




Licensing Regime for Trust or Company Service Providers

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The Need to Implement the Licensing Regime for TCSPs



To strengthen Hong Kong's position as an international financial centre

To enhance Hong Kong's anti-money laundering and counter-terrorist financing ("AML/CTF") regime

To implement recommendations of the Financial Action Task Force

Commencement of the Licensing Regime

1 March 2018

Commencement of the amendments to the **Anti-Money Laundering and Counter-Terrorist Financing Ordinance** (Cap. 615) (“**AMLO**”)

Commencement of the licensing regime

Implementation of Licensing Regime

Administration of the licensing regime

- Establishment of the **Registry for Trust and Company Service Providers**
- Setting up the website for the licensing regime

Publication of 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 (“AML/CTF Guideline”)
- Guideline on Imposition of Pecuniary Penalty

Overview of Licensing Requirements

To carry on trust or company service business

- Apply for a trust or company service provider (“TCSP”) licence and satisfy the fit-and-proper test

As a TCSP licensee

- Comply with the conditions of TCSP licence
- Apply for the prior approval of the Registrar of Companies for adding new ultimate owner / partner / director
- Notify the Registrar of changes in particulars and intended cessation of trust or company service business
- Apply for renewal of licence

Reminder to TCSP Licensees

Applying for the Registrar's prior approval for adding new ultimate owner / partner / director

- Unless the person is exempted from the fit-and-proper test, the licensee **MUST** apply for the Registrar's **PRIOR** approval

Notifying changes in particulars

- Licensees must file notification of changes in particulars **WITHIN ONE MONTH** beginning from the date of the change
- Filing of Form ND2A / Form NR1 \neq Filing of Form TCSP6

AML/CTF Requirements

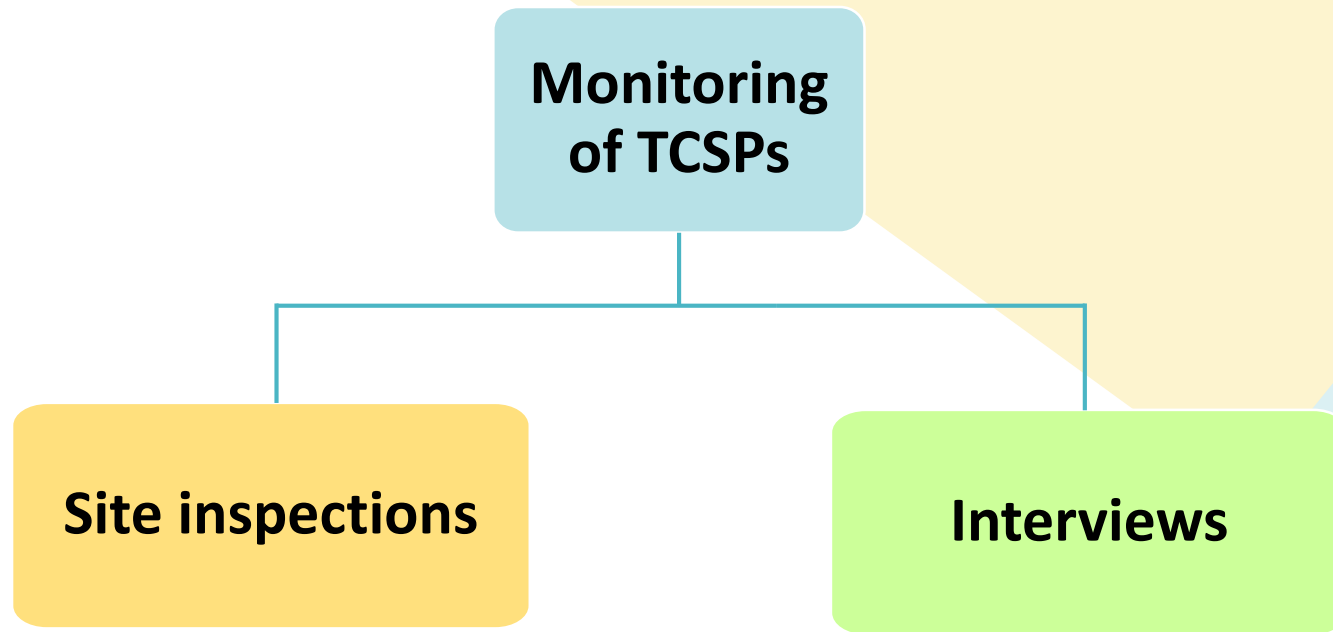
Under the AMLO and the AML/CTF Guideline

- Carrying out customer due diligence measures
- Keeping records of customers and transactions

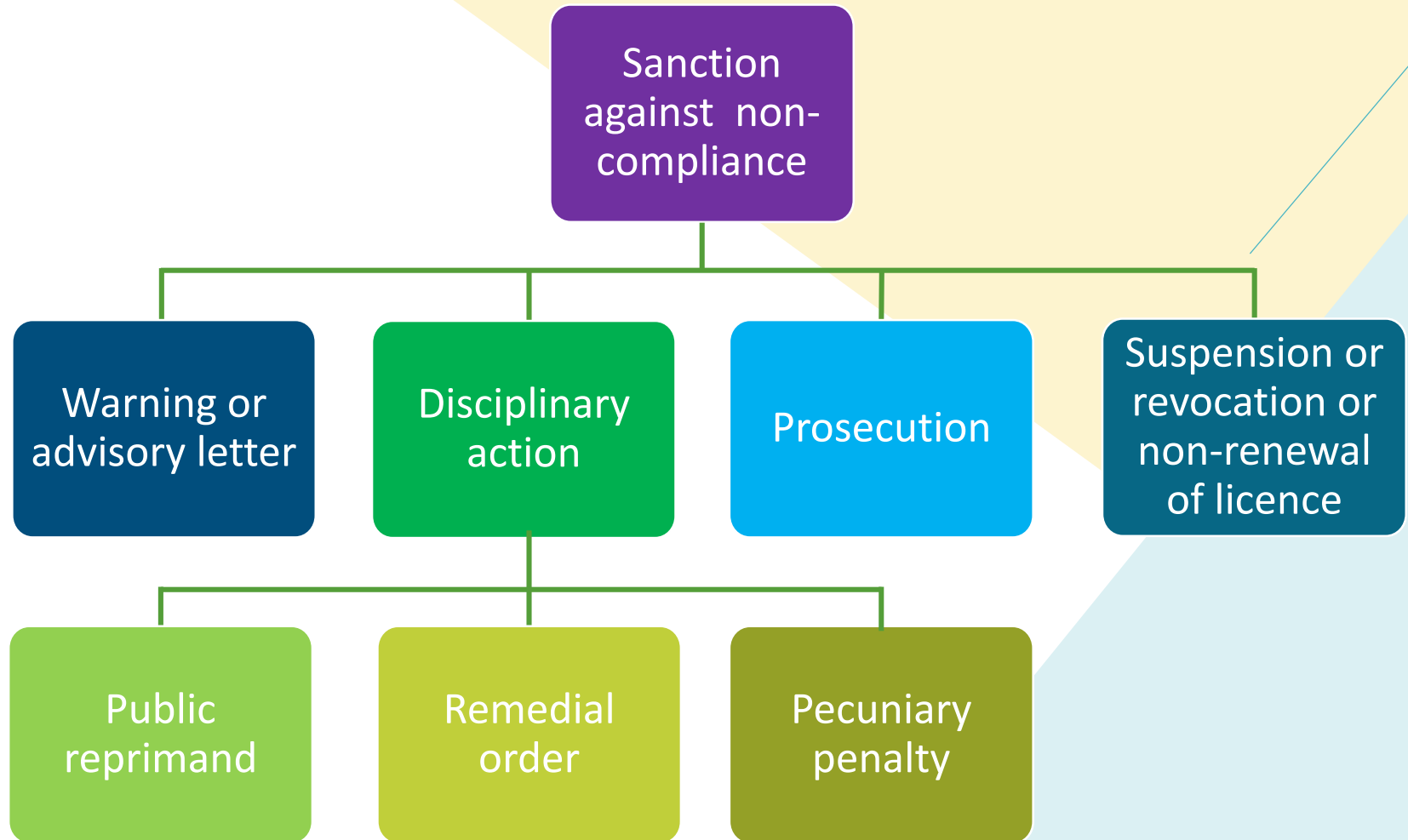
Under other legislation

- Complying with the statutory requirements relating to:
 - Financial sanctions
 - Terrorist financing
 - Proliferation of weapons of mass destruction
- Reporting suspicious transactions to the **Joint Financial Intelligence Unit**

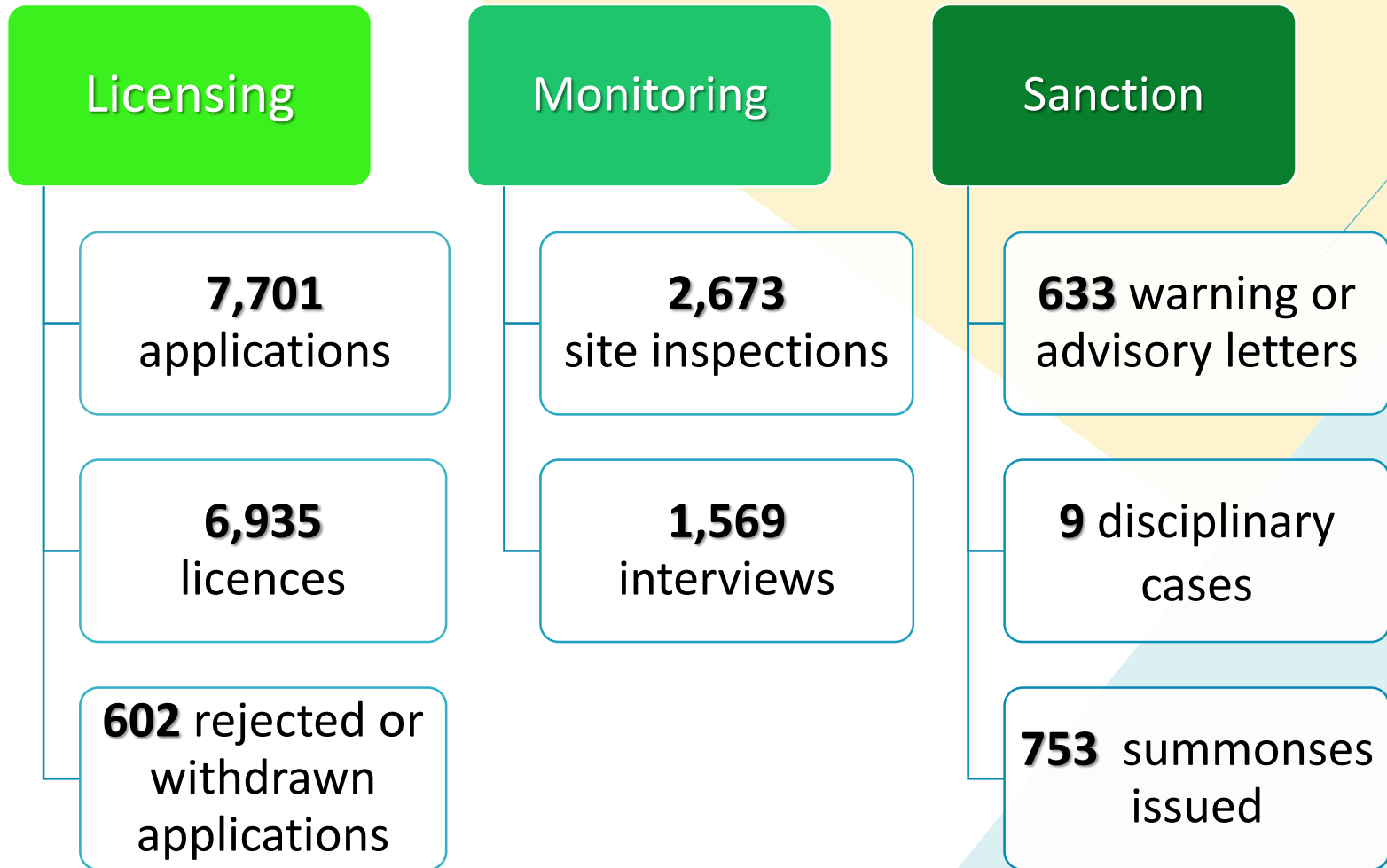
Enforcement of the Licensing Regime (1)



Enforcement of the Licensing Regime (2)



Statistics as at 30 November 2019



The End

