Newsletter

P & L Associates

通訊‧聯繫

Inside this Issue 本期內容：

CSA

- How to rectify a typographical or clerical error contained in a document already registered with the Companies Registry: Form AD
怎樣更正已登記文件內在排印或文書方面的錯誤：表格 AD
- CR temporarily suspended the support for forms submission through TPSI and "CR eFiling" mobile app
公司註冊處暫停支援通過 TPSI 及「CR 交表易」流動應用程式提交表格

CPAnywhere

- Enhancement to the Invoice Settlement Maintenance function
加強發票結算維護功能
- Payment Receipt shows the foreign currency
在付款收據顯示外幣

AML system for CSA

- Questions asked by CR Inspector on AML system for CSA (part II): How does the system work?
CR 稽查人員就 AML system for CSA 的提問 (下)：系統是如何運作的？
- Hong Kong's implementation of AML/CTF measures: A "report card" based on FATA's assessment
香港 AML/CFT 措施的實施情況：一份根據 FATF 評核報告的 "成績表"

Career with P & L Associates

- I.T. Support Staff
- CSA Support Staff
- Web Programmer
- Software Engineer

CSA: the Company Secretarial Software
公司秘書專業軟件

■ **How to rectify a typographical or clerical error contained in a document already registered with the Companies Registry: Form AD**
怎樣更正已登記文件內在排印或文書方面的錯誤：表格 AD

The new approach starting from 24 October 2022

A company secretarial service provider may handle and submit thousands of specified forms to CR a year for their clients, and it is not unusual that minor errors occurred to a few of them.

Before 24 October 2022, an application to rectify an error contained in a form already registered with the Companies Registry ("CR") can be made by delivering an amended form in full showing the rectification by underlining the corrected information and putting the word "AMENDED" on the top of the first page of the amended form for identification. Effectively, you were replacing the whole form in question with a "re-submitted" form.

But upon the implementation of Phase 2 of the New Inspection Regime of CR under the Companies Ordinance (Cap. 622), this approach can no longer be used. Starting from 24 October 2022, an application to rectify an error contained in a form already registered with CR should be made by using a new administrative form, Form AD - Rectification of Typographical or Clerical Error in Registered Document.

Here, we are trying to explain how you would respond to this new approach in the following cases:

由 2022 年 10 月 24 日起的新方法

公司秘書服務提供者每年可能會為客戶處理和提交數以千計的指明表格到 CR，其中少數出現微小錯誤並不罕見。

在 2022 年 10 月 24 日之前，就已在公司註冊處 (CR) 登記的表格內所載的錯誤，可藉交付一份顯示更正資料的經修訂表格提出申請更正該錯誤。經修訂表格會以底線顯示已更正的資料以標明所作的更正，並在表格首頁的頂部印上「修訂本」字眼，以資識別。效果上您是 "重新提交" 一份表格以替換整份有問題的表格。

但在《公司條例》(第 622 章) 下的 CR 新查冊安排第二階段實施後，這種方法就不再管用了。由 2022 年 10 月 24 日起，就已在 CR 登記的表格內所載的錯誤，應使用一份新的行政表格「表格 AD：更正已登記文件內在排印或文書方面的錯誤」提出申請更正該錯誤。

在這裡，我們嘗試說明在下列個案中如何應對這種新安排：

Case 1:
Form NAR1
Annual Return

You filed an Annual Return on or after 24 October 2022 and found that there was a mistake in the correspondence address of the Director (Natural Person) (Section 12A on page 4 of NAR1):

(1) Go to CSA, select the Client concerned, then pull out Form AD from { Tools > Blank Form }.

(2) In Section 2 on page 1, fill in the particulars of the registered document to be rectified, including the Document Reference Number from CR.

(3) In Section 3A on page 2, tick the box "Director" and put on his or her full names as reported in the registered document.

(4) In Section 3B on page 2, tick the box "Correspondence Address" and provide the correct address.

個案一：
表格 NAR1
周年申報表

您在 2022 年 10 月 24 日或之後提交了一份週年申報表後發現董事 (自然人) 的通訊地址有誤 (NAR1 第 4 頁第 12A 項)：

(1) 前往 CSA，揀選相關客戶，然後從 { 工具 > 空白文件 } 中選用表格 AD。

(2) 在第 1 頁第 2 部分中填寫需更正的已登記文件的資料，包括 CR 文件參考編號。

(3) 在第 2 頁第 3A 項中，勾選 "董事" 並填寫其在已登記文件填報的全名。

(4) 在第 2 頁第 3B 項中，勾選 "通訊地址" 並提供正確的地址。

Case 2:
"Old-version" Form NAR1
Annual Return

You filed an "old-version" Annual Return before 24 October 2022 and found that there was a mistake in the "Residential Address" of the Director (Natural Person) (Section 12A on page 4 of NAR1):

(1) Go to CSA, select the Client concerned, then pull out Form AD from { Tools > Blank Form }.

(2) In Section 2 on page 1, fill in the particulars of the registered document to be rectified, including the Document Reference Number from CR.

(3)   In Section 3A on page 2, tick the box "Director" and put on his or her full names as reported in the registered document.

(4)   In Section 3B on page 2, tick the box "Usual Residential Address of Director/Alternate Director/Reserve Director".

Because the usual residential address is Protected Information, you should also complete the PI-AD sheet as an attachment.

(5)   Go to { Tools > Blank Form } again, and pull out Form "AD-PI" (equals to PI-AD).

(6)   In Section A, tick the box "Director" and put on his or her full names as reported in the registered document (same as step (3) above).

(7)   In Section B, tick the box "Usual Residential Address of Director/Alternate Director/Reserve Director" and provide the correct address.

個案二：
"舊版本" 表格 NAR1
周年申報表

您在 2022 年 10 月 24 日之前提交了一份 "舊版本" 的週年申報表後發現董事 (自然人) 的 "住址" 有誤 (NAR1 第 4 頁第 12A 項)：

(1)   前往 CSA，揀選相關客戶，然後從 { 工具 > 空白文件 } 中選用表格 AD。

(2)   在第 1 頁第 2 部分中填寫需要正的已登記文件的資料，包括 CR 文件參考編號。

(3)   在第 2 頁第 3A 項中，勾選 "董事" 並填寫其在已登記文件填報的全名。

(4)   在第 2 頁第 3B 項中，勾選 "董事/候補董事/備任董事的通常住址"。

由於通常住址屬受保護資料，您需要同時填寫 PI-AD 頁作為附件。

(5)   再前往 { 工具 > 空白文件 }，然後選用表格 AD-PI (等於 PI-AD)。

(6)   在 A 部分中，勾選 "董事" 並填寫其在已登記文件填報的全名 (與上述步驟 (3) 相同)。

(7)   在 B 部分中勾選 "董事/候補董事/備任董事的通常住址" 並提供正確的地址。

Case 3:
Form ND2A
Notice of Change of
Company Secretary and
Director

You filed an ND2A for the appointment of a Director (natural person) and found that there was an error on his or her partial HKID Card No. (Section 3 on page 2 of ND2A):

(1)   Go to CSA, select the Client concerned, then pull out Form AD from { Tools > Blank Form }.

(2)   In Section 2 on page 1, fill in the particulars of the registered document to be rectified, including the Document Reference Number from CR.

(3)   In Section 3A on page 2, tick the box "Director" and put on his or her full names as reported in the registered document.

(4)   In Section 3B on page 2, tick the box "Hong Kong Identity Card" as well as "Partial Number" and then provide the correct information.

個案三：
表格 ND2A
更改公司秘書及董事通知書

您提交了一份有關委任一名董事 (自然人) 的 ND2A 後發現其香港港身分證號碼 (部分號碼) 有誤 (ND2A 第 2 頁第 3 部分)：

(1)   前往 CSA，揀選相關客戶，然後從 { 工具 > 空白文件 } 中選用表格 AD。

(2)   在第 1 頁第 2 部分中填寫需更正的已登記文件的資料，包括 CR 文件參考編號。

(3)   在第 2 頁第 3A 項中，勾選 "董事" 並填寫其在已登記文件填報的全名。

(4)   在第 2 頁第 3B 項中，勾選 "香港港身分證" 及 "部分號碼" 然後提供正確的資料。

Case 4: Form ND2A Notice of Change of Company Secretary and Director (contains protected information)	You filed an ND2A for the appointment of a Director (natural person) and found that there was an error on his or her <u>full</u> HKID Card No. (Section 3 on page 2 of ND2A): (1) Go to CSA, select the Client concerned, then pull out Form AD from { Tools > Blank Form }. (2) In Section 2 on page 1, fill in the particulars of the registered document to be rectified, including the Document Reference Number from CR. (3) In Section 3A on page 2, tick the box "Director" and put on his or her full names as reported in the registered document. (4) In Section 3B on page 2, tick the box "Hong Kong Identity Card" as well as "Full Number". Because the full HKID Card No. is Protected Information, you should also complete the PI-AD sheet as an attachment. (5) Go to { Tools > Blank Form } again, and pull out Form "AD-PI" (equals to PI-AD). (6) In Section A, tick the box "Director" and put on his or her full names as reported in the registered document (same as step (3) above). (7) In Section B, tick the box "Hong Kong Identity Card" and provide the correct full number.
個案四： 表格 ND2A 更改公司秘書及董事通知書 (含受保護資料)	您提交了一份有關委任一名董事 (自然人) 的 ND2A 後發現其香港港身分證號碼 (<u>完整號碼</u>) 有誤 (ND2A 第 2 頁第 3 部分) : (1) 前往 CSA，揀選相關客戶，然後從 { 工具 > 空白文件 } 中選用表格 AD。 (2) 在第 1 頁第 2 部分中填寫需更正的已登記文件的資料，包括 CR 文件參考編號。 (3) 在第 2 頁第 3A 項中，勾選 "董事" 並填寫其在已登記文件填報的全名。 (4) 在第 2 頁第 3B 項中，勾選 "香港港身分證" 及 "完整號碼"。 由於完整的香港港身分證號碼屬受保護資料，您需要同時填寫 PI-AD 頁作為附件。 (5) 再前往 { 工具 > 空白文件 }，然後選用表格 AD-PI (等於 PI-AD)。 (6) 在 A 部分中，勾選 "董事" 並填寫其在已登記文件填報的全名 (與上述步驟 (3) 相同)。 (7) 在 B 部分中勾選 "香港港身分證" 並提供正確的完整號碼。
Case 5: Form NSC1 Return of Allotment	You filed an NSC1 and found that there was an error on the total amount of allotment (Section 3 on page 1 of NSC1): (1) Go to CSA, select the Client concerned, then pull out Form AD from { Tools > Blank Form }. (2) In Section 2 on page 1, fill in the particulars of the registered document to be rectified, including the Document Reference Number from CR. (3) Go to page 3. (4) In Section 4 (i), fill in the location of the incorrect information in the registered document. In this case, "NSC1 Page 1 Section 3 (Total of this Allotment)". (5) In Section 4 (ii), fill in the description of the incorrect information. For example: "The amount of 11,050,000 under currency HKD is not correct". (6) In Section 4 (iii), fill in the correct information after rectification. For example: "The amount should be 10,150,000 under currency HKD".

(7) You may deliver together with your Form AD the rectified page(s) of the registered document (in this case, page 1 of NSC1), with the word "AMENDED" printed on the top of it, and underline the corrected information, and ensure that rest of the content on the rectified page(s) remain identical to the original registered document. Please note that attaching rectified page(s) is optional. You don't have to do so unless you are worried about what you have entered in Section 4 may not be clear enough to rectify the error.

個案五：
表格 NSC1
股份配發申報表

您提交了一份 NSC1 後發現股份配發的總款額有誤 (NSC1 第 1 頁第 3 部分)：

(1) 前往 CSA，揀選相關客戶，然後從 { 工具 > 空白文件 } 中選用表格 AD。

(2) 在第 1 頁第 2 部分中填寫需更正的已登記文件的資料，包括 CR 文件參考編號。

(3) 前往第 3 頁。

(4) 在第 4 (i) 項註明需更正的錯誤資料載於已登記文件的位置。以本個案而言是 "NSC1 第 1 頁第 3 部分 (這次股份配發的總款額)"。

(5) 在第 4 (ii) 項填入錯誤資料的描述。例如 "港幣單位下的款額 11,050,000 有誤"。

(6) 在第 4 (iii) 項填入更正後的正確資料。例如 "港幣單位下的正確款額應為 10,150,000"。

(7) 您可以隨表格 AD 一併交付已更正的文件的相關頁面 (以本個案而言是 NSC1 的第 1 頁)，在頁面的頂部印上「修訂本」字眼，並在已更正的資料下劃線，同時確保經修訂的頁面的其他內容與原本文件相同。請注意：除非您擔心在第 4 部分輸入的內容可能未夠清晰地表達如何更正有關的錯誤，否則無需隨付相關頁面，僅交付表格 AD 即可。

■ **CR temporarily suspended the support for forms submission through TPSI and "CR eFiling" mobile app**
公司註冊處暫停支援通過 TPSI 及「CR 交表易」流動應用程式提交表格

The Companies Registry ("CR") is undergoing a system revamp project for the e-Registry to cope with the implementation of Phase 3 of the New Inspection Regime. It is expected to complete in December 2023. As a result, starting from 24 October 2022 (i.e. the date of implementation of Phase 2), CR has temporarily suspended the support for the submission of forms through the "Third Party Software Interface" (TPSI) as well as their own "CR eFiling" mobile application until further notice.

The original CR notice is quoted hereunder for your reference:

"With effect from 24 October 2022, electronic forms of the 26 revised specified forms will be made available for use under "Online Submission" service at the e-Registry. However, the support for submission of 10 forms (Forms NAR1, ND2A, ND2B, ND4, ND5, ND7, ND8, NNC1, NNC1G and NN3) through the "Third Party Software Interface" (TPSI) and of nine forms (Forms NAR1, ND2A, ND2B, ND4, ND5, ND7, ND8, NNC1 and NNC1G) through the "CR eFiling" mobile application, which contain Protected Information, will no longer be provided starting from 24 October 2022."

"The Registry is undergoing a system revamp project and, upon the launch of the revamped system in December 2023, new TPSI service and mobile-friendly electronic submission service will be provided for the relevant specified forms."

公司註冊處 (CR) 現正為 e-Registry 進行系統翻新工程，以配合第三階段新查冊安排的實施，預計 2023 年 12 月才竣工。因此 CR 由 2022 年 10 月 24 日 (即第二階段的實施日期) 需要暫停對通過「使用軟體提交資料聯繫系統」(TPSI) 及 CR 本身的「CR 交表易」

流動應用程式接口提交表格的支援，直至另行通告為止。

茲引述 CR 通告原文如下，以供參考：

"由 2022 年 10 月 24 日起，該 26 款經修訂的指明表格的電子表格於「註冊易」的「網上提交」服務項目內供用戶使用。然而，就「使用軟體提交資料聯繫系統」(下稱 TPSI) 支援的 10 款載有受保護資料的表格 (即表格 NAR1、ND2A、ND2B、ND4、ND5、ND7、ND8、NNC1、NNC1G 及 NN3)，以及「CR 交表易」流動應用程式支援的 9 款載有受保護資料的表格 (即表格 NAR1、ND2A、ND2B、ND4、ND5、ND7、ND8、NNC1 及 NNC1G)，本處由 2022 年 10 月 24 日起將不再支援其經 TPSI 或 CR 交表易的提交服務。"

"公司註冊處現正進行系統翻新工程，翻新後的系統將於 2023 年 12 月推出，屆時本處會為相關的指明表格提供新的 TPSI 服務，以及更利便電子文件提交的流動版服務。"

CPAnywhere: Professional Practice Management System
執業管理系統

■ Enhancement to the Invoice Settlement Maintenance function
加強發票結算維護功能

When a customer sends in a payment that is more than the invoice amount, the user can handle it in the "Invoice Settlement Maintenance" function.   After selecting the concerned invoice and entering the necessary data, first, check the "Credit to Customer's Account" box, then click the "Auto" button near the bottom of the screen to generate the correct journal entry.   By doing so, the system would automatically generate an "Advance" account for the customer.   The Chart of Accounts structure is "AD-Customer Number", where AD means Advance and Deposit from Customer.

當客戶發來的付款超過發票金額時，用戶可以利用 Invoice Settlement Maintenance 的功能來處理。揀選了有關的發票及輸入必要的資料後，首先勾選 Credit to Customer's Account，然後單擊接近屏幕底部的 "Auto" (自動) 按鈕以生成正確的日記帳分錄。這樣，系統會自動為客戶生成一個 Advance (預付) 帳戶，會計科目結構為 "AD-Customer Number"，其中 AD 表示客戶預付和存款。

■ Payment Receipt shows the foreign currency
在付款收據顯示外幣

We are going to modify the issuance of the Payment Receipt function in order to deal with the receipt of foreign currency for the payment of a Hong Kong dollar invoice.   The new Payment Receipt will display the full amount received in the original foreign currency and the invoice balance outstanding (if any) in Hong Kong currency respectively.   The existing Payment Receipt shows the gain or loss in foreign exchange as the outstanding amount, and that is not correct.   If you do encounter this problem, please call us to update the system to its latest version.

我們將修改開具付款收據的功能，以處理以外幣支付港幣發票的情況。新的付款收據將分別以原始外幣顯示收到的全數金額和以港幣顯示任何未償的發票餘額。原有的付款收據將
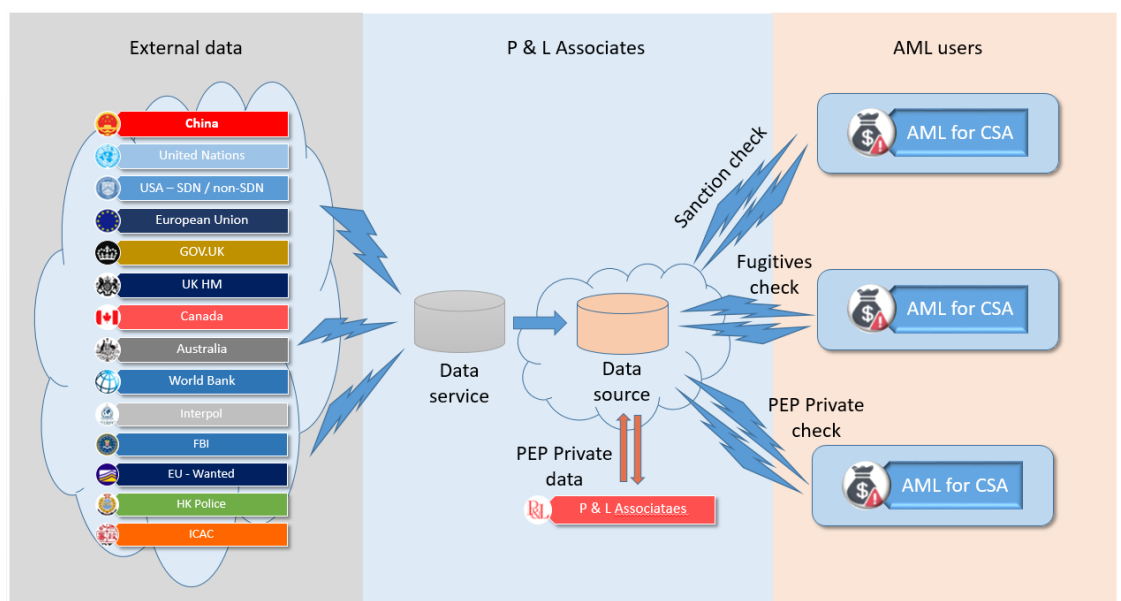
外匯損益顯示為未償金額是不正確的。如果您遇到此問題，請致電我們將系統更新到最新版本。

AML system for CSA
(為遵從打擊洗錢及恐怖分子資金籌集的規定)

■ **Questions asked by CR Inspector on AML system for CSA (part 2): How does the system work?**
CR 稽查人員就 AML system for CSA 的提問（下）：系統是如何運作的？

(Continued from the previous issue. 續上期。)

Let's take a look at the above System Flow diagram.   There are three main columns: External Data, P & L Associates, and AML Users.

• Each country or organization creates its data ("External Data").

• The Data Service team of P & L Associates actively searches for any existing External Data and creates a specific program for that source for extracting its raw data.

• The team then convert those raw data into organized and readable Data Source ready to be used by AML Users.

• The team also actively updates the PEP Private list to reflect any known PEP and their direct-related persons.

• Whenever an AML User wants to do the Sanction/Fugitives List and PEP check, their system will look for and automatically be updated to our newest Data Source before doing the check.   That means every time when an AML User does the check, he or she will be using the most up-to-date data.

讓我們看看上面的系統流程圖。當中有三個主要欄位：外部數據 (External Data)、P & L Associates 和 AML 用戶 (AML Users)。

- 每個國家或組織各自建立數據 (外部數據)。

- P & L Associates 的數據服務 (Data Service) 團隊主動搜尋任何現有的外部數據，並針對該源頭建立特定程式以提取其原始數據。

- 然後團隊將這些原始數據轉換成有條理且可讀取的資料源 (Data Source) 供 AML 用戶使用。

- 團隊還積極更新 PEP 專屬名單，以反映任何已知 PEP 及其直接相關人士。

- 每當 AML 用戶想要進行制裁/被通緝名單和 PEP 查核時，用戶的系統會首先去尋找並自動更新至我們最新的資料源。換言之，每次 AML 用戶進行查核時所使用的都會是最新的數據。

■ ## Hong Kong's implementation of AML/CFT measures: A "report card" based on FATF's assessment
香港 AML/CFT 措施的實施情況：一份根據 FATF 評核報告的 "成績表"

The 2022 FATF's Assessment Report for Hong Kong

The Financial Action Task Force on Money Laundering ("FATF") published the Assessment Report for all its 200+ member countries and jurisdictions on 10 November 2022. FATF conduct peer reviews on an ongoing basis to assess how effectively their respective members' AML/CFT measures work in practice, and how well they have implemented the technical requirements of the FATA "40 Recommendations".

FATF is an inter-governmental body established in 1989 with its headquarters in Paris, initially to examine and develop measures to combat money laundering.

We look at how Hong Kong as a member of the FATF (joining year 1991) is being assessed.

2022 年 FATF 對香港的評核報告

打擊清洗黑錢財務行動特別組織 (FATF) 於 2022 年 11 月 10 日發布了涵蓋其所有 200 多個成員國及司法管轄區的評核報告。FATF 持續進行互相評核以審視其各自成員的 AML/CFT 措施在實踐中的有效性，以及他們實施 FATA "40 項建議" 技術規範的情況。

FATF 是一個政府間機構，成立於 1989 年，總部設在巴黎，最初負責審查和製定打擊洗錢的措施。

我們看看香港作為 FATF 成員 (加入年份為 1991) 的評核情況。

The Assessment on "Technical Compliance"

Technical Compliance Assessment reflects the extent to which a country or jurisdiction has implemented the technical requirements of the FATF's "40 Recommendations". The notations for the FATA assessment results signify the followings:

C = Compliant; LC = Largely compliant; PC = Partially compliant; NC = Non-complaint

對「技術規範」的評核

技術規範評核反映了一個國家或司法管轄區執行 FATF "40 項建議" 的技術要求的程度。FATA 評核結果內的符號表示以下意思：

C = 合規； LC = 基本符合； PC = 部分符合； NC = 不合規

Our Rating Scale

In order to make sense of the results of the assessment, we assign a 4-point rating scale to it where a rating of 4 represents the highest while 1 represents the lowest.

C = 4； LC = 3； PC = 2； NC = 1

Given that, the average rating for Hong Kong will be 3.18 out of 4.00. Good result!

(Note: Marks in brackets are average ratings of their respective sections.)

我們的評級量表	為了較好地理解評估結果，我們為其分配了一個 4 分制評級量表，其中評級 4 代表最高，而 1 代表最低。

C = 4 ； LC = 3 ； PC = 2 ； NC = 1

依此，香港的平均評分為 3.18 (滿分 4.00)。相當不錯！

(備註：括號內的分數為分組項目的平均評分。)

Results for Hong Kong 對香港的評核成績	Assessed Items for Technical Compliance 技術規範的評核項目	FATF Assessment FATA 的評核	Our Rating 我們的評分
Sec. A 組	AML/CFT Policies and Coordination 反洗錢與反恐怖融資政策和協調		(3.00)
R1	Assessing Risks and Applying a Risk-Based Approach 評估風險與運用風險為本的方法	LC	3
R2	National cooperation and coordination 國家層面的合作與協調	LC	3
Sec. B 組	Money Laundering and Confiscation 洗錢與沒收		(3.00)
R3	Money laundering offence 洗錢犯罪	LC	3
R4	Confiscation and provisional measures 沒收與臨時措施	LC	3
Sec. C 組	Terrorist Financing and Financing of Proliferation 恐怖融資與擴散融資		(3.75)
R5	Terrorist financing offence 恐怖融資犯罪	LC	3
R6	Targeted financial sanctions related to terrorism & terrorist financing 與恐怖主義及恐怖融資相關的定向金融制裁	C	4
R7	Targeted financial sanctions related to proliferation 與大規模殺傷性武器擴散及擴散融資相關的定向金融制裁	C	4
R8	Non-profit organizations 非營利組織	C	4
Sec. D 組	Preventive Measures 預防措施		(2.8)
R9	Financial institution secrecy laws 金融機構保密法	C	4
R10	Customer due diligence 客戶盡職調查	LC	3
R11	Record keeping 記錄保存	LC	3
R12	Politically exposed persons 政治公眾人物	PC	2
R13	Correspondent banking 代理銀行業務	C	4
R14	Money or value transfer services 資金或價值轉移服務	LC	3
R15	New technologies 新技術	LC	3
R16	Wire transfers 電匯	LC	3
R17	Reliance on third parties to perform CDD measures 依托第三方的盡職調查	LC	3
R18	Internal controls and foreign branches and subsidiaries 內部控制、境外分支機構和附屬機構	LC	3
R19	Higher-risk countries 高風險國家	LC	3
R20	Reporting of suspicious transactions 可疑交易報告	LC	3
R21	Tipping-off and confidentiality 洩密與保密	C	4

R22	DNFBPs: Customer due diligence 特定非金融行業和職業：客戶盡職調查	PC		2
R23	DNFBPs: Other measures 特定非金融行業和職業：其他措施	LC		3
Sec. E 組	Transparency and Beneficial Ownership of Legal Persons and Arrangements 法人和法律安排的透明度和受益所有權			(2.5)
R24	Transparency and beneficial ownership of legal persons 法人的透明度和受益所有權	LC		3
R25	Transparency and beneficial ownership of legal arrangements 法律安排的透明度和受益所有權	PC		2
Sec. F 組	Powers and Responsibilities of Competent Authorities and Other Institutional Measures 主管部門的權力、職責及其他制度性措施			(3.40)
R26	Regulation and supervision of financial institutions 對金融機構的監管	LC		3
R27	Powers of supervisors 監管機構的權力	LC		3
R28	Regulation and supervision of DNFBPs 對特定非金融行業和職業的監管	PC		2
R29	Financial intelligence units 金融情報中心	C		4
R30	Responsibilities of law enforcement and investigative authorities 執法和調查部門的職責	C		4
R31	Powers of law enforcement and investigative authorities 執法和調查部門的權力	C		4
R32	Cash couriers 現金跨境運送	C		4
R33	Statistics 數據統計	C		4
R34	Guidance and feedback 指引與反饋	LC		3
R35	Sanctions 處罰	LC		3
Sec. G 組	International Cooperation 國際合作			(3.00)
R36	International instruments 國際公約	LC		3
R37	Mutual legal assistance 雙邊司法協助	LC		3
R38	Mutual legal assistance: freezing and confiscation 雙邊司法協助：凍結和沒收	LC		3
R39	Extradition 引渡	LC		3
R40	Other forms of international cooperation 其他形式的國際合作	LC		3
Grade Point Average 平均績點				3.18 / 4.00

The Assessment on "Effectiveness"

Effectiveness reflects the extent to which a country's or jurisdiction's measures for AML/CFT are effective. The assessment is conducted on the basis of 11 "Immediate Outcomes", which represent key goals that an effective AML/CFT system should achieve. The notations for the FATA assessment results correspond to the following levels of "Effectiveness":

HE = High;   SE = Substantial;   ME = Moderate;   LE = Low

對「有效性」的評核	有效性反映了一個國家或司法管轄區的 AML/CFT 措施的有效性。評估是根據 11 個 "即時結果" 進行的，這些結果代表了有效的 AML/CFT 系統應該實現的關鍵目標。FATA 評核結果內的符號對應於以下 "有效性" 級別： HE = 高； SE = 足够； ME = 中度； LE = 低
Our Rating Scale	In order to make sense of the results of the assessment, we assign a 4-point rating scale to it where a rating of 4 represents the highest while 1 represents the lowest. HE = 4； SE = 3； ME = 2； LE = 1 Given that, the average rating for Hong Kong will be 2.55 out of 4.00.　Inadequate!
我們的評級量表	為了較好地理解評估結果，我們為其分配了一個 4 分制評級量表，其中評級 4 代表最高，而 1 代表最低。 HE = 4； SE = 3； ME = 2； LE = 1 依此，香港的平均評分為 2.55 (滿分 4.00)。強差人意！

Results for Hong Kong 對香港的評核成績	Assessed Items for Effectiveness 有效性的評核項目	FATF Assessment FATA 的評核	Our Rating 我們的評分
IO1	Money laundering and terrorist financing risks are understood and actions coordinated domestically. 了解洗錢和恐怖主義融資風險，並在本土協調行動。	SE	3
IO2	International cooperation works against criminals and their assets. 國際合作打擊犯罪分子及其資產。	SE	3
IO3	Financial institutions, DNFBPs and VASPs are in compliance with AML/CFT requirements and properly supervised. 金融機構、DNFBP 和 VASP 遵守 AML/CFT 要求並受到適當監管。	ME	2
IO4	Financial institutions, DNFBPs and VASPs adequately apply AML/CFT preventive measures commensurate with their risks and report suspicious transactions. 金融機構、DNFBP 和 VASP 充分應用與其風險相稱的 AML/CFT 預防措施，並報告可疑交易。	ME	2
IO5	Prevent misuse of legal persons and arrangements from money laundering and terrorists financing and information on their beneficial ownership is available to competent authorities without impediments. 防止濫用法人和安排進行洗錢和恐怖分子融資，主管當局可以無障礙地獲得有關其實益所有權的信息。	ME	2
IO6	Financial intelligence is appropriately used by competent authorities for money laundering and terrorist financing investigations. 金融情報被主管當局適當地用於洗錢和資助恐怖主義的調查。	SE	3
IO7	Money laundering offences and activities are investigated and prosecuted. 洗錢犯罪和活動受到調查和起訴。	ME	2
IO8	Proceeds and instrumentalities of crime are confiscated. 沒收犯罪所得和工具。	SE	3
IO9	Terrorist financing offences and activities are investigated	SE	3

and prosecuted.
調查和起訴恐怖主義融資犯罪和活動。

IO10	Terrorists, terrorist organizations and terrorist financiers are prevented from raising, moving and using funds, and from abusing the NPO sector. 防止恐怖分子、恐怖組織和恐怖主義融資者籌集、轉移和使用資金，防止濫用非營利組織。	SE	3
IO11	Persons and entities involved in the proliferation of weapons of mass destruction are prevented from raising, moving and using funds, consistent with the relevant UNSCRs. 根據聯合國安理會相關決議，禁止參與擴散大規模殺傷性武器的個人和實體籌集、轉移和使用資金。	ME	2

Grade Point Average 平均績點	2.55 / 4.00

Interpretation and Observation

For "Technical Compliance":

Hong Kong has achieved very high marks in technical compliance.   That shows Hong Kong still maintains a high degree of competence in complying with international laws and regulations.   However, we should concern about these three FATA Recommendations, R12: Politically exposed persons (PEE), R22: DNFBPs' Customer due diligence (CDD), and R28: Regulation and supervision of DNFBPs.   Their results all got 2.   That means the report card for both the supervising bodies and TCSPs still need to work harder to achieve a better grade.

For "Effectiveness":

The low mark on the goals that the AML/CFT system wants to achieve is, obviously, not satisfactory.   The major concern is in item IO4: Whether TCSPs are adequately applying AML/CFT preventive measures according to their risks and reporting suspicious transactions to the authority.   The report card says "2".   That means the "immediate outcome" is achieved to some extent, but major improvements are necessary in order to implement our AML/CFT system effectively.   The issue of low effectiveness can be broken down into the following areas:

- The designated regulations and guidelines promulgated by various governing bodies are not effective enough to achieve their intended results.

- Inadequate education and training among frontline practitioners of TCSP, and the governing bodies' unavailability of practical solutions to help professional stakeholders to discharge their duties.

- Lax enforcement resulted in some unprepared people who may game the system to circumvent the AML/CFT requirements.

In view of the sudden collapse of FTX, the potential loss of USD26 billion may affect close to a million people and many institutions.   Although the collapse of a virtual assets service provider is more of a financial compliance issue, their main trading arm Alameda Research is situated right in Hong Kong which makes regulators here a lot more nervous, not only for VASPs but all other professional service providers.

解讀和觀察

關於「技術規範」：

香港在技術規範方面取得了很高的分數，這表明香港在遵從國際法律和規例方面仍然保持著高度的能力。但是，我們應該關注這三項 FATA 建議，R12：政治公眾人物 (PEE)、

R22：DNFBP 的客戶盡職調查 (CDD) 和 R28：DNFBP 的監管。三者評分均為 2。這意味著監管機構和 TCSP 仍需努力才能在下次的 "成績表" 中取得較高分數。

關於「有效性」：

AML/CFT 系統在實現預期目標方面所得分數顯然未如人意。主要關注點是 IO4 項：TCSP 是否根據其風險充分應用 AML/CFT 預防措施並向當局報告可疑交易。成績表上寫著 "2"。這意味著雖然 "即時結果" 在一定程度上達到了，但要有效地實施 AML/CFT 系統，我們需要重大改進。低效率的問題可以分解為以下幾方面：

- 監管機構頒布的特定規例和指引的有效性不足，無法達到預期效果。

- TCSP 前線從業人員的教育和培訓不足，以及監管機構沒有具體方案來協助專業持份者履行有關職責。

- 執法不嚴，令一些對 AML/CFT 未有準備的人可暫時規避有關要求。

鑑於 FTX 的突然倒閉，260 億美元的潛在損失可能波及近百萬人和眾多機構。雖然一家虛擬資產服務商的倒閉更多的是財務合規問題，但由於其主要交易機構 Alameda Research 是在香港，這將令香港的監管機構更加緊張，不僅對 VASP，還有其他專業服務提供者。

Source of Data
數據來源

https://www.fatf-gafi.org/media/fatf/documents/4th-Round-Ratings.pdf

---

Career with P & L Associates　人才招募

We are looking to hire someone who possesses a passion for an IT job and enjoys working with people. If you think you are one of them, please send us your resume to career@plsoft.com telling us about yourself. Strictly confidential.

I.T. Support Staff

- Be customer-service orientated
- Hand-on experience in trouble-shooting PC, LAN, and Internet problems
- Knowledge of installing MS-SQL, MS Windows, and Linus servers
- Able to communicate effectively in both Cantonese and English
- Perform in-house hardware/software installation, configuration, and maintenance, and provide IT supporting and trouble-shooting services for clients as needed

CSA Support Staff

- Be problem-solving orientated
- Hands-on experience in using CSA Expert
- Able to communicate effectively in both Cantonese and English
- Perform On-line Support (resolve issues for clients via phone or electronically), User Training (introductory training for new users), and Setup Service (standard software installations or updates for clients as needed)
- In-house training will be provided for you to perform the above jobs.

Web Programmer

- Post-secondary education in an IT-related subject
- Hand-on experience in web and mobile programming tools (e.g. Java, JavaScript, HTML, CSS, Ajax, JQuery, Angular, Node.JS)
- Familiar with MS-SQL database
- Perform SQL, web, and mobile applications coding, testing, and maintenance
- Provide technical supporting services for users as needed

Software Engineer

- University graduate in Computer Science or equivalent
- At least three years of full-time experience in the I.T. field, preferably in software development
- Produce software specifications and develop software verification plans and quality assurance procedures
- Integrate software components built by programmers into a fully functional application or software system