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Companies Registry External Circular No. 4 / 2025

Introduction of Company Re-domiciliation Regime

This circular announces that a new **company re-domiciliation regime**, which facilitates non-Hong Kong-incorporated companies to re-domicile to Hong Kong, will be introduced under the Companies (Amendment) (No. 2) Ordinance 2025 (the "Amendment Ordinance") with immediate effect.

Company Re-domiciliation Regime

- 2. The company re-domiciliation regime provides a simple and cost-effective route for non-Hong Kong corporations to re-domicile to Hong Kong. Legal identity and operational continuity of the company may also be preserved.
- 3. The main features of the re-domiciliation regime are highlighted in **Annex 1**.
- 4. To be eligible to apply for re-domiciliation to Hong Kong, the requirements or conditions, among others, which must be satisfied or fulfilled by the applicant are set out in **Annex 2**.
- 5. Generally speaking, re-domiciled companies will be regarded as companies incorporated in Hong Kong with effect from the date of re-domiciliation and will be required to comply with all the relevant requirements under the Companies Ordinance (Cap. 622) (the "CO").

Application for Re-domiciliation

- 6. On making an application for company re-domiciliation, an applicant must deliver to the Registrar of Companies (the "Registrar") a re-domiciliation form (in specified form) together with the required documents and prescribed fees. The documents required to be delivered and the fees for application for company re-domiciliation are summarised in **Annex 3**.
- 7. Similar to an application for incorporation of a local company, an application for company re-domiciliation can be done via a "one-stop approach" whereby an applicant only needs to submit to the Registrar all the documents and fees in respect of the application for company re-domiciliation and business registration as required by the Registrar and the Commissioner of Inland Revenue respectively. Upon registration as a re-domiciled company, a certificate of re-domiciliation and a business registration certificate will be issued in one go.
- 8. If the re-domiciled company has previously been registered as a registered non-Hong Kong company under Part 16 of the CO, its registration under Part 16 ceases to have effect on the date of issuance of its certificate of re-domiciliation.
- 9. After the issuance of the certificate of re-domiciliation, the re-domiciled company must take all reasonable steps to procure its deregistration in its place of incorporation as soon as practicable and submit to the Registrar a document evidencing its deregistration to the satisfaction of the Registrar within 120 days, **failing which its registration in Hong Kong will be revoked**. The Registrar may extend the 120-day period subject to any conditions as the Registrar considers appropriate.

Filing Obligations after Re-domiciliation

- 10. Once re-domiciled, a re-domiciled company will be regarded as a company incorporated in Hong Kong and will be required to comply with all the relevant filing requirements under the CO in the same manner as a company formed and registered under the CO unless otherwise specified. The Amendment Ordinance contains provisions as to the new filing obligations specifically imposed on re-domiciled companies which have been summarised in **Annex 4**.
- 11. In addition, certain new requirements relating to registered non-Hong Kong companies are introduced by the Amendment Ordinance. Please refer to the Companies Registry External Circular No. 5/2025 for details of the updates.

New / Revised Forms

- 12. To facilitate the implementation of the company re-domiciliation regime, the Registrar has specified **four new forms** and **revised three existing forms** relating to company re-domiciliation **for use by a re-domiciled company with immediate effect**. A list of all such new / revised forms is set out at **Annex 5**.
- 13. The new / revised forms were published in the Gazette (G.N. 3035 and G.N. 3036) on 23 May 2025 and can be downloaded from the "Forms" section on the website of the Companies Registry (the "Registry"). A complete set of the latest forms in CD-ROM and hard copies of individual forms are also available for purchase at the Registry's office on the 14th floor of the Queensway Government Offices, 66 Queensway, Hong Kong.
- 14. Meanwhile, although no revision has been introduced to the contents of three existing forms for reporting statement of particulars of charge, namely Forms NM1, NM8 and NM9, the use of these three forms has been extended to cover new filing obligations of a re-domiciled company as follow:

Form No.	Name of Form	To cover new filing obligations under the Amendment Ordinance
Form NM1	Statement of Particulars of Charge	Newly added section 338A(4) and revised section 342
Form NM8*	Statement of Particulars of Charge (For Debenture Forming Part of a Series)	Newly added section 338A(4) and amended sections 341 and 342
Form NM9	Statement of Particulars of Issue of Debentures of a Series	Newly added section 338A(4) and amended section 341

^{*} Apart from other revisions in the Notes for Completion of the Form NM8, the provisions applicable to the form have been updated, which include section 342(3) and the newly added 338A(4) of the CO.

Further Information and Enquiries

- 15. A new thematic section on the Amendment Ordinance relating to the company re-domiciliation regime has been set up on the Registry's website at www.cr.gov.hk/en/legislation/co2025/redomiciliation/overview.htm. The section contains the full text of the Amendment Ordinance, new / revised forms and frequently asked questions in relation to the company re-domiciliation regime.
- 16. The Registry has also published a "Guide on Company Re-domiciliation" to provide comprehensive information relating to the application for re-domiciliation and other post-registration requirements and filing obligations specifically for a re-domiciled company, which can also be downloaded from the "Publications > Circulars / Guidelines > Guidelines" section on the Registry's website





17. For enquiries concerning the company re-domiciliation regime, please contact:

Miss Mandy SIU, Assistant Registry Manager (New Companies)2

Tel: (852) 2867 4289 Email: crenq@cr.gov.hk For enquiries on application for re-domiciliation

Ms Mendy LAM, Assistant Registry Manager (Registration)1 Tel: (852) 2867 4562 Email: crenq@cr.gov.hk For general filing requirements after re-domiciliation

Mr WONG Wing-him, Assistant Registry Manager (Charges & Liquidation) Tel: (852) 2867 2611 Email: crenq@cr.gov.hk For filing requirements in relation to charges after re-domiciliation

Ms Majestic YEUNG Registrar of Companies

Main Features of the Company Re-domiciliation Regime

The main features of the re-domiciliation regime are as follows:

- (a) it provides a **simple** and **cost-effective** route for non-Hong Kong corporations to re-domicile to Hong Kong;
- (b) it is an **inward** regime which allows non-Hong Kong corporations to redomicile to Hong Kong but not the other way round;
- (c) it is **applicable to** non-Hong Kong corporations which are comparable to the following **four types of companies** that could be formed under the CO, namely,
 - (i) public companies limited by shares;
 - (ii) private companies limited by shares;
 - (iii) public unlimited companies with a share capital; and
 - (iv) private unlimited companies with a share capital;
- (d) re-domiciliation does not have the effect of creating a new legal entity and will not affect the business continuity of the company, or any property, rights, obligations, liabilities, as well as the contractual and legal processes of the company; and
- (e) there is **no economic substance test** imposed on the non-Hong Kong corporations applying to re-domicile to Hong Kong.

Requirements or Conditions for Application for Re-domiciliation

To be eligible to apply for re-domiciliation to Hong Kong, the non-Hong Kong corporation (the "applicant") must satisfy or fulfil, among others, the requirements or conditions set out below:

(a) General:

- the law of the applicant's place of incorporation allows the applicant to transfer its domicile to another jurisdiction, and the applicant has complied with the requirements of the law of its original domicile in this regard;
- (ii) the company type of the applicant under the law of its place of incorporation is the same or substantially the same as the type which the applicant proposes to register under the CO; and
- (iii) as at the date of application, the applicant's first financial year end since its incorporation has passed;

(b) Integrity:

- (i) the applicant shall comply with all requirements in the CO in respect of re-domiciliation; and
- (ii) the intended re-domiciled company must not be used for an unlawful purpose or for a purpose contrary to public interest;

(c) Member and creditor protection:

- (i) the re-domiciliation application is made by the applicant in good faith and not intended to defraud its existing creditors; and
- (ii) If under the law of the place of incorporation or the constitutional document of the applicant, members' consent is required for the redomiciliation to Hong Kong, such consent has been obtained. If there is

no such requirement, the applicant has obtained members' consent in accordance with the requirements under the CO; and

(d) Solvency:

- (i) the applicant will be able to pay its debts which fall due within the period of 12 months beginning on the application date; and
- (ii) the applicant is not in liquidation and no proceedings for liquidation against the applicant are ongoing or pending.

Documents to be delivered on application for company re-domiciliation (Note 1) [section 820B(2) and Schedule 6C of the CO]

- 1. A **re-domiciliation form** in the specified form **Form NNC6** Re-domiciliation Form. [section 820B(2)(a)]
- 2. A copy of the **proposed articles of association** that the members of the applicant have resolved to be adopted as the articles of association of the intended redomiciled company with effect from the date on which it is registered under section 820C(1) of the CO (*proposed articles*). [section 820B(2)(b)]
- 3. (a) If the place of incorporation of the applicant is the place in which the applicant is incorporated
 - a certified copy (Note 2) of the certificate of incorporation of the applicant, or a certified copy (Note 2) of any equivalent document, issued under the law of that place; [section 2(1)(a)(i) of Schedule 6C]
 - (b) If the place of incorporation of the applicant is any other place (particular place)
 - (i) a certified copy (Note 2) of the certificate of incorporation of the applicant, or a certified copy (Note 2) of any equivalent document, issued under the law of the place in which the applicant is incorporated; [section 2(1)(b)(i) of Schedule 6C]; and
 - (ii) a certified copy (Note 2) of the certificate of registration of the applicant as a company, or a certified copy (Note 2) of any equivalent document, issued under the law of the particular place. [section 2(1)(b)(ii) of Schedule 6C]
- 4. A **certified copy** (Note 2) of each **constitutional document** of the applicant. [section 2(1)(a)(ii) or section 2(1)(b)(iii) of Schedule 6C]
- 5. If neither the law of the place of incorporation nor the constitutional document of the applicant requires consent from members of the applicant for the applicant to become a re-domiciled company (*re-domiciliation*)
 - a certified copy (Note 2) of the resolution of members which (i) is duly passed for the re-domiciliation under the law of the place of incorporation and the

constitutional document of the applicant, and (ii) is passed at a meeting, or (if it is passed without a meeting) is passed in writing, by a majority of at least 75%. [section 2(1)(d) of Schedule 6C]

- 6. The **accounts** of the applicant as at the latest practicable date before the application date or (if under the law of the place of incorporation of the applicant, or the rules of any stock exchange or similar regulatory bodies in that place, the applicant is also required to prepare audited accounts) the **audited accounts** of the applicant as at the latest practicable date before the application date. [section 2(1)(e) of Schedule 6C]
- 7. A **certificate** issued by the board of directors of the applicant **within 35 days** before the application date and signed by a director of the applicant, certifying that the director has been approved by resolution of the board of directors of the applicant to sign the certificate [section 2(2) and 2(3) of Schedule 6C], to the effect that:
 - (a) the applicant has only one place of incorporation, being the one specified in the certificate of incorporation (or the equivalent) or the certificate of registration (or the equivalent) under item 3(b) above [section 2(2)(a) of Schedule 6C];
 - (b) the applicant
 - (i) if the place of incorporation is the place in which the applicant is incorporated
 - has a registration relating to its incorporation under the law of that place; and
 - (ii) if the place of incorporation is not the place in which the applicant is incorporated
 - is registered as a company under the law of the place of incorporation;
 [section 2(2)(b) of Schedule 6C]
 - (c) the applicant has not been notified of any petition or similar proceedings to wind up or liquidate the applicant that is pending in any place; [section 2(2)(c) of Schedule 6C]
 - (d) the applicant has not been notified of any order to wind up or liquidate the applicant in any other place; [section 2(2)(d) of Schedule 6C]

- (e) no resolution has been passed in any place to wind up or liquidate the applicant; [section 2(2)(e) of Schedule 6C]
- (f) the applicant has not been notified of the appointment of any receiver or liquidator (however described) with respect to the applicant or any property of the applicant (*specified person*) and no person is acting as a specified person in any place; [*section 2(2)(f) of Schedule 6C*]
- (g) the applicant is not operating or carrying on business under any scheme, order, compromise or other similar arrangement relating to the insolvency of the applicant entered into or made by the applicant in any place with any other person; [section 2(2)(g) of Schedule 6C]
- (h) the applicant has served on all its creditors notice of the applicant's proposal to become a re-domiciled company; [section 2(2)(h) of Schedule 6C]
- (i) any consent to or approval for the re-domiciliation required by any contract entered into or undertaking given by the applicant has been obtained or waived; [section 2(2)(i) of Schedule 6C]
- (j) any consent to or approval for the deregistration required by any contract entered into or undertaking given by the applicant has been obtained or waived; [section 2(2)(j) of Schedule 6C]
- (k) the deregistration of the applicant is not prohibited under the law of the place of incorporation or by the constitutional documents of the applicant; [section 2(2)(k) of Schedule 6C]
- (l) the proposed articles have been approved by the members of the applicant and resolved by them to be adopted with effect from the re-domiciliation date; [section 2(2)(l) of Schedule 6C]
- (m) the first financial year of the applicant at the place of incorporation ends on or before the application date; [section 2(2)(m) of Schedule 6C]
- (n) the application is not intended to defraud existing creditors of the applicant and is made in good faith; [section 2(2)(n) of Schedule 6C] and

- (o) the board of directors of the applicant
 - (i) has made a full inquiry into the affairs of the applicant; and
 - (ii) has formed an opinion that the applicant will be able to pay its debts which fall due within the period of 12 months beginning on the application date.

[section 2(2)(o) of Schedule 6C]

- 8. A **legal opinion**, issued within 35 days before the application date by a legal practitioner who practises the law of the place of incorporation of the applicant [section 2(1)(f) of Schedule 6C]—
 - (a) that the applicant is duly registered and validly subsisting in the place of incorporation; [section 2(1)(f)(i) of Schedule 6C]
 - (b) that the applicant is an entity the type of which is the same or substantially the same as that of the intended re-domiciled company; [section 2(1)(f)(ii) of Schedule 6C]
 - (c) that each of the persons specified in the re-domiciliation form to be a director of the intended re-domiciled company is not disqualified from being appointed as a director, under the law of the place of incorporation; [section 2(1)(f)(iii) of Schedule 6C]
 - (d) if the proposed name of the intended re-domiciled company is different from the name of the applicant
 - (i) that the proposed name has been duly approved by the members of the applicant to be adopted as the name of the intended re-domiciled company; and
 - (ii) that the change of the name of the applicant to the proposed name would not affect its deregistration in the place of incorporation (*deregistration*);

[section 2(1)(f)(iv) of Schedule 6C]

- (e) that -
 - (i) there is, under the law of the place of incorporation, a regime that allows the deregistration of the applicant for the purpose of its registration in another jurisdiction as a company; and

(ii) neither the law of the place of incorporation nor the constitutional document of the applicant prohibits the re-domiciliation;

[section 2(1)(f)(v) of Schedule 6C]

- (f) if, under the law of the place of incorporation or the constitutional document of the applicant, the applicant is required to obtain permission (however described) for the re-domiciliation that the permission has been duly obtained; [section 2(1)(f)(vi) of Schedule 6C]
- (g) if, under the law of the place of incorporation or the constitutional document of the applicant, the applicant is required to obtain consent from its members for the re-domiciliation (*relevant requirement*) that the relevant requirement has been complied with; [section 2(1)(f)(vii) of Schedule 6C]
- (h) if there is no relevant requirement
 - (i) that a resolution of members is duly passed for the re-domiciliation under the law of the place of incorporation and the constitutional document of the applicant; and
 - (ii) that the resolution is passed at a meeting, or (if it is passed without a meeting) is passed in writing by a majority of at least 75%;

[section 2(1)(f) (viii) of Schedule 6C]

- (i) that there is no petition or similar proceedings in the place of incorporation to wind up or liquidate the applicant that is pending; [section 2(1)(f)(ix) of Schedule 6C]
- (j) that there is no order to wind up or liquidate the applicant in the place of incorporation; [section 2(1)(f)(x) of Schedule 6C]
- (k) that no person is appointed or acting in the place of incorporation as a receiver or liquidator (however described) with respect to the applicant or any property of the applicant; [section 2(1)(f)(xi) of Schedule 6C]
- (l) that the applicant is not operating or carrying on business under any scheme, order, compromise or other similar arrangement, relating to the insolvency of the applicant that is entered into or made by the applicant in its place of incorporation with any other person; [section 2(1)(f)(xii) of Schedule 6C]

- (m) that the deregistration of the applicant for the purpose of the re-domiciliation is allowed under the law of the place of incorporation; [section 2(1)(f)(xiii) of Schedule 6C] and
- (n) that the proposed articles have been approved by the members of the applicant and resolved by them to be adopted with effect from the redomiciliation date. [section 2(1)(f)(xiv) of Schedule 6C]
- 9. A Notice to Business Registration Office (IRBR5) [section 5BB(1) and 5D(2) of the Business Registration Ordinance (Cap. 310)]

Notes:

- 1. If a document is in a language other than the English language and the Chinese language, a **certified translation** of the document in the English language or the Chinese language is required.
- 2. A **certified copy of a document** is a copy of a document certified as a true copy of the document by
 - (A) if the copy is certified in the place of incorporation of the applicant—
 - (i) an official of the government of that place to whose custody of the document is committed;
 - (ii) a notary public practising in that place;
 - (iii) a lawyer practising in that place;
 - (iv) a professional accountant practising in that place;
 - (v) an officer of a court of law duly authorized by the law of that place to certify documents for any judicial or other legal purpose; or
 - (vi) a professional company secretary practising in that place;
 - (B) if the copy is certified in Hong Kong—
 - (i) a notary public practising in Hong Kong;
 - (ii) a solicitor practising in Hong Kong;
 - (iii) a certified public accountant (practising);
 - (iv) an officer of the court in Hong Kong who is authorized by law to certify documents for any judicial or other legal purpose;
 - (v) a consular officer of the place of incorporation of the applicant; or
 - (vi) a professional company secretary practising in Hong Kong; or
 - (C) an officer of the applicant.

Fees for application for company re-domiciliation

For lodging of a re-domiciliation form and other documents -

(a)	if delivered in electronic form	\$1,030
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(b) if delivered in hard copy form \$1,145

(Note: Lodgment fee is non-refundable if the application is unsuccessful)

For registration of a non-Hong Kong corporation as a re-domiciled company -

(a)	if the re-domiciliation form and other documents	\$5,020
	are delivered in electronic form	
(b)	if the re-domiciliation form and other documents	\$5,580
	are delivered in hard copy form	

Prescribed business registration fee and levy

(Only applicable to those non-Hong Kong corporations which have not yet registered their businesses under the Business Registration Ordinance (Cap. 310))

For the prescribed **business registration fee and levy** charged by the Business Registration Office of the Inland Revenue Department ("IRD"), please refer to the **Business Registration Fee and Levy Table** issued by the IRD, which can be downloaded from IRD's website (https://www.ird.gov.hk/eng/pdf/brfee table.pdf)

New Filing Obligations under the Amendment Ordinance

For a re-domiciled company

General Filing Obligations after Re-domiciliation

1. Deregistration in place of incorporation – section 820E(3)

Under the new **section 820E(3)** of the CO, a re-domiciled company to which a certificate of re-domiciliation is issued under section 820C(5)(c) of the CO must submit to the Registrar a document evidencing its deregistration in its place of incorporation to the satisfaction of the Registrar within 120 days after the re-domiciliation date.

On an application made by the re-domiciled company, the Registrar may extend the specified period subject to any conditions the Registrar considers appropriate.

2. Director's written consent – section 820G(1)

Under the new **section 820G(1)** of the CO, if a person who has consented to be a director of an intended re-domiciled company on its registration has not signed on the part "Consent to be a Director" in the Re-domiciliation Form, a statement of consent to be a director of the re-domiciled company on its registration must be delivered in the specified form to the Registrar for registration within 15 days after the re-domiciliation date.

3. Return of particulars of members on re-domiciliation date – section 820H(2)

Under the new **section 820H(2)** and **820H(3)** of the CO, within 15 days after the redomiciliation date, the re-domiciled company must deliver to the Registrar for registration a return which must (i) be in the specified form; (ii) include a statement of share capital as at the re-domiciliation date, that complies with section 201 of the CO; and (iii) state the required particulars relating to the members of the re-domiciled company.

Filing Obligations in relation to a charge after Re-domiciliation

4. Registration of particulars of charge created before re-domiciliation date and particulars of charge existing on property acquired before re-domiciliation date – section 338A (see Note)

Under the **new section 338A(4)** of the CO, a re-domiciled company must deliver a statement of the particulars of a charge in the specified form to the Registrar for registration within one month after the re-domiciliation date where **section 338A(1)** of the CO applies, i.e. if:

- (a) the company, being a company incorporated outside Hong Kong, has created a charge before it becomes a re-domiciled company;
- (b) the charge subsists on the re-domiciliation date; and
- (c) the charge is of a kind that a statement of its particulars would have been required by section 335 of the CO to be delivered for registration had the charge been created by the re-domiciled company on or after that date.

A re-domiciled company must also deliver a statement of the particulars of a charge in the specified form to the Registrar for registration within one month after the redomiciliation date where **section 338A(2)** of the CO applies, i.e. if:

- (a) after a company incorporated outside Hong Kong has acquired property in Hong Kong or in any other place subject to a charge, it becomes a re-domiciled company;
- (b) the charge subsists on the re-domiciliation date; and
- (c) the charge is of a kind that a statement of its particulars would have been required by section 338 of the CO to be delivered for registration had the property been acquired by the re-domiciled company on or after that date.

Note: If the re-domiciled company has already complied with section 336, 339 or 340 of the CO in relation to the charge, re-registration of the charge under section 338A(4) of the CO is not required.

5. Registration of particulars of issue of debentures – section 341

Under the **amended section 341(1)(c)** of the CO, for a debenture forming part of a series which contains or gives a charge created by a company and where every holder of the debentures of the series is entitled equally to the benefit of the charge, if a statement of the particulars of the charge is required to be delivered for registration under the new **section 338A(4)** of the CO, a statement of the particulars of every issue of the debentures of the series in the specified form must be delivered by the redomiciled company to the Registrar for registration –

- (i) in the case of an issue of debentures made on or before the re-domiciliation date, one month after that date; or
- (ii) in the case of any subsequent issue of debentures, one month after the date of the issue.

6. Registration of particulars of commission etc. in relation to debentures – section 342

Under the **new section 342(1)(d)(iia)** of the CO, if –

- (i) any commission, allowance or discount has been paid or made, directly or indirectly, by a company to any person in consideration of the person subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any debenture;
- (ii) the debenture
 - (a) creates or evidences a charge or
 - (b) forms part of a series of debentures either contains or gives a charge;
- (iii) the charge is created by the company; and
- (iv) a statement of the particulars of the charge is required to be delivered for registration under the new **section 338A(4)** of the CO,

a statement of particulars of the commission, allowance or discount in the specified form is required to be delivered by the re-domiciled company to the Registrar for registration within one month after the re-domiciliation date.

新/經修訂的表格一覽表 List of New / Revised Forms

(A) 有關公司遷冊的新表格 New Forms Relating to Company Re-domiciliation

	表格編號 Form Number	《公司條例》 的相關條文 Relevant Section(s) of the CO	表格名稱 Name of Form
1.	NNC6	820B	遷冊表格
			Re-domiciliation Form
2.	NNC3RD	820G	擔任董事同意書(經遷冊公司) Consent to be a Director (Re-domiciled Company)
3.	NSC21	820H	經遷冊公司在遷冊日的成員詳情申報表 Return of Particulars of Members of Re-domiciled Company as at Re-domiciliation Date
4.	NM10	338A(4) & 342(2)	押記詳情的陳述(適用於經遷冊公司 - 遷冊日之前的押記) Statement of Particulars of Charge (For Re-domiciled Company - Charges before Re-domiciliation Date)

(B) 涵蓋經遷冊公司的經修訂表格 Revised Forms covering Re-domiciled Companies

	表格編號 Form Number	《公司條例》 的相關條文 Relevant Section(s) of the CO	表格名稱 Name of Form
1.	NAR1	662	周年申報表 Annual Return
2.	NM8*	335(2), 336(2), 338A(4), 340(3) & 342(3)	押記詳情的陳述 (屬一個債權證系列的組成部分的債權證) Statement of Particulars of Charge (For Debenture Forming Part of a Series)
3.	NN15	790(4)	修改帳目陳述書 Statement of Revision of Accounts

* 除對表格 NM8 的填表須知作出修訂外,該表格適用的條文亦已更新,包括《公司條例》第 342(3)條及 新增的第 338A(4)條。

Apart from other revisions in the Notes for Completion of the Form NM8, the provisions applicable to the form have been updated, which include section 342(3) and the newly added 338A(4) of the CO.