

L.N. 52 of 1999

BUSINESS REGISTRATION (AMENDMENT) REGULATION 1999

(Made under section 14(1A) of the Business Registration Ordinance (Cap. 310))

1. Commencement

This Regulation shall come into operation on 1 April 1999.

2. Application for registration

Regulation 3 of the Business Registration Regulations (Cap. 310 sub. leg.) is amended---

(a) by adding "to the Commissioner" after "shall be made";

(b) by repealing "Such application shall be forwarded in duplicate to the Commissioner." and substituting---

"Such application shall be accompanied by full payment of---

(i) the fee prescribed in item 1 of Schedule 1 to the Ordinance or in item 2 of Schedule 2 to the Ordinance, as the case may be; and

(ii) the levy.".

3. The register

Regulation 4 is amended---

(a) in paragraph (4), by repealing "移走" where it twice appears and substituting "刪除";

(b) by adding---

"(4A) The Commissioner may remove from the register all particulars (except the name and the identifying numbers assigned to applications under paragraph (1)) in respect of---

(a) any business which has been found untraceable by the Commissioner during the period of 10 years immediately preceding the date of the removal; or

(b) any business which has not paid the prescribed business registration fee or prescribed branch registration fee or the levy as required under the Ordinance for a continuous period of 10 years immediately preceding the date of the removal.

(4B) Where the Commissioner has removed any particulars under paragraph (4A)(a) or (b), he shall record the removal on the register in such manner as he sees fit.

(4C) The particulars in respect of a business removed from the register under paragraph (4A)(a) may be reinstated on the register where the person carrying on the business provides to the Commissioner such information as to enable the Commissioner to trace the business and provided that all outstanding fees and levies relating to the business together with any penalties payable are paid.

(4D) The particulars in respect of a business removed from the register under paragraph (4A)(b) may be reinstated on the register where all outstanding fees and

levies relating to the business together with any penalties payable are paid.

(4E) Where the Commissioner has reinstated any particulars under paragraph (4C) or (4D), he shall record the reinstatement on the register in such manner as he sees fit.

(4F) The Commissioner may remove from the register any information in respect of any business where such information has been replaced by information received by the Commissioner under section 8 of the Ordinance, or has otherwise become obsolete, for a period of 10 years immediately preceding the date of the removal.

(4G) Any information removed from the register under paragraph (4F) shall not be reinstated on the register."

#### 4. Business and branch registration certificates

Regulation 5 is amended by adding---

"(1A) The Commissioner shall endorse on a business registration certificate and a branch registration certificate a date of commencement and a date of expiry for the business registration certificate or the branch registration certificate, as the case may be."

#### 5. Forms

Regulation 9 is amended---

(a) in Form 1(a), in section A, in item 4(a)(ii), by repealing "(if applicable)";

(b) in Form 1(b), in section A---

(i) in item 1(a)(ii), by repealing "(if applicable)";

(ii) by repealing item 2 and substituting---

"2. If body corporate is not incorporated in Hong Kong

and is one to which Part XI of the Companies

Ordinance (Cap. 32) applies:

(a) Name of body corporate :

(b) Place of incorporation :

(c) Name and address of

person or persons

resident in Hong Kong

whose particulars have

been delivered to the

Registrar of Companies :

(d) Date of registration

under Part XI of the

Companies Ordinance (Cap. 32) : ";

(iii) by repealing item 3 and substituting---

"3. If body corporate is not incorporated in Hong Kong

and is one to which Part XI of the Companies Ordinance (Cap. 32) does not apply:

(a) Name of body corporate :

(b) Place of incorporation :

(c) Date of incorporation : " ;

(iv) in item 4(a)(ii), by repealing "(if applicable)";

(v) by repealing everything under and including the heading "CERTIFICATE OF APPLICANT" and substituting---

"CERTIFICATE OF APPLICANT

I certify that the particulars set out in this application are true.

Date:

Signed:

Full name (in block letters): .....

\*Identity card number/

Passport number (if no

identity card number) : .....

Residential address : .....

.....

Designation within the

body corporate : .....

(i.e. director, manager or secretary)

\*Delete as appropriate.";

(c) in Form 1(c)---

(i) by repealing "firm" and substituting "partnership";

(ii) in section A, in item 1(a)(ii), by repealing "(if applicable)";

(iii) in section A, by repealing everything under and including the heading "CERTIFICATE OF APPLICANT" and substituting---

"CERTIFICATE OF APPLICANT

I certify that---

(a) the particulars set out in this application are true;

and

(b) (where the business is a partnership)

I have listed all the partners of the business.

Date: .....

Signed: .....

Name in block letters:

\*Identity card number/

Passport number (if no  
identity card number) :

Designation within the  
partnership or other body  
unincorporate :

(i.e. partner (if a partnership)/  
principal officer)

\*Delete as appropriate.";

(d) in Form 1(d), in section A---

(i) in item 2(a)(ii), by repealing "(if applicable)";

(ii) under the heading "CERTIFICATE OF APPLICANT", by repealing "firm" and  
substituting "partnership";

(e) by repealing Form 2 and substituting---

"ORIGINAL

DUPLICATE

Form 2 [reg. 5]

Business Registration Ordinance  
(Chapter 310)

Business Registration Regulations

Business/Branch Registration Certificate

Name of Business/Corporation

Business/Branch Name

Address

Nature of Business

Status

Date of Commencement      Date of Expiry      Certificate No.      Fee and Levy

RECEIVED FEE AND

LEVY HERE STATED

IN PRINTED FIGURES      \$";

(f) in Form 3, by repealing "for the last 6 months" and substituting "for the past  
6 months or, in the case of a new business, the estimated average total \*sales/receipts  
of the business for the first 6 months after commencement".

Miss Denise YUE

Secretary for the Treasury

12 February 1999

## Explanatory Note

This Regulation makes amendments to the Business Registration Regulations (Cap. 310 sub. leg.) in order to give effect to the proposals which aim at rationalising and improving the existing registration system.