

香港金鐘道六十六號 金鐘道政府合署十五樓

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HONG KONG

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16 September 2022

Companies Registry External Circular No. 6 / 2022

Implementation of Phase 2 of New Inspection Regime – **Rectification of Information on the Companies Register**

This circular seeks to provide information on the rectification of information on the Companies Register upon implementation of Phase 2 of the New Inspection Regime of the Companies Register under the Companies Ordinance (Cap. 622) ("CO") on **24 October 2022**.

2. Companies Registry External Circular No. 7 / 2014 will be superseded upon commencement of Phase 2 of the New Inspection Regime on 24 October 2022.

Background

- Section 41(2) of the CO expressly gives the Registrar of Companies ("the Registrar") powers to rectify a typographical or clerical error contained in any information relating to a company on the Companies Register on an application by the company.
- Section 44 provides that the Registrar may make a note in the Companies Register for the purpose of providing information in relation to a rectification of an error or any information on the Companies Register or a removal of any information from the Companies Register.
- 5. Currently, an application to rectify a typographical or clerical error contained in a document already registered with the Companies Registry ("the Registry") can be made by a company by delivering an amended document showing the rectification. The rectification made should be highlighted by underlining the corrected information on the

- 2 -

amended document. The word "AMENDED" should be printed on the top of the first page of the amended document for easy identification. If the amended document is acceptable, the Registrar will rectify the error in the Companies Register by registering the amended document which will then be made available for public inspection.

- 6. Pursuant to section 54(2) of the CO which will come into operation among other provisions upon implementation of Phase 2 of the New Inspection Regime, the Registrar must **not** make available for public inspection under section 45(1)
 - (a) an address contained, as the usual residential address of a director of the company¹, in any part of the document that is required by the relevant Ordinance to contain that usual residential address; or
 - (b) a number contained, as the full number of the identity card or passport of any person¹, in any part of the document that is required by the relevant Ordinance to contain that full number.
- 7. In view of section 54(2) which will come into operation on 24 October 2022, the current approach for rectification of information on the Companies Register has to be revised to ensure that Protected Information contained in amended documents will not be made available for public inspection on rectification of information on the Companies Register.

Rectification of Typographic or Clerical Error in the Companies Register

8. **Starting from 24 October 2022**, an application to rectify a typographical or clerical error contained in a document already registered with the Registry can be made by a company by using a new administrative form, **Form AD** - Rectification of Typographical or Clerical Error in Registered Document, a copy of which is at **Annex**. The new Form AD can be downloaded from the thematic section on "New Inspection Regime" on the Registry's website at www.cr.gov.hk/en/legislation/nir/formad.htm.



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Usual residential addresses of directors and full number of the identity cards or passports of persons (including directors, company secretaries and some other individuals such as liquidators and provisional liquidators) are collectively referred to as "**Protected Information**".

- 3 -

- 9. For rectification of typographical or clerical error involving personal particulars of individuals, the company should complete section 3 of the Form AD and report the Protected Information on a **PI-AD sheet**.
- 10. For rectification of typographical or clerical error in other information, the company should complete section 4 of the Form AD. For ease of indicating the rectifications, if the page of the registered document containing the erroneous information does not include any Protected Information, the company may attach to the Form AD the relevant page of the registered document with errors rectified. The word "AMENDED" should be printed on the top of the amended page with the corrected information underlined while the other content of the page should remain identical to the original registered document.
- 11. If the Form AD is acceptable, the Registrar will rectify the error in the Companies Register by registering the Form AD. Where the rectified information involves Protected Information, the PI-AD sheet of the Form AD will **NOT** be made available on the Companies Register for public inspection after registration of the Form AD. Only persons specified in section 12 of the Companies (Residential Addresses and Identification Numbers) Regulation (Cap. 622N) can apply to the Registrar for disclosure of Protected Information reported in PI-AD sheets pursuant to section 58(3) of the CO. The Registrar may also annotate on the incorrect registered document and the Form AD for cross-referencing.
- 12. In processing an application to rectify information on the Companies Register and if the circumstances so require, the Registry may request further information, including an explanatory letter, to clarify or explain the correct position. Explanatory letters requested for such a purpose should specify the document(s) involved, the particulars of and the circumstances leading to the error(s) and the correct position in relation to the information being reported. Such explanatory letters may be publicly recorded to facilitate public searching of the Companies Register.
- 13. The above arrangements do not affect the power conferred on the Registrar under section 35 of the CO to refuse to accept or register documents if the Registrar is of the opinion that a document delivered for registration is unsatisfactory within the meaning of section 31.
- 14. Circumstances in which a Form AD may be rejected by the Registrar may include, but are not limited to, the following:
 - (i) where prosecution proceedings have already been commenced in respect of a registered document which the Form AD seeks to amend;
 - (ii) where an objection to the proposed amendment or conflicting representation/evidence has been made/provided to the Registrar;

- (iii) where the Form AD may involve a change of the name of a company, a change of the type of company, or a change of founder member(s); or
- (iv) where the Form AD may involve an unauthorised variation of the capital structure of a company.

Rectification of Information on the Companies Register on Order of the Court

- 15. Section 42 of the CO provides that the Court of First Instance ("the Court") may, on application by any person, direct the Registrar to rectify any information on the Companies Register or to remove an information from it if the Court is satisfied that the information is factually inaccurate, or derives from anything that is invalid or ineffective, factually inaccurate or forged, or has been done without the company's authority.
- 16. If the Court makes an order under section 42, the applicant must deliver an office copy of the order to the Registrar for registration.
- 17. There will be no change to the rectification of information on the Companies Register on order of the Court upon implementation of Phase 2 of the New Inspection Regime of the Companies Register.

Enquiries

18. Enquiries concerning this circular should be directed to:-

Rectification of information relating to :

•	Incorporation and registration of companies	Ms Rosa MA Assistant Registry Manager (New Companies)1	(852) 2867 4790 crenq@cr.gov.hk
•	Deregistration of companies	Mr Raymond FONG Assistant Registry Manager (Deregistration)	(852) 2867 2631 crenq@cr.gov.hk
•	Registration of general documents	Mr Philip CHUI Assistant Registry Manager (Registration)1	(852) 2867 4562 crenq@cr.gov.hk

- 5 -

Charges and liquidation Mr CHAN Ching-hang (852) 2867 2611
 Assistant Registry Manager crenq@cr.gov.hk (Charges & Liquidation)

Miss Helen TANG Registrar of Companies



表格 AD

		本處專用F	or Official Use				
	更正已登記	文件内在扩	非印或文書	方面的錯誤			
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C.	文件參考編號 Document Refere	ence Number					
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電記	話 Tel: 傳真 Fax:						

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公司編號 Company Number
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姓氏 Surname
名字 Other Names
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中文姓名 Name in Chinese							
英文姓名 Name in English	姓氏 Surname						
	名字 Other Names						
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表格 Form AD

續頁 A Continuation Sheet A

公司編號	Company Number	

更正已登記文件內的個人資料 (第3項)

簽發國家/地區

Issuing Country/Region

<u>完整</u>號碼 <u>Full</u>Number

<u>部分</u>號碼 <u>Partial</u> Number

Rectification of Personal Particulars in the Registered Document (Section 3) 在已登記文件填報的詳情 Particulars Reported in the Registered Document 請在適用的空格內加上 ✓ 號 Please tick the relevant box(es) 身分 公司秘書 董事 候補董事 備任董事 Company Secretary Director Alternate Director Reserve Director Capacity 其他(請註明) Others (Please specify) 中文姓名 Name in Chinese 英文姓名 姓氏 Name in English Surname 名字 Other Names 更正後的正確資料的詳情 Details of Correct Information after Rectification 請在適用的空格內加上 ✓ 號 Please tick the relevant box(es) 中文姓名 Name in Chinese 英文姓名 Name in English 姓氏 Surname 名字 Other Names 中文 英文 前用姓名 Chinese **English Previous Name** 別名 中文 英文 Chinese English **Alias** 董事/候補董事/備任董事的通常住址 正確的通常住址填報於 PI-AD 頁內 Usual Residential Address of Director/ Correct usual residential address is provided in PI-AD sheet Alternate Director / Reserve Director 通訊地址/地址 Correspondence Address / Address 國家/地區 Country/Region 電郵地址 **Email Address** 香港身分證 **完整**號碼 正確的完整號碼填報於 PI-AD 頁內 Full Number Hong Kong Identity Correct full number is provided in PI-AD sheet 部分號碼 * * * (*) Partial Number

正確的完整號碼填報於 PI-AD 頁內

Correct full number is provided in PI-AD sheet

AD/10/2022

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Passport

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公司編號 Company Number

<u>需更正的資料 Info</u>	mation to be rectified		
i) 錯誤資料載於已登i	记文件内的位置 Location	of the incorrect information in	the registered document
ii)錯誤資料的描述 De	scription of the incorrect in	formation	
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PI-AD

公司編號	Company Number	

更正已登記文件內在排印或文書方面的錯誤 - 受保護資料 Rectification of Typographical or Clerical Error in Registered Document - Protected Information

X

16

公 眾 紀 錄 不 會 顯 示 此 頁 This page will not be shown on the public record

請於本頁申報正確的公司秘書/董事/相關人士的香港身分證或護照的<u>完整號碼</u>及/或董事的<u>通常住址</u>。

The correct <u>full number</u> of Hong Kong Identity Card or passport of the company secretary / director / relevant person and / or <u>usual residential address</u> of the director should be reported on this page.

(每一頁 PI-AD 只可填報一名自然人的受保護資料。如超過一名自然人資料,請另加 PI-AD 頁填報。

Each PI-AD sheet can only report the protected information of 1 natural person. If there is information for more than 1 natural person, please report separately on additional PI-AD sheet(s).)

A. 在已登記文件填報的詳情 Particulars Reported in the Registered Document 請在適用的空格內加上 ✓ 號 Please tick the relevant box(es)

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身分	公司秘書		董事	候	補董事			事	
Capacity	Company Sec	retary	Director		ternate Director		Reserve [
	其他(請註明								
	Others (Pleas	e specify)							
中文姓名									
Name in Chinese									
英文姓名	姓氏								
Name in English	Surname								
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	名字								
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B. 更正後的正	確資料的詳情	Details of C	orrect Inform	ation aft	er Rectificatio	n			
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請勿覆蓋此頁內的條碼 DO NOT COVER THE BARCODES ON THIS PAGE

<u>(交付本表格</u> AD *時,請將所有 PI-AD 頁置於最後。* Please place all PI-AD sheets at the end when delivering the Form AD.)



更正已登記文件內在排印或文書方面的錯誤

填表須知

附註

引言

- 1. 本表格是供公司根據《公司條例》(香港法例第 622 章)第 41(2)條,向公司註冊處處長(「處長」)提出更正公司登記冊內關於該公司的資料載有在排印或文書方面的錯誤的申請。每份表格只可以申請更正涉及一份已登記文件內的錯誤資料。處長可登記本表格及其附件(如有的話),藉以更正有關的錯誤。
- 2. 公司註冊處可要求申請人提供更多資料,以澄清或解釋正確的資料。在處理更正登記冊 內的資料時,如有需要,處長可因應不同的情況拒絕接納更正已登記文件內錯誤的申 請,其中包括(但不限於)以下情況:
 - (i) 本處已就擬修訂的已登記文件展開檢控程序;
 - (ii) 有人士就擬作出的修訂向處長提出反對或作出/提供與該修訂有衝突的申述/ 證據;
 - (iii) 擬作出的修訂涉及公司名稱、公司類別或創辦成員的更改;或
 - (iv) 擬作出的修訂涉及公司的資本結構有未經許可的變更。
- 3. 請劃一以中文或英文申報各項所需資料。如以中文申報,請用繁體字。以手寫方式 填寫的表格或不會被公司註冊處接納。
- 4. 請提供提交人資料。除非有特別事項需要公司註冊處注意,否則無須另加附函。
- 5. 你可郵寄本表格到「香港金鐘道 66 號金鐘道政府合署 14 樓公司註冊處」,或親身到上址交付。

簽署

6. 本表格必須由一名合適身分的人士簽署。請參照需更正的已登記文件的簽署人士的 身分。公司註冊處不接納未簽妥的表格。

需更正的已登記文件的資料 (第 2A、2B 及 2C 項)

7. 請述明已登記文件的詳情,包括表格編號(如適用)、文件名稱、存檔日期和文件參考編號。

更正已登記文件內的個人資料 (第 3A 及 3B 項)

- 8. 請選取需更正個人資料人士的身分。如非公司秘書/董事/候補董事/備任董事, 請述明其身分,例如清盤人、臨時清盤人、接管人、經理人或註冊非香港公司的獲 授權代表等。
- 9. 有關人士的姓名必須與其香港身分證上所載的姓名一致。如該人並非香港身分證持 有人,則必須與其護照上所載的姓名一致。
- 10. 請在 PI-AD 頁填報更正後的正確的通常住址。
- 11. 請在 PI-AD 頁填報更正後的正確的完整身分識別號碼。
- 12. 請根據下述方式填報「部分身分識別號碼」:
 - (i) 如組成身分識別號碼的字母或數目字字元序列的字元數目是雙數(不包括空位、標點符號及標記符號) 該序列的前半部分;或

(ii) 如組成身分識別號碼的字母或數目字字元序列的字元數目是單數(不包括空位、標點符號及標記符號) 一 該序列的首個字元開始,至處於該序列正中間位置的字元為止的部分。

例子:

香港身分證號碼

完整號碼 (包括括號內的數字或字母)	部分號碼 (即所有英文字母及首三個數字)				
A123456(7)	A 1 2 3 * * (*)				
AA123456(7)	A A 1 2 3 * * (*)				

護照號碼

22 /// WE		
完整號碼 (包括標點符號及標記符號)	部分號碼	
ABCD1234567	ABCD12	
ABCD12345678	ABCD12	
ABCD123456789	ABCD123	
ABC-123-4	ABC1	
#A1234567H(*)	A1234	

*請勿*在有關空格內填報完整的身分識別號碼,格內所填報的資料會供公眾查閱。

更正本表格第3項未涵蓋的其他資料 (第4項)

- **13.** 就更正本表格第 3 部分未涵蓋的資料,如公司成員資料、股本、註冊辦事處地址等, 請於此項填報有關詳情。
- **14**. 請註明需更正的錯誤資料載於已登記文件的位置,例如那一頁、那一份續頁或那一項等,以方便識別。
- 15. 如果載有錯誤資料的已登記文件的相關頁面沒有包含任何完整的個人身分識別號碼或董事/候補董事/備任董事的通常住址,可以隨本表格一併交付已更正的文件的相關頁面,以便顯示有關的更正。相關頁面的頂部應印上「修訂本」字眼,並以底線標明已更正的資料,經修訂的相關頁面的其他內容須與原本文件相同。

更正已登記的文件內在排印或文書方面的錯誤—受保護資料 (PI-AD)

- 16. 在 PI-AD 頁所填報的香港身分證或護照的完整號碼及通常住址為受保護資料。PI-AD 頁及於該頁內所填報的資料,不會供公眾查閱。
 - 每一頁 PI-AD 只可填報一名自然人的受保護資料。如需填報超過一名自然人的資料,請另加 PI-AD 頁填報。
- 17. 請填報屬自然人的董事/候補董事/備任董事的正確通常住址,如董事/候補董事/備任董事的通常住址屬非香港地址,請同時申報「國家/地區」一欄。本處不接納「轉交」地址或郵政信箱號碼。

RECTIFICATION OF TYPOGRAPHICAL OR CLERICAL ERROR IN REGISTERED DOCUMENT

Notes for Completion

Introduction

- 1. This form should be used by a company to apply to the Registrar of Companies (the Registrar) under section 41(2) of the Companies Ordinance (Cap. 622) for rectification of typographical or clerical errors contained in any information relating to the company on the Companies Register. Each form can only apply for rectification of erroneous information contained in one registered document. The Registrar may rectify the error by registering this form and the attachments, if any.
- 2. The Companies Registry may require further information from the applicant to clarify or explain the correct position. The Registrar may reject the application for rectification of errors contained in registered document under different circumstances which may include, but not limited to, the following:
 - (i) where prosecution proceedings have already been commenced in respect of a registered document relating to the requested amendment;
 - (ii) where an objection to the requested amendment or conflicting representation/evidence has been made/provided to the Registrar;
 - (iii) where the requested amendment may involve a change of the name of a company, a change of the type of company, or a change of founder member(s); or
 - (iv) where the requested amendment may involve an unauthorised variation of the capital structure of a company.
- **3.** Please fill in all particulars and complete all items consistently in either Chinese or English. Traditional Chinese characters should be used if the form is completed in Chinese. Please note that handwritten forms may be rejected by the Companies Registry.
- **4.** Please complete the Presentor's Reference. Unless the presentor needs to raise a specific issue for the attention of the Companies Registry, no covering letter is required.
- **5.** This form can be delivered by post or in person to "The Companies Registry, 14th floor, Queensway Government Offices, 66 Queensway, Hong Kong".

Signature

6. This form must be signed by a person of appropriate capacity. Please refer to the capacity of the person signing the document to be rectified. A form which is not properly signed will be rejected by the Companies Registry.

Particulars of the Registered Document to be Rectified (Sections 2A, 2B and 2C)

7. Please state details of the registered document to be rectified, including the form number (if applicable), name of registered document, filing date and document reference number.

Rectification of Personal Particulars in the Registered Document (Sections 3A and 3B)

- **8.** Please select the capacity(ies) of the person whose personal particulars are to be rectified. If the capacity is other than company secretary/ director/ alternate director/ reserve director, please state his/her capacity, e.g. liquidator, provisional liquidator, receiver, manager or authorized representative of a registered non-Hong Kong company.
- **9.** The name of the related person must be the same as stated in his or her Hong Kong Identity Card or, if he or she does not hold a Hong Kong Identity Card, in his or her passport.
- 10. Please report the correct usual residential address after rectification on the PI-AD sheet.
- 11. Please report the correct full identification number after rectification on the PI-AD sheet.
- 12. Please report the *partial identification number* according to the format described below:
 - (i) if the identification number comprises a sequence of an even number of alphanumeric characters (excluding spaces, punctuation marks and symbols) the first half of the sequence; or

(ii) if the identification number comprises a sequence of an odd number of alphanumeric characters (excluding spaces, punctuation marks and symbols) — the part that begins with the first character in the sequence and ends with the character that falls on the middle of the sequence.

Examples:

Hong Kong Identity Card Number

Full Number (including the digit or alphabet in brackets)	Partial Number (i.e. all the alphabets and the first three digits)
A123456(7)	A 1 2 3 * * (*)
AA123456(7)	A A 1 2 3 * * (*)

Passport Number

Full Number (including punctuation marks and symbols)	Partial Number
ABCD1234567	ABCD12
ABCD12345678	ABCD12
ABCD123456789	ABCD123
ABC-123-4	ABC1
#A1234567H(*)	A1234

Please **<u>DO NOT</u>** fill in the full identification number in the box provided. Information provided in the box is available for public inspection.

Rectification of Other Information Not Covered by Section 3 of this Form (Section 4)

- **13.** For rectification of information not covered by section 3 of this form, such as information of members, share capital, registered office address, etc., relevant details should be reported in this section.
- **14.** Please state clearly the location of the error in the registered document, e.g. the page number, section number or continuation sheet, etc., of the registered document containing the error to be rectified for easy identification.
- 15. If the page of the registered document containing the erroneous information does not include any full identification number of an individual or usual residential address of director, alternate director or reserve director, you may deliver together with this form the relevant page of the registered document with errors rectified for ease of indicating the rectifications. The word "AMENDED" should be printed on the top of the amended page. Please also underline the corrected information and ensure that rest of the content remain identical to the original registered document.

Rectification of Typographical or Clerical Error in Registered Document - Protected Information (PI- AD)

- **16.** Hong Kong Identity Card number or passport number and usual residential address reported on PI-AD sheet are protected information. PI-AD sheet and the information reported therein are withheld from public inspection.
 - Each PI-AD sheet can only report the protected information of 1 natural person. If information for more than 1 natural person is to be reported, please use additional PI-AD sheet(s).
- 17. Please state the correct usual residential address of the director, alternate director or reserve director. If a non-Hong Kong address is given, please also complete the box for 'Country/Region'. 'Care of' addresses or post office box numbers are not acceptable.