

Validity Period and Renewal of Licence

- In usual circumstances, a licence, once granted, will last for 3 years.
- A licensee may apply to the Registrar for a renewal of the licence.
- Applicants for renewal of a licence will be subject to the same “fit and proper” test applicable to an application for a new licence.
(AMLO sections 53K and 53O)



Revocation or Suspension of Licence

- The Registrar may revoke a licence or suspend a licence for a specified period if the Registrar considers that an individual licensee, any partner, director or ultimate owner of a licensee is no longer a fit and proper person to carry on, or be associated with, a trust or company service business.
- The Registrar must inform the licensee of the revocation or suspension by notice in writing.
- The revocation or suspension of licence takes effect at the time specified in the notice.
(AMLO section 53R)



Registrar's Approval to Become a Partner/ Director/ Ultimate Owner of a TCSP Licensee

- Any person proposing to become a partner, director or an ultimate owner of a licensee is required to obtain the Registrar's prior written approval.
- The application for the approval is to be made by the licensee.
- The Registrar will apply the same "fit and proper" test.

(AMLO sections 53S, 53T & 53U)



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Licensee's Duty to Give notifications



- A licensee has the duty to notify the Registrar if :-
 - there is any change in the particulars previously provided in connection with the licensee's application for the grant or renewal of a licence;
 - the licensee intends to cease to carry on the trust or company service business.
- (AMLO section 53X)



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Power of Inspection and Discipline

➤ Site inspections will be carried out to ensure compliance with the CDD and record-keeping requirements.



➤ Licensees will be subject to disciplinary sanctions to be imposed by the Registrar as follows :-

- public reprimand;
- remedial order to remedy the contravention;
- payment of a pecuniary penalty not exceeding \$500,000.



Transitional Arrangements (1)

- When the licensing requirement comes into effect, a person is deemed to have been granted a licence if the person is at the time :-
 - carrying on a TCSP business; and
 - holding a valid business registration certificate.
- There will be a transitional period of 120 days.



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Transitional Arrangements (2)

- A deemed licence will cease to have effect in certain events, such as :-
 - no application for a licence is made within the transitional period, and the transitional period ends;
 - an application for a licence is made within the transitional period and the licence is granted or not granted;
 - the deemed licensee ceases to hold a valid BR certificate;
 - the deemed licensee ceases to carry on the TCSP business.

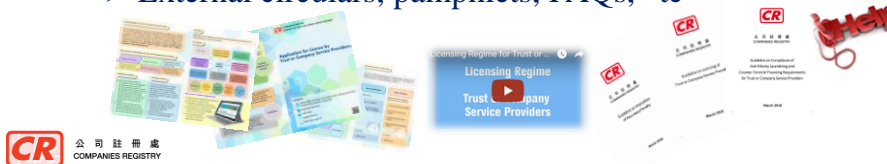


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Guidelines and Reference Materials

- The Registrar has published the following guidelines:-
- Guideline on Licensing of Trust or Company Service Providers;
 - Guideline on Compliance of Anti-Money Laundering and Counter-Terrorist Financing Requirements for Trust or Company Service Providers;
 - Guideline for Imposition of Pecuniary Penalty.

➤ External circulars, pamphlets, FAQs, tc



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Thank You

Registry for Trust and Company Service Providers
<https://www.tcsp.cr.gov.hk>