



# SECURITIES AND FUTURES COMMISSION

## Form 3A

### Application for Temporary Licence - Representative

**Important:** An individual applying for a temporary licence must satisfy the statutory requirements stated under section 121(2) of the Securities and Futures Ordinance (*note 1*).

Name of applicant

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

- |                          |               |  |                          |               |   |
|--------------------------|---------------|--|--------------------------|---------------|---|
| <input type="checkbox"/> | <b>Type 1</b> | Dealing in securities                    | <input type="checkbox"/> | <b>Type 5</b> | Advising on futures contracts ( <i>note 3</i> ) |
| <input type="checkbox"/> | <b>Type 2</b> | Dealing in futures contracts             | <input type="checkbox"/> | <b>Type 6</b> | Advising on corporate finance ( <i>note 4</i> ) |
| <input type="checkbox"/> | <b>Type 4</b> | Advising on securities ( <i>note 2</i> ) |                          |               |   |

Are you also applying to be a “responsible officer”?

Yes  No

Notes:

- Section 121(2) prescribes that the Commission shall refuse to grant a temporary licence to carry on a regulated activity unless the applicant, among others, satisfies the Commission that:
  - he carries on a regulated activity outside Hong Kong;
  - he is authorized by a regulatory body to carry on such regulated activity;
  - where the regulated activity is to be carried out on behalf of a corporation licensed under section 116 of the Ordinance, his overseas accredited principal is also authorized by a regulatory body to carry on the regulated activity outside Hong Kong and the licensed corporation in Hong Kong to which he seeks to be accredited is a member of the same group of companies as his overseas accredited principal;
  - he seeks to be licensed solely for carrying on such regulated activity in Hong Kong; and
  - the granting of the licence would not result in the applicant being granted temporary licenses for respective licence periods that in total exceeds 6 months in any period of 24 months.
- 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.
- 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.
- 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.

**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 –

- 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
- 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.

<b>1</b>	<b>Address</b> (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)		
	<b>Telephone number</b>		
	<b>Facsimile number and e-mail address</b>	( <i>facsimile</i> )	( <i>e-mail</i> )

<b>2</b>	<b>Address</b> (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)		
	<b>Telephone number</b>		
	<b>Facsimile number and e-mail address</b>	( <i>facsimile</i> )	( <i>e-mail</i> )

<b>3</b>	<b>Address</b> (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)		
	<b>Telephone number</b>		
	<b>Facsimile number and e-mail address</b>	( <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
			<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	/ /	
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.

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3.3 Please indicate the required period for the temporary licence. (Maximum 3 months.)

1 Month     2 Months     3 Months     Others (please specify) \_\_\_\_\_

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.

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

**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.

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**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 to be a responsible officer.
- Attached a copy of your Hong Kong identity card.
- Attached a copy of your passport (if you are not a Hong Kong permanent resident).
- Attached a certified true copy of your authorization to carry out the regulated activities from your home regulator.

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*



## **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 Data<sup>1</sup> 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/matching<sup>2</sup> 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.

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

<sup>2</sup> "matching procedure" is defined in s.2 of the PDPO.