



# **CUSTOMS AND EXCISE DEPARTMENT**

*Anti-Money Laundering and Counter-Terrorist Financing*

*Ordinance, Chapter 615, Laws of Hong Kong*

## **Guidance Notes**

**of**

**Advance Notification for obtaining Branch Certificate(s)**

**for New Branch(es) or Temporary Booth(s)**

**Form 5**

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## *Part A - General Information*

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### **1. Introduction**

- 1.1 Under section 53ZV(2) of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Chapter 615, Laws of Hong Kong (AMLO), a registrant must display a branch certificate in a conspicuous place at each branch (i.e. business premises for carrying out face-to-face transactions with customers). A registrant, without reasonable excuse, contravenes this section commits an offence and is liable on conviction to a fine of \$50,000.
- 1.2 In order to obtain a branch certificate timely so as to fulfil the display of certificate requirement, registrants shall notify the Commissioner of Customs and Excise (CCE) at least seven working days in advance. In this connection, the registrant shall complete the “Advance Notification for obtaining Branch Certificate(s) for New Branch(es) or Temporary Booth(s)” (Form 5) for submission.

### **2. Branch certificate(s) of New Branch(es) or Temporary Booth(s) for carrying out face-to-face transactions with customers**

- 2.1 This form is **only** applicable for registrants requesting branch certificate(s) for **new branch(es) or temporary booth(s) for carrying out face-to-face transactions with customers**.
- 2.2 Here are some examples of premises of temporary nature :
- (i) sales booth(s) at shopping malls;
  - (ii) exhibition booth(s) in a trade fair or event at the Hong Kong Convention and Exhibition Centre or function rooms of hotels; or
  - (iii) premises rented under short-term tenancy agreement.
- 2.3 If the new branch(es) or booth(s) is temporary in nature, the registrant can specify the end date (if known) in the form and the branch(es) or booth(s) will be deleted from the Register of Registrants with certificate(s) expired on the same date. Request for deleting the premises through submission of Form 6A(BR) or Form 6B(BR) will no longer be required.

- 2.4 Should the new branch(es) or booth(s) be residential premises or mixed commercial and residential premises, the registrant should obtain the written consent of every occupant of the premises for a person authorized by CCE to enter the premises for conducting a routine inspection.
- 2.5 New branch(es) or temporary booth(s) should be accessible by officers of the Customs and Excise Department (C&ED) for the enforcement of the AMLO.
- 2.6 For reporting other changes relating to all business premises (including deletion or relocation of existing branch(es)), registrants shall use Form 6A(BR) or Form 6B(BR). In addition to carrying out face-to-face transactions, business premises also include those for the purpose of:
- (i) the administration of the affairs or business of the registrant;
  - (ii) the processing of transactions; or
  - (iii) the storage of documents, data or records.

### **3. Submission of Form 5**

#### 3.1 Form 5

Form 5 can be obtained from the Dealers in Precious Metals and Stones Supervision Bureau (DPSB) of the C&ED or downloaded from <https://www.drs.customs.gov.hk>.

#### 3.2 Submission means

Registrant may submit an electronic Form 5 with all required supporting documents through the registration system at <https://www.drs.customs.gov.hk>. Registrant can also submit the Form 5 in person or by post.

#### 3.3 Points-to-Note

- i. Registrants are reminded to ensure that Form 5 is submitted together with all required supporting documents\*. If the registrant fails to produce the documents, the Form 5 may be considered invalid and may not be processed by the C&ED.
- ii. If there is any change to the information contained in the Form 5 after its submission, the registrant should submit a written request to the CCE promptly. Likewise, if the registrant wishes to withdraw a submitted Form 5, the registrant shall submit a written request to the CCE. Registrants are reminded that any amendments shall form an integral part of their notification. The supplementary information must be submitted together with copies of relevant supporting documents to the CCE.

- \* *If a valid Branch Registration Certificate issued by the Inland Revenue Department is not readily available at the time of application, the registrant shall submit a copy of it as a supplementary document within a month upon the receipt of the branch certificate issued by C&ED.*

#### **4. Processing of Form 5**

- 4.1 Upon receipt of Form 5 and the relevant documents, the CCE may also request the registrant to provide additional information to process the notification where necessary. Failure to do so within a period as specified by the CCE may cause delay in processing the notification.
- 4.2 The address of the new branch(es) or temporary booth(s) will be shown on the Register of Registrants according to s.53ZUC of the AMLO for inspection by members of the public at the DPSB's office and the C&ED's website.

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## *Part B - Notes on How to Complete Form 5*

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Please fill in the form in block letters and black ink according to the instructions stated in Form 5 and this Guidance Notes. An illegible handwritten form will not be processed.

### **Part I - General information of the registrant**

1. Please provide the information of the registrant including the DPMS Registration number, name and business registration number.

### **Part II - Particulars of the new Branch or the Temporary Booth**

- 2.1 Please provide the particulars of the new branch(es) or temporary booth(s) in which the registrant carry out face-to-face transactions with customers, including the opening date and closing date (if applicable), premises type, address and contact information.
- 2.2 Where the new branch(es) or temporary booth(s) are residential or mixed commercial and residential premises, the registrant must list out the names of all the occupants. Separate sheet may be used if space in Form 5 is insufficient. The registrant should obtain the written consent of every occupant of the premises for any authorized person to enter the premises for conducting a routine inspection. The registrant should also ensure that each occupant has read the Personal Information Collection Statement in Part C of the Guidance Notes. The sample of the Letter of Consent is at *Appendix I* for reference.

### **Part III - Declaration by the person who submits this form**

3. The person who submits Form 5 should read the declaration in Part III of Form 5, fill in his/her particulars and sign.

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## *Part C - Personal Information Collection Statement*

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### **1. Purpose of Collection**

- 1.1 Personal data provided to the CCE pursuant to the requirements of the AMLO will be used by the CCE for one or more of the following purposes:
- i. to administer the AMLO;
  - ii. to enforce relevant provisions of the AMLO (including relevant conditions of DPMS registrant);
  - iii. to issue certificate for display and maintain a register of registrants (the Register) containing the name of every registrant, their category of registration and the address(es) of the principal place of business and branch(es) for public inspection; and
  - iv. to provide a certified copy of an entry in an extract from the Register or a certificate issued by the CCE under the AMLO to any person subject to payment of a fee.
- 1.2 Provision of the required personal data to the CCE is obligatory for compliance with the AMLO. The DPSB will not be able to process the relevant notifications if the required personal data are not provided.

### **2. Classes of Transferees**

Personal data provided in Form 5 as well as any updates of them may be disclosed to other Government departments / bureaux or organizations for the purposes mentioned above; or any third parties under section 76D of the AMLO; or where such disclosure is authorized or required by law.

### **3. Access to Personal Data**

You have the right of access to and correction of your personal data provided in the Personal Data (Privacy) Ordinance (PDPO). Your right of access includes the right to obtain a copy of your personal data provided in Form 5. In accordance with the provisions of the PDPO, we have the right to charge a reasonable fee for the processing of any data access request.

#### **4. Enquiries to Personal Data**

Enquiries concerning the personal data collected by Form 5, including the request for access to and correction of personal data, should be addressed to Departmental Secretary, Office of Departmental Administration Customs and Excise Department, 31/F, Customs Headquarters Building, 222 Java Road, North Point, Hong Kong.



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### *Part D - General Enquiry*

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1. Registrants may visit the website at <https://www.drs.customs.gov.hk> for more information relating to Form 5. For enquiries, the registrant may write to [dpms\\_enquiry@customs.gov.hk](mailto:dpms_enquiry@customs.gov.hk) or call the following enquiry hotlines during normal office hours:

Enquiry Hotlines: 3580 1483 (Chinese) / 3580 1484 (English)

2. This set of Guidance Notes is not a legal document. It only serves as a guide in completing the *Form 5 “Advance Notification for obtaining Branch Certificate(s) for New Branch(es) or Temporary Booth(s)”*. In case of doubt on any legal issues, please refer to the AMLO or seek assistance from your legal advisor as necessary.



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*Appendix II - Sample Letter of Authorization (Corporation)*

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(Company Name / Logo / Letterhead)

To : Commissioner of Customs and Excise

**Letter of Authorization**

The Board of Directors of [the name of corporation] authorizes [name of the person], holder of Hong Kong Identity Card No. [ ID no. of the person ], in the capacity as one of our directors, to act for and on behalf of the Company, in submitting documents to or attending interview(s) with the Customs & Excise Department in relation to its Dealer in Precious Metals and Stones Registration.

Name : \_\_\_\_\_  
( *Name of the authorized signatory* )

Position : \_\_\_\_\_

Signature : \_\_\_\_\_

Company Chop : \_\_\_\_\_

Date : \_\_\_\_\_