



CUSTOMS AND EXCISE DEPARTMENT

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

Guidance Notes

Form 3B

**Fit and Proper Person Declaration Form
for corporate partner / director**

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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 3B
Fit and Proper Person Declaration Form
for corporate partner / director

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.

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) Local company:
 - (a) A copy of valid Business Registration Certificate
 - (b) A copy of Certificate of Incorporation

- (c) A copy of Memorandum and Articles of Association
- (ii) Non-Hong Kong company:
 - (a) A copy of valid Business Registration Certificate
 - (b) A copy of Certificate of Registration of non-Hong Kong Company
 - (c) A copy of Memorandum and Articles of Association
- (iii) Corporation **not** registered in Hong Kong:
 - (a) A copy of the Certificate of Incorporation or its equivalent certified in accordance with reg. 3 of the Companies (Forms) Regulations, Chapter 32B

2.3 In person or by post

- (i) The declarant has to duly complete the declaration form and sign on it. The declarant may submit the declaration form together with the relevant supporting documents (copies only) 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 the Applicant's business / corporation and business registration number.

5. Part 2 - Particulars of the corporate Partner / Director of the Applicant's Business / Corporation or the Particulars of the Corporate proposing to become Licensee's Partner / Director

Please provide the company information of the partner / director.

6. Part 3 - Answer the Questions

6.1 Please state whether the partner / director :

- (i) has any conviction record in Hong Kong or outside Hong Kong;
- (ii) has failed to comply with any requirements imposed under AMLO or any regulations made by the CCE under section 51 of the AMLO; and
- (iii) is in liquidation or is the subject of a winding up order, or there is a receiver appointed in relation to the corporation.

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

7. Specimen of Completed Declaration Form 3B

For further information on the requisite particulars and documents, the declarant should make reference to the “Specimen of a Completed Form 3B - 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.

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 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 3B Fit and Proper Person Declaration Form for partner / director which is a corporation. 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 3B
適當人選聲明表格
(適用於法團合夥人/董事)

Form 3B
Fit and Proper Person Declaration Form
(For corporate partner / director)

附錄 C

Appendix C
香港海關專用
For Official Use Only
Receipt Date: _____
Application No.: _____
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 completion.

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 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	

第 2 部 – 屬申請人業務 / 法團的法團合夥人 / 董事的詳情或要求批准擔任持牌人的法團合夥人 / 董事的詳情
Part 2 - Particulars of the corporate Partner / Director of the Applicant's Business/Corporation or the Particulars of the Corporate proposing to become Licensee's Partner / Director

合夥人 Partner 董事 Director

法團名稱(英文) Name of Corporation (in English)	H A P P Y B U S I N E S S L I M I T E D											
法團名稱(中文) Name of Corporation (in Chinese)	快樂商業有限公司											
商業登記號碼 Business Registration No.	8	7	6	5	4	3	2	1	-	0	0	0
屆滿日期 Date of Expiry	3	1	1	2	2	0	1	2				
	日	月	年									
	D	D	M	M	Y	Y	Y	Y				
公司編號 Company No.	8	0	0	0	0	8						
成立日期 Date of Incorporation	0	1	0	1	2	0	1	2				
	日	月	年									
	D	D	M	M	Y	Y	Y	Y				
成立地點 Place of Incorporation	H	O	N	G	K	O	N	G				



香港海關
CUSTOMS AND EXCISE DEPARTMENT

表格 3B
適當人選聲明表格
(適用於法團合夥人/董事)

Form 3B
Fit and Proper Person Declaration Form
(For corporate partner / director)

第 3 部 – 請回答以下問題

Part 3 - Please answer the following questions

1. (a) 第 2 部所述的法團在香港或別處地方曾否被定罪？

Has the corporation as mentioned in Part 2 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 (if any) imposed:- _____

- (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) 第 2 部所述法團有否被裁定沒有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？

Has the corporation as mentioned in Part 2 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:-

被裁定不遵從要求 / 規例的日期：—

Date(s) of failing to comply with the requirements / regulations:- _____



香港海關
CUSTOMS AND EXCISE DEPARTMENT

表格 3B
適當人選聲明表格
(適用於法團合夥人/董事)

Form 3B
Fit and Proper Person Declaration Form
(For corporate partner / director)

第 3 部 – 請回答以下問題(續)

Part 3 - Please answer the following questions (Continued)

3. (a) 第 2 部所述的法團是否正在清盤中？
Is the corporation as mentioned in Part 2 in liquidation?

是 Yes [請回答 3(d)] [Please answer 3(d)]
 否 No [請回答 3(b)] [Please answer 3(b)]

- (b) 第 2 部所述的法團是否任何清盤令的標的？
Is the corporation as mentioned in Part 2 the subject of a winding up order?

是 Yes [請回答 3(d)] [Please answer 3(d)]
 否 No [請回答 3(c)] [Please answer 3(c)]

- (c) 有否就第 2 部所述的法團委任接管人？
Is there a receiver appointed in relation to the corporation as mentioned in Part 2?

有 Yes [請回答 3(d)] [Please answer 3(d)]
 否 No [請去第 4 部] [Please go to Part 4]

- (d) 請提供詳情：—
Please provide the details:-

(i) 個案編號：—
Case No.: _____

(ii) 清盤令的日期：—
Date of the winding-up order:- _____

(iii) 頒布清盤令的法院名稱：—
Name of the court which made the winding-up order:- _____

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 information required, please make a photocopy of the page for filling in the information.



香港海關
CUSTOMS AND EXCISE DEPARTMENT

表格 3B Form 3B

適當人選聲明表格

Fit and Proper Person Declaration Form

(適用於法團合夥人/董事)
(For corporate partner/director)

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/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 (Financial Institutions) 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 3B 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 3B Fit and Proper Person Declaration Form for Money Service Operator Licence and understand the contents stated therein.

David Chan

01/04/2012

(法團獲授權人士簽署及公司印章) – 看下述備註
(Signature of the authorized person of the corporation
and company chop) – see Remarks below

(日期)
(Date)

CHAN TAI WAI

C55555(1)

(姓名(正楷))
(Name in block letters)

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

備註： 本表格應由法團合夥人 / 董事的獲授權人士簽署及蓋上法團的公司印章，以及應夾附董事局簽署的授權書。
Remarks: This form should be signed by an authorized person of the corporate partner / director with company chop of the corporation and a copy of authorization letter signed by the Board of Directors should be attached.