



CUSTOMS AND EXCISE DEPARTMENT

Registration Regime for Dealers in Precious Metals and Stones

Registration Guide - Part I Introduction

July 2024

CONTENTS

| | Page |
|---|------|
| Chapter 1 – Introduction..... | 3 |
| Chapter 2 – Precious Metals and Stones Business | 4 |
| Chapter 3 – Exemption..... | 7 |
| Chapter 4 – Categories of registration..... | 10 |
| Chapter 5 – Transitional arrangement | 11 |
| Chapter 6 – Schedule of fees..... | 12 |

Chapter 1 – Introduction

- 1.1 The Customs and Excise Department (“C&ED”) is the authority for implementing the registration regime for dealers in precious metals and stones (“DPMS”) under Part 5C of the “Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Chapter 615” (“AMLO”) with effect from 1 April 2023.
- 1.2 DPMS are among the six categories of Designated Non-Financial Business and Professions (“DNFBPs”) defined by the Financial Action Task Force (“FATF”) for anti-money laundering and counter-terrorist financing (“AML/CTF”) regulation. The new requirements enhance Hong Kong’s regulatory regime for combating money laundering and terrorist financing (“ML/TF”) in fulfilment of Hong Kong’s obligations under the FATF.
- 1.3 This Registration Guide - Part I is provided for any person in Hong Kong to determine:
 - (i) whether the person is considered as carrying on a precious metals and stones business (and hence a DPMS) under AMLO;
 - (ii) whether the person shall apply for a registration; and
 - (iii) if (ii) is affirmative, which category of registration the person shall apply for under the DPMS registration regime.
- 1.4 Dealers shall also refer to the frequently asked questions published on C&ED website at <https://www.customs.gov.hk> and the DPMS registration system (“DRS”) website at <https://www.drs.customs.gov.hk> for further understanding of the registration regime.
- 1.5 For dealers requiring a Category A registration, please also refer to the “Registration Guide - Part II - Application for Category A Registration” for application details.
- 1.6 For dealers requiring a Category B registration, please also refer to “Registration Guide - Part III - Application for Category B Registration” for application details.

Chapter 2 – Precious Metals and Stones Business

2.1 What articles fall within the purview of the registration regime?

- (a) **Precious metal**¹: gold, silver, platinum, iridium, osmium, palladium, rhodium or ruthenium, in a manufactured or unmanufactured state;
- (b) **Precious stone**²: diamond, sapphire, ruby, emerald, jade or pearl, whether natural or otherwise;
- (c) **Precious product**³: any jewellery and watch that is made up of, containing or having attached to it, any precious metal or precious stone, or both; and
- (d) **Precious-asset-backed instrument**: means any certificate or instrument backed by one or more precious metals, precious stones or precious products that entitles the holder to such assets (in entirety or in part); but does not include –
 - (i) any securities, a futures contract, any interest in a collective investment scheme, a structured product or an OTC derivative product as defined by the Securities and Futures Ordinance (Cap. 571); or
 - (ii) a virtual asset.

¹ For example, silver coins, gold bullions and gold statues, etc.

² For example, rough diamond, lab grown sapphire, jade statues, etc.

³ Other than jewellery and watch, items including apparel, accessory, ornament, other finished product, medical device and industrial equipment which should generally contain or having attached to them a relatively small amount of precious metal and/or precious stone were removed from the definition of “precious product” as a committee stage amendment of the Anti-Money Laundering and Counter-Terrorist Financing (Amendment) Bill 2022
(<https://www.legco.gov.hk/yr2022/english/bc/bc05/papers/bc0520221028cb1-758-3-e.pdf>).

2.2 What is a precious metals and stones business?

Any person carries on any of the following activities by way of business:

- (a) trading in⁴, exporting or importing precious metals, precious stones or precious products⁵;
- (b) manufacturing, refining or carrying out any value adding work on precious metals, precious stones or precious products⁶;
- (c) issuing, redeeming or trading in precious-asset backed instruments⁷; or
- (d) acting as an intermediary in respect of any of the activities (a), (b) or (c).

Exception is provided for any person carries on a logistics service business, which only imports or exports precious metals, precious stones or precious products in the ordinary course of that business.

2.3 Who shall apply for registration?

Any person who carries out any one of the following two transactions must apply for registration under the registration regime:

- **A specified transaction** which means a transaction that is carried out by a person, while carrying on a precious metals and stones business, in respect of which transaction a payment or payments, of at least HKD120,000 or equivalent amount⁸ in another currency in total, is or are made or received in any way or combination of ways (**other than in cash**) in Hong Kong, whether the transaction is executed –
 - i. in a single operation; or
 - ii. in several operations that are linked or appear to be linked.

⁴ Selling, offering for sale, purchasing, offering to purchase or possessing for the purpose of sale.

⁵ For example, jewellery shops, jade retailers, related trading company, etc.

⁶ For example, goldsmith workshops, refining factories, jewellery assembling workshops, etc.

⁷ For example, physical gold and silver contracts being traded in the Chinese Gold and Silver Exchange, redemption instalments for gold provided by some jewellery stores, etc.

⁸ The amount as specified in Schedule 3H to AMLO.

- **A specified cash transaction** which means a transaction carried out by a person, while carrying on a precious metals and stones business, in respect of which transaction a payment or payments **in cash**, of at least HKD120,000 or an equivalent amount in another currency in total, is or are made or received in Hong Kong, whether the transaction is executed –
 - (a) in a single operation; or
 - (b) in several operations that are linked or appear to be linked.

“**Transactions**” include not only receiving payments from counterparties, but also making payments to counterparties.

For dealers who carry out transaction(s) with value below HKD120,000 in total, regardless of in cash or non-cash, NO registration is required.

2.4 What are *linked operations* of transaction?

The linkages among operations of transaction are determined upon the circumstances of individual scenarios. The following are some examples that a dealer should regard them as linked operations:

- When a single customer buys various types of precious metals and stones, such as gold, jewellery items and diamonds with a total amount more than HKD120,000, even invoices are split according to product types;
- When a single customer buys a jewellery item for more than HKD120,000 and requests split of invoice; and
- When a few customers buy jewellery items for more than HKD120,000 in total at the same time and there are clear indications that they act on behalf of a person (such as only one person is responsible for selection and making payments while the others only claim to be the buyers when the payments are made).

Chapter 3 – Exemption

3.1 Are there any registration exemptions?

Yes, according to section 53ZUA of the AMLO, the DPMS registration requirement does not apply to:

- (a) the Government;
- (b) an authorized institution;
- (c) a pawnbroker licensed under the Pawnbrokers Ordinance (Cap. 166);
- (d) a licensed corporation that carries on a precious metals and stones business that is ancillary to any regulated activity (as defined by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571)) carried out by the corporation for which the corporation is licensed under that Ordinance;
- (e) an authorized insurer that carries on a precious metals and stones business that is ancillary to the insurer's principal business;
- (f) a licensed insurance broker company that carries on a precious metals and stones business that is ancillary to the company's principal business;
- (g) a licensed individual insurance agent or a licensed insurance agency that carries on a precious metals and stones business that is ancillary to the agent's or agency's principal business;
- (h) an SVF licensee that carries on a precious metals and stones business that is ancillary to the SVF licensee's principal business;
- (i) a system operator or settlement institution of a designated retail payment system that carries on a precious metals and stones business that is ancillary to its business as a system operator or settlement institution; and
- (j) a non-Hong Kong precious metals and stones dealer [*please refer to paragraph 3.10 for definition and details*].

3.2 What is an authorized institution?

An authorized institution has the meaning given by section 2(1) of the Banking Ordinance (Cap. 155).

3.3 What is a licensed corporation?

A licensed corporation has the meaning given by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571).

3.4 What is an authorized insurer?

An authorized insurer means an insurer authorized under the Insurance Companies Ordinance (Cap. 41).

3.5 What is an authorized insurance broker?

An authorized insurance broker has the meaning given by section 2(1) of the Insurance Companies Ordinance (Cap. 41).

3.6 What is an appointed insurance agent?

An appointed insurance agent has the meaning given by section 2(1) of the Insurance Companies Ordinance (Cap. 41).

3.7 What is an SVF licensee?

An SVF licensee means a person who is granted a licence under section 8F of the Payment Systems and Stored Value Facilities Ordinance (Cap. 584).

3.8 What is a system operator?

A system operator has the meaning given by section 2 of the Payment Systems and Stored Value Facilities Ordinance (Cap. 584).

3.9 What is a settlement institution?

A settlement institution has the meaning given by section 2 of the Payment Systems and Stored Value Facilities Ordinance (Cap. 584).

3.10 What is a *non-Hong Kong precious metals and stones dealer*?

A non-Hong Kong precious metals and stones dealer means a person deals in precious metals and stones in Hong Kong where –

- i. if the person is an individual, does not ordinarily reside in Hong Kong, or if the person is a legal person, is incorporated or established outside Hong Kong and is not a registered non-Hong Kong company under the Companies Ordinance (Cap. 622); and
- ii. the person does not have a place of business in Hong Kong; and
- iii. the total number of days on which the person's precious metals and stones business is carried on in Hong Kong does not exceed 60 days in a calendar year.

A non-Hong Kong precious metals and stones dealer must file a **cash transaction report** (“the report”) to the C&ED in respect of any cash transaction(s) (whether making or receiving a payment) with total value at or above HKD120,000 carried out by the dealer in Hong Kong. A non-Hong Kong precious metals and stones dealer can submit the report through DRS or download the report form from DRS⁹ for submission in person or by fax.

The report must be given to the C&ED before the expiry of one day after the transaction or before the earliest time the dealer or the person acting on behalf of the dealer leaves Hong Kong, whichever is earlier.

Any non-Hong Kong precious metals and stones dealer fails to report any cash transaction(s) with total value at or above HKD120,000 is liable on conviction to a maximum fine of HKD50,000 and imprisonment for three months.

⁹ Website address for download:
https://www.drs.customs.gov.hk/download/drsform/CED418_Form%208_Cash%20transaction%20report.pdf

Chapter 4 – Categories of registration

4.1 Shall a person apply for Category A or Category B registration?

If a person carries on a precious metals and stones business which –

- (a) involves the carrying out of specified transactions; and
- (b) not involves the carrying out of specified cash transactions,

the person is required to apply for a simple and straightforward Category A registration.

If a person carries on a precious metals and stones business that involves the carrying out of specified cash transactions (regardless of whether specified transactions will be involved), the person is required to apply for a Category B registration.

If a person carries on a precious metals and stones business which does not involve any specified transactions or specified cash transactions, no registration is required.

Starting from 1 April 2023, any person, other than a registrant, carries out a specified transaction or a specified cash transaction in Hong Kong is liable on conviction to a maximum fine of HKD100,000 and imprisonment for six months.

[For definitions of “*specified transactions*” and “*specified cash transactions*”, please refer to paragraph 2.3.]

Chapter 5 – Transitional arrangement

5.1 Is there any transitional arrangement?

Yes, there will be a 9-month transitional period, from 1 April to 31 December 2023. Any person who has been carrying on a precious metals and stones business **before 1 April 2023** can continue to carry out specified transactions and specified cash transactions while applying for registration within the transitional period.

The transitional arrangement is not applicable to any person who would start a business of dealing in precious metals and stones on or after 1 April 2023. Registration is required before the person carries out any specified transactions or specified cash transactions.

The transitional arrangement is also not applicable for **non-Hong Kong precious metals and stones dealers**. Starting from 1 April 2023, non-Hong Kong precious metals and stones dealers are obliged to file a cash transaction report on any specified cash transactions carried out by the dealer in Hong Kong. *[please refer to paragraph 3.10 for details.]*

5.2 Is there any waiver of fee arrangement?

Yes, the registration and related fees for first registration will be waived in respect of any person who has been carrying on a precious metals and stones business before 1 April 2023 and applies for registration within the 9-month transitional period, either for Category A or Category B registration.

Chapter 6 – Schedule of fees

| Particulars of matter | Fees |
|--|--|
| For certifying a copy of an entry in, or extract from, the register | HKD160 per copy |
| For providing an uncertified copy of an entry in, or extract from, the register | HKD1.3 per page or portion of a page |
| For providing a certificate specified in section 53ZUD(1)(b) | HKD160 per copy |
| Application for registration as a Category A registrant | HKD260 |
| Annual fee payable by a Category A registrant under section 53ZUH | HKD195 |
| Application for registration— (a) as a Category B registrant (b) plus for each person who is subject to the fit and proper test | HKD1,970 HKD650 |
| Application for the renewal of registration— (a) as a Category B registrant (b) plus for each person who is subject to the fit and proper test | HKD1,060 HKD650 |
| Application for an approval to become a Category B registrant's ultimate owner | HKD690 for each person in relation to whom the application is made |
| Application for an approval to become a Category B registrant's partner | HKD690 for each person in relation to whom the application is made |
| Application for an approval to become a Category B registrant's director | HKD690 for each person in relation to whom the application is made |



CUSTOMS AND EXCISE DEPARTMENT

Registration Regime for Dealers in Precious Metals and Stones

Registration Guide - Part II Application for Category A Registration

July 2024

CONTENTS

| | Page |
|--|------|
| Chapter 1 – Introduction..... | 3 |
| Chapter 2 – Application for Category A registration | 4 |
| Chapter 3 – Application procedures..... | 6 |
| Chapter 4 – Cancellation and suspension of Category A registration | 10 |
| Chapter 5 – Notification of changes of particulars..... | 11 |
| Chapter 6 – Intended cessation of business | 13 |
| Chapter 7 – Display of certificates | 14 |
| Chapter 8 – Register of registrants | 16 |
| Chapter 9 – Disciplinary actions | 17 |
| Chapter 10 – Fee schedule..... | 18 |
| Chapter 11 – Enquiries | 19 |
| Chapter 12 – Checklist of supporting documents..... | 20 |

Chapter 1 – Introduction

- 1.1 The Customs and Excise Department (“C&ED”) is the authority for implementing the registration regime for dealers in precious metals and stones (“DPMS”) under Part 5C of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Chapter 615, Laws of Hong Kong (“AMLO”) with effect from 1 April 2023.
- 1.2 DPMS are among the six categories of Designated Non-Financial Business and Professions (“DNFBPs”) defined by the Financial Action Task Force (“FATF”) for anti-money laundering and counter-terrorist financing (“AML/CTF”) regulation. The new requirements enhance Hong Kong’s regulatory regime for combating money laundering and terrorist financing (“ML/TF”) in fulfilment of Hong Kong’s obligations under the FATF.
- 1.3 Any individual person, a partnership or a corporation, who intends to carry out specified transactions or specified cash transactions in the course of the precious metals and stones business, is required to apply to the Commissioner of Customs and Excise (“CCE”) for registration under this registration regime.
- 1.4 This part is applicable to applicants of Category A registration. It sets out notes on the registration requirements and explains the application procedures in detail. It also provides information relating to the obligations of Category A registrants and possible actions taken by C&ED for any improper act.
- 1.5 Before applying for Category A registration, an applicant shall make reference to the “Registration Guide - Part I - Introduction” in determining whether:
 - (i) the applicant is considered as carrying on a precious metals and stones business under the AMLO;
 - (ii) the applicant shall apply for a registration; and
 - (iii) a Category A registration is appropriate.

Chapter 2 – Application for Category A registration

2.1 What are required for applying a Category A registration?

Under section 53ZUF of the AMLO, an application for Category A registration must contain:

- (a) a completed application form, i.e. **Form 1A(BR)** or **Form 1A(H)**¹, either in paper or in electronic data through the DPMS registration system (“DRS”) at <https://www.drs.customs.gov.hk>;
- (b) an application for registration fee² specified in Schedule 3K of the AMLO;
- (c) a copy of valid business registration certificate [*Form 1A(BR) applicable*] or a valid licence issued under Part 2 of the Hawker Regulation (Cap. 132 sub. Leg. AI) [*Form 1A(H) applicable*];
- (d) addresses of all business premises³ and correspondence address;
- (e) a declaration by the applicant that the applicant’s precious metals and stones business has been carried on and will be carried on for a lawful purpose; and
- (f) supporting documents as listed in Chapter 12, such as copies of identity and address proof.

The CCE may register a person as a Category A registrant only if the CCE is satisfied that (i) the precious metals and stones business of the person will be carried on for a lawful purpose, and (ii) where the applicant intends to use any domestic premises as business premises, the applicant has secured the written

¹ **Form 1A(BR)** is for applicants holding a valid Business Registration Certificate, whereas **Form 1A(H)** is for applicants holding a valid licence issued under Part 2 of the Hawker Regulation.

² For DPMS who have been operating immediately before 1 April 2023, the registration and relevant fees are waived for first registration to be made within the nine-month transitional period (April – December 2023).

³ Any premises at which the applicant carries on a precious metals and stones business, including any premises used for the purpose of:

- (a) the carrying out of face-to-face transactions with customers;
- (b) the administration of the affairs or business of the applicant;
- (c) the processing of transactions; or
- (d) the storage of documents, data or records.

consent of every occupant of all the concerned domestic premises, for Customs officers to enter the premises for routine inspection as stipulated in section 9 of the AMLO.

2.2 When shall an applicant apply for a Category A registration?

Before any person carrying on a precious metals and stones business which involves the carrying out of specified transactions⁴ and not involves the carrying out of specified cash transactions⁵, the person is required to apply to the CCE for a registration and be granted as a Category A registrant.

⁴ A specified transaction means a transaction that is carried out by a person, while carrying on a precious metals and stones business, in respect of which transaction a payment or payments, of at least HKD120,000 or equivalent amount in another currency in total, is or are made or received in any way or combination of ways (other than in cash) in Hong Kong, whether the transaction is executed –

- i. in a single operation; or
- ii. in several operations that are linked or appear to be linked.

⁵ A specified cash transaction means a transaction carried out by a person, while carrying on a precious metals and stones business, in respect of which transaction a payment or payments in cash, of at least HKD120,000 or an equivalent amount in another currency in total, is or are made or received in Hong Kong, whether the transaction is executed –

- i. in a single operation; or
- ii. in several operations that are linked or appear to be linked.

Chapter 3 – Application procedures

3.1 How to apply for a Category A registration?

An applicant may choose to make an online application through the DRS (<https://www.drs.customs.gov.hk>) or submit a completed application form [*i.e. Form 1A(BR) or Form 1A(H)*] together with the photocopies of the requisite documents by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay. Applicants may refer to Chapter 12 of this guide for the requisite supporting documents of the application. The application form and respective guidance notes can be obtained from the above address or downloaded from the DRS (<https://www.drs.customs.gov.hk>).

3.2 Can applicants submit an application through electronic means?

Yes, an applicant can access the DRS (<https://www.drs.customs.gov.hk>) and follow the instructions to submit the registration application online. Applicants may refer to Chapter 12 of this guide for the requisite supporting documents of the application.

3.3 How will the application be processed?

On receipt of a Category A registration application, C&ED will give/email the applicant an acknowledgment receipt and a General Demand Note for the payment of fee regarding the application for registration as a Category A registrant, or a credit card payment request if the applicant so opted for through the DRS⁶.

A reminder for provision of any outstanding documents and information will be issued to the applicant where necessary. Subject to the business nature and

⁶ For DPMS who have been operating immediately before 1 April 2023, the registration and relevant fees are waived for first registration, where the application for which is made within the nine-month transitional period (April – December 2023).

operations of the applicant, the applicant may also need to submit relevant supplementary information and/or attend an application interview. If the applicant fails to provide the requisite information on the application form or any supporting documents requested before the specified date stated in the reminder or fails to attend the application interview (if any), the application may be considered invalid by the C&ED and the applicant will not be granted a Category A registration.

3.4 How long will the application be processed?

The processing time may vary and depend on various factors of individual cases, including but not limited to the time taken in collecting the requisite supporting documents from the applicant. Upon receipt of all necessary documents and information, the application will, in general, be processed within 12 working days.

3.5 What will be the form of certificates to a Category A registrant?

A *certificate of registration* will be issued to the registrant upon granting of registration. It will specify:

- (a) the person being granted as a Category A registrant; and
- (b) the address of the registrant's principal place of business.

Branch certificate(s) will be issued to the registrant with branch(es) (分行) (i.e. premises, other than the principal place of business, used by the registrant for carrying out face-to-face transactions with customers) upon granting of registration. It will specify the address of the branch.

A Category A registrant can download both the *certificate of registration* and *branch certificate(s)* from the DRS (<https://www.drs.customs.gov.hk>).

3.6 Will there be any registration conditions?

Under sections 53ZUF and 53ZUI of the AMLO, the CCE may impose new, and amend or remove previously imposed registration conditions on a Category A registrant whenever the CCE is satisfied that it is reasonable to do so, and the registrant will be informed by written notice on the decision.

3.7 Can a registrant appeal against the decision of the CCE on registration conditions?

Yes, the registrant may appeal against CCE's decision to the *Anti-Money Laundering and Counter-Terrorist Financing Review Tribunal* within the period ending 21 days after the notice informing the registrant of the decision has been sent.

3.8 What is the validity period of a Category A registration granted?

A Category A registration remains valid as long as the registrant duly pays the annual fee and complies with the registration conditions, if any, and other requirements stipulated in the AMLO (e.g. display of certificate of registration).

3.9 Will an application fee collected for processing of the application for grant of a Category A registration be refunded if the CCE refuses to register the applicant?

No refund will be made for application fee collected irrespective of whether the application is approved or refused.

3.10 Can an applicant appeal against the decision of the CCE for the refusal of grant of registration?

Yes, the applicant may appeal against CCE's decision to the *Anti-Money Laundering and Counter-Terrorist Financing Review Tribunal* within the period ending 21 days after the notice informing the applicant of the refusal of grant of registration has been sent.

3.11 When shall an annual fee be paid?

Under section 53ZUH, a Category A registrant must pay to the CCE an annual fee [*please refer to the fee schedule at Chapter 10*] on or before each anniversary of the date on which the registrant's registration takes effect. A reminder email on annual fee will be sent to the registrant in advance. To ascertain the receipt of the reminder email, a Category A registrant shall notify the CCE whenever there is a change in contact information, such as contact number or email, following the means stipulated in Chapter 5. If a Category A registrant fails to pay the annual fee on time, the corresponding registration may be suspended or

cancelled. Upon suspension or cancellation of registration, the registrant must stop carrying out any specified transaction in the course of the registrant's precious metals and stones business⁷.

⁷ If a Category A registrant intends to cease carrying out specified transaction in the course of the registrant's precious metals and stones business, please refer to Chapter 6 on respective notification requirements.

Chapter 4 – Cancellation and suspension of Category A registration

4.1 Under what circumstances the CCE may cancel or suspend a Category A registration?

The following are some examples for which the CCE may cancel or suspend a Category A registration:

- (a) the registrant is convicted of carrying out any specified cash transactions;
- (b) the registrant contravenes any of the registration conditions;
- (c) the registrant fails to pay the annual fee;
- (d) the registrant fails to comply with an order made to take remedial action;
- (e) the registrant ceases to hold a valid business registration certificate or a valid licence issued under Part 2 of the Hawker Regulation (Cap. 132 sub. Leg. AI);
- (f) there are circumstances suggesting that the registrant's business is carried out for an unlawful purpose;
- (g) any occupant of the domestic premises, as business premises of the registrant, revokes his written consent previously given for any authorized officer to enter the premises for routine inspection; or
- (h) any new occupant of the premises mentioned in (g) above refuses to give such a written consent.

4.2 Will a Category A registrant have an opportunity to be heard for the cancellation or suspension of registration?

Yes, the CCE will inform the registrant of the cancellation or suspension of registration by notice in writing and give the registrant an opportunity to be heard before cancelling or suspending the registration.

4.3 Can a Category A registrant appeal against the decision of the CCE for the cancellation or suspension of the registration?

Yes, the registrant may appeal against CCE's decision to the *Anti-Money Laundering and Counter-Terrorist Financing Review Tribunal* within the period ending 21 days after the notice informing the registrant of the decision has been sent.

Chapter 5 – Notification of changes of particulars

5.1 Does a registrant need to notify the CCE on change in particulars provided to the CCE?

A registrant shall notify the CCE the following changes by submitting a completed notification form, i.e. **Form 6A(BR)** or **Form 6A(H)**⁸, within one month of beginning on the day on which such change occurs. A registrant can submit a notification form online through the DRS (<https://www.drs.customs.gov.hk>); or submit a completed notification form by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay:

- (a) Change of the name of the registrant;
- (b) Addition, deletion or relocation of business premises⁹;
- (c) Change in occupants of the domestic premises, as business premises of the registrant; and
- (d) New conviction record after granting of registration.

5.2 What is the consequence if a registrant fails to notify the CCE in writing of the changes in particulars mentioned in paragraph 5.1?

Section 53ZVA of the AMLO provides that if there is any change in the particulars that are provided to the CCE in connection with an application under Part 5C, the registrant must notify the CCE in writing of the change within one month of beginning on the day on which such change occurs. Any registrant, without reasonable excuse, fails to notify the CCE by submitting a completed **Form 6A(BR)** or **Form 6A(H)** commits an offence and is liable on conviction to a maximum fine of HKD50,000. Apart from criminal sanction, a registrant

⁸ **Form 6A(BR)** is for registrants holding a valid Business Registration Certificate, and **Form 6A(H)** is for registrants holding a valid licence issued under Part 2 of the Hawker Regulation.

⁹ In the case of “addition” of a branch for carrying out face-to-face transactions with customers, please also refer to paragraph 7.3 for obtaining the respective branch certificate in advance for display purpose.

may also be subject to disciplinary actions.

- 5.3 How to notify the CCE of changes other than those mentioned in paragraph 5.1, for example, contact information, business nature or electronic means for carrying out business?

A registrant can notify the CCE of the change of the following information through email to dpms_enquiry@customs.gov.hk :

- (a) Contact email or number;
- (b) Types of precious metals and stones involved;
- (c) Types of precious metals and stones activities involved;
- (d) Means of carrying out precious metals and stones business; and
- (e) Website or other electronic means for carrying out precious metals and stones business.

In the email, the registrant shall specify the registrant's name, registration number and the change involved.

Chapter 6 – Intended cessation of business

- 6.1 Does a registrant need to notify the CCE for intended cessation of carrying on a precious metals and stones business?

Yes, a registrant shall, before the date of cessation, notify the CCE of the intended date of cessation by completing the “Notification of Cessation of Precious Metals and Stones Business/ Temporary Suspension of Hawker Licence” (i.e. **Form 7**). A registrant can submit a notification form online through the DRS (<https://www.drs.customs.gov.hk>); or submit a completed notification form by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay.

- 6.2 Does a registrant need to notify the CCE for intended cessation of carrying out of specified transactions while still carrying on the precious metals and stones business?

Yes, a registrant shall, before the date of cessation of carrying out of specified transactions while still carrying on the precious metals and stones business, notify the CCE of the intended date of cessation by completing the **Form 7**. A registrant can submit a notification form online through the DRS (<https://www.drs.customs.gov.hk>); or submit a completed notification form by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay.

- 6.3 What is the consequence if a Category A registrant fails to notify the CCE in writing of the aforementioned intended cessation?

Any registrant who, without reasonable excuse, fails to notify the CCE in writing of the aforementioned intended cessation commits an offence and is liable on conviction to a maximum fine of HKD50,000. Apart from criminal sanction, a registrant may also be subject to disciplinary actions.

Chapter 7 – Display of certificates

7.1 Does a registrant need to display certificates at all premises?

A registrant must display the *certificate of registration* in a conspicuous place at the registrant’s principal place of business. For registrants with branch(es) (分行) (i.e. premises, other than the principal place of business, used by the registrant for carrying out face-to-face transactions with customers), they are also required to display the *branch certificate(s)* in a conspicuous place at each branch of the registrant. If the registrant also carries on the precious metals and stones business on a website or any online platform, the registrant shall also read paragraph 7.4 on the requirement of displaying the registrant's name shown on the Register together with QR code or registration number at the website/online platform.

7.2 Can a printed copy of certificate downloaded from DRS be used for display?

Yes, in accordance with section 53ZV(3), the registrant can use the printed copy of the *certificate of registration* and *branch certificate(s)*, which are issued as electronic records in the DRS, for display.

7.3 How can a registrant obtain *branch certificate(s)* for any new branch(es), whether temporary or permanent, for display purposes upon granting of registration?

A registrant can submit the “Advance Notification for obtaining Branch Certificate(s) for New Branch(es) or Temporary Booth(s)” (i.e. **Form 5**) to notify the CCE of the opening of a new premises which is intended to carry out face-to-face transactions with customers. A *branch certificate* will be issued for display at the new premises and the registrant can download the new certificate from the DRS. If the premises is temporary in nature (e.g. a booth at exhibition), the registrant can specify the scheduled end date in the same form, which will serve as a notification of deletion of branch(es) in one go. A registrant can submit a notification form online through the DRS (<https://www.drs.customs.gov.hk>); or submit a completed notification form by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department,

Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay .

In order to obtain a *branch certificate* timely, registrants shall notify the CCE at least 7 working days in advance.

- 7.4 For a registrant carrying on a precious metals and stones business on a website through the internet, does the registrant need to display certificate as well?

For any registrant carrying on a precious metals and stones business on a website or by other electronic means, such as on an online platform, in accordance with section 53ZV(4), the registrant must provide a means specified by the CCE for verifying the status of the registrant. In other words, a registrant must display the registrant's name shown on the Register together with the QR code or the registration number provided by the CCE in a conspicuous place at the aforementioned website or platform (e.g. the front page of the website, user profile at the platform, etc.). The registrant can access the DRS (<https://www.drs.customs.gov.hk>) to download its QR code.

- 7.5 Does a registrant need to return the certificates upon cessation of registration or closing of any branch(es)?

Upon cessation of registration or closing of any branch(es), registrants are **NOT required** to return the *certificate of registration* and/or *branch certificate(s)* to the CCE. The *certificate of registration* is deemed to be cancelled with effect from the date on which the name of registrant is so removed from the register, whereas the *branch certificate* is deemed to be cancelled with effect from the date on which the name of registrant or the branch is so removed from the register.

- 7.6 What is the consequence if a Category A registrant fails to display the certificate(s) (or QR code or registration number for registrant carrying on a precious metals and stones business on a website or by other electronic means)?

Any registrant who, without reasonable excuse, fails to display certificate(s) (or QR code or registration number, as appropriate) as required commits an offence and is liable on conviction to a maximum fine of HKD50,000. Apart from criminal sanction, a registrant may also be subject to disciplinary actions.

Chapter 8 – Register of registrants

8.1 What information will be shown on the Register of registrants?

In the Register of registrants maintained by the CCE, it specifies the following information:

- (a) the name of registrant;
- (b) whether the registrant is a Category A registrant or a Category B registrant;
- (c) the address of the registrant's principal place of business; and
- (d) the address of each branch¹⁰ of the registrant (if any).

The CCE may, if satisfied that it is reasonable to do so in the circumstances, withhold the address of the principal place of business or a branch of a registrant (or part of the address) in the Register from a person who inspects the register.

¹⁰ Branch refers to the business premises, other than the principal place of business, used by the registrant for carrying out face-to-face transactions with customers.

Chapter 9 – Disciplinary actions

9.1 What disciplinary actions may be taken by the CCE?

If a Category A registrant contravenes any registration condition, or any provision concerning the display of certificates, notification of changes of particulars, notification of intended cessation of business, etc., the CCE may-

- (a) publicly reprimand the registrant; and
- (b) order the registrant to take, by a date specified by the CCE, any action specified by the CCE for the purpose of remedying the contravention.

Chapter 10 – Fee schedule

| Particulars of matter | Fees |
|---|-------------|
| Application for registration as a Category A registrant | HKD260 |
| Annual fee payable by a Category A registrant | HKD195 |

Chapter 11 – Enquiries

11.1 You may find more information about the DPMS registration regime at the DRS at <https://www.drs.customs.gov.hk> or the C&ED's website at <https://www.customs.gov.hk>. You can also make enquiry on the registration regime by:

- (a) email to dpms_enquiry@customs.gov.hk;
- (b) telephone at 3580 1483 (Chinese) / 3580 1484 (English);
- (c) fax to 3580 1485; or
- (d) post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay.

Office hours of the Dealers in Precious Metals and Stones Supervision Bureau:

- Monday to Friday (except Public Holidays)
 - (a) 8:45 a.m. to 12:30 p.m. and
 - (b) 1:30 p.m. to 5:30 p.m.

Chapter 12 – Checklist of supporting documents

| 1. Supporting documents of the applicant's particulars | |
|---|--|
| <i>For applicant having a valid business registration certificate</i> | |
| Sole proprietorship | <input type="checkbox"/> A copy of valid Business Registration Certificate <input type="checkbox"/> A copy of Extract of information on the Business Register <input type="checkbox"/> A copy of the sole proprietor's HKID Card |
| Partnership | <input type="checkbox"/> A copy of valid Business Registration Certificate <input type="checkbox"/> A copy of Extract of information on the Business Register <input type="checkbox"/> An authorization letter from all partners <input type="checkbox"/> A copy of the authorized partner's HKID Card |
| Local company | <input type="checkbox"/> A copy of valid Business Registration Certificate <input type="checkbox"/> A copy of Certificate of Incorporation <input type="checkbox"/> An authorization letter from the Board of Directors <input type="checkbox"/> A copy of the authorized representative's HKID Card |
| Non-Hong Kong company | <input type="checkbox"/> A copy of valid Business Registration Certificate <input type="checkbox"/> A copy of Certificate of Registration of non-Hong Kong Company <input type="checkbox"/> An authorization letter from the Board of Directors <input type="checkbox"/> A copy of the authorized representative's HKID Card |
| <i>For applicant having a valid hawking licence</i> | |
| Hawker Licence | <input type="checkbox"/> A copy of hawker licence issued under the Hawker Regulation, Cap. 132AI <input type="checkbox"/> A copy of the applicant's HKID Card |
| 2. Supporting documents of particulars of each premises | |
| Premises used for dealing in precious metals and stones | <input type="checkbox"/> Copies of consent letters from every occupant of the premises <i>(for residential premises or mixed commercial and residential premises only)</i> <input type="checkbox"/> A copy of stamped tenancy agreement or record of ownership of the premises; or a copy of address proof which is issued not more than 3 months from now (includes utility or telecommunication bills, documents issued by banks, insurance companies, government departments in Hong Kong) |
| 3. Authorization letter | |
| Partner | <input type="checkbox"/> A copy of the authorization letter signed by all partners |
| Corporation | <input type="checkbox"/> A copy of the authorization letter signed by the Board of Directors |



CUSTOMS AND EXCISE DEPARTMENT

Registration Regime for Dealers in Precious Metals and Stones

Registration Guide - Part III Application for Category B Registration

July 2024

CONTENTS

| | Page |
|--|------|
| Chapter 1 – Introduction..... | 3 |
| Chapter 2 – Application for Category B registration | 4 |
| Chapter 3 – Application procedures..... | 9 |
| Chapter 4 – Renewal of Category B registration..... | 14 |
| Chapter 5 – Cancellation and suspension of Category B registration | 17 |
| Chapter 6 – Changes that require the CCE’s prior approval | 18 |
| Chapter 7 – Notification of changes in particulars..... | 20 |
| Chapter 8 – Intended cessation of business..... | 22 |
| Chapter 9 – Display of certificates | 24 |
| Chapter 10 – Obligations of a Category B registrant | 26 |
| Chapter 11 – Register of registrants | 28 |
| Chapter 12 – Disciplinary actions | 29 |
| Chapter 13 – Fee schedule..... | 30 |
| Chapter 14 – Enquiries | 31 |
| Chapter 15 – Checklist of supporting documents..... | 32 |
| Annex – Proforma on “Descriptions of Precious Metals and Stones Business & Anti-Money Laundering and Counter-Terrorist Financing (AML/CTF) Measures” | 35 |

Chapter 1 – Introduction

- 1.1 The Customs and Excise Department (“C&ED”) is the authority for implementing the registration regime for dealers in precious metals and stones (“DPMS”) under Part 5C of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Chapter 615, Laws of Hong Kong (“AMLO”) with effect from 1 April 2023.
- 1.2 DPMS are among the six categories of Designated Non-Financial Business and Professions (“DNFBPs”) defined by the Financial Action Task Force (“FATF”) for anti-money laundering and counter-terrorist financing (“AML/CTF”) regulation. The new requirements enhance Hong Kong’s regulatory regime for combating money laundering and terrorist financing (“ML/TF”) in fulfilment of Hong Kong’s obligations under the FATF
- 1.3 Any individual person, a partnership or a corporation, who intends to carry out specified transactions or specified cash transactions in the course of the precious metals and stones business, is required to apply to the Commissioner of Customs and Excise (“CCE”) for registration under this registration regime.
- 1.4 This part is applicable to applicants of Category B registration. It sets out notes on the registration requirements and explains the application procedures in detail. It also provides information relating to the obligations of Category B registrants and possible actions taken by C&ED for any improper act.
- 1.5 Before applying for Category B registration, an applicant shall make reference to the “Registration Guide - Part I - Introduction” in determining whether:
 - (i) the applicant is considered as carrying on a precious metals and stones business under the AMLO;
 - (ii) the applicant shall apply for a registration; and
 - (iii) a Category B registration is appropriate.

Chapter 2 – Application for Category B registration

2.1 Who is eligible to obtain a Category B registration?

Under sections 53ZUO and 53ZUS of the AMLO, the CCE may grant or renew a Category B registration to an applicant only if the CCE is satisfied that:

- (a) where the applicant is an individual, the individual and each ultimate owner, if any, are fit and proper persons to carry on or be associated with a precious metals and stones business;
- (b) where the applicant is a partnership, each partner and each ultimate owner, if any, in the partnership are fit and proper persons to carry on or be associated with a precious metals and stones business; or
- (c) where the applicant is a corporation, each director and each ultimate owner, if any, of the corporation are fit and proper persons to carry on or be associated with a precious metals and stones business; and
- (d) where the applicant intends to use any domestic premises as business premises, the applicant has secured the written consent of every occupant of all the concerned domestic premises for Customs officers to enter the premises for routine inspection.

2.2 Who is an ultimate owner?

Under section 53ZTZ of the AMLO, an ultimate owner is defined as follows:

- (a) in relation to an individual (“first-mentioned individual”) carrying on a precious metals and stones business –
 - (i) means another individual who ultimately owns or controls the precious metals and stones business; or
 - (ii) if the first-mentioned individual is acting on behalf of another person, means that other person;
- (b) in relation to a partnership, means an individual who –
 - (i) is entitled, directly or indirectly, to more than a 25% share of the capital or profits of the partnership;

- (ii) controls, directly or indirectly, more than a 25% share of the capital or profits of the partnership;
 - (iii) is, directly or indirectly, entitled to exercise or control the exercise of more than 25% of the voting rights in the partnership; or
 - (iv) exercises ultimate control over the management of the partnership;
- (c) in relation to a corporation, means an individual who –
- (i) 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;
 - (ii) 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
 - (iii) exercises ultimate control over the management of the corporation.

2.3 What does a fit and proper person mean?

Under section 53ZUN of the AMLO, in determining whether a person is a fit and proper person, the CCE must, in addition to any other matter that the CCE considers relevant¹, have regard to the following matters—

- (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 (Cap. 575);
 - (iii) an offence under section 25(1), 25A(5) or (7) of, or an offence specified in Schedule 1 to, the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405); or
 - (iv) an offence under section 25(1), 25A(5) or (7) of, or an offence specified in Schedule 1 or 2 to, the Organized and Serious Crimes Ordinance (Cap. 455);

¹ Please refer to the “Guide on Criteria for Determining Fitness and Propriety (Category B Registration)” for details.

- (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) 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 failed to comply with a requirement imposed under the AMLO or a regulation made under section 53ZVS of the AMLO;
- (d) if the person is an individual, whether he or she is an undischarged bankrupt or is the subject of any bankruptcy proceedings under the Bankruptcy Ordinance (Cap. 6); and
- (e) if the person is a corporation, whether it is in liquidation or is the subject of a winding up order, or there is a receiver appointed in relation to it.

2.4 Is there any other requirement for the applicant?

Firstly, the applicant shall provide the following documents:

- (a) a completed application form, i.e. **Form 1B(BR)** or **Form 1B(H)**², either in paper or in electronic data through the DPMS registration system (“DRS”) at <https://www.drs.customs.gov.hk>;
- (b) a copy of valid business registration certificate [*Form 1B(BR) applicable*] or a valid licence issued under Part 2 of the Hawker Regulation (Cap. 132 sub. Leg. AI) [*Form 1B(H) applicable*];
- (c) addresses of all business premises³ and correspondence address; and
- (d) supporting documents as listed in Chapter 15, such as copies of identity and address proof.

² **Form 1B(BR)** is for applicants holding a valid Business Registration Certificate, whereas **Form 1B(H)** is for applicants holding a valid licence issued under Part 2 of the Hawker Regulation.

³ Any premises at which the applicant carries on a precious metals and stones business, including any premises used for the purpose of:

- (a) the carrying out of face-to-face transactions with customers;
- (b) the administration of the affairs or business of the applicant;
- (c) the processing of transactions; or
- (d) the storage of documents, data or records.

Where the applicant intends to use any domestic premises as business premises, the applicant must secure the written consent of every occupant of all concerned domestic premises for Customs officers to enter the premises for routine inspection as stipulated in section 9 of the AMLO.

An applicant is also required to put in place an effective Anti-Money Laundering and Counter-Terrorist Financing (“AML/CTF”) system with a view to mitigating Money Laundering and Terrorist Financing (ML/TF) risks. Applicant shall read also the “*Guideline on Anti-Money Laundering and Counter- Financing of Terrorism (For Category B Registrants Dealing in Precious Metals and Stones)*” issued by the CCE (“AML/CFT Guideline”) for details⁴. For the purpose of application, the applicant can choose to fill in and submit the proforma on “*Descriptions of Precious Metals and Stones Business & Anti-Money Laundering and Counter-Terrorist Financing (AML/CTF) Measures*” at Annex (“proforma”), or submit the applicant’s own descriptions of precious metals and stones business & AML/CTF measures containing information prescribed in the proforma.

A senior management staff⁵ of the applicant is responsible for implementing effective AML/CTF policies that can adequately manage the ML/TF risks identified and a competent Compliance Officer (“CO”) and a Money Laundering Reporting Officer (“MLRO”) shall also be appointed to act respectively as the focal point for the oversight of applicant’s AML/CTF systems and compliance measures, and the central reference point for reporting suspicious transactions.

Except that the sole proprietor, partner, director, or ultimate owner of the applicant himself is also the CO and the MLRO, the CO and the MLRO must be the applicant’s employee under the definition of Employment Ordinance (Cap. 57), Laws of Hong Kong.

Applicants are also required to attend an interview after submitting their applications. During the interview, the original documents and the payment record will be verified, and the applicant will be required to sign on the application for a Category B registration in the presence of the Customs officers. Besides, the applicant will be required to clarify and elaborate any information of the

⁴ The Guideline will be published by gazette separately.

⁵ Senior management includes a hawkler, the sole proprietor, a partner authorized by all partners of a partnership, a director or a senior management staff authorized by the board of directors of a corporation.

submitted documents in relation to the application. With a view to ensuring that the applicant can fully understand and fulfil the obligations of a Category B registrant, the applicant will be briefed on the statutory registration and compliance requirements applicable to Category B registrants.

2.5 When shall an applicant apply for a Category B registration?

Before any person carrying on a precious metals and stones business which involves the carrying out of specified cash transactions⁶ (regardless of whether specified transactions⁷ will be involved), the person is required to apply to the CCE for a registration and be granted as a Category B registrant.

⁶ A specified cash transaction means a transaction carried out by a person, while carrying on a precious metals and stones business, in respect of which transaction a payment or payments in cash, of at least HKD120,000 or an equivalent amount in another currency in total, is or are made or received in Hong Kong, whether the transaction is executed –

- i. in a single operation; or
- ii. in several operations that are linked or appear to be linked.

⁷ A specified transaction means a transaction that is carried out by a person, while carrying on a precious metals and stones business, in respect of which transaction a payment or payments, of at least HKD120,000 or equivalent amount in another currency in total, is or are made or received in any way or combination of ways (other than in cash) in Hong Kong, whether the transaction is executed –

- i. in a single operation; or
- ii. in several operations that are linked or appear to be linked.

Chapter 3 – Application procedures

3.1 How to apply for a Category B registration?

An applicant may choose to make an online application through the DRS (<https://www.drs.customs.gov.hk>) or submit the following documents by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay –

- (i) a completed application form [*i.e. Form 1B(H) or Form 1B(BR)*];
- (ii) fit and proper declaration(s) for each entity required to be a fit and proper person [*i.e. Form 3A with Appendices I & II for individual and Form 3B for corporation*];
- (iii) the proforma or the applicant's own descriptions of precious metals and stones business & AML/CFT measures containing information prescribed in the proforma; and
- (iv) the photocopies of the requisite documents.

Applicants may refer to Chapter 15 of this guide for the requisite supporting documents of the application. The application forms and respective guidance notes can be obtained from the above address or downloaded from the DRS (<https://www.drs.customs.gov.hk>).

3.2 Can an applicant submit an application through electronic means?

Yes, an applicant can access the DRS (<https://www.drs.customs.gov.hk>) and follow the instructions to submit the registration application online. Applicants may refer to Chapter 15 of this guide for the requisite supporting documents of the application.

3.3 Who is required to apply for fit and proper person test?

Where the applicant is an individual, the individual and each ultimate owner, or is a partnership, each partner in a partnership and each ultimate owner, or is a corporation, each director and each ultimate owner of the corporation to be

associated with the business of precious metals and stones is required to apply for the fit and proper person test.

3.4 How do you apply for the fit and proper person test?

An applicant needs to complete a fit and proper declaration for each entity required to be a fit and proper person [i.e. *Form 3A* with *Appendices I & II* for individual and *Form 3B* for corporation] in the application. Regarding *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 and 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 his or her presence.

3.5 How will the fit and proper person test application be processed?

On receipt of a fit and proper person declaration form, the CCE will undertake a number of checks to confirm the accuracy of the information provided. This will include vetting details against information held by this department, other government departments and law enforcement agencies.

3.6 How will the application be processed?

On receipt of a Category B registration application, the C&ED will give/email the applicant an acknowledgment receipt. A reminder for provision of any outstanding supporting documents will be issued to the applicant where necessary. If the applicant fails to provide the requisite information on the application form or the requisite supporting documents before the specified date stated in the reminder, the application may be considered invalid by the C&ED and the applicant will not to be granted a Category B registration.

When all the requisite supporting documents are received from an applicant, the C&ED will email the applicant a General Demand Note for the payment of fee regarding the application for registration and fit and proper person test(s), or a

credit card payment request if the applicant so opted for through the DRS⁸. The applicant will also be notified to nominate a senior management staff, such as the sole proprietor, partner(s) or director(s) of the applicant, to attend the interview.

During the interview, the original documents and the payment record will be verified, and the applicant will be required to sign on the application for a Category B registration in the presence of the Customs officers. Besides, the applicant will be required to clarify and elaborate any information of the submitted documents in relation to the application. With a view to ensuring that the applicant can fully understand and fulfil the obligations of a Category B registrant, the applicant will be briefed on the statutory registration and compliance requirements applicable to Category B registrants.

3.7 Who is required to attend the interview?

The person attending the interview must be:

- (a) the sole proprietor, where the applicant belongs to sole proprietorship;
- (b) the partner(s) of the applicant authorized in writing by every partner, where the applicant belongs to partnership; or
- (c) the sole director or a director(s) or senior staff member(s) of the applicant authorized in writing by the board of directors, where the applicant belongs to corporation.

3.8 How long will the application be processed?

The processing time may vary and depend on various factors of the individual cases, including but not limited to the time taken in collecting the requisite supporting documents from the applicant and the time taken in obtaining records from other authorities to perform fit and proper test(s). Upon receipt of all necessary documents and information, the application will, in general, be processed within 33 working days.

⁸ For DPMS who have been operating immediately before 1 April 2023, the registration and relevant fees are waived for first registration, where the application for which is made within the nine-month transitional period (April – December 2023).

3.9 Will there be any registration conditions?

Under sections 53ZUO and 53ZUR of the AMLO, the CCE may impose new and amend or remove previously imposed registration condition(s) on a Category B registrant whenever the CCE is satisfied that it is reasonable to do so, and the registrant will be informed by written notice on the decision.

3.10 Can a registrant appeal against the decision of the CCE on registration conditions?

Yes, the registrant may appeal against the CCE's decision to the *Anti-Money Laundering and Counter-Terrorist Financing Review Tribunal* within the period ending 21 days after the notice informing the registrant of the decision has been sent.

3.11 What will be the form of certificates for a Category B registrant?

A *certificate of registration* will be issued to the registrant upon granting of registration. It will specify:

- (a) the person being granted as a Category B registrant; and
- (b) the address of the registrant's principal place of business.

Branch certificate(s) will be issued to the registrant with branch(es) (分行) (i.e. premises, other than the principal place of business, used by the registrant for carrying out face-to-face transactions with customers) upon granting of registration. It will specify the address of the branch.

A Category B registrant can download both *certificate of registration* and *branch certificate(s)* from the DRS (<https://www.drs.customs.gov.hk>).

3.12 What is the validity period of a Category B registration granted?

Normally, the validity period of a Category B registration will be 3 years. The registrant is required to apply for renewal of the registration at least 60 days before expiry if the registrant wishes to continue carrying out specified transactions and specified cash transactions while carrying on a precious metals and stones business.

3.13 Will the fee collected for processing of the application for grant of a Category B registration be refunded if the CCE refuses the application?

No refund will be made for the fee collected irrespective of whether the application is approved or refused.

3.14 Can an applicant appeal against the decision of the CCE for the refusal of granting of registration?

Yes, the applicant may appeal against the CCE's decision to the *Anti-Money Laundering and Counter-Terrorist Financing Review Tribunal* within the period ending 21 days after the notice informing the applicant of the refusal has been sent.

Chapter 4 – Renewal of Category B registration

4.1 When is it required to renew the Category B registration?

A Category B registrant is required to apply for renewal of the Category B registration at least 60 days before the registration is due to expire.

4.2 Will a reminder be sent to a Category B registrant before the expiry of the registration?

A reminder email will be sent to the registrant at least 90 days before the expiry of the registration. However, it is the registrant's legal responsibility to apply for renewal at least 60 days before the registration is due to expire. To ascertain the receipt of the reminder email, a Category B registrant shall notify the CCE whenever there is a change in contact information, such as contact number or email, following the means stipulated in Chapter 7. If a Category B registrant fails to apply for renewal on time, the corresponding registration will expire on the date as stated in the certificate of registration. Upon expiry of registration, the registrant must stop carrying out any specified transaction and specified cash transaction in the course of the registrant's precious metals and stones business⁹.

4.3 How to apply for renewal of Category B registration?

A Category B registrant may choose to make an online renewal application through the DRS (<https://www.drs.customs.gov.hk>) or submit the following documents by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, C&ED, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay –

- (i) a completed renewal application form [*i.e. Form 2(BR) or Form 2(H)*]¹⁰,
- (ii) fit and proper declaration(s) for each entity required to be a fit and proper

⁹ If a Category B registrant intends to cease carrying out specified transaction and specified cash transaction in the course of the registrant's precious metals and stones business, please refer to Chapter 8 on respective notification requirements.

¹⁰ **Form 2(BR)** is for applicants holding a valid Business Registration Certificate, whereas **Form 2(H)** is for applicants holding a valid licence issued under Part 2 of the Hawker Regulation (Cap. 132 sub. Leg. AI).

- person [i.e. *Form 3A* with *Appendices I & II* for individual and *Form 3B* for corporation]
- (iii) the proforma or the registrant's own descriptions of precious metals and stones business & AML/CTF measures containing information prescribed in the proforma; and
 - (iv) with the photocopies of the requisite documents.

Category B registrants may refer to Chapter 15 of this guide for the requisite supporting documents of the application. The application forms and respective guidance notes can be obtained from the above address or downloaded from the DRS (<https://www.drs.customs.gov.hk>).

On receipt of the application, C&ED will give/email the registrant an acknowledgment receipt. A reminder for provision of any outstanding documents will be issued to the registrant where necessary. If the registrant fails to provide requisite information on the application form or the requisite supporting documents, the renewal application may be considered invalid and may not be further processed by the C&ED.

When all the requisite supporting documents are received from a registrant, the C&ED will email the registrant a General Demand Note for the payment of fee regarding the application for the renewal and fit and proper person test, or a credit card payment request if the registrant so opted for through the DRS, and a notice for an interview.

4.4 What if a Category B registrant fails to submit the renewal application before the 60-day statutory requirement or provide all the requisite documents to the C&ED?

The renewal application may be deemed to be an invalid application which may not be further processed by the C&ED if –

- a) a Category B registrant cannot submit the duly completed application form [i.e. *Form 2(BR)* or *Form 2(H)*] and the fit and proper declaration(s) for each entity required to be a fit and proper person [i.e. *Form 3A* with *Appendices I & II* for individual and *Form 3B* for corporation] to the C&ED 60 days before the expiry of the registration; or
- b) when a reminder for provision of any outstanding documents has been issued to the Category B registrant by C&ED but the registrant fails to produce all the

supporting documents within the period specified in the reminder.

If a Category B registrant submits an invalid renewal application which cannot be processed by the C&ED, the existing registration will lapse automatically upon the expiry of the validity period. The registrant must cease carrying out any specified transactions or specified cash transactions while carrying on a precious metals and stones business.

- 4.5 Will the fee collected for processing renewal of a Category B registration be refunded if the CCE refuses the application?

No refund will be made for the fee collected irrespective of whether the application is approved or refused.

- 4.6 Can an applicant appeal against the decision of the CCE for the refusal of renewal of a Category B registration?

Yes, the applicant may appeal against the CCE's decision to the *Anti-Money Laundering and Counter-Terrorist Financing Review Tribunal* within the period ending 21 days after the notice informing the applicant of the refusal has been sent.

Chapter 5 – Cancellation and suspension of Category B registration

5.1 Under what circumstances the CCE may cancel or suspend a Category B registration?

The following are some examples for which the CCE may cancel or suspend a Category B registration:

- (a) the registrant contravenes any of the registration conditions;
- (b) the CCE is no longer satisfied that any person relating to the registrant as mentioned in paragraphs 2.1(a), 2.1(b) and 2.1(c) above is a fit and proper person to carry on a precious metals and stones business or be associated with a precious metals and stones business;
- (c) the registrant fails to comply with an order made to take remedial action;
- (d) the registrant ceases to hold a valid business registration certificate or a valid licence issued under Part 2 of the Hawker Regulation (Cap. 132 sub. Leg. AI);
- (e) any occupant of the domestic premises, as business premises of the registrant, revokes his written consent previously given for any authorized officer to enter the premises for routine inspection; or
- (f) any new occupant of the premises mentioned in (e) above refuses to give such a written consent.

5.2 Will a Category B registrant have an opportunity to be heard for the cancellation or suspension of registration?

Yes, the CCE will inform the registrant of the cancellation or suspension of registration by notice in writing and give the registrant an opportunity to be heard before cancelling or suspending the registration.

5.3 Can a Category B registrant appeal against the decision of the CCE for the cancellation or suspension of the registration?

Yes, the registrant may appeal against the CCE's decision to the *Anti-Money Laundering and Counter-Terrorist Financing Review Tribunal* within the period ending 21 days after the notice informing the registrant of the decision has been sent.

Chapter 6 – Changes that require the CCE’s prior approval

- 6.1 Does a Category B registrant need to seek prior approval from the CCE when there is a person proposing to become the registrant’s partner/director/ultimate owner?

Yes, a registrant needs to make an application (i.e. **Form 4**) and pay an application fee, and the proposing partner/director/ultimate owner needs to submit the fit and proper person declaration form (i.e. *Form 3A* with *Appendices I & II* for individual or *Form 3B* for corporation). A registrant can submit an application form online through the DRS (<https://www.drs.customs.gov.hk>) with the fit and proper person declaration form submitted by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay; or submit a completed application form together with the fit and proper person declaration form by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay.

- 6.2 What is the consequence if a Category B registrant fails to seek prior approval from the CCE for the addition of partner/director/ultimate owner?

Under sections 53ZUW, 53ZUX and 53ZUY, a person must not become a partner, a director or an ultimate owner of a Category B registrant unless the CCE has given approval in writing. Any person who, without reasonable excuse, contravenes any of the abovementioned provisions commits an offence and is liable on conviction to a maximum fine of HKD50,000 and imprisonment for 6 months. The CCE may also take disciplinary actions under section 53ZVF(2)(b) of the AMLO for such contravention.

- 6.3 Will the fee collected for application of prior approval be refunded if the CCE refuses the application?

No refund will be made for the fee collected irrespective of whether the application is approved or refused.

6.4 Can an applicant appeal against the decision of the CCE for the refusal of giving the abovementioned prior approval?

Yes, the applicant may appeal against the CCE's decision to the *Anti-Money Laundering and Counter-Terrorist Financing Review Tribunal* within the period ending 21 days after the notice informing the applicant of the refusal has been sent.

Chapter 7 – Notification of changes in particulars

7.1 Does a registrant need to notify the CCE on change of particulars provided to the CCE?

A registrant shall notify the CCE the following changes by submitting a completed notification form, i.e. **Form 6B(BR)** or **Form 6B(H)**¹¹, within one month of beginning on the day on which such change occurs. A registrant can submit a notification form online through the DRS (<https://www.drs.customs.gov.hk>); or submit a completed notification form by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay:

- (a) Change of the name of the registrant;
- (b) Addition, deletion or relocation of business premises¹²;
- (c) Change in occupants of the domestic premises, as business premises of the registrant;
- (d) Change in particulars of the hawker/sole proprietor/partners/directors/ultimate owners;
- (e) Change in partners/directors/ultimate owners; and
- (f) Change in status of registrant/registrant's partners/directors/ultimate owners declared in Form 3A or Form 3B.

7.2 What is the consequence if a registrant fails to notify the CCE in writing of the changes in particulars mentioned in paragraph 7.1?

Section 53ZVA of the AMLO provides that if there is any change in the particulars that are provided to the CCE in connection with an application under Part 5C, the registrant must notify the CCE in writing of the change within one month of beginning on the day on which such change occurs. Any registrant, without reasonable excuse, fails to notify the CCE by submitting a completed **Form 6B(BR)**

¹¹ **Form 6B(BR)** is for registrants holding a valid Business Registration Certificate, and **Form 6B(H)** is for registrants holding a valid licence issued under Part 2 of the Hawker Regulation (Cap. 132 sub. Leg. AI).

¹² In the case of "addition" of a branch for carrying out face-to-face transactions with customers, please also refer to paragraph 9.3 for obtaining the respective branch certificate in advance for display purpose.

or **Form 6B(H)** commits an offence and is liable on conviction to a fine of HKD50,000. Apart from criminal sanction, a registrant may also be subject to disciplinary actions.

- 7.3 How to notify the CCE of changes other than those mentioned in paragraph 7.1, for example, contact information, business nature or electronic means for carrying out business?

A registrant can notify the CCE of the change of the following information through email to dpms_enquiry@customs.gov.hk :

- (a) Contact email or number;
- (b) Types of precious metals and stones involved;
- (c) Types of precious metals and stones activities involved;
- (d) Means of carrying out precious metals and stones business; and
- (e) Website or other electronic means for carrying out precious metals and stones business.

In the email, the registrant shall specify the registrant's name, registration number and the change involved.

Chapter 8 – Intended cessation of business

- 8.1 Does a registrant need to notify the CCE for intended cessation of carrying on a precious metals and stones business?

Yes, the Category B registrant shall, before the date of cessation, notify the CCE of the intended date of cessation by completing the “Notification of Intended Cessation of Precious Metals and Stones business / Temporary Suspension of Hawker Licence” (i.e. **Form 7**). A registrant can submit a notification form online through the DRS (<https://www.drs.customs.gov.hk>); or submit a completed notification form by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay.

- 8.2 Does a registrant need to notify the CCE for intended cessation of carrying out of specified transactions and specified cash transactions while still carrying on the precious metals and stones business?

Yes, the Category B registrant shall, before the date of cessation of carrying out of specified transactions and specified cash transactions while still carrying on the precious metals and stones business, notify the CCE of the intended date of cessation by completing the **Form 7**. A registrant can submit a notification form online through the DRS (<https://www.drs.customs.gov.hk>); or submit a completed notification form by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay.

For Category B registrant who would like to cease to carry out specified cash transactions but continue to carry out specified transactions, instead of submitting a Form 7, the registrant should apply for a Category A registration. The Category B registration would lapse accordingly upon completion of registration as a Category A registrant.

- 8.3 What is the consequence if a Category B registrant fails to notify the CCE in writing of the abovementioned intended cessations?

Any registrant who, without reasonable excuse, fails to notify the CCE in writing of the abovementioned intended cessations commits an offence and is liable on conviction to a maximum fine of HKD50,000. Apart from criminal sanction, a registrant may also be subject to disciplinary actions.

Chapter 9 – Display of certificates

9.1 Does a registrant need to display certificates at all premises?

A registrant must display the *certificate of registration* in a conspicuous place at the registrant’s principal place of business. For registrants with branch(es) (分行) (i.e. premises, other than the principal place of business, used by the registrant for carrying out face-to-face transactions with customers), they are also required to display the *branch certificate(s)* in a conspicuous place at each branch of the registrant. If the registrant also carries on the precious metals and stones business on a website or any online platform, the registrant shall also read paragraph 9.4 on the requirement of displaying the registrant's name shown on the Register together with QR code or registration number at the website/online platform.

9.2 Can a printed copy of certificate downloaded from DRS be used for display?

Yes, in accordance with section 53ZV(3), the registrant can use the printed copy of the *certificate of registration* and *branch certificate(s)*, which are issued as electronic records in the DRS, for display.

9.3 How can a registrant obtain *branch certificate(s)* for any new branch(es), whether temporary or permanent, for display purposes upon granting of registration?

A registrant can submit the “Advance Notification for obtaining Branch Certificate(s) for New Branch(es) or Temporary Booth(s)” (i.e. **Form 5**) to notify the CCE of the opening of a new premises which is intended to carry out face-to-face transactions with customers. A *branch certificate* will be issued for display at the new premises and the registrant can download the new certificate from the DRS. If the premises is temporary in nature (e.g. a booth at exhibition), the registrant can specify the scheduled end date in the same form, which will serve as a notification of deletion of branch(es) in one go. A registrant can submit a notification form online through the DRS (<https://www.drs.customs.gov.hk>); or submit a completed notification form by post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay.

In order to obtain a *branch certificate* timely, registrants shall notify the CCE at least 7 working days in advance.

- 9.4 For a registrant carrying on a precious metals and stones business on a website through the internet, does the registrant need to display certificate as well?

For any registrant carrying on a precious metals and stones business on a website or by other electronic means, such as on an online platform, in accordance with section 53ZV(4), the registrant must provide a means specified by the CCE for verifying the status of the registrant. In other words, a registrant must display the registrant's name shown on the Register together with the QR code or the registration number provided by the CCE in a conspicuous place at the aforementioned website or platform (e.g. the front page of the website, user profile at the platform, etc.). The registrant can access the DRS (<https://www.drs.customs.gov.hk>) to download its QR code.

- 9.5 Does a registrant need to return the certificates upon cessation of registration or closing of any branch(es)?

Upon cessation of registration or closing of any branch(es), registrants are **NOT required** to return the *certificate of registration* and/or *branch certificate(s)* to the CCE. The *certificate of registration* is deemed to be cancelled with effect from the date on which the name of registrant is so removed from the register, whereas the *branch certificate* is deemed to be cancelled with effect from the date on which the name of registrant or the branch is so removed from the register.

- 9.6 What is the consequence if a Category B registrant fails to display the certificate(s)(QR code or registration number for registrant carrying on a precious metals and stones business on a website or by other electronic means)?

Any registrant who, without reasonable excuse, fails to display certificate(s) (or QR code or registration number, as appropriate) as required commits an offence and is liable on conviction to a maximum fine of HKD50,000. Apart from criminal sanction, a registrant may also be subject to disciplinary actions.

Chapter 10 – Obligations of a Category B registrant

10.1 What are the obligations of a Category B registrant?

A Category B registrant is obliged to comply with all the applicable provisions of the AMLO, guides and guidelines issued by the CCE, which include but not limited to the following obligations:

- (a) A Category B registrant must report on suspicious transactions;
- (b) A Category B registrant must develop and maintain an effective AML Policy to mitigate ML/TF risks;
- (c) The individual, any partner, any director and ultimate owner in relation to a Category B registrant must remain fit and proper at all times;
- (d) Any person before becoming a partner/director/ultimate owner of a Category B registrant must obtain written approval from the CCE in advance;
- (e) A Category B registrant must secure the written consent of the occupants in business premises that are situated in mixed commercial and residential building (i.e. situated in domestic premises) for an authorized person to conduct routine inspection;
- (f) A Category B registrant must display the certificate of registration in a conspicuous place at the principal place of business, branch certificate(s) in a conspicuous place at each branch and QR code or registration number at the website/online platform;
- (g) A Category B registrant must timely notify the CCE on change of particulars and intended cessation of business; and
- (h) A Category B registrant must file an annual return to the CCE as specified in paragraph 10.2 below.

10.2 How should a Category B registrant file with the CCE an annual return?

A Category B registrant shall file with the CCE an annual return each year, providing the specified data and information for the previous calendar year. The annual return must be filed on or before the date as well as in the form and manner specified by the CCE. Failure to file the annual return with true and accurate information in a timely manner may adversely affect the fit and proper status of

the Category B registrant, and may result in the suspension or cancellation of the registration.

Chapter 11 – Register of registrants

11.1. What information will be shown on the Register of registrants?

In the Register of registrants maintained by the CCE, it specifies the follow information:

- (a) the name of registrant;
- (b) whether the registrant is a Category A registrant or a Category B registrant;
- (c) the address of the registrant's principal place of business; and
- (d) the address of each branch¹³ of the registrant (if any).

The CCE may, if satisfied that it is reasonable to do so in the circumstances, withhold the address of the principal place of business or a branch of a registrant (or part of the address) in the Register from a person who inspects the register.

¹³ Branch refers to the business premises, other than the principal place of business, used by the registrant for carrying out face-to-face transactions with customers.

Chapter 12 – Disciplinary actions

12.1 What disciplinary actions will be taken by the CCE?

If a Category B registrant contravenes any registration conditions, requirements set out in Schedule 2 of the AMLO, or provisions concerning the display of certificate of registration, notification of changes of particulars, notification of intended cessation of business, prior approval for becoming partners/directors/ultimate owners, etc., the CCE may-

- (a) publicly reprimand the registrant;
- (b) order the registrant to take, by a date specified by the CCE, any action specified by the CCE for the purpose of remedying the contravention¹⁴; and
- (c) order the registrant to pay a pecuniary penalty not exceeding HKD500,000.

Furthermore, if the CCE exercises a disciplinary power in respect of a Category B registrant that is a corporation in connection with the contravention of a requirement set out in Schedule 2 of the AMLO, and either—

- (a) the contravention was caused or allowed by a director of the corporation; or
- (b) the director failed to take reasonable steps to prevent the contravention,

a disciplinary power is also exercisable by the CCE in respect of the director as if the director were a Category B registrant.

¹⁴ If a Category B registrant fails to comply with the order, the CCE may further order the registrant to pay a daily pecuniary penalty not exceeding HKD10,000 for each day on which the failure continues after the compliance deadline.

Chapter 13 – Fee schedule

| Particulars of matter | Fees |
|--|--|
| Application for registration— (a) as a Category B registrant (b) plus for each person who is subject to the fit and proper test | HKD1,970 HKD650 |
| Application for the renewal of registration— (a) as a Category B registrant (b) plus for each person who is subject to the fit and proper test | HKD1,060 HKD650 |
| Application for an approval to become a Category B registrant's ultimate owner | HKD690 for each person in relation to whom the application is made |
| Application for an approval to become a Category B registrant's partner | HKD690 for each person in relation to whom the application is made |
| Application for an approval to become a Category B registrant's director | HKD690 for each person in relation to whom the application is made |

Chapter 14 – Enquiries

14.1 You may find more information about the DPMS registration regime at the DRS at <https://www.drs.customs.gov.hk> or the C&ED's website at <https://www.customs.gov.hk>. You can also make enquiry on the registration regime by -

- (a) email to dpms_enquiry@customs.gov.hk;
- (b) telephone at 3580 1483 (Chinese) / 3580 1484 (English);
- (c) fax to 3580 1485; or
- (d) post or in person to the Dealers in Precious Metals and Stones Supervision Bureau, Customs and Excise Department, Unit 3501, 35/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay.

Office hours of the Dealers in Precious Metals and Stones Supervision Bureau:

- Monday to Friday (except Public Holidays)
 - (a) 8:45 a.m. to 12:30 p.m. and
 - (b) 1:30 p.m. to 5:30 p.m.

Chapter 15 – Checklist of supporting documents

| 1. Supporting documents of the applicant's particulars | |
|---|--|
| For applicant having a valid business registration certificate | |
| Sole proprietorship | <input type="checkbox"/> A copy of valid Business Registration Certificate <input type="checkbox"/> A copy of Extract of information on the Business Register |
| Partnership | <input type="checkbox"/> A copy of valid Business Registration Certificate <input type="checkbox"/> A copy of Extract of information on the Business Register |
| Local company | <input type="checkbox"/> A copy of valid Business Registration Certificate <input type="checkbox"/> A copy of Certificate of Incorporation <input type="checkbox"/> A copy of the latest Annual Return (Form NAR1) and all documents filed with the Companies Registry after filing of the latest Annual Return <input type="checkbox"/> A copy of Incorporation Form - Form NNC1 (for company limited by shares) or Form NNC1G (for company not limited by shares) for new established company <input type="checkbox"/> Information of group structure or percentage of shareholdings of each group member <input type="checkbox"/> A copy of Memorandum and Articles of Association <input type="checkbox"/> Significant Controller Register |
| Non-Hong Kong company | <input type="checkbox"/> A copy of valid Business Registration Certificate <input type="checkbox"/> A copy of Certificate of Registration of non-Hong Kong Company <input type="checkbox"/> A copy of the latest Annual Return of Registered Non-Hong Kong Company (Form NN3) and all documents filed with the Companies Registry after filing of the latest Annual Return <input type="checkbox"/> A copy of Application for Registration as Registered Non-Hong Kong Company - Form NN1 <input type="checkbox"/> Information of group structure or percentage of shareholdings of each group member <input type="checkbox"/> A copy of Memorandum and Articles of Association |
| For applicant having a valid hawking licence | |
| Hawker Licence | <input type="checkbox"/> A copy of hawker licence issued under the Hawker Regulation, Cap. 132AI |

| 2. Supporting documents of particulars of each premises | |
|---|--|
| Premises used for dealing in precious metals and stones | <input type="checkbox"/> Copies of consent letters from every occupant of the premises (<i>for residential premises or mixed commercial and residential premises only</i>) <input type="checkbox"/> A copy of stamped tenancy agreement or record of ownership of the premises; or a copy of address proof which is issued not more than 3 months from now (includes utility or telecommunication bills, documents issued by banks, insurance companies, government departments in Hong Kong) |
| 3. Supporting documents of particulars of the licenced hawkler, sole proprietor and each individual partner/director/ultimate owner of the applicant | |
| Hong Kong Resident | <input type="checkbox"/> Completed Fit and Proper Person Declaration Form 3A together with Appendices I & II <input type="checkbox"/> A copy of Hong Kong Identity Card |
| Non-Hong Kong Resident | <input type="checkbox"/> Completed Fit and Proper Person Declaration Form 3A together with Appendices I & II <input type="checkbox"/> A copy of the Bio-data page of the Travel Document |
| 4. Supporting documents of particulars of each corporate partner/director of the applicant | |
| Local company | <input type="checkbox"/> Completed Fit and Proper Person Declaration Form 3B <input type="checkbox"/> A copy of valid Business Registration Certificate <input type="checkbox"/> A copy of Certificate of Incorporation <input type="checkbox"/> A copy of Memorandum and Articles of Association <input type="checkbox"/> Significant Controller Register |
| Non-Hong Kong company | <input type="checkbox"/> Completed Fit and Proper Person Declaration Form 3B <input type="checkbox"/> A copy of valid Business Registration Certificate <input type="checkbox"/> A copy of Certificate of Registration of non-Hong Kong Company <input type="checkbox"/> A copy of Memorandum and Articles of Association |
| Corporation not registered in Hong Kong | <input type="checkbox"/> Completed Fit and Proper Person Declaration Form 3B <input type="checkbox"/> Supporting document showing its Incorporation outside Hong Kong |

| 5. Authorization letter | |
|-------------------------------------|---|
| Partner | <input type="checkbox"/> A copy of the authorization letter signed by all partners |
| Corporation | <input type="checkbox"/> A copy of the authorization letter signed by the Board of Directors |
| 6. Other requisite documents | |
| Proforma | <input type="checkbox"/> Descriptions of Precious Metals and Stones Business & Anti-Money Laundering and Counter-Terrorist Financing (AML/CTF) Measures |

**Annex – Proforma on “Descriptions of Precious Metals and
Stones Business & Anti-Money Laundering and Counter-
Terrorist Financing (AML/CTF) Measures”**

貴金屬及寶石業務的描述及打擊洗錢及恐怖分子資金籌集的措施
Descriptions of Precious Metals and Stones Business &
Anti-Money Laundering and Counter-Terrorist Financing (AML/CTF) Measures

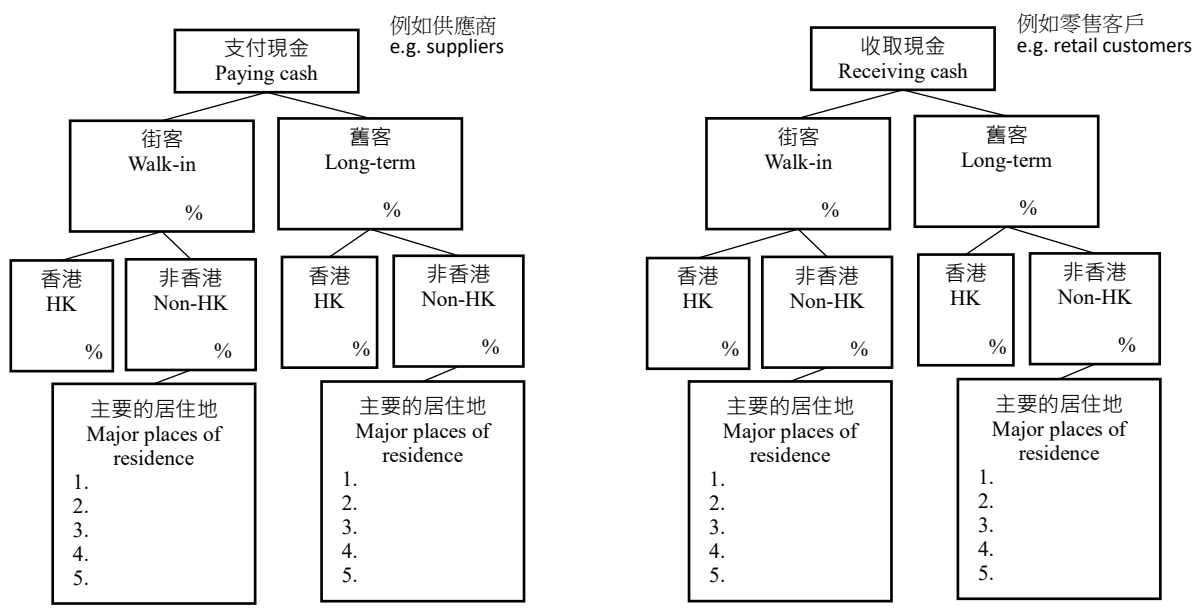
| | |
|---------------------------------|--|
| 申請人姓名 / 名稱 Name of Applicant | |
|---------------------------------|--|

甲部
Part A

貴金屬及寶石業務的描述
Descriptions of Precious Metals and Stones Business

| | |
|-----|---|
| A.1 | 公司背景及架構 (例如公司歷史、組織架構、僱員人數、業務性質以及提供的產品及服務等) Company background and structure (e.g. company history, organizational structure, number of employees, business nature, types of goods and services provided, etc.) |
|-----|---|

| | |
|-----|---|
| A.2 | 進行指明現金交易的客戶概況 (例如街客舊客的比例、非香港客戶佔比及其主要的居住地等) Profile of customers engaging in specified cash transactions (e.g. ratio of walk-in to long-term customers, ratio of non-Hong Kong customers, major places of residence of the non-Hong Kong customers, etc.) |
|-----|---|



A.3 **進行指明現金交易的具體情況** (例如預期每年與貴金屬及寶石業務相關的總營業額、收入中牽涉指明現金交易的總額、支出中牽涉指明現金交易的總額、為現金交易所設的上限或限制、對已收取現金的後續安排、如存入銀行、支付供應商等)
Overview of specified cash transactions to be carried out (e.g. expected yearly total revenue of the precious metals and stones business, total amount of cash to be received and delivered related to specified cash transactions, any limit or restriction on cash transactions and follow-up arrangements on cash received, such as depositing in bank and payments for suppliers, etc.)

| 項目 Item | 數額 (港幣\$) Amount (HK\$) |
|--|----------------------------|
| 預期每年與貴金屬及寶石業務相關的總營業額: Expected yearly total revenue of the precious metals and stones business: | |
| 收入中牽涉指明現金交易的總額: Total amount of cash to be received related to specified cash transactions: | |
| 支出中牽涉指明現金交易的總額: Total amount of cash to be delivered related to specified cash transactions: | |
| 現金交易所設的上限或限制: Limit or restriction on cash transactions : | |
| 就單一交易而言、曾收取過的最高現金總額: Highest amount of cash ever received in a single transaction: | |
| 對已收取現金的後續安排 Follow-up arrangements on cash received | |
| 存入銀行: Depositing in bank: | |
| 支付供應商: Payments for suppliers: | |
| 其他、請註明: Other, please specify: | |

A.4 **所隸屬的本地或海外集團的資料** (例如所隸屬集團的簡介、申請人與該集團的業務關係、該集團是否正受到其他形式的監管、如持有由其他監管機構/主管當局批給的牌照等)
Information of the local or overseas group holding company to which the Applicant belongs (e.g. brief introduction of the group holding company, business relationship between the Applicant and the group holding company, whether the group holding company is currently subject to other type(s) of supervision, such as a licence granted by other regulator/competent authority, etc.)

Blank space for providing information regarding the local or overseas group holding company.

如空位不敷填寫、請詳列於丙部的補充附頁。
Please use the Supplementary Sheet at Part C if the space provided is not adequate.

| | | | |
|--|--|--------------------------------|-------------------------------|
| (1) 政策、程序及管控措施 Policies, procedures and controls | | | |
| B.1 | 就遵從打擊洗錢及恐怖分子資金籌集規定方面，申請人是否會制訂充分及適當的政策、程序及管控措施，並以政策綱領或其他書面文件作為證明？ Would the Applicant put in place adequate and appropriate policies, procedures and controls to comply with the anti-money laundering and counter-terrorist financing requirements, as evidenced by policy statement(s) or other written documents? | 是 Yes <input type="checkbox"/> | 否 No <input type="checkbox"/> |
| B.2 | 在與客戶建立業務關係之前或在為客戶執行指明現金交易之前，申請人是否會採取客戶盡職審查措施，以識別及核實客戶和客戶的實益擁有人的身分，以及取得關於該客戶與申請人建立業務關係的目的和性質的資料？ Before establishing business relationships or before carrying out specified cash transactions with customers, would the Applicant conduct customer due diligence measures to identify and verify the identity of the customers and their beneficial owners, and to obtain information on the purpose and intended nature of the business relationships with the Applicant? | 是 Yes <input type="checkbox"/> | 否 No <input type="checkbox"/> |
| B.3 | 申請人是否會在可引致洗錢活動及恐怖分子資金籌集高風險的情況下(例如客戶沒有為身分識別的目的而現身或客戶屬政治人物)執行更嚴格客戶盡職審查措施？ Would the Applicant carry out enhanced customer due diligence measures when dealing with situations which present a high risk of money laundering or terrorist financing (e.g. the customers have not been physically present for identification purposes or the customers are politically exposed persons)? | 是 Yes <input type="checkbox"/> | 否 No <input type="checkbox"/> |
| B.4 | 申請人是否會採用風險為本的方法持續監察客戶及其交易，以辨別交易是否符合申請人對該客戶及其狀況的認知(例如某客戶業務活動及交易額的「正常」水平為何，以辨別「不正常」活動)，及偵測可疑交易？ Would the Applicant adopt the risk-based approach to continuously monitor its business relationship with the customers and their transactions, so as to ensure that the business relationship and transactions are consistent with the applicant's knowledge of the customers (e.g. to differentiate the "normal" business activities and transaction size of a particular customer from the "abnormal" ones) and identify suspicious transactions? | 是 Yes <input type="checkbox"/> | 否 No <input type="checkbox"/> |
| B.5 | 申請人是否會訂立機制或程序，藉以根據《有組織及嚴重罪行條例》(第 455 章)、《販毒(追討得益)條例》(第 405 章)及《聯合國(反恐怖主義措施)條例》(第 575 章)的要求向聯合財富情報組提交可疑交易報告？ Would the Applicant put in place a system or procedures to submit suspicious transaction reports to the Joint Financial Intelligence Unit as required under the Organized and Serious Crimes Ordinance (Cap. 455), Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) and United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)? | 是 Yes <input type="checkbox"/> | 否 No <input type="checkbox"/> |
| B.6 | 申請人是否會就防止及偵察洗錢及恐怖分子資金籌集事宜向職員提供合適的培訓，包括加深他們了解在業務上針對打擊洗錢或恐怖分子資金籌集的措施的培訓？ Would the Applicant provide staff with appropriate training on prevention and detection of money laundering and terrorist financing activities, including training to raise their awareness of business practices against money laundering or terrorist financing? | 是 Yes <input type="checkbox"/> | 否 No <input type="checkbox"/> |
| B.7 | 申請人是否會就客戶盡職審查的執行、識別可疑交易的準則、以及打擊洗錢及恐怖分子資金籌集的措施，提供政策或指引給員工參考？ Would the Applicant provide staff with policies or guidelines in relation to the conduct of customer due diligence, criteria for identifying suspicious transactions, and relevant anti-money laundering and counter-terrorist financing measures for reference? | 是 Yes <input type="checkbox"/> | 否 No <input type="checkbox"/> |
| 如以上 B.1 至 B.7 項，任何一項的答案為「否」，請於丙部補充附頁解釋原因。 If the answer to any of the items B.1 to B.7 is "No", please explain with reasons at the Supplementary Sheet at Part C. | | | |

| | |
|--|--|
| B.8 | <p>申請人在進行客戶盡職審查的過程中，會如何實施有效的篩查機制，以及知悉客戶是否屬政治人物？若申請人會藉著中介人執行客戶盡職審查措施，請詳述相關安排。</p> <p>How would the Applicant implement an effective screening mechanism and know whether your customers are Politically Exposed Persons during the Customer Due Diligence procedures?</p> <p>If the Applicant would carry out customer due diligence measures by means of intermediaries, please elaborate the arrangements.</p> |
| | |
| B.9 | <p>申請人會如何備存交易紀錄及透過客戶盡職審查措施取得的客戶的紀錄？(例如備存方式及地點等)</p> <p>申請人會為交易紀錄及透過客戶盡職審查措施取得的客戶紀錄備存多久？</p> <p>How would the Applicant keep records of transactions and records of customers obtained through customer due diligence measures? (e.g. storage means, locations, etc.)</p> <p>How long would the Applicant keep records of transactions and records of customers obtained through customer due diligence measures?</p> |
| | |
| <p>如空位不敷填寫，請詳列於丙部的補充附頁。</p> <p>Please use the Supplementary Sheet at Part C if the space provided is not adequate.</p> | |

| | |
|--|--|
| (2) 主要人員 Key Personnel | |
| B.10 | 高級管理監督人員的詳情 Particulars of personnel responsible for senior management oversight |
| 英文姓名 (*先生/太太/小姐/女士) Name in English (*Mr/Mrs/Miss/Ms) | (先寫姓氏後寫名字 Surname first then other names) |
| 中文姓名 (如適用) Name in Chinese (if applicable) | |
| 在公司擔任的職位 Position in Company | <input type="checkbox"/> 獨資經營者/小販持牌人 Sole Proprietor/Licensed Hawker <input type="checkbox"/> 合夥人 Partner <input type="checkbox"/> 董事 Director <input type="checkbox"/> 經董事局授權的高級管理人員 Senior management authorized by the board of directors 職位 Position _____ |
| 聯絡電郵 Contact Email | 聯絡電話號碼 Contact Telephone No. |
| 聯絡地址 Contact Address | |
| B.11 | 申請人委任的合規主任的詳情 Particulars of the Compliance Officer (CO) appointed by the Applicant |
| 英文姓名 (*先生/太太/小姐/女士) Name in English (*Mr/Mrs/Miss/Ms) | (先寫姓氏後寫名字 Surname first then other names) |
| 中文姓名 (如適用) Name in Chinese (if applicable) | |
| 在公司擔任的職位 Position in Company | |
| 聯絡電郵 Contact Email | 聯絡電話號碼 Contact Telephone No. |
| 聯絡地址 Contact Address | |
| 備註: 如有超過一名合規主任, 請影印本頁, 以填寫其他合規主任的詳情。 Remarks: If you have more than one CO, please make a photocopy of this page for filling in the particulars of the other CO. | |
| B.12 | 申請人委任的洗錢報告主任的詳情 Particulars of the Money Laundering Reporting Officer (MLRO) appointed by the Applicant |
| 請述明申請人所委任的合規主任是否同時獲委任為洗錢報告主任: Please indicate whether the CO appointed by the Applicant is also appointed as the MLRO: <input type="checkbox"/> 是 Yes <input type="checkbox"/> 否 No (如「否」請提供洗錢報告主任的詳情) (If 'No', please provide MLRO's particulars) | |
| 英文姓名 (*先生/太太/小姐/女士) Name in English (*Mr/Mrs/Miss/Ms) | (先寫姓氏後寫名字 Surname first then other names) |
| 中文姓名 (如適用) Name in Chinese (if applicable) | |
| 在公司擔任的職位 Position in Company | |
| 聯絡電郵 Contact Email | 聯絡電話號碼 Contact Telephone No. |
| 聯絡地址 Contact Address | |

就_____項提交的補充資料：
Supplementary information for item _____：

*申請人/獲授權的合夥人/獲授權的董事或人士簽署
及公司印章

*Signature of the Applicant/authorized partner of the
partnership/authorized director or person of the
corporation and company chop

姓名(正楷)
Name in block letters

日期
Date