



公 司 註 冊 處
COMPANIES REGISTRY

香港金鐘道六十六號
金鐘道政府合署十五樓

QUEENSWAY GOVERNMENT OFFICES
15TH FLOOR, 66 QUEENSWAY
HONG KONG

檔號 REF.: CR HQ/1-50/15 Pt. 5

傳真 FAX: (852) 2869 6817

電郵 E-MAIL: crenq@cr.gov.hk

網址 WEBSITE: www.cr.gov.hk

27 December 2023

Companies Registry External Circular No. 8 / 2023

Commencement of Phase 3 of New Inspection Regime

This circular announces the commencement of **Phase 3** of the New Inspection Regime of the Companies Register (“NIR”) under the Companies Ordinance (Cap. 622) (“CO”) with effect from **27 December 2023**.

Background

2. As set out in the Companies Registry External Circular No. 1/2021 issued on 16 August 2021, the NIR would be implemented in three phases. Phase 1 and Phase 2 came into operation on 23 August 2021 and 24 October 2022 respectively.

3. Starting from the commencement of Phase 2 of the NIR, the usual residential addresses of directors and full identification numbers of directors, company secretaries and some other individuals (such as liquidators and provisional liquidators) (“Protected Information”) contained in documents delivered to the Companies Registry (“the Registry”) for registration thereafter will not be provided for public inspection pursuant to section 54 of the CO.

4. Phase 3 of the NIR is targeted to be implemented with effect from 27 December 2023.

Application for Withholding Personal Information from Public Inspection

5. Starting from the commencement of Phase 3 of the NIR on 27 December 2023, the Registrar of Companies (“the Registrar”) may, on application by a data subject

pursuant to section 49(1) of the CO, withhold from public inspection the usual residential address (if applicable) or the full identification number of the applicant (“Withheld Information”) contained in a document delivered to the Registrar for registration before, on or after the commencement date of Phase 3 of the NIR under the CO, the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) or the Companies Ordinance (Cap. 32) as in force from time to time before the commencement of the CO.

6. An application for withholding the usual residential address from public inspection may be made by a director, reserve director or company secretary, or a former director, reserve director or company secretary of a company. If the application is approved, the Registrar will instead make available for public inspection an address contained in the application as the applicant’s correspondence address. An application for withholding the full identification number from public inspection may be made by the data subject.

Introduction of New Specified Form

7. The Registrar has specified a new **Form MPI** “Application to Withhold Residential Address or Identification Number from Public Inspection” for use for the purpose of section 49(1) of the CO **with effect from 27 December 2023**. The new form has been published in the Gazette on 22 December 2023 under G.N. 7698.

8. The new specified form can be downloaded from the thematic section on “New Inspection Regime” on the Registry’s website. Individual forms can also be purchased at the Registry’s office on the 13th floor of the Queensway Government Offices, 66 Queensway, Hong Kong.

Application by “Specified Persons” for Disclosure of Withheld Information

9. Under Phase 2 of the NIR, the Registrar may, on application made for the purposes of section 58(3) of the CO, disclose Protected Information to the persons specified in section 12 of the Companies (Residential Addresses and Identification Numbers) Regulation (Cap. 622N) (“Regulation”) for the purpose of the performance of their functions.

10. Starting from the commencement of Phase 3 of the NIR, the Registrar may also, on application made for the purposes of section 51(3) of the CO, disclose Withheld

Information to the persons specified in section 8 of the Regulation for the purpose of the performance of their functions.

11. “Specified persons” can apply for disclosure of Withheld Information / Protected Information at the Registry’s new e-Services Portal (www.e-services.cr.gov.hk) through the “**Access to PI / WI**” Services. The key features for the application by “specified persons” for disclosure of Withheld Information / Protected Information is summarised at the **Annex**.

12. Paragraphs 9 to 15 of the Companies Registry External Circular No. 5 / 2022 “Implementation of Phase 2 of New Inspection Regime – Major Changes in Public Search Services” and its Annex in relation to the application for disclosure of Protected Information are hereby superseded with immediate effect.

Revision of Three Existing Specified Forms

13. To facilitate the persons specified under sections 8 and 12 of the Regulation to apply for disclosure of Withheld Information / Protected Information in paper form, the Registrar has revised the following specified forms for use for the purposes of sections 51(3) and 58(3) of the CO with effect from **27 December 2023**.

	<u>Form Number</u>	<u>Revised Name of Form</u>
(a)	Form PS1	“Application for Disclosure of Withheld Information / Protected Information (By data subject / person authorized in writing by a data subject / member of the data subject’s company)”
(b)	Form PS2	“Application for Disclosure of Withheld Information / Protected Information (By liquidator / trustee in bankruptcy / public officer or public body / scheduled person)”
(c)	Form PS3	“Application for Disclosure of Withheld Information / Protected Information (By solicitor or foreign lawyer / certified public accountant (practising) / financial institution or DNFBP)”

14. The revised forms have been published in the Gazette on 22 December 2023 under G.N. 7699 and can be downloaded from the thematic section on “New Inspection Regime” on the Registry’s website. Individual forms can also be purchased at the Registry’s office on the 13th floor of the Queensway Government Offices, 66 Queensway, Hong Kong.

Information and Enquiries

15. The Registry has updated the information in respect of the commencement of Phase 3 of the NIR in the thematic section on “New Inspection Regime” on its website at www.cr.gov.hk/en/legislation/nir/overview.htm.



16. A new information pamphlet “How to Apply to Withhold Residential Address or Identification Number from Public Inspection” and the Frequently Asked Questions about the application for withholding personal information from public inspection have been uploaded to the thematic section.

17. The existing information pamphlets in relation to the application for disclosure of Protected Information have also been revised to include information about application for disclosure of Withheld Information and renamed as “How to Obtain Withheld Information / Protected Information” and “Additional Documents for the Application for Disclosure of Withheld Information / Protected Information”.

18. Enquiries concerning this circular can be directed to Mr Terence MOK, Assistant Registry Manager (Public Search), at 2867 1466 or crenq@cr.gov.hk.

Miss Helen TANG
Registrar of Companies

Phase 3 of New Inspection Regime

A Summary of the Key Features for the Application for Disclosure of Withheld Information / Protected Information by “Specified Persons”

I. Application for Disclosure of Withheld Information / Protected Information

- “Specified persons” can apply for disclosure of Withheld Information / Protected Information (“WI/PI”) through the following means for the performance of their functions specified in section 8 or section 12, as the case may be, of the Companies (Residential Addresses and Identification Numbers) Regulation (Cap. 622N) (“Regulation”):

(a) One-time Online Application for Disclosure of WI/PI

- (i) **Only the following “specified persons” can apply** for disclosure of WI/PI through this type of application:
 - a data subject;
 - a person who is authorized in writing by a data subject to obtain the information;
 - a member of the data subject’s company.
- (ii) The application can be made at the e-Services Portal of the Companies Registry (“the Registry”) at www.e-services.cr.gov.hk.

(b) One-time Application in Paper for Disclosure of WI/PI

- (i) **Any “specified person” can apply** for disclosure of WI/PI through this type of application.
- (ii) The application should be submitted by using one of the following specified forms:
 - **Form PS1** – “Application for Disclosure of Withheld Information / Protected Information (By data subject / person authorized in writing by a data subject / member of the data subject’s company)”
 - **Form PS2** – “Application for Disclosure of Withheld Information

／Protected Information (By liquidator／trustee in bankruptcy／public officer or public body／scheduled person)”

- **Form PS3** – “Application for Disclosure of Withheld Information／Protected Information (By solicitor or foreign lawyer／certified public accountant (practising)／financial institution or DNFBP)”

(c) Online Application for Disclosure of WI/PI via User Account

(i) **Only the following designated types of “specified person”** (“designated “specified person””) can apply for disclosure of WI/PI **online on a 24-hour basis** at the e-Services Portal through a User Account with subscription to the “WI/PI Search Services” :

- a liquidator;
- a trustee in bankruptcy;
- a public officer or public body;
- a person specified in the Schedule to the Regulation;
- a solicitor or foreign lawyer;
- a certified public accountant (practising);
- a financial institution or Designated Non-Financial Business and Profession (DNFBP).

(ii) A designated “specified person” **being a natural person** can apply for disclosure of WI/PI **online through his/her User Account**. A designated “specified person” **not being a natural person** will need to have an **authorised representative appointed by it to make online application for disclosure of WI/PI through the authorised representative’s User Account with subscription to the WI/PI Search Services**.

- If the application for disclosure of WI/PI is approved, the Registry will issue a **Withheld Information / Protected Information Report** on the selected data subject to the applicant.

II. Application for Subscribing to the WI/PI Search Services

- A designated “specified person” can set up a User Account to subscribe to the WI/PI Search Services at the Registry’s e-Services Portal. If the designated “specified person” has already registered a User Account, the designated “specified person” can log in to the User Account to subscribe to the WI/PI Search Services.

- For a designated “specified person” **not being a natural person**, it is **required to further apply online through its User Account for approval for its authorised representative to subscribe to the WI/PI Search Services.**
- Each User Account of a designated “specified person” which is not a natural person can apply for and manage 15 authorised representatives at most.
- A designated “specified person” not being a natural person can apply for separate User Accounts for its branches / sub-offices. To differentiate these User Accounts being applied for, the names of the branches / sub-offices should be provided in the application for opening of User Account.

III. Requirements on Supporting Documents

- Supporting documents are required to be accompanied with the following types of applications:
 - (a) One-time application for disclosure of WI/PI
 - (b) Application for subscribing to the WI/PI Services by a designated “specified person”
 - (c) Application by a designated “specified person” not being a natural person for approval for its authorised representative to subscribe to the WI/PI Search Services
- In general, the supporting documents include the following:

For one-time application for disclosure of WI/PI

- (a) Identification document of the applicant, and in case of the applicant not being a natural person together with the identification documents of its authorised representative who is a natural person;
- (b) Documents evidencing the capacity of the applicant as a “specified person”; and
- (c) Authorisation documents (if applicable)
 - (i) If the applicant is a natural person who is authorized by a data subject to make an application on his/her behalf, an authorisation letter by the data subject will be required.
 - (ii) If the applicant is not a natural person, an authorisation letter by the

applicant to authorise the natural person representative named in the application to apply for WI/PI on its behalf will be required.

For application for subscribing to the WI/PI Services

- (a) Identification document of the applicant;
- (b) Documents evidencing the capacity of the applicant as a “specified person”; and
- (c) If the applicant is not a natural person, authorisation letter issued by the applicant to authorise the natural person named in the application to make the application on its behalf.

For application for the authorised representative of a designated “specified person” not being a natural person to subscribe to the WI/PI Search Services

- (a) Identification document of the authorised representative; and
 - (b) Authorisation letter issued by the applicant to authorise the natural person authorised representative to apply for WI/PI on its behalf in future.
- Certified true copy of the supporting documents should be submitted with the application. The certification should be made by:
- (a) a notary public practising in Hong Kong;
 - (b) a solicitor practising in Hong Kong;
 - (c) a certified public accountant (practising) within the meaning of section 2 of the Accounting and Financial Reporting Council Ordinance (Cap. 588);
 - (d) an officer of the court in Hong Kong who is authorised by law to certify documents for any judicial or other legal purpose;
 - (e) a professional company secretary practising in Hong Kong;
 - (f) a consular officer of the applicant’s home country, in case of the applicant is a non-Hong Kong resident or an entity not registered in Hong Kong; or
 - (g) the authority or body which issues the document.
- Alternatively, the applicant may choose to present the original supporting documents in person to the Registry. The applicant may bring the original documents to the e-Services Centre of the Registry on 13th floor, Queensway Government Offices, 66 Queensway, Hong Kong for checking. Please allow

sufficient time for the checking.

- Detailed requirements on the supporting documents are set out in the Registry's information pamphlet "**Additional documents for the Application for Disclosure of Withheld Information / Protected Information**".

IV. Downloading of Forms

- The specified Forms PS1, PS2 and PS3 for making application for disclosure of Withheld Information / Protected Information in paper can be downloaded from the thematic section on "New Inspection Regime" on the Registry's website at www.cr.gov.hk/en/legislation/nir/newforms.htm.

