

**立法會**  
**Legislative Council**

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Tel : 3919 3309

Date : 17 January 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 24 January 2018**

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

**Committee stage amendments**

The Second Reading debate on the above Bill will be resumed at the Council meeting of 24 January 2018. Subject to the Bill receiving Second Reading, the President has given permission for the Secretary for Financial Services and the Treasury to move Committee stage amendments (“CSAs”) to the Bill.

2. As directed by the President, the CSAs are attached for Members’ consideration.

(Judy TING)  
for Clerk to the Legislative Council

Encl.

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

**Committee Stage**

Amendments to be moved by the Secretary for Financial Services and the Treasury

<u>Clause</u>	<u>Amendment Proposed</u>
7	<p>In the proposed section 5A, by adding—</p> <p>“(5A) To avoid doubt, for the purposes of this section, it is immaterial whether the subject matter of a transaction referred to in subsection (3), (4) or (5) is in Hong Kong or elsewhere.”.</p>
8	<p>By deleting subclause (8) and substituting—</p> <p>“(8) After section 7(5)—</p> <p><b>Add</b></p> <p>“(5A) To avoid doubt, in relation to a legal professional, the power to publish guidelines under this section does not affect the sole discretion of the Law Society to determine the content of Practice Direction P as defined by section 9A(3) of the relevant Ordinance in relation to the Law Society.”.”.</p>
8	<p>By deleting subclause (12).</p>
9(10)	<p>In the proposed paragraph (i), in the English text, by deleting “TSCP” and substituting “TCSP”.</p>
18	<p>In the proposed section 53ZK(1)(d)(viii), by deleting “or”.</p>
18	<p>In the proposed section 53ZK(1)(d)(ix), by deleting “Society;” and substituting “Society; or”.</p>
18	<p>In the proposed section 53ZK(1)(d), by adding—</p> <p>“(x) the Estate Agents Authority;”.</p>

By adding—

“(91A) Schedule 2, section 18(1)—

**Repeal**

“institution may”

**Substitute**

“institution or a DNFBP may”.

(91B) Schedule 2, section 18(1)(a)—

**Repeal**

“institution’s”

**Substitute**

“institution’s or the DNFBP’s”.

(91C) Schedule 2, section 18(1)(b)—

**Repeal**

“institution”

**Substitute**

“institution or the DNFBP”.

(91D) Schedule 2, section 18(2)—

**Repeal**

“institution”

**Substitute**

“institution or a DNFBP”.

(91E) Schedule 2, section 18(3)(a)—

**Repeal**

“institution”

**Substitute**

“institution or the DNFBP”.

By deleting subclause (92) and substituting—

“(92) Schedule 2, section 18(3)(a)—

**Repeal subparagraphs (i), (ii), (iii) and (iv)**

**Substitute**

“(i) an accounting professional;

- (ii) an estate agent;
- (iii) a legal professional;
- (iv) a TCSP licensee;”.”.

26 By deleting subclause (93).

26 By deleting subclause (94) and substituting—

“(94) Schedule 2, section 18(3)(b)—

**Repeal**

“; or”

**Substitute a semicolon.”.**

26 By adding—

“(94A) Schedule 2, section 18(3)(c)—

**Repeal**

“business in an equivalent jurisdiction,”

**Substitute**

“business in an equivalent jurisdiction, or a person who carries on in an equivalent jurisdiction a business similar to that carried on by an estate agent,”.”.

26 By deleting subclause (96) and substituting—

“(96) Schedule 2, section 18(3)(c)(iii)—

**Repeal**

“authorities.”

**Substitute**

“authorities or the regulatory bodies (as may be applicable); or”.”.

26(97) In the proposed section 18(3)(d), by deleting “an institution” and substituting “in the case of a financial institution, an institution”.

26

By adding—

“(98A) Schedule 2, section 18(4)—

**Repeal**

“A financial institution”

**Substitute**

“A financial institution or a DNFBP”.

(98B) Schedule 2, section 18(4)(a)—

**Repeal**

“institution”

**Substitute**

“institution or the DNFBP”.

26

By adding—

“(99A) Schedule 2, section 18(4)(b)—

**Repeal**

“institution” (wherever appearing)

**Substitute**

“institution or the DNFBP”.

26(101)

In the proposed section 18(4)(c), by deleting “if” and substituting “in the case of a financial institution, if”.

26

By adding—

“(102A) Schedule 2, section 18(6)—

**Repeal**

“institution” (wherever appearing)

**Substitute**

“institution or a DNFBP”.

(102B) Schedule 2, section 18(6)—

**Repeal**

“its”

**Substitute**

“an”.

- 26(103) In the proposed section 18(7), by deleting the definition of *intermediary financial institution* and substituting—
- “intermediary financial institution* (中介人金融機構) means a financial institution mentioned in subsection (3)(b);”.
- 26 By adding—
- “(110A) Schedule 2, section 20(2)—
- Repeal**
- “6”
- Substitute**
- “at least 5”.
- (110B) Schedule 2, section 20(3)—
- Repeal**
- “6”
- Substitute**
- “at least 5”.”.
- 34(1) By deleting the proposed section 9A(1AA) and substituting—
- “(1AA) Without limiting subsection (1), where the Council considers that the conduct—
- (a) involves an alleged breach referred to in subsection (1AAB)(a) or (b); and
- (b) is conduct that should be inquired into or investigated, the Council must submit the matter to the Tribunal Convenor for the purpose of inquiring into or investigating the conduct.”.
- 34(1) In the proposed section 9A(1AAB), by deleting “(1AA)” and substituting “(1AA)(a)”.
- 34(1) By deleting the proposed section 9A(1AAC) and substituting—
- “(1AAC) The Council must take into account Practice Direction P when considering whether conduct falls within subsection (1AA)(a) or (b).”.

34(2)

In the proposed section 9A(3), by adding in alphabetical order to the proposed definitions—

“***Practice Direction P*** (執業指引 P) means any practice direction issued by the Society for providing guidance in relation to the operation of AML/CTF requirements;”.