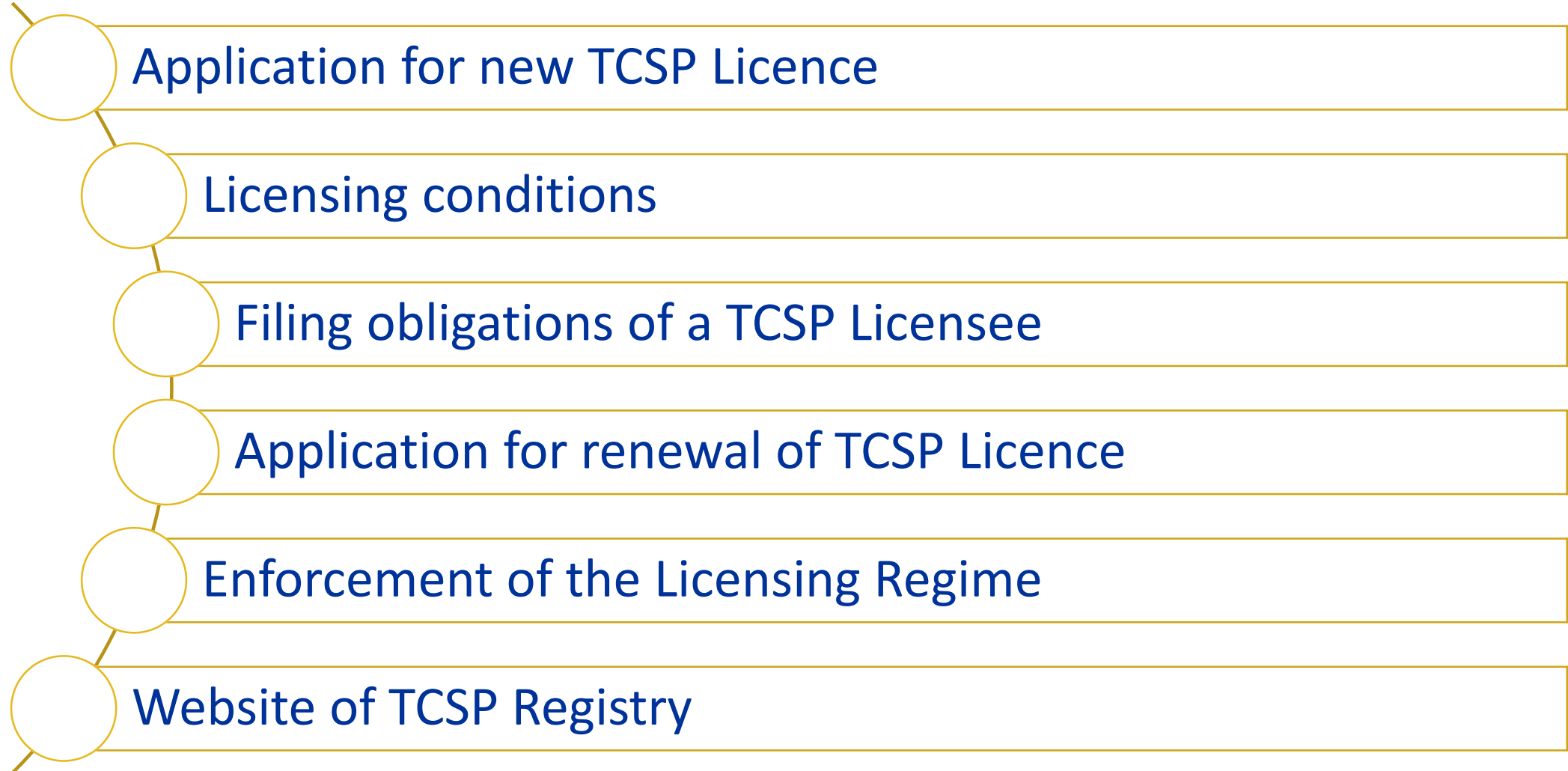




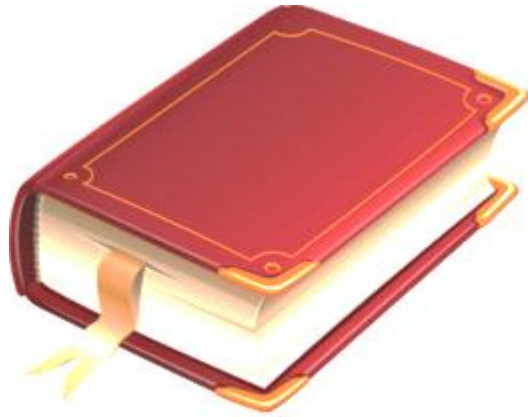
# **Points to Note for Applicants / Holders of TCSP Licences**

**Miss Ida LEE  
Deputy Registry Manager  
20 October 2021**

# Topics



# Ordinance governing TCSP Licensing Regime



Anti-Money Laundering and  
Counter-Terrorist Financing Ordinance,  
Cap. 615 (“AMLO”), Part 5A

# Guidelines issued by the Registrar



公 司 註 冊 處  
COMPANIES REGISTRY

Guideline on Licensing of  
Trust or Company Service Providers

March 2018

***(“Licensing Guideline”)***



公 司 註 冊 處  
COMPANIES REGISTRY

Guideline on Compliance of  
Anti-Money Laundering and  
Counter-Terrorist Financing Requirements  
for Trust or Company Service Providers

March 2018

***(“AML/CTF Guideline”)***

*Apply for a TCSP licence **BEFORE** carrying on trust or company service business in Hong Kong*

*Carry on business **WITHOUT** a licence  
- An offence under s.53F of AMLO*



**Fine up to  
HK\$100,000**

**&**



**Imprisonment up to  
6 months**

# Application for new TCSP Licence (1)

Do I need to  
apply for a  
TCSP licence?



Definition of “trust or company service”  
(Paragraph 2.2 of Licensing Guideline)

By way of business

undertakes  
one or more  
of the  
activities of a  
TCSP

carries out the  
activity with  
reasonable or  
recognizable  
continuity

aims to make  
a profit when  
carrying out  
the activity

advertises or  
publicizes  
business activity  
or receives  
referrals from  
other companies

# Application for new TCSP Licence (2) – Application documents

**Form TCSP1**



**Form TCSP1-SIS**



**Form TCSP1-SIS2A**

AND/OR

**Form TCSP4 – for individual**



**Form TCSP5 – for corporation**



**Supporting Documents**

# Application for new TCSP Licence (3) – Licence

I have just applied for  
a TCSP licence.  
Can I carry on trust or  
company service  
business now?



**NO.**  
You can only carry  
on trust or company  
service business  
**AFTER**  
you are granted a  
TCSP licence.

牌照編號  
Licence No. TC00XXXX



公司註冊處  
COMPANIES REGISTRY

《打擊洗錢及恐怖分子資金籌集條例》  
(第 615 章)  
ANTI-MONEY LAUNDERING AND COUNTER-TERRORIST FINANCING ORDINANCE  
(CHAPTER 615)

信託或公司服務提供者牌照  
TRUST OR COMPANY SERVICE PROVIDER LICENCE  
\*\*\*

示範有限公司  
SAMPLE COMPANY LIMITED

於 XXXX 年 XX 月 XX 日獲批牌照在香港經營信託或公司服務業務。  
is granted a licence on XX XX XXXX to carry on a trust or company service  
business in Hong Kong.

此牌照的有效期由 XXXX 年 XX 月 XX 日至 XXXX 年 XX 月 XX 日，  
在此日期前被暫時吊銷或撤銷者除外。  
This licence shall be valid from XX XX XXXX to XX XX XXXX, unless suspended  
or revoked earlier.

持牌人的營業地址：  
Business address of the Licensee:  
FLAT/ROOM 1208, 12/F, SAMPLE COMMERCIAL CENTRE, 22 SAMPLE  
STREET, HONG KONG

香港特別行政區公司註冊處處長徐麗貞  
Ms Kitty TSUI  
Registrar of Companies  
Hong Kong Special Administrative Region



# Application for new TCSP Licence (4) – Points to note

- Submit valid Business (*not Branch*) Registration Certificate

請沿虛線剪下並將有效的商業/分行登記證展示在營業地點。

Please cut along the dotted line and display the valid business/branch registration certificate at business address

表 格 2 FORM 2 [第 5 條]  
《商業登記條例》(第 310 章) [regulation 5]  
BUSINESS REGISTRATION ORDINANCE (Chapter 310)  
《商業登記規例》  
BUSINESS REGISTRATION REGULATIONS

複 本  
DUPLICATE

商業 / 分行登記證 Business / Branch Registration Certificate

業務 / 法團所用名稱  
Name of Business/  
Corporation X X 貨櫃運輸有限公司  
KXX DXX TRANSPORTATION COMPANY LIMITED

業務 / 分行名稱  
Business/  
Branch Name \*\*\*\*\*

地 址  
Address X/F  
XXX GLOUCESTER ROAD  
WANCHAI  
HK

業務性質  
Nature of Business TRANSPORTATION

法律地位  
Status BODY CORPORATE

生效日期  
Date of Commencement 01/04/2017

屆滿日期  
Date of Expiry 31/03/2018

登記證號碼  
Certificate No. 5 X X X X X X - 0 0 0 - 0 4 - 1 7 - 8

登記費及徵費  
Fee and Levy \$2,250

(登記費 FEE = \$2,000)

# Application for new TCSP Licence (5) – Points to note (Cont'd)

- Provide information on the relevant persons:
  - Ultimate Owner (not shareholder) *(Paragraph 4.3 of Licensing Guideline)*
  - Director / Partner
  - Compliance Officer (CO)
  - Money Laundering Reporting Officer (MLRO)
- CO and MLRO: normally based in Hong Kong *(Paragraph 3.5(b) of AML/CTF Guideline)*
- Exempted person with supporting documents submitted  
*(Professional Accountants Ordinance, Cap. 50 / Legal Practitioners Ordinance, Cap. 159)*
- Submit duly completed and signed Annex (i.e. Authorization) to Form TCSP4

# Licensing conditions (1)



The Licensee should appoint a CO and an MLRO during the term of the licence and should ensure that a new CO or MLRO (as the case may be) is appointed **within 7 days** where a vacancy occurs in the two posts.



The Licensee should put in place adequate and proper anti-money laundering and counter-terrorist financing policies, procedures and controls, **as evidenced by policy statement(s) or other written documents.**

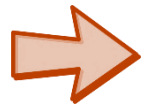


The Licensee should provide information relating to his business during the term of the licence as may be required by the Registrar of Companies and such information should be **provided within such time as the Registrar of Companies may specify.**



**A TCSP Licensee may be subject to disciplinary actions by the Registrar for any non-compliance with the licensing conditions.**

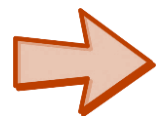
# Licensing conditions (2) – Points to note



## Resignation and appointment of CO and MLRO (“the Change”)

- ✓ Deliver Form TCSP6 within **one month** beginning on the date on which the Change takes place.
- ✓ Keep proper documents or records showing:
  - (a) appointment of CO and MLRO
  - (b) duties and responsibilities of CO and MLRO

## Licensing conditions (3) – Points to note (Cont'd)



### **AML/CTF policy and procedure statement**

- ✓ Make reference to CR's AML/CTF Guideline for TCSPs and
- ✓ Tailor-make your own AML/CTF policy and procedure statements which are applicable to and suitable for the TCSP business you carry on



### **Provide CR with information/documents relating to your business upon request**

- ✓ Examples: Supplementary Information Sheet, explanatory letter
- ✓ To submit by deadline as specified

# Filing obligations of a TCSP Licensee (1)

Report changes in particulars of Licensee or its relevant person

**Within  
ONE MONTH** of the change

Form TCSP6

Obtain approval for adding ultimate owner / partner / director

**BEFORE**  
adding ultimate owner / partner / director

Form TCSP3

Form TCSP4 / 5

Notify cessation of trust or company service business

**BEFORE**  
the intended date of cessation

Form TCSP7

**My company has changed the business address and telephone number. Do I need to file any form with the TCSP Registry?**



# Form TCSP6



Report the changes  
**Within ONE MONTH**

# Filing obligations of a TCSP Licensee (3) – Case 2

My company would like to appoint a new director who is subject to the fit and proper test. Do I need to file any form with the TCSP Registry?



Yes

Form TCSP3



Form TCSP4 –  
for individual

OR

Form TCSP5 –  
for corporation



Supporting  
Documents



# Filing obligations of a TCSP Licensee (4) – Case 2 (Cont'd)

My company would like to appoint a new director who is subject to the fit and proper test. Do I need to file any form with the TCSP Registry?



**After approval is given and the relevant appointment is made, your company must: -**

- ◆ **file a Form D2A reporting the appointment of the director within 15 days**
- ◆ **notify this Registry of such change by way of a Form TCSP6 within one month**

**My company would like to appoint a certified public accountant (exempted person) to be a new director. Do I need to file any form with the TCSP Registry?**



# Form TCSP6



## Within ONE MONTH

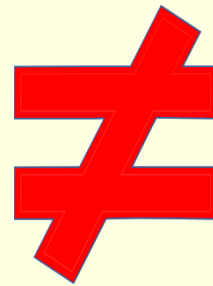
# Filing obligations of a TCSP Licensee (6) – Points to note



**A TCSP Licensee may be liable to prosecution and subject to disciplinary actions by the Registrar for any non-compliance with the filing requirements**



**Filing form(s)  
under the Companies  
Ordinance (Cap. 622)**  
*(e.g. Form NR1, ND2A,  
ND2B)*



**Filing form(s)  
under the  
AMLO (Cap. 615)**  
*(e.g. Form TCSP3,  
TCSP6)*

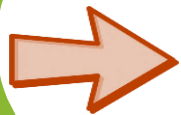
# Filing obligations of a TCSP Licensee (7) – Points to note (Cont'd)



**Prior approval by the Registrar is required**

**IF**

**the proposed ultimate owner / partner / director is NOT an exempted person**



**Form TCSP6**

- ✓ Complete and attach correct schedule(s)
- ✓ Submit supporting documents according to the checklist as attached to Form TCSP6

## 第二部 Part 2

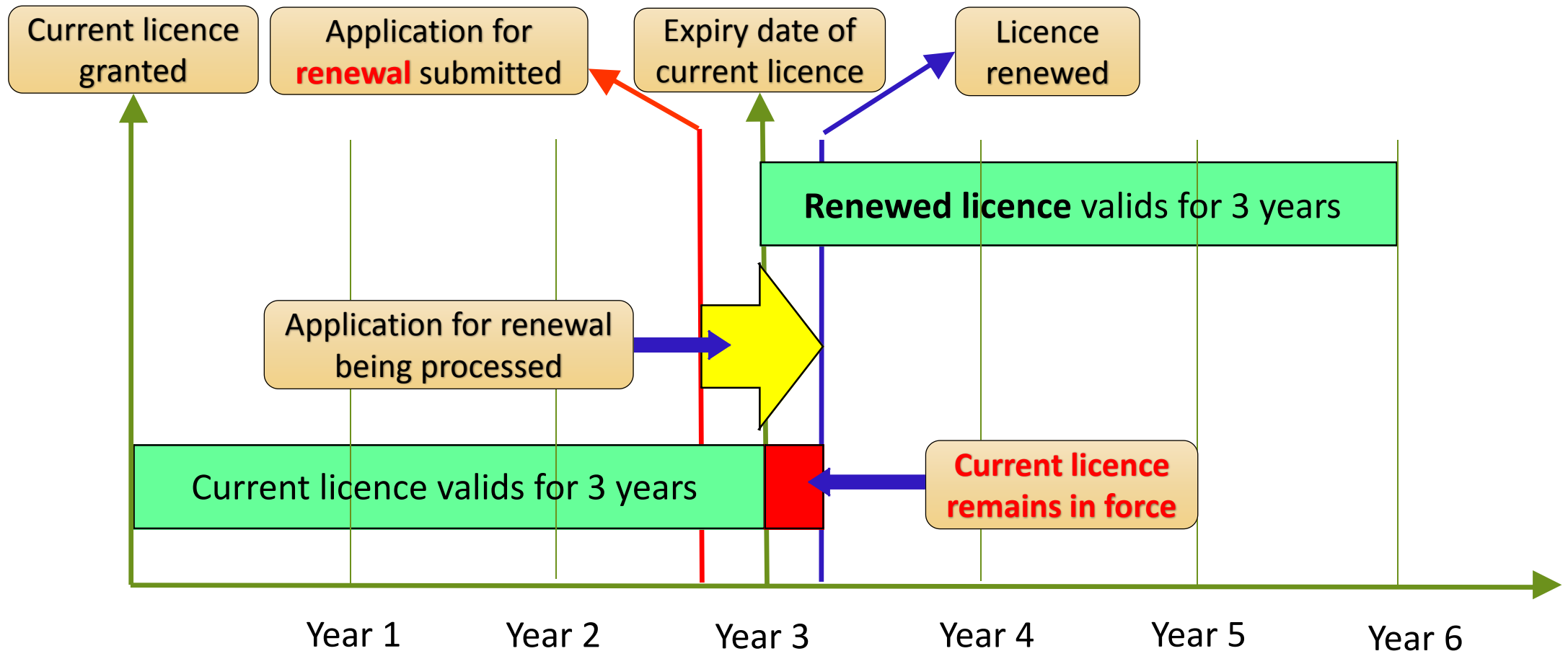
## 改變的類別 Types of Changes

請在適用的空格內加上✓號 Please tick the relevant box(es)

改變的類別 Type(s) of Changes	隨本表格交付的附表 Schedule(s) Attached with this Form
<input type="checkbox"/> 持牌人的詳情的改變 Change in particulars of Licensee	附表 A Schedule A
<input type="checkbox"/> 不再是持牌人的相關人士 Cessation of being a Relevant Person of Licensee	附表 B Schedule B
<input type="checkbox"/> 加入相關人士／相關人士的詳情的改變 – 屬個人 Addition of a Relevant Person / Change in particulars of a Relevant Person – Individual	附表 C Schedule C
<input type="checkbox"/> 加入相關人士／相關人士的詳情的改變 – 屬法團 Addition of a Relevant Person / Change in particulars of a Relevant Person – Corporation	附表 D Schedule D
<input type="checkbox"/> 持牌人／相關人士「適當人選」狀況的改變 Change in fit and proper status of Licensee / a Relevant Person	附表 E Schedule E

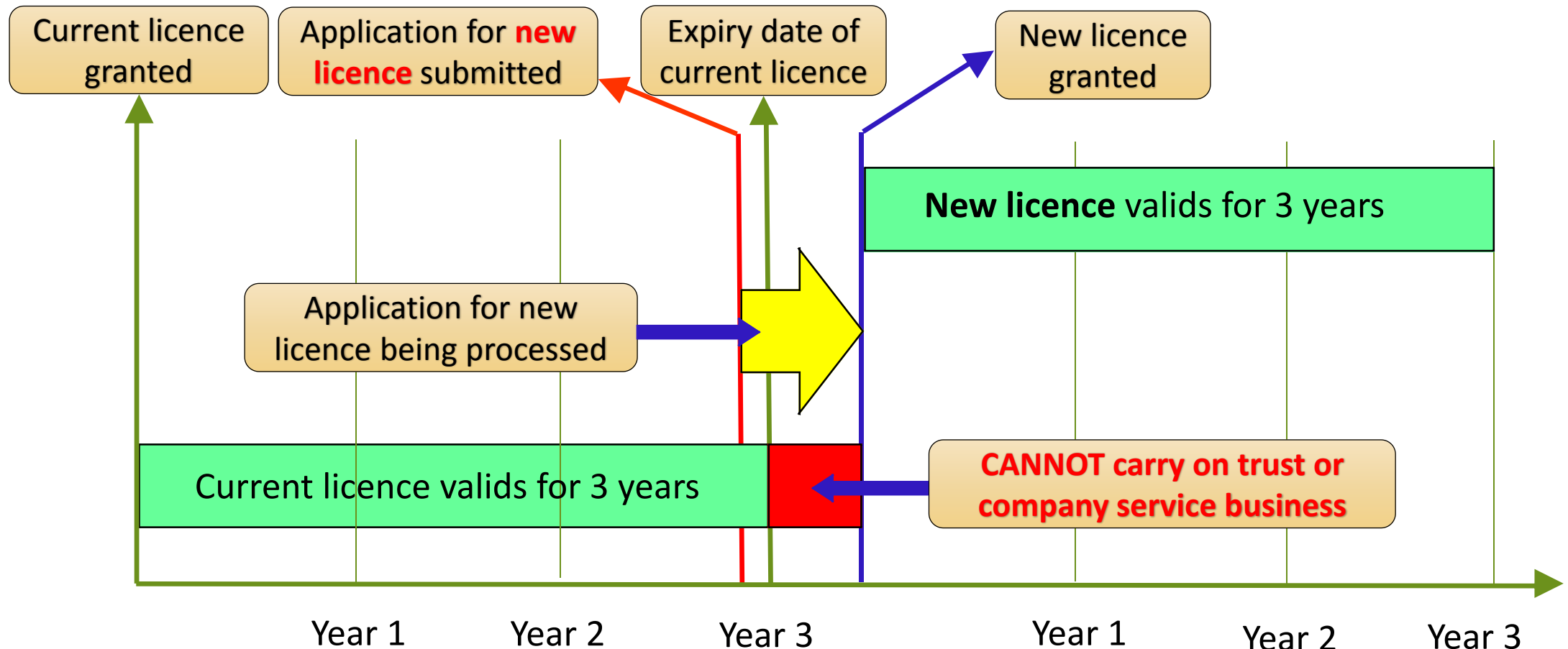
# Application for renewal of TCSP Licence (1)

Application must be submitted at least 60 days before the licence expires



# Application for renewal of TCSP Licence (2)

Licensee **fails** to submit application at least 60 days before the licence expires



# Application for renewal of TCSP Licence (3) – Application documents

**CR** 公司註冊處  
COMPANIES REGISTRY  
信託及公司服務提供者註冊辦事處  
REGISTRY FOR TRUST AND COMPANY SERVICE PROVIDERS

**TCSP2**

信託或公司服務提供者牌照續期申請書  
Application for Renewal of a Trust or Company Service Provider Licence

第一部 信託或公司服務提供者的詳情  
Part 1 Particulars of Trust or Company Service Provider

持牌人姓名  
The Licensee is

☐ 以獨資經營人身份經營業務的  
an individual carrying on business as a sole proprietor

☐ 合夥  
a partnership

☐ 法團  
a corporation

持牌人姓名/名稱  
Name of Licensee

中文姓名/名稱 Name in Chinese

英文姓名/名稱 Name in English

持牌人的業務名稱  
Name of Business of Licensee

中文名稱 Name in Chinese

英文名稱 Name in English

信託或公司服務提供者牌照號碼  
TCSP Licence No.

商業登記證號碼  
Business Registration Certificate No.

請填妥此欄 For Official Use

註冊編號 Specification No. TCSP2(2018/2) 第一頁 Page 1

**Form TCSP2**



**CR** 公司註冊處  
COMPANIES REGISTRY  
信託及公司服務提供者註冊辦事處  
REGISTRY FOR TRUST AND COMPANY SERVICE PROVIDERS

**TCSP4**

適當人選陳述書(適用於申請人/最終擁有人/合夥人/董事)  
Statement as regards Fit and Proper Criteria (For applicant/ultimate owner/partner/director)

第一部 所屬申請類別  
Part 1 Type of Application

本陳述書是作為下述申請書的一部分並與申請書一併提交  
This Statement is Part of the Following Application and is Submitted together with the Application

申請類別  
Form Number Description

☐ TCSP1 信託或公司服務提供者牌照申請書  
Application for a Trust or Company Service Provider Licence

☐ TCSP2 信託或公司服務提供者牌照續期申請書  
Application for Renewal of a Trust or Company Service Provider Licence

☐ TCSP3 批准成為信託或公司服務提供者的最終擁有人/合夥人/董事申請書  
Application for Approval to Become an Ultimate Owner/Partner/Director of a Trust or Company Service Provider Licence

第二部 第一部所述申請書的申請人詳情  
Part 2 Particulars of Applicant of the Application Referred to in Part 1

申請人姓名/名稱  
Name of Applicant

中文姓名/名稱 Name in Chinese

英文姓名/名稱 Name in English

信託或公司服務提供者牌照號碼  
TCSP Licence No.

商業登記證號碼  
Business Registration Certificate No.

請填妥此欄 For Official Use

註冊編號 Specification No. TCSP4(2018) 第一頁 Page 1

**Form TCSP4 – for individual**

**AND/OR**

**CR** 公司註冊處  
COMPANIES REGISTRY  
信託及公司服務提供者註冊辦事處  
REGISTRY FOR TRUST AND COMPANY SERVICE PROVIDERS

**TCSP5**

適當人選陳述書(適用於合夥人/董事—屬法團)  
Statement as regards Fit and Proper Criteria (For partner/director – corporation)

第一部 所屬申請類別  
Part 1 Type of Application

本陳述書是作為下述申請書的一部分並與申請書一併提交  
This Statement is Part of the Following Application and is Submitted together with the Application

申請類別  
Form Number Description

☐ TCSP1 信託或公司服務提供者牌照申請書  
Application for a Trust or Company Service Provider Licence

☐ TCSP2 信託或公司服務提供者牌照續期申請書  
Application for Renewal of a Trust or Company Service Provider Licence

☐ TCSP3 批准成為信託或公司服務提供者的最終擁有人/合夥人/董事申請書  
Application for Approval to Become an Ultimate Owner/Partner/Director of a Trust or Company Service Provider Licence

第二部 第一部所述申請書的申請人詳情  
Part 2 Particulars of Applicant of the Application Referred to in Part 1

申請人姓名/名稱  
Name of Applicant

中文姓名/名稱 Name in Chinese

英文姓名/名稱 Name in English

信託或公司服務提供者牌照號碼  
TCSP Licence No.

商業登記證號碼  
Business Registration Certificate No.

請填妥此欄 For Official Use

註冊編號 Specification No. TCSP5(2018) 第一頁 Page 1

**Form TCSP5 – for corporation**



**Supporting Documents**

# Application for renewal of TCSP Licence (4) – Points to note

- Information filled in Form TCSP2 should be consistent with the records previously provided to the Registrar
- Ensure changes in particulars of Licensee or its relevant person (e.g. change in business address / email address of the Licensee; change in correspondence address of the relevant person; cessation of the relevant person) have been reported in Form TCSP6
- Ensure prior approval for adding ultimate owner / partner / director (application made in Form TCSP3) has been granted by the Registrar





# Application for renewal of TCSP Licence (5) – Points to note (Cont'd)

- Ensure e-application is submitted with payment made successfully.
- E-receipt will be generated for record.

 公司註冊處  
Companies Registry

信託及公司服務提供者註冊辦事處  
Registry for Trust and Company Service Providers

收據  
Receipt

付款收據編號: Payment Receipt No:	C202105246000864	申請參考編號: Application Reference No.:	ER2105-000010
信託或公司服務提供者牌照編號: TCSP Licence No.:	TC888888	申請 / 付款日期: Application / Payment Date:	24-05-2021
申請人 / 持牌人姓名 / 名稱: Name of Applicant /	高增長有限公司 VERY HIGH PROFIT LIMITED	付款方式: Paid By:	JCB
TCSP Licensee:			

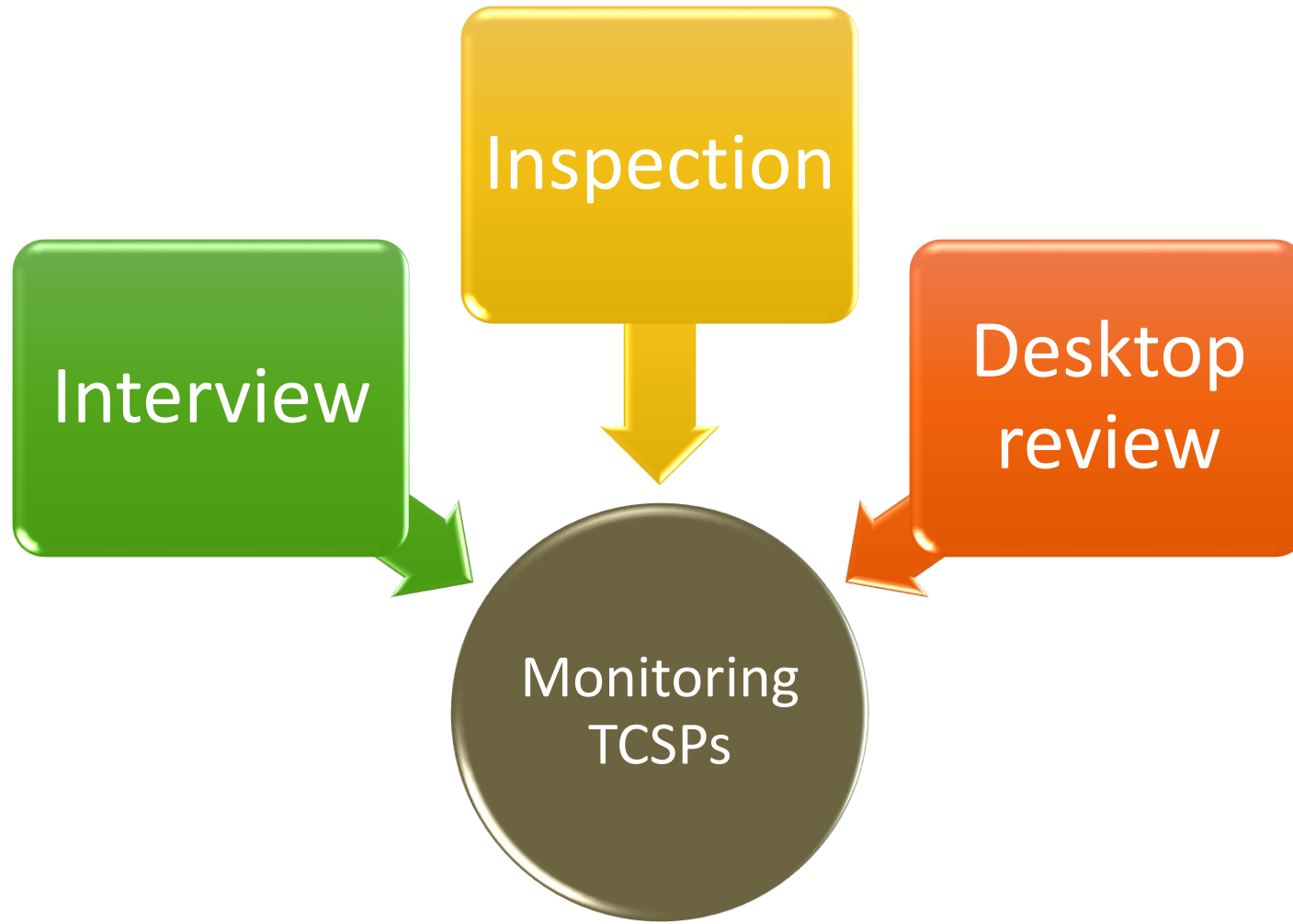
信託或公司服務提供者牌照續期申請書  
Application for Renewal of a Trust or Company Service Provider Licence

信託或公司服務提供者牌照續期申請書 Application for Renewal of a Trust or Company Service Provider Licence	2,910.00
金額 (港元) Amount (HK\$)	2,910.00
總額 (港元) Total (HK\$)	2,910.00

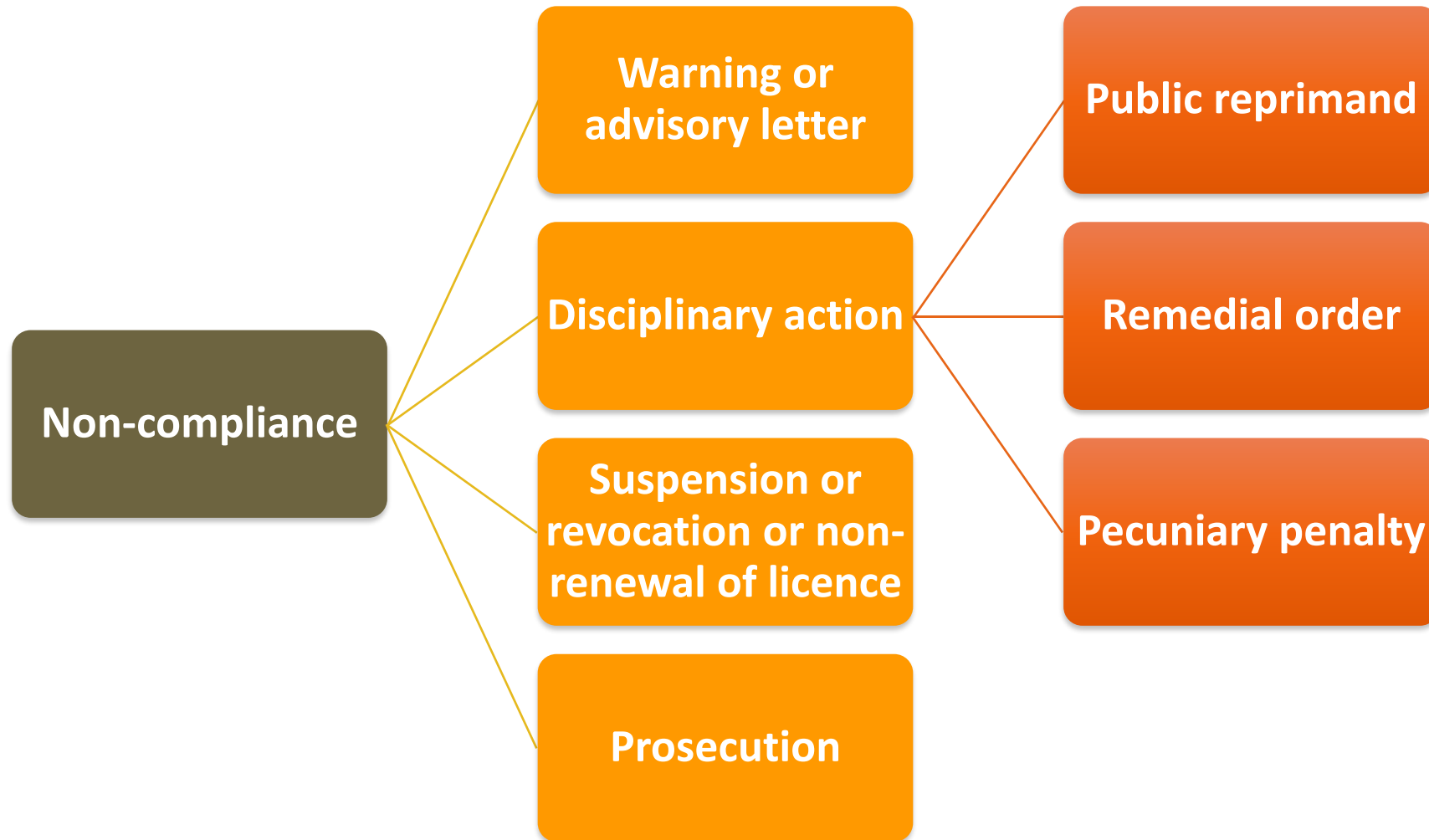
上述文件 / 付款已成功 / 收到。你可儲存或列印此收據以作參考。  
The above document(s) / payment is/are successfully received. You may save or print this receipt for reference.



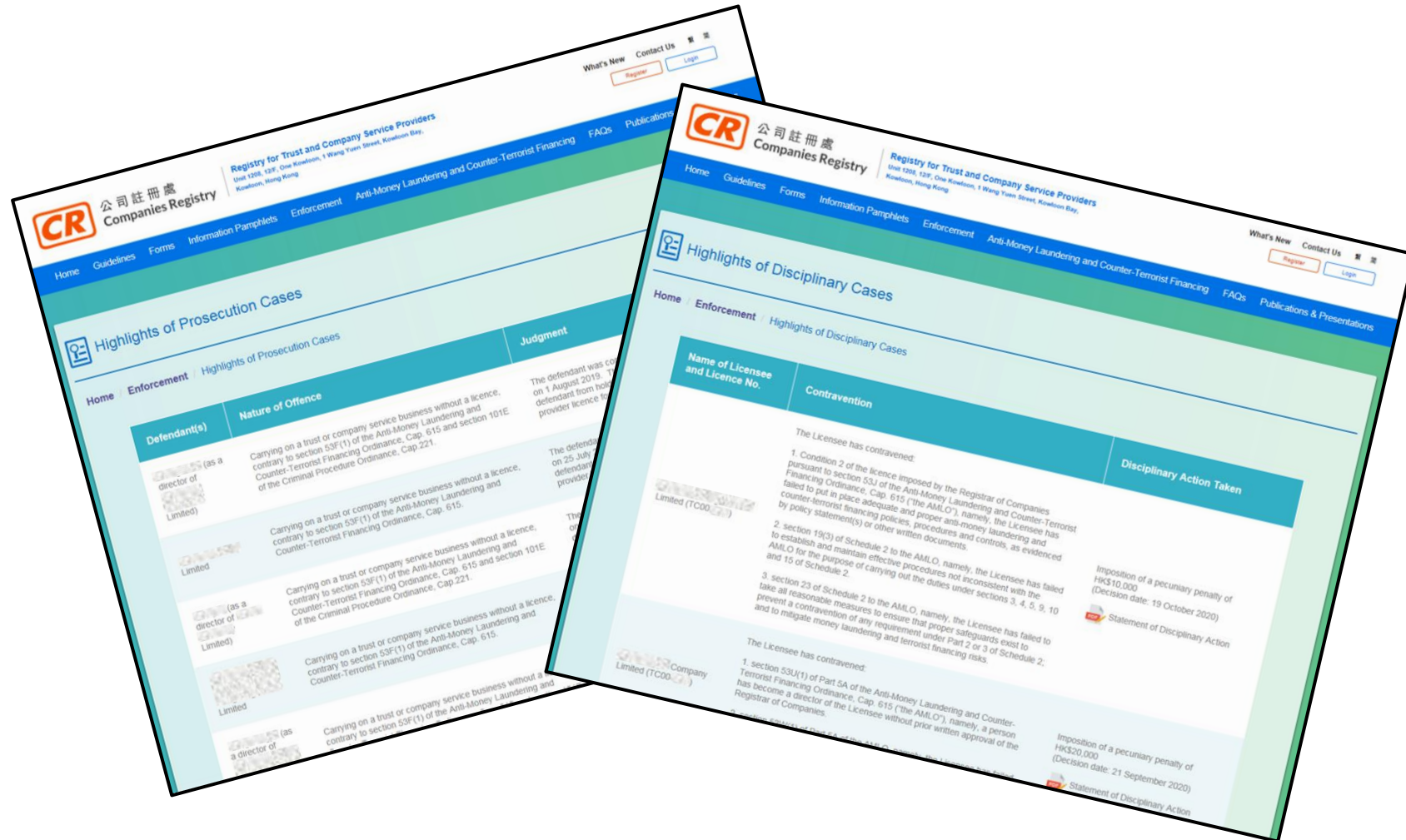
# Enforcement of the Licensing Regime (1)




# Enforcement of the Licensing Regime (2)



# Enforcement of the Licensing Regime (3)



# Website of TCSP Registry


**公司註冊處**  
**Companies Registry**


Registry for Trust and Company Service Providers  
Unit 1208, 12/F, One Kowloon, 1 Wang Yuen Street, Kowloon Bay,  
Kowloon, Hong Kong


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 **Register of Trust or Company Service Provider Licensees**

 Name of Licensee or Licence No.


**Online Services**

- Apply for a Trust or Company Service Provider Licence
- Apply for Renewal of a Trust or Company Service Provider Licence
- Apply for approval to become an ultimate owner/a partner/a director of a TCSP licensee
- Report changes in particulars
- Report Cessation of Trust or Company Service Business


More Online Service ▾

Register   Login


**Popular Downloads**

**Guidelines**

- Guideline on Licensing of Trust or Company Service Providers

**Forms**

- Application for a Trust or Company Service Provider Licence (Form TCSP1) *(Must be*

**Information Pamphlets**

- Services of the Registry for Trust and Company Service Providers *(Updated on 21 December*



## Online Services

- Apply for a Trust or Company Service Provider Licence
- Apply for Renewal of a Trust or Company Service Provider Licence
- Apply for approval to become an ultimate owner/a partner/a director of a TCSP licensee
- Report changes in particulars
- Report Cessation of Trust or Company Service Business

More Online Service ▾

 **Register**

 **Login**



# Thank you

