

### Inside this Issue 本期內容：

#### [CSA](#)

- Updated Version 5.1.0  
更新版 5.1.0

#### [CPAnywhere](#)

- Opinion: "The Future of Cloud Computing" in 2009 Revisited  
重溫 2009 年「雲計算的未來」一文

#### [AML for CSA](#)

- A New Guideline on Compliance of Anti-Money Laundering and Counter-Terrorist Financing Requirements for Trust or Company Service Providers  
信託或公司服務提供者遵從打擊洗錢及恐怖分子資金籌集規定的新指引
- System Enhancement: Automated Risk Assessment Report  
系統增強：自動化風險評估報告

#### [General Interest 產品以外](#)

- How to avoid a heavy US tax burden before immigrating to the United States

#### [Join Our Team 人才招聘](#)

- CSA Support Specialist
- I.T. Support Specialist



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

### Updated Version 5.1.0 更新版 5.1.0

The updated version of CSA has been released. If you haven't done the update, please follow the instructions sent to you earlier to download the files and update your system with your designated password. The changes on this version include the following:

CSA 的更新版本已經發布。如果您還未進行更新，請按照之前發送給您的說明，並使用您的專屬密碼下載檔案以更新您的系統。此版本的變更包括以下內容：

Samples of Model  
Articles of Association  
組織章程細則範本的樣本

This is related to the Companies (Amendment) Ordinance 2023 which has been effective on 28 April 2023. The amendment intended to modernize the Companies Ordinance by expressly enables companies to hold fully virtual or hybrid (physical plus virtual) general meetings with computer technologies. To keep in line with the Ordinance, the Companies Registry ("CR") has revised Samples A, B, C and D of their model articles of association. Accordingly the relevant components in CSA has been updated.

For example, the revised articles under “Decision-taking by Members” stipulate that if a general meeting is to be held virtually or in hybrid mode, the company must specify in the notice of general meeting the virtual meeting technology to be used.

這與 2023 年 4 月 28 日生效《2023 年公司 (修訂) 條例》有關。該修訂旨在明確允許公司通過電腦技術，在實體場地以外以全虛擬模式或混合模式舉行成員大會，從而使《公司條例》現代化。為與該條例保持一致，公司註冊處 (CR) 已修訂其組織章程細則範本的樣本 A、B、C 和 D。因此，CSA 中的相關組件亦已更新。

例如「成員作出決定」下的修訂條文規定，如果成員大會以虛擬方式或混合方式舉行，公司必須在成員大會通知書中明確說明使用的虛擬會議科技。

Blank Form PS3 / PS4  
空白表格 PS3 / PS4

This is related to the Anti-Money Laundering and Counter-Terrorist Financing (Amendment) Ordinance 2022 which has taken effect on 1 April 2023. As the amendment includes a registration regime for dealers in precious metals and stones, CR had to update Form PS3 and Form PS4 with regard to the application for disclosure of protected information.

To further explain:

- Only specified persons under the Companies (Residential Addresses and Identification Numbers) Regulation are authorized to use CR’s protected information search services.
- One category of the specified persons is called Designated Non-Financial Businesses and Professions (“DNFBP”) as defined by the Financial Action Task Force on Money Laundering (“FATF”)#.
- Precious metals and stones dealers are put under the DNFBP category.
- In case you didn’t aware, TCSP (Trust or Company Service Provider) licensees also belong to this category.

In CSA, forms PS3 and PS4 have been updated to version “2023”. You can access these blank forms in { Tools > Blank Forms }.

# FATF is an inter-governmental body established to lead global action to tackle money laundering, terrorist, and proliferation financing. They set international standards (such as the well-known “40 Recommendations”) and monitor committed countries and jurisdictions to ensure they implement those standards fully and effectively. FATF was established in 1989 with its headquarters in Paris. Hong Kong and China became members in 1991 and 2007 respectively.

這與 2023 年 4 月 1 日生效的《2022 年打擊洗錢及恐怖分子資金籌集 (修訂) 條例》有關。由於該修訂包括一項貴金屬及寶石交易商的註冊制度，CR 需要更新有關申請披露受保護資料的表格 PS3 和 PS4。

進一步解釋：

- 只有《公司 (住址和身分識別號碼) 規例》所指明的人士才有權使用 CR 的受保護資料查冊服務
- 根據打擊清洗黑錢財務行動特別組織 (FATF)# 的定義，其中一類指明人士稱為“指定非金融業人士” (DNFBP)。
- 貴金屬及寶石交易商被歸入 DNFBP 類別。
- 順帶一提，TCSP (信託或公司服務提供者) 持牌人也屬於該類別。

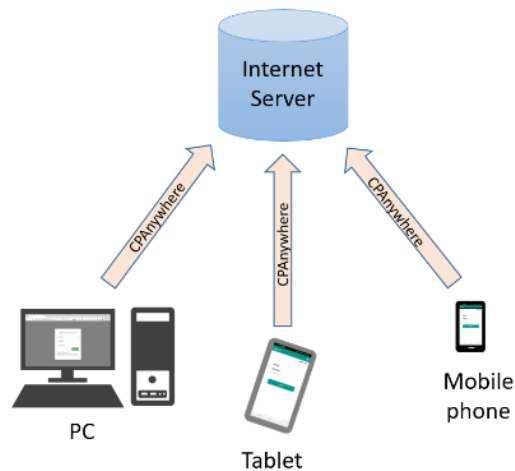
CSA 中的表格 PS3 及 PS4 已更新至“2023”版本。這些空白表格可以在 { 工具 > 空白文件 } 中找到。

# FATF 是一個政府間機構，旨在領導全球採取行動打擊洗錢、恐怖主義和擴散融資。他們制定國際準則（例如著名的“40 條建議”）並監督承諾的國家及司法管轄區，以確保他們全面而有效地實施這些準則。FATF 成立於 1989 年，總部設在巴黎。香港及中國分別於 1991 及 2007 年加入為成員。



## CPAnywhere: Professional Practice Management System 執業管理系統

### Opinion: “The Future of Cloud Computing” in 2009 Revisited 重溫 2009 年「雲計算的未來」一文



The following article “The Future of Cloud Computing” is originally published in December 2009 in our MBAnywhere Development Journal#. You can see the predictions come true.

以下文章「雲計算的未來」最初於 2009 年 12 月發表在我們的 MBAnywhere Development Journal# 上。你可以看到當時的預測成真了。

“Your editor has attended the Data Center Summit organized by *Computerworld* on November 9, 2009. It talks about the future development of the use of the data center in replacement of an in-house server. After experiencing the world-wide melt-down of all kinds of financial and real assets, the need to reduce costs has become an urgent need for every business enterprise. Nowadays, the CFO plays a more important role in reducing costs and enhancing efficiency. The use of independent data center, outsourcing, and use of public or private cloud computing will be the next important phase of development.

I do appreciate the guest speaker Mr. **Jeremy Godfrey**, the Government’s Chief Information Officer, for his understanding of the goods of Hong Kong as a base for world-wide data center’s location. Low tax rate, low cost of using fiber optic transmission, stable government policy with transparency, rule of law, and protection of information are the most important aspects for the consideration of setting up a data center. Surprisingly, Hong Kong excels in all these aspects.

Another refreshing talk came from Mr. **Claus Mortensen** of *IDG Asia Pacific*. He predicted the explosion of cloud computing as the most important trend in just a few years and he has data to prove it. A wide availability of secured data center is a pre-requisite in the development of either private cloud or public cloud computing. The *Economist* magazine has predicted that **“Much of computing will no longer be done on personal computers in homes and offices, but in the “cloud”: huge data centers housing vast storage systems and hundreds of thousands of servers, the powerful machines that dish up data over the Internet”**.

MBAnywhere is considered a private cloud because each company is a closed one, except for the inter-companies' communication with pre-approved lists. The present huge cost of setting up one's Internet server together with all the support, backup, and maintenance will just outspend the cost of the software. Why not just jump from a networked system, by-pass the SaaS (Software as a Service), and get to a private cloud with a huge saving in hardware and software costs?”

CPAnywhere means Cloud Practice Anywhere. The change of name from MBAnywhere is to emphasize the system is for practice management. Looking back, we were one of the first developers who had invested heavily and whole-heartedly into the Internet Server infrastructure for truly on-line software applications since 2000, that is 23 years ago! Nowadays, using Internet Servers as primary database platforms is almost a must-have function. Just an interesting observation - after many years of Internet-based software developments.

# MBAnywhere, stands for Manage your Business Anywhere, is the predecessor of CPAnywhere. The MBAnywhere Development Journal was the then newsletter for users of the product.

CPAnywhere 代表 **Cloud Practice Anywhere**，意即不受地域限制的雲端實務。從 MBAnywhere 更改名稱為要恰當地突顯其執業管理系統的本質。回顧過去，自 2000 年以來，即 23 年前，我們是第一批為真正的在線軟件應用程式而大量和全心投資在互聯網伺服器基礎設施的開發商之一！如今，使用互聯網伺服器作為主要的數據庫平台幾乎是必備的功能。經過多年基於互聯網的軟件開發，這是一個有趣的觀察。

# MBAnywhere 全稱 Manage your Business Anywhere，是 CPAnywhere 的前身。MBAnywhere Development Journal 是該產品當時的用戶通訊。



## AML for CSA

(為遵從打擊洗錢及恐怖分子資金籌集的規定)

### A New Guideline on Compliance of Anti-Money Laundering and Counter-Terrorist Financing Requirements for Trust or Company Service Providers

信託或公司服務提供者遵從打擊洗錢及恐怖分子資金籌集規定的新指引

The Companies Registry (“CR”) has published a new Guideline for all TCSPs on Anti-Money Laundering / Counter-Terrorist Financing (AML/CTF) in June 2023. That means CR will start increasing its supervision of licensees in the future.

公司註冊處 (CR) 於 2023 年 6 月發布了針對所有 TCSP 的打擊洗錢 / 恐怖分子資金籌集 (AML/CTF) 新指引。這意味著 CR 未來將開始對牌照持有人加強監管。

## Two Important New Requirements

### 兩項重要的新要求

Before you jump into the full summary, we have identified two major requirements that would like to call for your immediate attention:

在我們討論完整摘要之前，希望大家首先關注下列兩項重要的新要求：

- (1) You need to apply a Risk-based Approach in Customer Due Diligence  
您需要採用風險為本方案行盡職審查
- (2) You need to maintain updated Sanctioned / Wanted lists in your own database  
您需要維持一個被制裁 / 被通緝的更新名單的數據庫

## Using a Risk-based Approach in Customer Due Diligence (CDD)

### 採用風險為本方案行盡職審查 (CDD)

Under the new Guideline, TCSP licensees should apply a risk-based approach when conducting CDD measures and the extent of CDD measures should be commensurate with the Money Laundering / Terrorist Financing (“ML/TF”) risks associated with a business relationship.

Accordingly, we are implementing a completely new way of handling CDD with a risk-based approach as required. Please see the next section: “System Enhancement: Automated Risk Assessment Report” for details.

根據新指引，TCSP 持牌人應按風險為本方案進行 CDD 措施，同時 CDD 措施的程度應與業務關係涉及的洗錢 / 恐怖分子資金籌集 (ML/TF) 風險相稱。

為此，我們即將根據需要，推出一種基於風險為本方案的全新方式來處理 CDD。詳情請參閱下一節：「系統增強：自動化風險評估報告」。

## Maintaining updated Sanctioned / Wanted lists in your own database

### 維持一個綜合所知的被制裁 / 被通緝名單的數據庫

Under the new Guideline, the TCSP licensee should ensure that it maintains a database of names and particulars of terrorist suspects and designated parties that consolidate the various lists that have been made known to it. Alternatively, a TCSP licensee may make arrangements to access such a database maintained by a third-party service provider.

As a user of AML for CSA, whenever you want to do the Sanction / Wanted List or Politically Exposed Person (“PEP”) screening, your system will look for and automatically be updated to our newest data source beforehand. That means you will always be using the most up-to-date data.

根據新指引，TCSP 持牌人應確保維持一個綜合所知的各類名單上恐怖分子嫌疑人物及指定人士姓名/名稱及詳細資料的數據庫。另一可行做法是 TCSP 持牌人作出安排，使用由第三者服務供應商維持的數據庫。

作為 AML for CSA 的用戶，每當您想要進行被制裁 / 被通緝名單或政治人物 (PEP) 篩選時，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，您每次使用的都會是最新的數據。

## Outline of Major Changes

### 重要變更概述

We are outlining the major changes to the Guideline. If you want to read the entire new Guideline (with our corresponding highlights of changes), please go to the following link:

我們會在這裡概述該指引的重要變更。如果您想閱讀完整的新指引（附有我們對變更內容的相應標示），請造訪以下鏈接：

[http://dl3.plsoft.com/download/aml/\(E\)\\_Guideline\\_on\\_Compliance\\_of\\_AML-CTF\\_Requirements\\_for\\_TCSPs\\_\(June\\_2023\)\\_Diff\\_highlighted.pdf](http://dl3.plsoft.com/download/aml/(E)_Guideline_on_Compliance_of_AML-CTF_Requirements_for_TCSPs_(June_2023)_Diff_highlighted.pdf)

- (1) Besides the Anti-Money Laundering and Counter-Terrorist Financing Ordinance (cap.615), the following are the other main pieces of legislation in Hong Kong that are concerned with money laundering, terrorist financing, financing sanctions, and financing of weapons of mass destruction:

在香港，除了《打擊洗錢及恐怖分子資金籌集條例》（第 615 章）外，其他與洗錢、恐怖分子資金籌集、金融制裁及大規模毀滅武器擴散資金籌集有關的主要法例為：

- Drug Trafficking (Recovery of Proceeds) Ordinance (cap.405)  
販毒（追討得益）條例（第 405 章）
- Organized and Serious Crimes Ordinance (cap. 455)  
有組織及嚴重罪行條例（第 455 章）
- United Nations (Anti-Terrorism Measures) Ordinance (cap.575)  
聯合國（反恐怖主義措施）條例（第 575 章）
- United Nations Sanctions Ordinance (cap.537)  
聯合國制裁條例（第 537 章）
- Weapons of Mass Destruction (Control of Provision of Services) Ordinance (cap.526)  
大規模毀滅武器（提供服務的管制）條例（第 526 章）

As a TCSP licensee, you are strongly advised to read the relevant provisions of these ordinances.

作為 TCSP 持牌人，您務須閱讀這些條例的相關條文。

- (2) The AML/CTF System for TCSP will need to add the following procedures:  
TCSP 的 AML/CTF 系統需要增加以下程序：

- Employee screening procedures  
僱員甄選程序

You must implement appropriate procedures in order to be satisfied of the integrity of any new employees. In addition, you may need to search for your existing employee's background which may also include their political status etc.

您必須實施適當程序，確保信納任何新僱員的誠信。此外，您可能需要了解您現有員工的背景，其中可能還包括他們的政治狀況等。

- Independent audit function  
獨立審計職能

TCSP should establish an independent audit function which should have a direct line of communication to their senior management. The audit function should regularly review the adequacy of the TCSP's AML/CTF systems and its application of a risk-based approach, and the level of awareness of staff having AML/CTF responsibilities.

TCSP 應設立獨立審計職能。此職能應能與持牌人的高級管理層直接溝通，並應定

期檢討 TCSP 的 AML/CTF 制度的有效性及其風險為本方案的應用是否適當，以及負有 AML/CTF 職責的職員的警覺性等。

- (3) TCSPs need to follow the FATF's findings for the identification of Jurisdiction Risk: TCSP 需遵循 FATF 的調查結果以識別司法管轄區的風險：
- You should pay particular attention to customers with residence in or connection with high-risk jurisdictions identified by FATF for having strategic deficiencies in AML/CTF compliance.  
您應特別留意居住在被 FATF 確定為缺乏執行 AML/CTF 策略的司法管轄區或與該等司法管轄區有關連的客戶。
- (4) For a TCSP incorporated in Hong Kong with overseas branches: 對於在香港成立並設有海外分行的 TCSP：
- Make sure that all oversea branches are in compliance with the Hong Kong AML/CTF requirements.  
確保所有海外分行均符合香港 AML/CTF 的要求。
- (5) When a TCSP launches new products, new business practices, and use of new technologies, it needs to: TCSP 在推出新產品、新經營方法或使用新科技前：
- Undertake the risk assessment prior to the launching and take appropriate measures to manage and mitigate the risks identified.  
應事先作出風險評估，並應採取適當措施管理及減低所識別的風險。
- You may need to set up a committee to review the launch of new products, new business practices, and the use of new technologies and its implication of the ML/TF risks.  
您可能需要成立一個委員會來審查新產品、新經營方法的推出和新技術的使用，及其對 ML/TF 風險的影響。
- (6) When doing CDD, the TCSP needs to apply the risk-based approach: 在進行 CDD 時，TCSP 需採用風險為本方案：
- TCSP licensees should apply a risk-based approach when conducting CDD measures and the extent of CDD measures should be commensurate with the ML/TF risks associated with a business relationship.  
TCSP 應按風險為本方案進行 CDD 措施，同時 CDD 措施的程度應與業務關係涉及的 ML/TF 風險相稱。
- (7) A new option to identify and verify customer identity: 識別和核實客戶身分的新選項：
- A digital identification system that is a reliable and independent source that is recognized by CR, such as iSMART.  
CR 認可的、屬可靠及獨立來源的數碼識別系統，例如 iSMART。
- (8) Specifying situations when to apply additional measures or Enhanced Customer Due Diligence ("EDD"): 因應以下情況應採取的額外措施或更嚴格盡職審查 (EDD) 的導引：
- Customer not physically present for identification purposes.  
客戶沒有為身分識別的目的而現身。
  - Customer or its beneficial owner being a PEP.  
客戶或其實益擁有人是 PEP。

- Corporate customer which has issued bearer shares.  
已發行持票人股份的法團客戶。
  - Customer from or transaction connected with a jurisdiction identified by the FATF as having strategic AML/CTF deficiencies.  
來自被 FATF 識別為在 AML/CTF 方面存在策略性缺陷的司法管轄區的客戶，或與該等司法管轄區有關連的交易。
  - Any situation specified by CR in a notice given to the TCSP licensee.  
CR 在發給 CTSP 持牌人的通知中所指明的任何情況。
- (9) How to determine the extent of the EDD measure needs to be applied to specifying situations:  
如何確定需要於特定情況應用 EDD 措施及其應用程度：
- The extent of EDD measures should be proportionate, appropriate, and discriminating, and be able to be justified to CR.  
EDD 措施的程度應合乎比例、適當及因情況而異，並能向 CR 提供理據。
- (10) When a customer has not been physically present for identification purposes:  
如客戶沒有為身分識別的目的而現身：
- In order to mitigate risks, TCSP should ensure that the first payment made in relation to the customer's account is carried out through an account opened in the customer's name with an authorized institution or bank unless the TCSP has verified the identity of the customer on the basis of data or information provided by a digital identification system that is a reliable and independent source recognized by CR.  
為減低風險，TCSP 須確保就該客戶的戶口作出的第一次的付款，是經由以該客戶的名義在認可機構開設的戶口進行；除非 TCSP 以已獲 CR 認可的、屬可靠及獨立來源的數碼識別系統所提供的數據或資料為基礎，核實客戶的身分。
- (11) Adding other suitable persons for certifying verification of identity documents:  
新增加的身分證明文件核實的認證的合適證明人：
- Other professional persons such as certified public accountant, lawyer, notary public, and professional company secretary.  
其他專業人士如會計師、律師、公證人及專業公司秘書。
- (12) Specifying different types of PEP:  
不同類別 PEP 的定義；
- A non-Hong Kong PEP  
非香港政治人物
  - A former non-Hong Kong PEP  
前非香港政治人物
  - A close associate  
關係密切的人
  - A Hong Kong PEP  
香港政治人物
  - An international organization PEP  
國際組織政治人物
- (13) Use of additional measure or EDD for non-Hong Kong PEPs:  
就非香港 PEP 執行額外措施或 EDD：
- TCSP licensees must establish and maintain effective procedures (for example making reference to publicly available information and/or screening against commercially available databases) for determining whether a customer or a



beneficial owner of a customer is a non-Hong Kong PEP.

TCSP 須設立及維持有效的程序 (例如參考公開的資料及/或與可供使用的商業資料庫核對) · 以斷定某客戶或某客戶的實益擁有人是否非香港 PEP.

(14) EDD measures for Hong Kong PEPs and international organization PEPs:  
就香港 PEP 及國際組織 PEP 執行 EDD 措施：

- TCSP should take reasonable measures to determine whether a customer or a beneficial owner of a customer is a Hong Kong PEP or an international organization PEP.  
TCSP 應採取合理措施以斷定某客戶或某客戶的實益擁有人是否香港 PEP 或國際組織 PEP。

(15) Treatment of former non-Hong Kong PEPs:  
對前非香港 PEP 的處理方法

To determine whether a former non-Hong Kong PEP does not present a high risk of ML/TF, TCSP should conduct an appropriate assessment on the ML/TF risk associated with the PEP status taking into account various risk factors, including but not limited to:

為斷定一名前非香港 PEP 是否不會造成 ML/TF 方面的高度風險 · TCSP 應在考慮包括 (但不限於) 以下各項在內的風險因素後 · 對與該 PEP 的地位有關的 ML/TF 風險進行適當的評估：

- The level of (informal) influence that the individual could still exercise  
該名個人仍可發揮的 (非正式) 影響力。
- The seniority of the position that the individual held as the PEP.  
該名個人作為 PEP 時所擔任職位的級別。
- Whether the individual's previous and current function are linked in any way (e.g., formally by appointment of the PEP's successor, or informally by the fact that the PEP continues to deal with the same substantive matters).  
該名個人以往及現有職能是否有任何關連 (例如由該 PEP 的繼任人委任而有正式關連 · 或因該 PEP 繼續處理相同的重要事務而有非正式關連)。

(16) Further guidance applied to all types of PEPs:  
就各類 PEP 的進一步導引：

- In determining what constitutes a prominent (public) function, TCSP should consider on a case-by-case basis taking into account various factors, for example: the powers and responsibilities associated with a particular public function; the organizational framework of the relevant government or international organization; and any other specific concerns connected to the jurisdiction where the public function is/has been entrusted.  
TCSP 在決定哪些元素構成重要公職/職位時 · 應按個別情況考慮多項因素 · 例如與該公職相關的權力及責任；相關政府或國際組織的組織架構 · 以及其他有關所擔任或曾擔任的公職所在司法管轄區的具體關注事項。
- The use of any commercial databases should never replace traditional CDD processes (e.g., understanding the occupation and employer of a customer), and to aware of their limitations.  
使用商業數據庫不應取代傳統的 CDD 程序 (例如了解客戶的職業及僱主) · TCSP 使用商業數據庫時 · 應留意有關數據庫的限制。
- TCSP should adopt a risk-based approach in determining the extent of EDD measures and enhanced ongoing monitoring  
TCSP 應以風險為本方案 · 以決定實施 EDD 措施及已加強的持續監察的程度。

(17) Application of Anti-Money Laundering and Counter-Terrorist Financing Ordinance (“AMLO”) to pre-existing customers:

對先前客戶應用《打擊洗錢及恐怖分子資金籌集條例》(AMLO)：

- TCSP licensees must perform the CDD measures prescribed in Schedule 2 to the AMLO and this Guideline in respect of pre-existing customers (with whom the business relationship was established before 1 March 2018).  
TCSP 必須對先前客戶 (於 2018 年 3 月 1 日前與該 TCSP 建立業務關係的客戶) 執行 AMLO 附表 2 及本指引所指明的 CDD 措施。

(18) Outsourcing CDD measures:

藉著中介人執行 CDD：

- For avoidance of doubt, reliance on intermediaries does not apply to outsourcing or agency relationships, in which the outsourced entity or agent applies the CDD measures on behalf of the TCSP licensee, in accordance with the licensee's procedures, and subject to the licensee's control of effective implementation of these procedures by the outsourced entity or agent.  
為免生疑問，外判或代理關係，其中外判實體或代理按照 TCSP 的程序，代表該 TCSP 採取 CDD 措施，而外判實體或代理就有效實施此等程序會受到 TCSP 的管控。在這情況則不應視作依賴中介人。

(19) Changes in business relationships with customers:

與客戶的業務關係出現變化：

- TCSP licensees should be vigilant for changes in the basis of the business relationship with customers over time. For example, setting up new corporate or trust structures (including frequent change of directorship).  
TCSP 應保持警覺，留意與客戶的業務關係的基本情況有否隨時間過去而發生變化。例如：客戶設立新法團或信託架構 (包括頻繁的董事變更)。

(20) Adding Chapter 8: Financial Sanctions, Proliferation Financing and Terrorist Financing  
加入第 8 章：金融制裁、大規模毀滅武器擴散資金籌集及恐怖分子資金籌集

- The Chief Executive or the Secretary for Commerce and Economic Development may, by notice published in the Gazette or on the website of the Commerce and Economic Development Bureau ("CEDB"), specify persons or entities designated by the Security Council or its Sanctions Committees of the United Nations for the purpose of financial sanctions.  
行政長官或商務及經濟發展局局長可藉於憲報刊登的公告，或在商務及經濟發展局 (CEDB) 的網站，指明對聯合國安理會或其制裁委員會指定的人士或實體實施金融制裁。

(21) TCSP should ensure that relevant sanctioned lists are included in their database  
TCSP 應確保其數據庫已收錄相關的被制裁名單

- The such database should, in particular, include (i) the lists published in the Gazette or on the website of the CEDB; and (ii) the lists that CR draws to the attention of TCSPs from time to time. The database should be subject to timely updates whenever there are changes and should be made easily accessible by relevant staff.  
該等數據庫尤其應收錄 (i) 載於政府憲報或 CEDB 網站的名單；及 (ii) CR 不時通知 TCSP 的名單。每當資料有變更時，TCSP 應適時更新數據庫，並應讓相關職員易於查閱。

(22) Reporting to the Joint Financial Intelligence Unit ("JFIU"):

向財富情報組 (JFIU) 作出報告：

- In case of any suspicions of terrorist financing, financing of proliferation of weapons of mass destruction, or sanctions violations, the TCSP licensee should make a report to the JFIU.

如 TCSP 懷疑有任何涉及恐怖分子資金籌集、大規模毀滅武器擴散資金籌集或違反制裁的情況，應向 JFIU 作出報告。

## System Enhancement: Automated Risk Assessment Report

### 系統增強：自動化風險評估報告

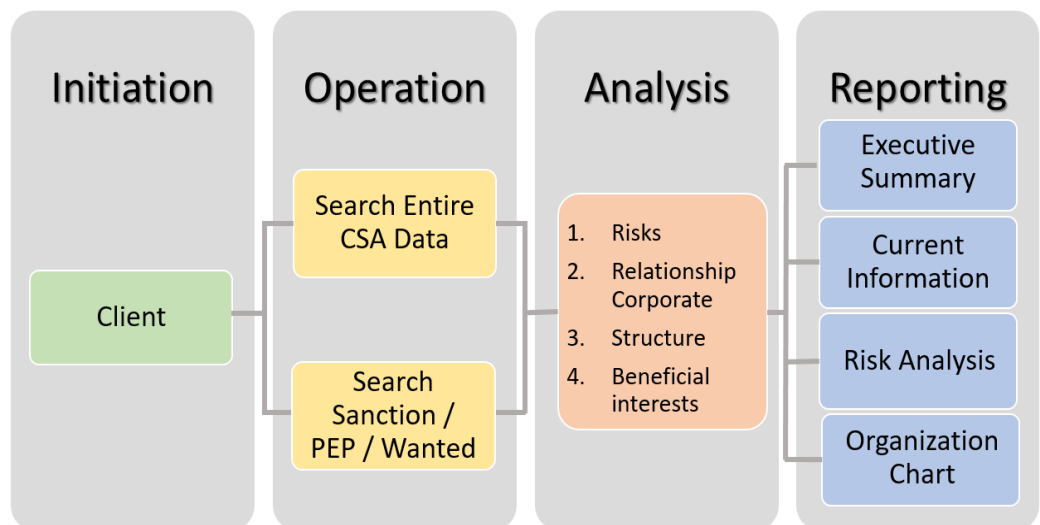
Coping with CR's new AML/CTF Guideline for TCSP, AML for CSA is implementing a major enhancement to the system by adding an automated "Risk Assessment Report" to it. Instead of solely relying on passive form-based reporting on KYC and CDD, the system will utilize the computer's analytical power to gather all available information in the system and produce a comprehensive Excel worksheet about the entity in question in a presentational format.

This will save a lot of your time and man-power and let the computer do what it does best.

為配合 CR 針對 TCSP 的 AML/CTF 新指引，AML for CSA 即將通過新增的自動化“風險評估報告”的功能以進行重要改進。系統會利用電腦的分析能力收集系統中的所有可用資訊，並以演示格式生成相關實體的綜合 Excel 工作表，而不單是基於被動形式的 KYC 和 CDD 填表報告。

這將節省您大量的時間和人力，讓電腦做它最擅長的事情。

## AML/CTF Risk Analysis Report



The produced worksheet will include the following parts:

生成的工作表將包括以下部分：

- Overview of the Entity's Particulars  
實體詳情概覽
- Risk Analysis according to the Guidelines  
根據指引進行的風險分析
- Organizational Chart with highlights for irregularities (if applicable)  
顯示異常情況的組織結構圖 (如適用的話)

Risk Control Measures – The system will look into the following risks:

風險控制措施 — 系統將檢視以下風險：

- Customer Risk  
客戶風險
- Product / Service Risk  
產品 / 服務風險
- Country / Geographic Risk  
國家 / 地緣風險
- Delivery / Distribution Channel Risk  
交付 / 分銷渠道的風險

Sample (1)  
Overview of the Entity's  
Particulars

樣本 (1)  
實體詳情概覽

| A  |                                      | B  |
|----|--------------------------------------|--|
| 1  | <b>Particulars</b>                   |  |
| 2  | [2001] Zoom Company                  |  |
| 3  | Printed on                           | 2023-05-30 12:41   |
| 4  | Printed by                           | MASTER   |
| 5  |                                      |  |
| 6  | <b>Item</b>                          | <b>Data</b>  |
| 7  | <b>Client ID</b>                     | <b>2001</b>  |
| 8  | Company Name                         | Zoom Company   |
| 9  | Jurisdiction                         | Hong Kong  |
| 10 | Registration No.                     | 45748  |
| 11 | Company Type                         | Limited by Shares (Private)                                      |
| 12 | Incorporation Date                   | 2022-02-02   |
| 13 | Registered Office Address            | Rm. 4902, City Top Tower, 24 King's Road, North Point, Hong Kong |
| 14 |                                      |  |
| 15 | <b>Share Class</b>                   | <b>Ordinary (Ordinary Type, Voting Rights)</b>                   |
| 16 | Currency                             | HKD  |
| 17 | Issued Shares                        | 100  |
| 18 | Par Value / Liability of each member | 1.00   |
| 19 | Registered Capital                   | 100.00 (Cash 100.00)   |
| 20 | Paid up Capital                      | 90.00 (Cash 90.00)   |
| 21 |                                      |  |
| 22 | <b>Share Class</b>                   | <b>Preference (Ordinary Type, Voting Rights)</b>                 |
| 23 | Currency                             | HKD  |
| 24 | Issued Shares                        | 30   |
| 25 | Par Value / Liability of each member | 2.00   |
| 26 | Registered Capital                   | 120.00 (Cash 120.00)   |
| 27 | Paid up Capital                      | 100.00 (Cash 100.00)   |
| 28 |                                      |  |
| 29 | <b>Ultimate Beneficial Owner</b>     |  |
| 30 | Folio                                | 00001  |
| 31 | - Name                               | Choi Chi Kin   |
| 32 | - Address                            | Flat A, 12/F, Kamming House, 284 Lai Chi Kok Road, Kowloon       |
| 33 | - Becoming                           | 2022-02-02   |
| 34 | - Reference                          | [ Equity Ratio 100% ]  |
| 35 |                                      |  |
| 36 | <b>Significant Controller</b>        |  |
| 37 | Folio                                | 001  |
| 38 | - Name                               | ZHANG Lin  |
| 39 | - Address                            | No. 1 Fuxingmen Nei Dajie, Beijing, PRC 100818                   |
| 40 | - Becoming                           | 2022-02-02   |
| 41 | - Reference                          | [ First ][Confirmed: 02/02/2022 ]                                |
| 42 |                                      |  |
| 43 | <b>Beneficial Owner</b>              |  |

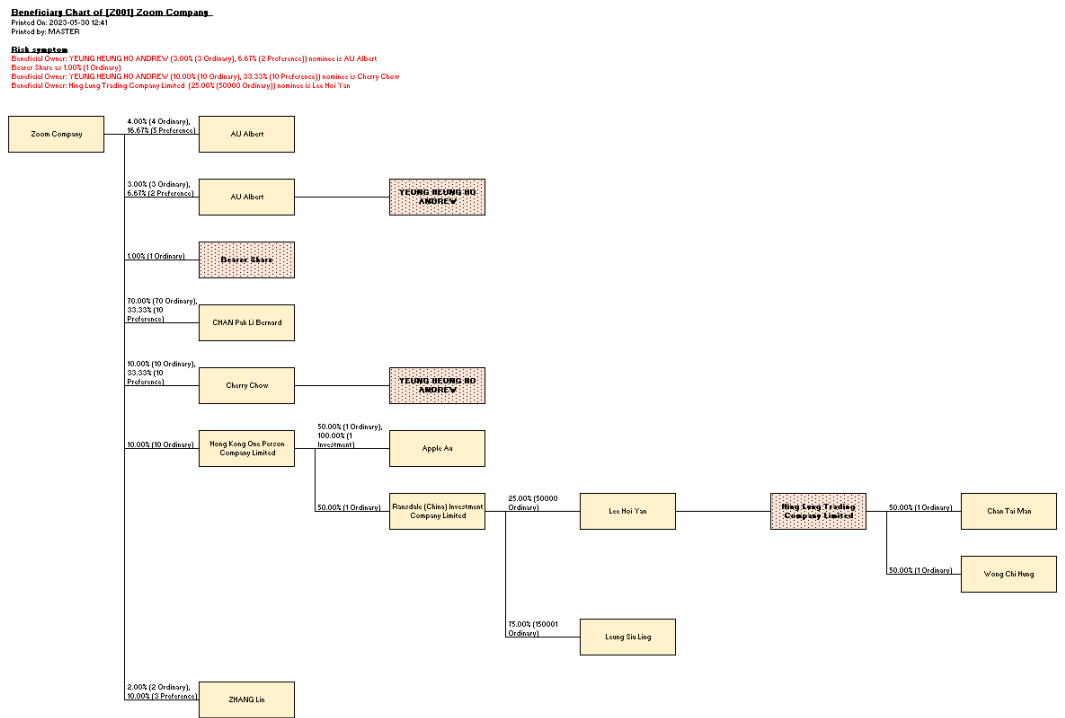
Sample (2)  
Risk Analysis according  
to the Guidelines

樣本 (2)  
根據指引進行的風險分析

| A  | B                   | C    | D   | E  | F                        | G                                    | H                    | I                     |   |
|----|---------------------|------|---|--|--------------------------|--------------------------------------|----------------------|-----------------------|---|
| 1  | RBA Report:         |      | [CRGL_CHAP4_2023] Chapter 4 - Assessing risk and applying a risk-based approach (June 2023) |  |                          |                                      |                      |                       |   |
| 2  | [2001] Zoom Company |      |   |  |                          |                                      |                      |                       |   |
| 3  | Printed on          |      | 2023-05-30 12:41  |  |                          |                                      |                      |                       |   |
| 4  | Printed by          |      | MASTER  |  |                          |                                      |                      |                       |   |
| 5  |                     |      |   |  |                          |                                      |                      |                       |   |
| 6  | Section             | Seq. | Item  | Description  | Checked                  | Name                                 | Risk type            | Factor                | Comment   |
| 7  | 1                   | A    |   | Country/geographic risk<br>Customers with residence in or connection with high-risk jurisdictions, for example:<br>(a) those that have been identified by the FATF as jurisdictions with strategic AML/CFT deficiencies;<br>(b) countries subject to sanctions, embargos or similar measures issued by, for example, the United Nations;<br>(c) countries which are vulnerable to corruption; and<br>(d) countries that are believed to have strong links to terrorist activities.   | <input type="checkbox"/> |                                      |                      |                       | <not found>   |
| 8  |                     |      |   |  |                          |                                      |                      |                       |   |
| 9  |                     |      |   |  | <input type="checkbox"/> |                                      |                      |                       | <not found>   |
| 10 |                     |      |   |  | <input type="checkbox"/> |                                      |                      |                       | <not found>   |
| 11 |                     |      |   |  | <input type="checkbox"/> |                                      |                      |                       |   |
| 12 |                     |      |   |  | <input type="checkbox"/> |                                      |                      |                       |   |
| 13 | 2                   | B    |   | In assessing country risk associated with a customer, consideration may be given to local legislation (such as the UNCO and the UNATMO), data available from the United Nations, the International Monetary Fund, the World Bank, the FATF, etc. and the TCSP licensee's own experience or the experience of other group entities (where the TCSP licensee is part of a multi-national group) which may have indicated weaknesses in other jurisdictions.<br>Customer risk<br>Determining the potential ML/TF risks posed by a customer, or a category of customers, is critical to the development of an overall risk framework. Based on its own criteria, a TCSP licensee should determine whether a particular customer poses a higher risk and the potential impact of any mitigating factors on that assessment. Application of risk variables may mitigate or exacerbate the risk assessment. Categories of customers whose activities may indicate a higher risk include:<br>a Customers conducting their business relationship or transactions in unusual circumstances, for example, there is a significant and unexplained geographic distance between the TCSP licensee and the location of the customer.<br>b Customers where the structure or nature of the entity or relationship makes it difficult to identify and verify their true owners or controlling interests, such as:<br>(i) unexplained use of corporate structures, express trusts and nominee shares, and use of bearer shares; | <input type="checkbox"/> |                                      |                      |                       | <not found>   |
| 14 |                     |      |   |  | <input type="checkbox"/> | Bearer Share                         | Bearer/Corporation   | Bearer or Corporation | Corporation Capacity: Bearer Share - 1.00% (1 Ordinary)                           |
| 15 |                     |      |   |  | <input type="checkbox"/> | Hong Kong One Person Company Limited | Bearer/Corporation   | Bearer or Corporation | Corporation Capacity: Hong Kong One Person Company Limited - 10.00% (10 Ordinary) |
| 16 |                     |      |   |  | <input type="checkbox"/> | YEUNG HEUNG HO ANDREW                | Nominee shareholding | Beneficial owner      | Beneficial Owner: YEUNG HEUNG HO ANDREW (10.00% (10                               |

Sample (3)  
Organizational Chart  
with Highlights for  
Irregularities:

樣本 (3)  
顯示異常情況的  
組織結構圖



**When is this function be available?**

這項功能什麼時候可用？

Expectedly, we will include this function in the next major system update by the end of June 2023.

我們預計將會在 2023 年 6 月底或之前將此功能包含在下一次主要系統更新中。

**Will there be any introduction to this new function?**

請問這項新功能會有簡介會嗎？

Yes. We will hold a seminar to introduce this new Risk Analysis Reporting function. Separate notice of the seminar will be sent to all registered users of the system in due course.

會的。我們將舉辦一個簡介會來介紹這項新的風險分析報告功能。簡介會的通知將會適時發送給系統的所有註冊用戶。



**General Interest**

產品以外

**How to avoid a heavy US tax burden before immigrating to the United States**

**World-wide Tax**

The US is one of the few that taxes its residents on their world-wide income. If you are planning to immigrate to the US as a permanent resident, then you need to do the

following planning. In this article, instead of listing all the possible scenarios, I just make an assumption of the following:

- You are married and with children.
- You have a condominium that is now worth 6 million HKD with no debt. You bought it for 4 million.
- You have a MPF account that is now worth 1 million HKD.
- You have an insurance policy that has accumulated earnings of 1 million HKD.
- Your savings account in HK has 2 million HKD.
- Your stock portfolio has a market value of 3 million HKD and you bought them at 1 million HKD.

### **Tax Planning Before Immigrating**

|                    |   |
|--------------------|---|
| Family status      | Being married with children will get you the maximum benefit in US taxation. Recently, the US has increased the refundable credit for families with children. The most important benefit is free education, provided you know how to select your school district. Sometimes, a public school is better than many private schools.   |
| Personal Residence | The US has a very generous tax exemption for home owners. If you had lived in the residence for 2 of the last 5 years, you will get the exemption for USD 500,000 for a couple. That means you can still keep your house in Hong Kong for a maximum of three years. Assuming that you will sell your house within 3 years after immigrating, then you pay no tax on the capital gain for up to about 4 million HKD. If your built-in capital gain is over that amount, you will need to pay the capital gain over that exemption. If you sell the house after 3 years of immigrating, you will lose the exemption permanently unless you will move back to Hong Kong and start using the house as your permanent residence for two years. |
| MPF Account        | If you can cash out the MPF account, do it. Otherwise, you will need to pay the capital gain taxes on the whole amount when cashing out after immigration.  |
| Insurance Policy   | If you have an insurance policy that has saving features in it and there is a built-in gain in the balance, you may want to cash it out first and then re-establish the account.  |
| Savings Account    | It is better not to have a saving account in Hong Kong because of the tedious reporting requirement. You need to report to the US Treasury if you have a foreign bank account that has a total value of USD10,000. In addition, you still have to report all your interest income and amounts to the IRS annually.  |
| Stock Portfolio    | Sell all your stocks that have built-in gain and keep the one that has built-in losses.   |

### **Conclusion**

Remember, when you later sell your assets with gain, the IRS will tax you for the difference between the selling price and the original cost, not the cost when you start your immigration. So, keep the loss and sell the gain before landing in the US.

(This article does not have a Chinese version. 本文並無中文版。)

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## Join Our Team 人才招募

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If you think you are one of them, please send your resume to [career@plsoft.com](mailto:career@plsoft.com) telling us about yourself.

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### CSA Support Specialist

- Be problem-solving orientated
- Hands-on experience in using CSA Expert a definite advantage
- Perform User Support (resolve issues for users via phone or electronically)
- Provide User Training (conduct on-line introductory sessions for new users)
- In-house training will be provided for you to perform the above jobs

如果您是一個以解決問題為導向的人，並且有使用 CSA Expert 的實踐經驗，您將會是最合適的人選！您的主要工作是透過電話或在線方式為用戶解決 CSA 操作或一般 Com Sec 實務上的問題。請放心，我們會為您提供內部培訓的。

### I.T. Support Specialist

- Be customer-service orientated
- At least two years of IT-related work experience
- Hand-on experience in trouble-shooting PC, LAN, and Internet problems
- Knowledge of installing MS-SQL, MS Windows, and Linus servers
- Perform in-house hardware/software installation, configuration, and maintenance
- Provide IT supporting and trouble-shooting services for clients as needed

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