

Application for an Money Service Operator Licence

Criteria of a “Fit and Proper Person”

Extract of section 30 of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Cap. 615

Section 30 - Grant of licence			
(4)	In determining whether a person is a fit and proper person under subsection (3)(a), the Commissioner must, in addition to any other matter that the Commissioner considers relevant, have regard to the following—		
(a)	whether the person has been convicted of—		
	In Hong Kong	(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 Anti-Money Laundering and Counter-Terrorist Financing Ordinance (Cap. 615)
		(ii)	an offence under section 14 of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 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 (Cap. 405)
		(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 (Cap. 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 paragraph (a)(i), (ii), (iii) or (iv) had it been done in Hong Kong
		(ii)	for an offence relating to money laundering or terrorist financing
		(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 Commissioner under section 51		
(d)	whether the person, being an individual, is an undischarged bankrupt or is the subject of any bankruptcy proceedings under the Bankruptcy Ordinance (Cap. 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		