]

In determining whether a person is a fit and proper person, the Commissioner of Customs and Excise (CCE) must, in addition to any other matter that he considers relevant, have regard to the following:

- (a) whether the person has been convicted of —
 - (i) an offence under section 5(5), (6), (7) or (8), 10(1), (3), (5), (6), (7) or (8), 13(1), (3), (5), (6), (7) or (8), 17(9), 20(1), 61(2) or 66(3) of the AMLO;
 - (ii) an offence under section 14 of the United Nations (Anti-Terrorism Measures) Ordinance, Chapter 575;
 - (iii) an offence under section 25(1), 25A(5) or (7) of, or any offence specified in Schedule 1 to the Drug Trafficking (Recovery of Proceeds) Ordinance, Chapter 405; or
 - (iv) an offence under section 25(1), 25A(5) or (7) of, or any offence specified in Schedule 1 or 2 to the Organized and Serious Crimes Ordinance, Chapter 455;
- (b) whether the person has a conviction in a place outside Hong Kong—
 - (i) for an offence in respect of an act that would have constituted an offence specified in AMLO section 30(4)(a)(i), (ii), (iii) or (iv) had it been done in Hong Kong;
 - (ii) for an offence relating to money laundering or terrorist financing; or
 - (iii) for an offence for which it was necessary to find that the person had acted fraudulently, corruptly or dishonestly;
- (c) whether the person has persistently failed to comply with any requirement imposed under the AMLO or any regulation made by the CCE under section 51 of the AMLO;
- (d) whether the person, being an individual, is an undischarged bankrupt or is the subject of any bankruptcy proceedings under the Bankruptcy Ordinance, Chapter 6;
- (e) whether the person, being a corporation, is in liquidation or is the subject of a winding up order, or there is a receiver appointed in relation to it.

Reference Table on Application Fee

Item	Particulars	Fee (HK\$)
1.	Application for the grant of a licence plus for each additional business premises plus for each person who is subject to the fit and proper person test	3,310 2,220 860
2.	Application for the renewal of a licence plus for each additional business premises plus for each person who is subject to the fit and proper person test	790 355 860
3.	Application for an approval to become a licensee's director	860 for each person in relation to whom the application is made
4.	Application for an approval to become a licensee's ultimate owner	860 for each person in relation to whom the application is made
5.	Application for an approval to become a licensee's partner	860 for each person in relation to whom the application is made
6.	Application to add new business premises	2,220 for each new business premises
7.	Application to operate a money service at particular premises	2,220 for each business premises



香港海關
CUSTOMS AND EXCISE DEPARTMENT

表格 3A

適當人選聲明表格

(適用於屬個人的獨資經營者/合夥人/董事/最終擁有人，並須與附錄 I 及附錄 II 一併遞交)

Form 3A

Fit and Proper Person Declaration Form

(For sole proprietor / partner / director / ultimate owner

who is an individual and to be submitted with Appendices I & II)

附錄 C

香港海關專用

For Official Use Only
Appendix C
Receipt Date: _____

Application Date: _____

Approval Date: _____

香港法例第 615 章《打擊洗錢及恐怖分子資金籌集條例》
Anti-Money Laundering and Counter-Terrorist Financing Ordinance,
Chapter 615

請用正楷及黑色筆填寫表格。填寫本表格前，請先閱讀填表須知。

Please fill in the form in capital letter and black ink and read the Guidance Notes before completing this form.

第 1 部 – 與本聲明表格有關連的申請人的一般資料

Part 1 – General Information of the Applicant connected to this Declaration Form

申請人的業務 / 法團名稱 Name of the Applicant's Business / Corporation	KAM CHIN SHENG COMPANY										
商業登記號碼 Business Registration No.	1	2	3	4	5	6	7	8	0	0	0

本此樣本表格內填報的資料全屬虛構，如有雷同，實屬巧合。
All the particulars filled in this specimen form are fictitious. Any resemblance to individuals or companies is entirely coincidental.

第 2 部 – 獨資經營者 / 合夥人 / 董事 / 最終擁有人的詳情 或
要求批准擔任持牌人的合夥人 / 董事 / 最終擁有人的詳情

Part 2 – Particulars of the Sole Proprietor / Partner / Director / Ultimate Owner or

the Particulars of the Individual proposing to become Licensee's Partner / Director / Ultimate Owner

<input type="checkbox"/> 獨資經營者 Sole proprietor	<input checked="" type="checkbox"/> 合夥人 Partner	<input type="checkbox"/> 董事 Director	<input type="checkbox"/> 最終擁有人 Ultimate owner
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英文姓名(*先生/太太/小姐/女士) Name in English (*Mr/Mrs/Miss/Ms)	KAM CHIN SHENG
中文姓名(如適用) Name in Chinese (if applicable)	金錢商
中文電碼(如適用) Chinese Commercial Codes (if applicable)	6 8 5 5 6 9 2 9 0 7 9 4
*香港身份證號碼 / 旅遊證件類別及號碼 *Hong Kong Identity Card No. / Travel Document Type and No.	Z123456(1)
出生日期(日/月/年) Date of Birth (dd/mm/yyyy)	0 1 0 7 1 9 7 0
出生地點 Place of Birth	HONG KONG
電話號碼 Telephone No.	23451111



香港海關
CUSTOMS AND EXCISE DEPARTMENT

表格 3A

適當人選聲明表格

(適用於屬個人的獨資經營者 / 合夥人 / 董事 / 最終擁有人，並須與附錄 I 及附錄 II 一併遞交)

Form 3A

Fit and Proper Person Declaration Form

(For sole proprietor / partner / director / ultimate owner

who is an individual and to be submitted with Appendices I & II)

第 3 部 – 請回答以下問題

Part 3 – Please answer the following questions

1. (a) 你有否在香港或其他地方就任何罪行被定罪？
Have you ever been convicted of an offence in Hong Kong or elsewhere?

有 Yes 沒有 No

- (b) 如問題 1(a) 的答案是「有」，請提供以下資料：—
If the answer to 1(a) is 'Yes', please give the following details:-

(有需要時可用另紙填寫)

(Use additional sheets when necessary)

(i)	所犯罪行：— The offence:- _____
(ii)	曾施加的刑罰(如有的話)：— Penalty imposed (if any):- _____
(iii)	定罪日期：— Date of conviction:- _____
(iv)	定罪地方：— Place of conviction:- _____
(v)	審訊該罪行的法院名稱：— Name of the court which tried the offence:- _____

2. (a) 你有否被裁定不遵從根據香港法例第 615 章《打擊洗錢及恐怖分子資金籌集條例》(打擊洗錢條例) 所施加的要求，或海關關長根據打擊洗錢條例第 51 條所訂立的任何規例？
Have you ever been found to have failed to comply with any requirements imposed under the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Chapter 615 (AMLO) or any regulation made by the Commissioner of Customs and Excise under section 51 of the AMLO?

有 Yes 沒有 No

- (b) 如問題 2(a) 的答案是「有」，請提供以下資料：—
If the answer to 2(a) is 'Yes', please give the following details:-

被裁定不遵守要求 / 規例的日期：— Date(s) of failing to comply with the requirements / regulations:- _____
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香港海關
CUSTOMS AND EXCISE DEPARTMENT

表格 3A

適當人選聲明表格

(適用於屬個人的獨資經營者 / 合夥人 / 董事 / 最終擁有人，並須與附錄 I 及附錄 II 一併遞交)

Form 3A

Fit and Proper Person Declaration Form

(For sole proprietor / partner / director / ultimate owner

who is an individual and to be submitted with Appendices I & II)

第 3 部 – 請回答以下問題(續)

Part 3 – Please answer the following questions (Continued)

3. (a) 你有否被判決為破產人及仍未解除破產人身份？
Have you ever been adjudged bankrupt and not yet been discharged?

有 Yes 沒有 No

- (b) 如問題 3(a) 的答案是「有」，請提供以下資料：—
If the answer to 3(a) is 'Yes', please give the following details:-

(i) 判決日期：—
Date of the adjudication:- _____

(ii) 破產地方：—
Place of bankruptcy:- _____

(iii) 作出判決的法院名稱：—
Name of the court which made the adjudication:- _____

4. (a) 你是否香港法例第 6 章《破產條例》下的任何破產程序的標的？
Have you ever been the subject of any bankruptcy proceedings under the Bankruptcy Ordinance, Chapter 6?

是 Yes 不是 No

- (b) 如問題 4(a) 的答案是「是」，請提供以下資料：—
If the answer to 4(a) is 'Yes', please give the following details:-

(i) 呈請書送達日期：—
Date of service of the petition:- _____

(ii) 呈請書提交地方：—
Place where the petition was presented:- _____

(iii) 呈請書所提交的法院名稱：—
Name of the court in which the petition was presented :- _____

備註：如所提供的空位不敷應用，請影印該頁，以填寫所需資料。

Remarks: If the space provided is not enough for you to fill in all the required information, please make a photocopy of the page for filling in the information.



香港海關
CUSTOMS AND EXCISE DEPARTMENT

表格 3A

適當人選聲明表格

(適用於屬個人的獨資經營者 / 合夥人 / 董事 / 最終擁有人，並須與附錄 I 及附錄 II 一併遞交)

Form 3A

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第 4 部 – 聲明

Part 4 – Declaration

本人謹此聲明：-

I declare that:-

(a) 在本聲明表格內提供的所有資料是用以支持*申請金錢服務經營者牌照 / 要求批准擔任持牌人的合夥人 / 董事 / 最終擁有人，並全屬完整、真實及正確無誤；
the information given in this Declaration Form is to support an application for * a Money Service Operator Licence / approval in respect of the person proposing to become Licensee's Partner / Director / Ultimate Owner and is complete, true and correct;

(b) 本人已閱讀香港法例第 615 章《打擊洗錢及恐怖分子資金籌集條例》(打擊洗錢條例)。本人明白打擊洗錢條例第 52 條訂明任何人在與要求批給牌照或將牌照續期的申請有關連的情況下，(1) 作出在要項上屬虛假或具誤導性的陳述；並知道該項陳述在要項上屬虛假或具誤導性，或罔顧該項陳述是否在要項上屬虛假或具誤導性的；或 (2) 在某項陳述中遺漏任何要項，以致該項陳述成為虛假或具誤導性的陳述；及知道該項陳述遺漏該要項，或罔顧該項陳述是否遺漏該要項，即屬犯罪，一經定罪，可被判罰款 50,000 元及監禁 6 個月；

I have read the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Chapter 615 (AMLO). I understand that section 52 of the AMLO provides that any person who, in connection with an application for the grant or renewal of a licence, (1) makes a statement that is false or misleading in a material particular; and knows that, or is reckless as to whether, the statement is false or misleading in a material particular; or (2) omits a material particular from a statement with the result that the statement is rendered false or misleading; and knows that, or is reckless as to whether, the material particular is omitted from the statement, commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 6 months;

(c) 本人已閱讀有關申請金錢服務經營者牌照的適當人選聲明表格 3A 的填表須知第 C 部所載的收集個人資料聲明，並明白當中內容。

I have read the Personal Information Collection Statement stated in Part C of the Guidance Notes on Form 3A Fit and Proper Person Declaration Form for Money Service Operator Licence and understand the contents stated therein.

Kam Chinsheng

(簽署)
(Signature)

KAM CHIN SHENG

(姓名正楷)
(Name in block letters)

01/04/2012

(日期)
(Date)

Z123456(1)

(*香港身份證 / 旅遊證件號碼)
(*HKID / Travel Document No.)

註：香港法例第 297 章《罪犯自新條例》第 2 條的規定，不會以該條例第 4 條為理由而適用於與任何人是否適宜獲批給或繼續持有牌照的問題有關的法律程序。任何判罪均不會視為「已失時效」，故所有判罪的詳細資料必須包括在內。

Note: The provisions in section 2 of the Rehabilitation of Offenders Ordinance, Chapter 297 do not by reason of Section 4 of that Ordinance apply to proceedings related to a person's suitability to be granted or to continue to hold a licence. No conviction will be regarded as 'spent' and details of all convictions must therefore be included.

**Application for *a Money Service Operator Licence /
approval in respect of the person proposing to become Licensee's
*Partner / Director / Ultimate Owner**

Authorization

I, KAM CHIN SHENG (in Chinese 金錢商), in connection with an application for *a Money Service Operator Licence / approval in respect of the person proposing to become Licensee's *Partner/Director/Ultimate Owner, by (Name of Applicant's Business/Corporation) KAM CHIN SHENG COMPANY with Business Registration No. 12345678-000 hereby authorize the Commissioner of Police, or his representative, to release full particulars of any and all criminal convictions (including the spent convictions under the Rehabilitation of Offenders Ordinance (Cap. 297)) recorded against me to the Commissioner of Customs and Excise and any public officer delegated by him for the purpose of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance (Cap. 615). I also agree to my fingerprint impressions being taken by the Police in connection with this application, if required for the purpose of verifying my criminal record. My personal particulars are as follows:-

Name in English	KAM CHIN SHENG
Name in Chinese	金錢商
Chinese Commercial Codes	6855 6929 / 0794 / / <i>(as recorded on the applicant's HK Identity Card – where applicable)</i>
Date of Birth (dd/mm/yyyy)	01 / 07 / 1970
HK Identity Card No. or	Z123456(1)
Travel/Identity Document Type and No. / Place of Issue <i>(if applicable)</i>	---
Place of Birth	Hong Kong

Signature: Kam Chinsheng

Date: 01 / 04 / 2012

Certification:

I have checked the personal particulars as stated in this Authorization against the original identity document(s) of the above-mentioned person. I now certify that the personal particulars stated above are true and correct. I also certify that this Authorization is signed by the above-mentioned person in my presence.

Signed by Witness: Happy Ying

*Designation/

Profession: Solicitor

Name of Witness: Happy Ying

Rank: _____

C&ED Warrant Card No.: _____

Other Identity Document No. /

Place of Issue (e.g. HKID/

Passport): Z654321 (0)

The witness is (1) ~~*an official of the Customs and Excise Department; or~~

(2) *a practicing professional (e.g. solicitor, accountant, auditor), a notary public or a Justice of the Peace.

CONFIDENTIAL 機密

**Application for *a Money Service Operator Licence /
approval in respect of the person proposing to become Licensee's
*Partner / Director / Ultimate Owner**

Authorization

I, **KAM CHIN SHENG** (in Chinese 金錢商)

hereby authorize the Commissioner of Customs and Excise and any public officer delegated by him to release my personal data (including my personal data in this document) to the Official Receiver's Office for the purpose of conducting a search of bankruptcy record against me, in connection with an application for *a Money Service Operator Licence / approval in respect of the person proposing to become Licensee's *Partner/Director/Ultimate Owner, submitted by (Name of Applicant's Business/Corporation) **KAM CHIN SHENG COMPANY** with Business Registration No. 12345678-000.

Name in English : **KAM CHIN SHENG**

Name in Chinese : 金錢商

***HK Identity Card No. or
Travel/Identity Document Type
and No. / Place of Issue
(if applicable)** : **Z123456(1)**

Signature: *Kam Chinsheng*

Date: **01/04/2012**