



SECURITIES AND FUTURES COMMISSION

Form 3

Application for Licence - Representative

Name of applicant

Please tick “√” the regulated activities you intend to carry out:

- | | |
|--|--|
| <input type="checkbox"/> Type 1 Dealing in securities (<i>note 1</i>) | <input type="checkbox"/> Type 6 Advising on corporate finance (<i>note 4</i>) |
| <input type="checkbox"/> Type 2 Dealing in futures contracts (<i>note 1</i>) | <input type="checkbox"/> Type 7 Providing automated trading services |
| <input type="checkbox"/> Type 3 Leveraged foreign exchange trading | <input type="checkbox"/> Type 8 Securities margin financing (<i>note 5</i>) |
| <input type="checkbox"/> Type 4 Advising on securities (<i>note 2</i>) | <input type="checkbox"/> Type 9 Asset management (<i>note 6</i>) |
| <input type="checkbox"/> Type 5 Advising on futures contracts (<i>note 3</i>) | |

- | | | |
|---|------------------------------|-----------------------------|
| Do you want a provisional licence (<i>note 7</i>)? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Are you also applying to be a “ responsible officer ”? | <input type="checkbox"/> | <input type="checkbox"/> |

Notes:

1. You do NOT need a licence for Type 1 or 2 regulated activity if you are licensed for Type 9 regulated activity AND your Type 1 or 2 regulated activity is performed solely for the purpose of carrying on Type 9 regulated activity.
2. You do NOT need a licence for Type 4 regulated activity if you are licensed for Type 1 regulated activity AND your Type 4 regulated activity is wholly incidental to your carrying on of Type 1 regulated activity.
3. You do NOT need a licence for Type 5 regulated activity if you are licensed for Type 2 regulated activity AND your Type 5 regulated activity is wholly incidental to your carrying on of Type 2 regulated activity.
4. You do NOT need a licence for Type 6 regulated activity if you are licensed for Type 1 regulated activity AND your Type 6 regulated activity is wholly incidental to your carrying on of Type 1 regulated activity.
5. You do NOT need a licence for Type 8 regulated activity if you are licensed for Type 1 regulated activity AND your Type 8 regulated activity is undertaken in order to facilitate acquisitions or holdings of securities for your clients.
6. You do NOT need a licence for Type 9 regulated activity if you are licensed for Type 1 or Type 2 regulated activity AND your Type 9 regulated activity is wholly incidental to your carrying on of Type 1 or Type 2 regulated activity respectively.
7. The Commission can issue a provisional licence to you within several working days, on the basis of the Commission having no adverse information on you and prior to the completion of normal vetting procedures. An additional fee will be levied.

Warning:

You must fill in this form accurately and truthfully. Section 383(1) of the Securities and Futures Ordinance (“the Ordinance”) states:

“A person commits an offence if –

- (a) *he, in support of any application made to the Commission under or pursuant to any provision of this Ordinance, whether for himself or for another person, makes a representation, whether in writing, orally or otherwise, that is false or misleading in a material particular; and*
- (b) *he knows that, or is reckless as to whether, the representation is false or misleading in a material particular.”*

The punishment for this offence is a fine of up to \$1 million and imprisonment for up to 2 years.

Section 1: Personal information

Name

Full name in English

Surname

First

Middle

Full name in Chinese

Chinese commercial code

Aliases (if any)

Gender

Male

Female

Date of birth

dd

/

mm

/

yyyy

Place of birth

Hong Kong

Others (please state) _____

Nationality

HK identity card number

									()
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Passport number*

Date of expiry*

dd

/

mm

/

yyyy

Passport issuing country*

* Only applicable to a non-Hong Kong permanent resident.

Do you require an employment visa in Hong Kong to carry out the proposed regulated activities?

Yes. Have you obtained or applied for an employment visa to work in Hong Kong?

Yes.

No. Reason: _____

No.

Section 2: Contact information

- 2.1 Please provide your residential, correspondence, business and e-mail addresses, and your telephone and facsimile numbers.

1	Address (Please tick "✓" where applicable.)	
<input type="checkbox"/> Residential	<input type="checkbox"/> Correspondence	<input type="checkbox"/> Business
Flat, floor and block no.		
Building name		
Street no. & name		
District & city		
State & country		
Postal code, (if any)		
Telephone number		
Facsimile number and e-mail address	<i>(facsimile)</i>	<i>(e-mail)</i>

2	Address (Please tick "✓" where applicable.)	
<input type="checkbox"/> Residential	<input type="checkbox"/> Correspondence	<input type="checkbox"/> Business
Flat, floor and block no.		
Building name		
Street no. & name		
District & city		
State & country		
Postal code, (if any)		
Telephone number		
Facsimile number and e-mail address	<i>(facsimile)</i>	<i>(e-mail)</i>

3	Address (Please tick "✓" where applicable.)	
<input type="checkbox"/> Residential	<input type="checkbox"/> Correspondence	<input type="checkbox"/> Business
Flat, floor and block no.		
Building name		
Street no. & name		
District & city		
State & country		
Postal code, (if any)		
Telephone number		
Facsimile number and e-mail address	<i>(facsimile)</i>	<i>(e-mail)</i>

Section 3: Regulated activities

3.1 Please provide the following information:

Regulated activity	Principal's name	CE number	Will you be a "responsible officer"?		Proposed date of accreditation (dd/mm/yyyy)	Job title
Type ____			<input type="checkbox"/> Yes	<input type="checkbox"/> No	/ /	
Type ____			<input type="checkbox"/> Yes	<input type="checkbox"/> No	/ /	
Type ____			<input type="checkbox"/> Yes	<input type="checkbox"/> No	/ /	
Type ____			<input type="checkbox"/> Yes	<input type="checkbox"/> No	/ /	
Type ____			<input type="checkbox"/> Yes	<input type="checkbox"/> No	/ /	

3.2 If you have more than one principal, please state the name of your primary principal.

3.3 If you propose to carry on Type 3 regulated activity (leveraged foreign exchange trading), will you offer discretionary account services to your clients?

- Yes.
- No.

3.4 Are you applying to become a responsible officer?

- Yes. Please complete *Supplement 10 – Duties and Experience of Responsible Officer*.
- No. Go to Section 4.

3.5 If you propose to become a responsible officer AND propose to supervise Type 6 regulated activity (advising on corporate finance), will you undertake activities in connection with matters regulated by the Hong Kong Codes on Takeovers and Mergers and Share Repurchases?

- Yes. Please complete *Supplement 11 – Activities in Connection with Matters Regulated by the Hong Kong Codes on Takeovers and Mergers and Share Repurchases*.
- No.

Section 4: Disciplinary actions and investigations

Sections 4 to 6 are about your activities both in **Hong Kong and elsewhere**. If there are ongoing investigations which you cannot lawfully disclose, you should notify the Commission of the results within 7 business days after the completion of the investigations.

“Substantial shareholder” has the same meaning as in Part 1 of Schedule 1 to the Ordinance.

- 4.1 Have
- you;
 - a company of which you are or were a director;
 - a company of which you are or were involved in the management; or
 - a company of which you are or were a substantial shareholder ever been
 - refused or restricted from the right to carry on any trade, business or profession for which a specific licence, registration or other authorization is required by law;
 - censured, disciplined or disqualified by any professional or regulatory body (including a stock or futures exchange) in relation to any trade, business or profession; or
 - the subject of an investigation conducted by a regulatory or criminal investigatory body (i.e. disciplinary tribunal, examination authority, inspector appointed under any enactment, or other regulatory body)?
- Yes No
- 4.2 Are there any disciplinary actions or proceedings pending against
- you;
 - a company of which you are or were a director;
 - a company of which you are or were involved in the management; or
 - a company of which you are or were a substantial shareholder in relation to any trade, business or profession?
- Yes No
- 4.3 Have
- you;
 - a company of which you are or were a director;
 - a company of which you are or were involved in the management; or
 - a company of which you are or were a substantial shareholder ever been
 - investigated about offences involving fraud or dishonesty; or
 - adjudged by a court to be civilly liable for fraud, dishonesty or misfeasance?
- Yes No
- 4.4 Have you ever been disqualified by a court from being a director of a corporation, or the equivalent in another jurisdiction?
- Yes No

Section 5: Financial status

- 5.1 Have you ever been a party to any civil litigation in the past ten years involving an amount in excess of HK\$100,000 or equivalent?
- Yes No
- 5.2 Are you presently a party to any civil litigation?
- Yes No
- 5.3 Are there any judgments or court orders with which you have not complied?
- Yes No
- 5.4 Have you ever
- been a party to a scheme of arrangement; or
 - entered into any form of compromise with your creditor in the past ten years involving an amount in excess of HK\$100,000 or equivalent?
- Yes No

- 5.5 Have you ever been bankrupt, or served with a bankruptcy petition? Yes No
- 5.6 Have you ever been a director, substantial shareholder, or involved in the management of a corporation which was wound up other than by a members' voluntary wind up? Yes No
- 5.7 Have you ever been a partner of a firm which was dissolved other than with the consent of all the partners? Yes No

Section 6: Character

- 6.1 Have you ever been charged with or convicted of an offence (including any spent conviction) other than a minor traffic or littering offence? Yes No
- 6.2 Have you ever been subject to any order of the court or other competent authority for fraud, dishonesty or misfeasance? Yes No

Section 7: Mental health

- 7.1 Have you ever been a patient as defined in section 2 of the Mental Health Ordinance? Yes No

Section 8: Competence

- 8.1 Please provide information on your highest academic or vocational qualification.

Qualification	Name of institution	Year awarded

- 8.2 Please provide information on your professional qualification.

Qualification	Name of institution	Year awarded

8.3 Please provide information on your industry qualification.

Regulated Activity	Course/ Examination name	Name of institution	Paper number/series	Date passed/ completed (dd/mm/yyyy)
Type _____				/ /
Type _____				/ /
Type _____				/ /
Type _____				/ /

8.4 If you have not obtained any post secondary or vocational qualification, have you obtained passes in English or Chinese, and Mathematics, in the HKCEE or equivalent?

Yes.

No.

8.5 Please provide information on your employment history for the past 5 years.

	1	2	3
Name of employer			
Nature of business			
Capacity employed			
Period of service	From _____ (mm/yyyy)	From _____ (mm/yyyy)	From _____ (mm/yyyy)
	to _____ (mm/yyyy)	to _____ (mm/yyyy)	to _____ (mm/yyyy)
Reason for leaving			

8.6 If you are currently a director, partner or proprietor of any firm (except for those you have stated in question 8.5), please complete *Supplement 12 – Directorships and Other Business Interests*.

Section 9: Licence record

9.1 Have you ever been licensed by or registered with the Commission and/or any regulatory body (including any stock or futures exchanges), in Hong Kong or elsewhere, to engage in any regulated or similarly regulated activity?

Yes. Please complete *Supplement 9 – Licence Record*.

No.

Section 10: Additional information

Under the Ordinance, it is up to you, the applicant, to satisfy the Commission that you are a fit and proper person to be licensed.

10.1 Have you answered “Yes” to any of the questions in Sections 4, 5, 6 or 7?

- Yes. In an attachment, please explain why you are fit and proper to be licensed in the light of your “Yes” answers. You may wish to refer to *the Fit and Proper Guidelines*.
- No.

10.2 Please give us any other information that you think will be relevant to us in considering your application.

Section 11: Checking your application

Before signing, please check that you have provided everything that we need to process your application.

- Answered every question (unless directed otherwise).
- Provided all relevant supplements and attachments.
- Enclosed the application fee(s). An additional fee is payable if you are applying for a provisional licence and/or to be a responsible officer.
- Completed the attached vetting authorization form.
- Attached a copy of your Hong Kong identity card.
- Attached a copy of your passport (if you are not a Hong Kong permanent resident).

Please attach a recent passport size photograph here

Section 12: Applicant's declaration

I:

_____ *Name of applicant*

- **Declare** that the information in this application (including all supplements and attachments) is complete, true and correct.

For a responsible officer applicant:

- **Declare** that the Board of Directors has passed a board resolution appointing me as the corporation's:
 - Director and responsible officer to supervise the regulated activities for which I will be responsible (where the applicant is a director).
 - Responsible officer and granting me sufficient authority to supervise the regulated activities for which I will be responsible (where the applicant is not a director).
- **Understand** that giving false or misleading information in support of an application for a licence is an offence under section 383 of the Ordinance.
- **Understand** that the Commission may take disciplinary action against a person who has made a false or misleading representation when applying for a licence.
- **Understand** that if any information in this application changes before this application is approved, I must notify the Commission in writing immediately of the changes.
- **Confirm** that I have read and understood the attached Personal Information Collection Statement.
- **Consent** to the Commission using any personal information I have provided in this application, and any personal information I may provide in the future, for the purposes described in the Personal Information Collection Statement.

Signature

Date

Section 13: Primary principal's declaration

To be completed by the applicant's **primary principal**.

We

- **Have reviewed:**
 - The information provided in this application form (including all supplements and attachments).
 - The documents evidencing the applicant's academic, professional and industry qualifications stated in this form (including all supplements and attachments).
- **Confirm** that the other proposed principal(s) of the applicant has also agreed to the information (where such information relates to the other principal(s)) stated in this application.
- **Believe** that the applicant is a fit and proper person to be licensed as our representative, and endorse this application.

Name of primary principal: _____

*Name of director/responsible
officer/person authorized by the
board of directors**

Signature

Date

* Delete where not applicable

Contact person of the primary principal

Name	
Telephone number	

Personal Information Collection Statement

1. The Personal Information Collection Statement ("PICS") is made in accordance with the guidelines issued by the Office of the Privacy Commissioner for Personal Data. The PICS sets out the policies and practices of the Securities and Futures Commission ("SFC") with regard to your Personal Data¹ and what you are agreeing to with respect to the SFC's use of your Personal Data for the purposes identified below.

Purpose of Collection

2. The Personal Data provided in this application form/statement of personal information/annual return/notification on change of information/any other form of request for information (as the case may be) will be used by the SFC for one or more of the following purposes:
 - to administer the relevant Ordinances, rules, regulations, codes and guidelines made or promulgated pursuant to the powers vested in the SFC as in force at the relevant time, including:
 - the Securities and Futures Ordinance ("SFO");*
 - the Fit and Proper Guidelines;*
 - the Code of Conduct;*
 - the Management, Supervision and Internal Control Guidelines;*
 - the Codes on Takeovers and Mergers and Share Repurchases;*
 - the Code on Unit Trusts and Mutual Funds.*
 - to process any application you may make under the relevant Ordinances;
 - to assess your fitness and propriety in relation to any of your applications for licence/registration under the SFO, as the case may be;
 - to monitor your fitness and propriety to remain licensed under the relevant Ordinances as an ongoing compliance process;
 - to consider any application under the relevant Ordinances where you are named as a referee or may otherwise have a connection;
 - for the purposes of performing the SFC's statutory functions under the relevant Ordinances, including surveillance, investigation, inspection or enforcement/disciplinary action;
 - for research or statistical purposes; and
 - other purposes as permitted by law.
3. Failure to provide the requested Personal Data may result in the SFC being unable to process your application or perform its statutory functions under the relevant Ordinances.

Transfer/Matching of Personal Data

4. Personal Data may be disclosed by the SFC to other financial regulators in Hong Kong (including the Hong Kong Exchanges and Clearing Limited and the Hong Kong Monetary Authority), the Hong Kong Police Force, the Customs and Excise Department, overseas regulatory bodies and other government bodies as required under the law or pursuant to any regulatory/investigatory assistance arrangements between the SFC and other regulators (local/overseas).
5. Personal Data may be disclosed by the SFC to other financial regulators, the Hong Kong Police Force, the Customs and Excise Department, other government bodies, corporations, organizations or individuals in Hong Kong, the People's Republic of China or overseas for the purposes of verifying/matching² those data.

Public Registers

6. The SFC is required to maintain public registers containing specified data relating to licensed or registered persons and to publish such specified data in the Gazette (or in such manner as it considers appropriate), pursuant to the relevant provisions of the SFO or any rules or regulations made thereunder. Any member of the public may inspect the public registers for the purposes of ascertaining whether he is dealing with a licensed or registered person in matters of or connected with any regulated activity, and the particulars of the licence or registration of such persons.

Access to Data

7. You have the right to request access to and correction of your Personal Data in accordance with the provisions of the PDPO. Your right of access includes the right to obtain a copy of your Personal Data provided in the application form/statement of personal information/annual return/notification on change of information/any other form of request for information (as the case may be). The SFC has the right to charge a reasonable fee for processing of any data access request.

Enquiries

8. Any enquiries regarding the Personal Data provided in the application form/statement of personal information/annual return/notification on change of information/any other form of request for information (as the case may be), or requests for access to Personal Data or correction of Personal Data, should be addressed in writing to:-

The Data Privacy Officer
The Securities and Futures Commission
8th Floor, Chater House
8 Connaught Road Central
Hong Kong

A copy of the Privacy Policy Statement adopted by the SFC is available upon request.

¹ Personal Data means personal data as defined in the Personal Data (Privacy) Ordinance, Cap 486 ("PDPO")

² "matching procedure" is defined in s.2 of the PDPO.

Vetting Authorization Form

I, _____ hereby authorize the Commissioner of Police/Commissioner of Customs and Excise/any criminal investigatory body or regulatory authority, or their representatives, to release full particulars of any pertinent information and materials including all criminal convictions recorded against me to the Securities and Futures Commission. My personal particulars are as follows:

Name

Date of birth (dd/mm/yyyy)

HKID number

Chinese Commercial Code

_____ / _____ / _____

Passport number*

Country of issue*

Place of birth

(Signature of applicant)

Date

Witness by**

(Signature of witness)

Name of witness

Designation

Company name

**Notary Public number
(where applicable)**

ID card/passport number*

Country of issue*

* Only applicable where the person does not possess a Hong Kong Identity Card.

** The witness must be one of the following persons:

- (i) a staff member of the Securities and Futures Commission;
- (ii) a practicing solicitor, notary public or Justice of the Peace; or
- (iii) a director or responsible officer of the licensed corporation/corporation applying for a licence.

Note: This Consent Form is designed to expedite the application process for a licence to become a representative (not being a responsible officer). This is not a form specified under section 402 of the Securities and Futures Ordinance. Completion of this Consent Form is optional and at the discretion of an applicant.

If an applicant opts not to complete and return this Consent Form to the SFC, the standard procedures pursuant to section 140 of the Securities and Futures Ordinance concerning imposition and revocation of licensing conditions will apply.

Consent to the imposition and revocation of specific licensing condition

Date: _____

To: Licensing Department
Securities and Futures Commission
8th Floor, Chater House
8 Connaught Road Central
Hong Kong

I, _____, refer to my application for a licence as a representative enclosed herewith.

To expedite the application process, I hereby agree to the arrangement that the SFC, having considered this application and all relevant circumstances, may impose on my licence under the Securities and Futures Ordinance the following condition in light that I have yet to pass the recognised local regulatory framework paper(s) as part of the competence requirements applicable to me.

This licence, in relation to Type _____ regulated activity, shall lapse and cease to have effect:*

- (i) upon the licensee ceasing to act for or on behalf of his/her principal(s) in respect of that regulated activity; or*
- (ii) 6 months after the grant of the licence for carrying on that regulated activity (or any later date as the Commission may agree in writing),*

whichever occurs earlier, unless the licensee has by that time passed the relevant recognised local regulatory framework paper(s) pursuant to the Guidelines on Competence issued by the Commission and informed the Commission of the examination result.

I acknowledge that any granting of the above grace period for passing the relevant recognised local regulatory framework paper(s), should be regarded as a one-off occasion. Such a grace period will not normally be granted again in my future licence applications, if any, in respect of the same examination paper(s).

In relation to the imposition and revocation of the above licensing condition on my licence where the SFC considers appropriate, I hereby consent with the arrangement to dispense with the procedural requirements provided under section 140 of the Securities and Futures Ordinance.

I further acknowledge that after due consideration of the application, the SFC may or may not impose the above condition on my licence. In addition, in case that the SFC considers it appropriate to impose any other conditions on my licence, the standard procedural requirements whereby I will be given the opportunity of being heard will be followed.

Signature of applicant:

(HKID/Passport no. _____)

* Please insert the relevant type of regulated activity.