

**A-SWISS CORPORATE SERVICES LIMITED**

Suite 7B, 7<sup>th</sup> Floor, Pico Tower, 66 Gloucester Road, Hong Kong  
Tel: (852) 3765 6100 Fax: (852) 3765 6200  
Email: [info@a-swiss.com](mailto:info@a-swiss.com) Website: [www.a-swiss.com](http://www.a-swiss.com)

Date: 16 October 2017

Clerk to Bills Committee on Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Bill 2017 and Companies (Amendment) Bill 2017  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Sir/Madam,

**Re: Invitation of views by the Bills Committee on Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Bill 2017 and Companies (Amendment) Bill 2017**

On behalf of A-Swiss Corporate Services Limited, we have pleasure in providing our view and comments regarding the Counter-Terrorist Financing (Financial Institutions) (Amendment) Bill 2017 and Companies (Amendment) Bill 2017”.

**(1) Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Bill 2017**

We fully support and welcome the proposal of introducing the licensing regime for trust and corporate service providers. As most of the comments in our letter “Open consultations from the Financial Services and Treasury Bureau” dated 15 February 2017 submitted to Financial Services and the Treasury Bureau are mostly adopted by the Government, we’ve no further comments on Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Bill 2017.

**(2) Companies (Amendment) Bill 2017**

**(i) Section 653B (1)(j)**

It is helpful that definitions of the Law enforcement officer has been spelt out under Section 653B(1)(a) to (i). However, we suggest to abolish Section 653B(1)(j) in order to avoid confusion as well as abusive of power by an officer of any department or agency of the Government.

It is too broad to empower every officer or agency of the Government, or of any statutory body that is specified in the regulations made under section 653ZG(1)(B) for the purposes of being able to inspect the Register of Significant Controllers. For example, will RTHK fall under the above definition and be able to inspect the Register of Significant Controllers? If RTHK has been allowed to inspect the Register of Significant Controllers, other media may think that they were disadvantaged and question the reason why RTHK has been granted with such exclusive power. In any event, what is the need of granting RTHK the power to inspect the Register of Significant Controllers?

Professional firms have the duty to explain and persuade their clients to comply and prepare a Significant Controllers Register. Clients will definitely raise a question or enquiry on who have the right to inspect the Significant Controllers Register. Since Section 653(B)(1)(a) to (i) has spelt out who these organizations are, it will not be too difficult for professional firms to provide the details to our clients. However, it will be difficult to identify who the other organizations are in relation to Section 653B(1)(j) and hence, this will create confusion and misunderstanding.

We strongly suggest to delete Section 653(B)(1)(j).

**(ii) Schedule 5B, Part 2 No.2(2)(e)**

Please clarify the definition of **the nature of the person's control over the company**. This will avoid mistake or non-compliance due to misunderstanding of the meaning of the above sentence.

**(iii) Aim of maintaining the Significant Controllers Register and allowing the Enforcement Agency to inspect the Significant Controllers Register**

Please clarify that in case where a legal entity is allowed to be a Significant Controller in the Register, whether it is necessary to trace down the beneficial ownership of that legal entity to a natural person.

Please feel free to contact Ms Doris Yeung at (852) 3765 6111 should you wish to arrange a discussion.

Yours sincerely,

For and on behalf of  
A-Swiss Corporate Services Limited



---

Doris Yeung  
CEO

HKICS Membership No.: 1097876  
HKICPA Membership No.: F06395  
CPA Australia Membership No.: 6001477  
TIHK No.: CTA3257