



CUSTOMS AND EXCISE DEPARTMENT

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

Guidance Notes

Form 5

**Application to add New Premises
used for the operation of a Money Service**

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CUSTOMS AND EXCISE DEPARTMENT

Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance Chapter 615, Laws of Hong Kong

Guidance Notes on Form 5

Application to add New Premises used for the operation of a Money Service

Part A - General Information

1. Introduction

- 1.1 Under section 38(1) of Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance, Chapter 615 (AMLO), must not operate a money service at any premises other than those specified premises unless the Commissioner has, on an application of the licensee, added the new premises to the licence. In this connection, the licensee is required to make application to the Commissioner of Customs and Excise (CCE) for seeking approval by submitting Form 5 Application to add New Premises used for the operation of a Money Service.
- 1.2 Under section 39(1) of the AMLO, a licensee who is not required to operate a money service at particular premises must not operate a money service at any particular premises unless the CCE has, on an application of the licensee, added the premises to the licence. In this connection, the licensee is required to make application to the CCE for seeking approval by submitting Form 5 Application to add New Premises used for the operation of a Money Service.
- 1.3 In respect of application to add new premises used for the operation of a money service or to operate a money service at particular premises, the licensee must make the application in the form and manner specified by the CCE and pay the fee specified in Schedule 3 of the AMLO. For details of the application fee, please refer to the Appendix A.

2. **Business premises to be used in the operation of a Money Service**

Licenses are NOT required to apply for adding new premises unless the licensee operates a money service in particular premises as stated in this Part. The following examples of modes of operation are not considered as operating a money service at particular premises:

- (i) operating a money service without any fixed premises, e.g., door-to-door service;
- (ii) meeting customers at customer's office; or
- (iii) conducting transactions only with the use of mobile electronic devices.

2.1 Here are some examples of particular premises for operating a money service business :

- (i) the premises are holding out for operating a money service;
- (ii) the premises are advertised (including a name plate on display) for meeting customers; and
- (iii) the premises are regularly controlled by the licensee, e.g. being a landlord or a tenant.

However, premises are not treated as particular premises for operating a money service if the licensee is only a customer or visitor at premises such as dining establishments or banks, or at accountant or solicitor firms merely for processing accounting or legal documents for your company.

2.2 Particular premises should be accessible by C&ED officers for the enforcement of the AMLO.

2.3 Premises falling within the following categories need not be registered:

- (i) which are located outside Hong Kong;
- (ii) which are not mainly used to operate a money service, e.g. premises solely used for:
 - storage of business records
 - staff training

3. Eligibility Criteria

Particular premises intended to be used for the operation of a money service should be suitable for such use. In case where the premises are domestic premises, the applicant should obtain a written consent from every occupant, (a person who usually resides at the premises) for any authorized person as defined by section 8 of the AMLO to enter the premise for the purpose of exercising the powers under section 9 of the AMLO.

4. Application

4.1 Application Form

Application form can be obtained from the Money Service Supervision Bureau (MSSB) of the Customs and Excise Department (C&ED) at 13/F, Customs Headquarters Building, 222 Java Road, North Point, Hong Kong or 3/F, Customs Headquarters Building or downloaded from the C&ED website at <http://www.customs.gov.hk>.

4.2 Online

Applicant may submit an electronic application form through the C&ED website at <http://www.customs.gov.hk>.

4.3 In person or by post

- (i) Please note that there is no need to sign on the duly completed Form 5 when submitting it to the CCE. You will be asked to sign on it during an interview with an officer of the C&ED at a later stage.
- (ii) After receiving the application submitted in person or by post, the CCE will issue an Acknowledgement of Receipt of the application within 7 working days from the submission or the postal date.
- (iii) Information provided by the applicant in the application form must be supported by copies of relevant documents. Applicant is therefore reminded to ensure that application is submitted together with all required supporting documents. Failure to do so may cause delay in processing the application, or may result in deferment or rejection of the application. For details of the required documents, please refer to the “Checklist for submission of supporting documents” in the application form.

- (iv) If there is any change to the information contained in the application after its submission, the applicant should submit a written request to the CCE promptly. Likewise, if an applicant wishes to withdraw the application, the applicant shall submit a written request to the CCE. Applicants are reminded that any amendments shall form an integral part of their applications. The supplementary information must be submitted together with copies of relevant supporting documents to the CCE.

5. Processing of Application

- 5.1 Upon receipt of an application and the relevant documents, the CCE may also request the applicant to provide additional information to process the application where necessary. Failure to do so within a period as specified by the CCE may cause delay in processing the application, or even result in deferment or rejection of the application.
- 5.2 The applicant will receive a notice for an interview together with a demand note for the payment of fees regarding the application for adding new premises for the operation of a money service. An application without full payment will be rejected by C&ED. The fees are non refundable irrespective whether the licence application is successful or not.
- 5.3 The applicant is required to bring along the notice, receipt of payment and the relevant original documents for verification during an interview with the authorized officers of the C&ED at date, time and venue as specified by the CCE. During the interview, the applicant is required, among others, to sign on the Form 5 in the presence of an authorized officer of the C&ED.
- 5.4 Authorized officers of the C&ED will conduct on-site inspection at the premises provided in the application form.
- 5.5 The processing time may vary depending on various factors including the time taken in collecting the requisite documents from the applicant and the time required in on-site inspection at the premises used for the operation of a money service.
- 5.6 After the approval of adding new money service business premises, the money service business premises address of the licensee will be published in the Register of Licensees maintained by the CCE. The register will be kept and made available for inspection by members of the public at the MSSB's office and the C&ED's website. The licence granted to the licensee will also be updated accordingly.

Part B - Notes on How to Complete the Application Form

Please fill in the form in **capital letters** and **black ink** according to the instructions stated in the application form and the Guidance Notes. An illegible handwritten form may be rejected.

6. Part 1 - General Information of the Applicant

Please provide the information of the applicant company including the MSO licence number, applicant company name and business registration number.

7. **Part 2 - Details of the Particular Premises to be added for the operation of a Money Service**

7.1 Please state the reason of adding new particular premises to operate a money service:

(i) Adding new premises

For the licensee who is licensed to operate a money service at premises specified in the licence adds a new premises for operating a money service.

(ii) Application to operate a money service at particular premises

For the licensee who is not required under the licence to operate a money service at particular premises adds the premises to the licence for operation a money service.

(iii) Adding new premises in trade fair / exhibition venue:-

Please indicate the exhibition period.

7.2 Please provide the particulars of the premises in which you operate a money service, including business registration number, premises type, area, address and contact information.

7.3 Please provide information on whether any other business is being run on the premises. Where independent money service businesses are being run on the same premises, the area for business operation as well as the storage of business and transaction records for different MSOs sharing the same premises should be clearly distinguished. It should be apparent to visitor upon entering the premises which MSO they are dealing with. Applicants should be able to demonstrate to the CCE how their business would not mixed with those run by other MSOs sharing the same premises.

7.4 Where the premises used to operate a money service are domestic premises, the applicant must list out the names of all the occupants. Separate sheet may be used if space in the application is insufficient. The applicant should secure the written consent of every occupant of the premises for any authorized person to enter the premises for conducting a routine inspection. The applicant should also ensure that each of the occupants has read the Personal Information Collection Statement in Part C of the Guidance Notes. The format of the Letter of Consent is at Appendix C for reference.

7.5 The applicant will need to pay a fee for each premises. If the applicant has more than one premises to be added, please make a photocopy of the respective page of the application form for filling in the particulars for other business premises.

8. **Part 3 – Declaration by the person who submits the application form (see remarks in Part 3)**

The person who submits the application form should read the declaration in part 3 and fill in his / her particulars **without signing on it**. The application form is to be signed and stamped with the applicant company's chop in the presence of an authorized officer of the C&ED during an interview.

9. **Specimen of a Completed Application Form 5**

For further information on the requisite particulars and documents, the applicant should make reference to the "Specimen of Completed Form 5 –Application to add New Premises used for the operation of a Money Service" at Appendix B.

Part C - Personal Information Collection Statement

10. Purpose of Collection

- 10.1 The personal data provided in the application form as well as any updates of them will be used for facilitating processing of applications / record purpose / record update and investigations for the enforcement of the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance, Chapter 615.
- 10.2 It is obligatory for you to supply the personal data as required by the application form. If you do not provide sufficient information, we may not be able to process your application.

11. Classes of Transferees

The personal data you provided in the application form as well as any updates of them may be disclosed to other Government departments / bureaux or organizations for the purposes mentioned in paragraph 9.1 above; or any third parties under section 49 of the AMLO; or where such disclosure is authorized or required by law.

12. 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.

13. Enquiries to Personal Data

Enquiries concerning the personal data collected by the application 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 : 3759 3722 (during normal office hours)

Please attach the copies of the supporting documents (to be stamped with the applicant company's chop) to the completed application form. Authorized officers of C&ED will examine the originals during the interview with the applicant.

Please forward the duly completed application form together with copies of the necessary supporting documents to the MSSB of the Customs and Excise Department

Address ✕

**Money Service Supervision Bureau
Customs & Excise Department
13/F, Customs Headquarters Building
222 Java Road, North Point
Hong Kong**

WARNING

- (1) Please read the Guidance Notes carefully before completing the Application Form. The data provided in the application form must be true and correct. Under Section 38(1) of Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance, Chapter 615, a licensee must seek prior approval from the Commissioner of Customs and Excise (CCE) for adding a new premises used for a Money Service and under Section 39(1) a licensee must seek prior approval from the CCE for operating a money service at any particular premises.
- (2) The breach of the requirement is subject to the imposition of supervisory sanctions by the CCE. *The maximum penalty is a fine of \$1,000,000.* The licensee may also be prosecuted and liable on conviction to a fine of \$50,000 and to imprisonment for 6 months.
- (3) The licensee must pay a fee for each business premises to be registered specified in Schedule 3 of the AMLO.

This Guidance Note is not a legal document. It only serves as a guide in completing the Form 5 Application to add New Premises used for the operation of a Money Service. In case of doubt about legal issues, you should refer to the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance or if necessary, seek assistance from your legal advisor.

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 5

要求加入新的用以經營金錢服務的處所申請書

Form 5

Application to add New Premises used for the operation of a Money Service

第 2 部 – 擬加入用以經營金錢服務的特定處所的資料(續)

Part 2 - Details of the Particular Premises used for the operation of a Money Service (Continued)

業務性質 Nature of Business	(a) <input type="checkbox"/> 匯款服務 Remittance service
	(b) <input type="checkbox"/> 貨幣兌換服務 Money-changing service
	(c) <input type="checkbox"/> (a) 及 (b) 的服務 Both (a) and (b)
	(d) <input checked="" type="checkbox"/> 其他，請述明：— Others, please specify:- <u>INVESTMENT</u>
金錢服務經營者牌照號碼 (如適用) MSO Licence No.(if applicable)	

(如有超過 1 間公司共用處所，請用另紙提供資料) (If more than one company shared the premises, please provide the information in a separate sheet.)

(5) 佔用人的同意 (只適用於用以經營金錢服務的住宅處所)

Occupant's Consent (only applicable for domestic premises used for the operation of a money service)

遞交申請時，你**必須**提供所有佔用人的姓名，並取得所有佔用人的同意書。請確保每位佔用人都已閱讀於填表須知第 C 部所載的收集個人資料聲明。

You **must** provide the names of occupants and obtain the letters of consent from all of them when you submit the application. Please ensure that each of the occupants has read the Personal Information Collection Statement in Part C of the Guidance Notes.

佔用人姓名 Name of Occupants	
(1) KAM WING KWAI	(2)
(3)	(4)
(5)	(6)

(如佔用人超過 6 名，請用另紙提供資料) (If more than six occupants are involved, please provide the information in a separate sheet.)

註：如有其他處所需作出申請，請影印本申請表格第 2 部，用以提供其他處所的資料。

Remarks: If you have other business premises for application, please make a photocopy of Part 2 of this application form for filling in the particulars of the other business premises.



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第 3 部 – 提交此申請表格人士的聲明 (見於第 3 部內的備註) (請於會見時簽署及蓋章)

Part 3 – Declaration by the person who submits this application form (see Remarks in Part 3) (Please sign and stamp at the time of interview)

本人謹此聲明： -

I declare that:-

- (a) 在本申請表格提供的所有詳情及資料(包括附加頁)，共 5 頁，全屬真確無誤。
the particulars and information given in this application form including additional sheet(s) consisting of 5 page(s) are true and correct;
- (b) 本人承諾採取措施，以確保如本申請表格內第 2 部所提供的詳情有任何改變，持牌人須在自改變發生之日起計的一個月內，藉書面向海關關長具報有關改變事項。本人明白根據打擊洗錢條例第 40 條，持牌人如無合理辯解而違反此項規定，即屬犯罪，一經定罪，可被判罰款 50,000 元；
I undertake that actions shall be taken to ensure that the licensee must notify the Commissioner of Customs and Excise in writing of any change in the particulars that are provided in this application form Part 2 within one month beginning on the date on which the change takes place. I understand that a licensee who without reasonable excuse contravenes this requirement commits an offence and is liable on conviction to a fine of \$50,000;
- (c) 本人已指示本申請表格第 2 部提述的所有處所的負責人，亦已獲得有關處所(如該處所屬住宅處所)的所有佔用人的同意，讓香港海關的獲授權人員進入有關的處所，以審核該處所是否適合用作經營金錢服務；
I have instructed all responsible persons of the premises as mentioned in Part 2 of this application form and have obtained consent of every occupant of the premises (if the premises are domestic premises) to allow the authorized officers of the Customs and Excise Department to enter the said premises to assess whether the premises are suitable to be used for the operation of a money service;
- (d) 本人已閱讀要求加入新的用以經營金錢服務的處所申請表格 5 的填表須知第 C 部所載的收集個人資料聲明，以及明白當中內容。
I have read the Personal Information Collection Statement stated in Part C of the Guidance Notes on Form 5 Application to add New Premises used for the operation of a Money Service and understand the contents stated therein.

KAM CHIN SHENG

Z123456(1)

(*持牌人 / 獲持牌人授權的合夥人 / 董事或人士
簽署及公司印章)

(姓名(正楷))
(Name in block letters)

(*香港身份證 /
旅遊證件號碼)

(*Signature of the licensee / authorized person of the
licensed partnership / ~~authorized director or person of the~~
~~licensed corporation~~ and company chop)

(*HKID No. /
Travel Doc. No.)

(會見時簽署及蓋章)

(to be signed and stamped at the time of interview)

PARTNER

9875 987

(在持牌人業務 / 法團擔任的職位)

(聯絡電話號碼)

(Position in the Licensee's Business / Corporation)

(Contact Telephone No.)

見證人:

Witnessed by:

(簽署)

(Signature)

(海關人員的姓名及職位)

(Name and Post of C&ED officer)

(日期)

(Date)



香港海關
CUSTOMS AND EXCISE DEPARTMENT

表格 5

要求加入新的用以經營金錢服務的處所申請書

Form 5

Application to add New Premises used for the operation of a Money Service

備註： 提交此申請表格的人士必須是：—

Remarks: The person who submits this application form must be:-

- (a) 如持牌人屬獨資經營，該獨資經營者；
the sole proprietor, if the licensee is a sole proprietorship;
- (b) 如持牌人屬合夥，則獲每名合夥人書面授權的合夥人，並應隨附授權書；
the partner authorized in writing by every partner, if the licensee is a partnership. The authorization letter should be attached;
- (c) 如持牌人屬法團，則獲董事局書面授權的董事或人士，並應隨附授權書。
the director or the person authorized in writing by the Board of Directors, if the licensee is a corporation. The authorization letter should be attached.

申請要求加入新的用以經營金錢服務的特定處所的證明文件的核對清單

Checklist for submission of supporting documents for

Application to add New Premises used for the operation of a Money Service

- 有效商業登記證的複本
A copy of the valid Business Registration Certificate
- 應邀於貿易展覽會場地經營金錢服務的邀請文件及/或合約複本
A copy of the invitation document and/or agreement to operate a money service in trade fair / exhibition venue
- 該處所已加蓋釐印的租約或業權紀錄的複本
A copy of stamped tenancy agreement or record of ownership of the business premises
- 該處所或展覽會場地經營攤位的平面圖
Floor plan of the business premises or booth in a trade fair / exhibition
- 該處所內每一名佔用人的同意書的複本 (只限住宅處所)
Copies of consent letters from every occupant of the premises (for domestic premises only)

請隨已填妥的申請表格夾附已蓋上申請人公司印章的證明文件。海關的獲授權人員會在與申請人會面時查驗文件的正本。

Please attach the supporting documents (stamped with the applicant's company chop) to the completed application form. Authorized officers of C&ED will examine the originals during the interview with the applicant.

已填妥的申請表格連同證明文件，應遞交香港海關金錢服務監理科辦理。

The completed application form together with the supporting documents should be submitted to the Money Service Supervision Bureau of the Customs and Excise Department.

地址
香港北角渣華道222號
海關總部大樓13樓
香港海關
金錢服務監理科

Address
Money Service Supervision Bureau
Customs and Excise Department
13/F, Customs Headquarters Building
222 Java Road, North Point, Hong Kong

辦公時間
星期一至星期五 上午 8 時 45 分至中午 12 時 30 分
(公眾假期除外) 下午 1 時 30 分至 5 時 30 分

Office hours
Monday to Friday 8:45 a.m. to 12:30 p.m.
(Except public holidays) 1:30 p.m. to 5:30 p.m.

To : Commissioner of Customs and Excise

Letter of Consent

Regarding the Operation of a Money Service Business

by

(Company Name)

.....

at

(address)

.....

I, being an occupant of the premises at the above address, hereby give my consent to any authorized person as defined by section 8 of the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance (Chapter 615) to enter the above premises for the purpose of exercising the powers under section 9 of the said Ordinance in connection with the operation of the money service business by the above company at the above address.

I have read the Personal Information Collection Statement stated in Part C of the Guidance Notes on Form 5 Application to add New Premises used for the operation of a Money Service and understand the contents stated therein.

Signature : _____

Name : _____

*HKID Card No. /
Travel Document
Type and No. : _____

Date : _____

* Please delete as appropriate