

香港特別行政區政府  
財經事務及庫務局  
財經事務科  
香港夏慤道十八號  
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FINANCIAL SERVICES AND  
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**CB(1)2165/10-11(03)**

**By Fax (2877 5029) (total 4 pages)**

12 May 2011

Miss Kitty CHENG  
Assistant Legal Adviser  
Legal Service Division  
Legislative Council Secretariat  
8 Jackson Road  
Central  
Hong Kong

Dear Ms. Cheng,

**Anti-Money Laundering and  
Counter-Terrorist Financing (Financial Institutions) Bill**

I refer to your letter dated 29 April 2011 requesting the Administration to provide a summary of the provisions in the above-named Bill which enable the authorities to make or amend the Schedules to the Bill, regulations and guidelines etc.

The information requested is set out as follows:

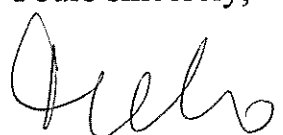
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| <b>Provision</b> | <b>Subject Matter</b>  | <b>Person vested with the power</b>               | <b>Legal Status</b>       | <b>Procedure</b>  |
|------------------|--|---|---------------------------|---|
| cl. 1(4)         | Amendment of the commencement date provided under clause 1(2)          | Secretary for Financial Services and the Treasury | Subsidiary legislation    | Scrutiny by the Legislative Council ("LegCo") under negative vetting procedure                                    |
| cl 2(2)          | Amendment of Part 2 of Schedule 1                                      | Secretary for Financial Services and the Treasury | Subsidiary legislation    | Scrutiny by LegCo under negative vetting procedure  |
| cl. 6            | Amendment of Schedule 2  | Secretary for Financial Services and the Treasury | Subsidiary legislation    | Scrutiny by LegCo under negative vetting procedure  |
| cl. 7(1)         | Guidelines in relation to the operation of any provision of Schedule 2 | Relevant authorities                              | Administrative guidelines | Instruments to be issued by administrative means (and published in the Gazette), not subject to LegCo's scrutiny. |
| cl. 23(1)        | Guidelines indicating the manner in which a                            | Relevant authorities                              | Administrative guidelines | Instruments to be issued by administrative  |

| <b>Provision</b> | <b>Subject Matter</b>  | <b>Person vested with the power</b>               | <b>Legal Status</b>       | <b>Procedure</b>  |
|------------------|--|---|---------------------------|---|
|                  | relevant authority proposes to exercise the power to impose a pecuniary penalty referred to in clause 21(2)(c)   |   |                           | means (and published in the Gazette), not subject to LegCo's scrutiny.  |
| cl. 44(1)        | Guidelines indicating the manner in which the Commissioner proposes to exercise the power to impose a pecuniary penalty referred to in clause 42(2)(c) | Commissioner of Customs and Excise                | Administrative guidelines | Instruments to be issued by administrative means (and published in the Gazette), not subject to LegCo's scrutiny. |
| cl. 49           | Amendment of Schedule 3  | Commissioner of Customs and Excise                | Subsidiary legislation    | Scrutiny by LegCo under negative vetting procedure  |
| cl.50            | Making of regulations for the better carrying out of the provisions and purposes of Part 5   | Commissioner of Customs and Excise                | Subsidiary legislation    | Scrutiny by LegCo under negative vetting procedure  |
| cl. 57           | Amendment of Schedule 4  | Secretary for Financial Services and the Treasury | Subsidiary legislation    | Scrutiny by LegCo under negative vetting procedure  |

| Provision | Subject Matter  | Person vested with the power | Legal Status           | Procedure  |
|-----------|---|------------------------------|------------------------|--|
| cl. 75    | Power to make rules for registration of an order of the Tribunal in the Court of First Instance under clause 67(1) and the procedure for the hearing of appeals under clause 70 | Chief Justice                | Subsidiary legislation | Scrutiny by LegCo under negative vetting procedure |
| cl. 76    | Making of regulations for the better carrying out of the provisions and purposes of the Ordinance (except Part 5)   | Chief Executive in Council   | Subsidiary legislation | Scrutiny by LegCo under negative vetting procedure |

Yours sincerely,



(Miss Melo Man)

for Secretary for Financial Services and the Treasury