

SAMPLE for licensed corporations



SECURITIES AND FUTURES COMMISSION

Form 4

Miscellaneous Applications

Important: You should only complete and submit sections 1, 15 and 16, and other sections relevant to your application to the Commission.

Name of applicant

Happy Securities Limited

CE number

X

Y

Z

1

2

3

Name of contact person regarding any queries on this form

May LEE

Name of designated person and telephone number

Telephone number of the contact person

2345-xxxx

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: Types of miscellaneous application

1.1 Please tick "✓" the type(s) of application you want to make.

You may "✓" more than one section.

	Types of application	Section number
<input checked="" type="checkbox"/>	Addition of regulated activity.	2
<input type="checkbox"/>	Reduction of regulated activity (except for the last activities ¹).	3
<input type="checkbox"/>	Approval as a responsible officer. <i>(Applicable to licensed representatives only.)</i>	4
<input type="checkbox"/>	Transfer of accreditation. <i>(Applicable to licensed representatives only.)</i>	5
<input type="checkbox"/>	Addition of accreditation. <i>(Applicable to licensed representatives only.)</i>	6
<input type="checkbox"/>	Change of licensing/registration condition.	7
<input type="checkbox"/>	Issuance of duplicate licence/certificate of registration.	8
<input type="checkbox"/>	Premises to be used for record keeping purpose. <i>(Applicable to licensed corporations only.)</i>	9
<input type="checkbox"/>	Change of financial year end. <i>(Applicable to licensed corporations only.)</i>	10
<input type="checkbox"/>	Adoption of period exceeding 12 months as financial year. <i>(Applicable to licensed corporations only.)</i>	11
<input type="checkbox"/>	Extension of deadline for submission of audited accounts. <i>(Applicable to licensed corporations only.)</i>	12
<input type="checkbox"/>	Approval as a substantial shareholder. <i>(Applicable to licensed corporations only.)</i>	13
<input type="checkbox"/>	Other applications pertaining to licensing and registration matters under Part V of the Ordinance.	14

¹ If you intend to cease business, you should notify the Commission about your cessation of business using Form 5 (Notification - Licensed Corporation, Registered Institution, Licensed Representative and Substantial Shareholder).

Section 2: Addition of regulated activity

2.1 Please tick "✓" the regulated activities you want to add.

Regulated activity		Proposed effective date (dd/mm/yyyy)
<input type="checkbox"/>	Type 1 (dealing in securities)	/ /
<input type="checkbox"/>	Type 2 (dealing in futures contracts)	/ /
<input type="checkbox"/>	Type 3 (leveraged foreign exchange trading) <i>(Not applicable to registered institutions)</i>	/ /
<input type="checkbox"/>	Type 4 (advising on securities)	/ /
<input type="checkbox"/>	Type 5 (advising on futures contracts)	/ /
<input type="checkbox"/>	Type 6 (advising on corporate finance)	/ /
<input type="checkbox"/>	Type 7 (providing automated trading services)	/ /
<input type="checkbox"/>	Type 8 (securities margin financing) <i>(Not applicable to registered institutions)</i>	/ /
<input checked="" type="checkbox"/>	Type 9 (asset management)	16 / 12 / 2003

Questions 2.2 to 2.4 are applicable to licensed representatives ONLY.

2.2 Please state the name and CE number of the principal to which you will be accredited in respect of your proposed regulated activities.

Regulated activity	Name of principal	CE number
Type ____		
Type ____		
Type ____		
Type ____		

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

2.4 Please set out any new qualifications (academic, vocational, professional or industry qualifications) you have obtained for your proposed regulated activity.

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

If you have no other applications, please go to Section 15.

Questions 2.5 and 2.6 are applicable to licensed corporations and registered institutions ONLY.

2.5 Please complete *Supplement 8 – Business Plan and Proposed Business Activities* in respect of your proposed regulated activities. If you are a licensed corporation, please also complete *Supplement 7 – Financial Resources*.

2.6 Each regulated activity must be supervised by at least two responsible officers/executive officers. Please state the names of the responsible officers/executive officers responsible for supervising your proposed regulated activities. Please note that for licensed corporations, at least one of the responsible officers must be an executive director.

Regulated activity	Name of responsible officer/ executive officer	CE No. (if any)	Is he/she an executive director?	
Type <u>9</u>	<i>CHAN Tai Man</i>	XYZ001	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Type <u>9</u>	<i>John Robert DOLE</i>	XYZ002	<input checked="" 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

If you have no other applications, please go to Section 15.

Section 15: Checking your application

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

- Answered every relevant question.
- Provided all relevant supplements and attachments.
- Enclosed relevant application fees.

Section 16: Applicant's declaration

If you are a licensed corporation, a registered institution, or a corporation applying to be or continue to be a substantial shareholder of a licensed corporation, please complete Part A only.

If you are an individual applying to be or continue to be a substantial shareholder of a licensed corporation, please complete Part B only.

If you are a licensed representative, please complete Part B and request your primary principal to complete Part C.

Part A

Corporate applicant's declaration

We: Happy Securities Limited
Name of corporation lodging the application

Please insert the relevant section number and number of supplements here.

- **Have completed** section xx of this application form and attached a total of x supplements and attachments to this application form.
- **Declare** that all the information provided in this application (including all supplements and attachments) is complete, true and correct.
- **Understand** that providing false or misleading information in support of an application 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 in support of an application.
- **Understand** that if any information in this application changes before this application is approved, we must notify the Commission in writing immediately of the changes.

(To be signed by a director, responsible officer, executive officer, or chief executive (in the case of an authorized institution).)

<u>CHAN Tai Man</u> Name of director/ responsible officer/executive officer/ chief executive*	<u>CHAN Tai Man</u> Signature	<u>02/10/2003</u> Date
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* Delete where not applicable

Part B

Individual applicant's declaration

I: _____
Name of applicant

- **Have completed** section _____ of this application form and attached a total of ____ supplements and attachments to this application form.
- **Declare** that the information in this application (including all supplements and attachments) is complete, true and correct.

For a responsible officer applicant completing section 4 of this form:

- **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 providing false or misleading information in support of an application 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 in support of an application.
- **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.

Signature

Date

Part C

Licensed corporation's declaration (to be completed by the licensed representative'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 principal(s) of the applicant has agreed to the information (where such information relates to the other principal(s)) stated in the application.
- **Endorse** the application.

Name of primary principal: _____

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

Signature

Date

* Delete where not applicable