

- (a) all of the conditions specified in subsection (1)(a), (b), (c) and (d) are met in relation to the individual; and
 - (b) the individual has a reasonable prospect of successfully showing to the Commission that the individual is capable of complying with the regulatory requirements applicable to a licensed representative of a licensed provider of the VA service.
- (5) The Commission must inform the individual of its decisions under subsection (3) by written notice (*section 5 notice*) given to the individual.
- (6) The section 5 notice must—
 - (a) state the Commission’s decisions referred to in subsection (3) and the reasons for the decisions; and
 - (b) state that the individual has a right under section 10 of this Schedule to object to the deemed withdrawal of the individual’s applications within the objection period.
- (7) A section 5 notice may only be issued before the end of the first 12 months.

6. Individual applicant deemed licensed representative pending determination of application

- (1) If, under section 5 of this Schedule, this section applies to an individual who made applications referred to in subsection (1)(a)(i) and (ii) of that section, the individual is deemed for the period specified in subsection (2)—
 - (a) to be licensed as a licensed representative under section 53ZRL to provide the VA service on behalf of the corporation to which the applications relate; and
 - (b) to be accredited to the corporation.
- (2) The period specified for the purposes of subsection (1)—

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- (a) begins on the first day of the period for which the corporation is deemed under section 4 of this Schedule to be licensed to provide the VA service; and
 - (b) ends on the day on which one of the following events happens (whichever happens first)—
 - (i) the period for which the corporation is deemed under section 4 of this Schedule to be licensed to provide the VA service ends;
 - (ii) the individual's application under section 53ZRL is withdrawn;
 - (iii) the individual's application under section 53ZRM is withdrawn;
 - (iv) a refusal of the individual's application under section 53ZRL or 53ZRM takes effect as a specified decision under section 75;
 - (v) the individual ceases, on or after the day immediately following the first 12 months, to act for or on behalf of the corporation in relation to the VA service;
 - (vi) the individual is granted a licence under section 53ZRL to provide the VA service on behalf of the corporation.
 - (3) During the period the individual is deemed to be licensed under this section and, if the individual is granted a licence under section 53ZRL to perform a regulated function in relation to the provision of the VA service, even after that, the day immediately following the first 12 months is to be regarded—
 - (a) for the purposes of section 53ZRY(1), as the date of the grant of the individual's licence, unless another date is approved by the Commission under that section; and

- (b) for the purposes of section 53ZRY(4), as the date of the grant of the individual's licence, unless another date is approved by the Commission under that section.

7. Transitional arrangements apply to individual applying to be responsible officer of pre-existing provider on certain conditions

- (1) Section 8 of this Schedule applies to an individual if all of the following conditions are met in relation to the individual—

- (a) within the first 9 months, the individual—
 - (i) makes an application in accordance with section 53ZRL to be licensed to provide a VA service on behalf of a corporation (*subparagraph (i) corporation*);
 - (ii) makes an application in accordance with section 53ZRM to be accredited to the subparagraph (i) corporation;
 - (iii) makes an application referred to in section 53ZRP for approval as a responsible officer in relation to the subparagraph (i) corporation;
 - (iv) gives the Commission a confirmation that the individual has been providing the VA service in Hong Kong on behalf of a corporation that was providing the VA service immediately before 1 June 2023;
 - (v) gives the Commission a confirmation that the individual is providing the VA service in Hong Kong on behalf of the subparagraph (i) corporation at the time the individual's applications referred to in subparagraphs (i), (ii) and (iii) (*individual's applications*) are made; and
 - (vi) gives the Commission a confirmation that the individual will, on being deemed to be so licensed

- comply with the regulatory requirements applicable to a licensed representative and responsible officer of a licensed provider of the VA service;
- (b) the individual's applications are made in connection with an application by the subparagraph (i) corporation to be licensed to provide the VA service;
 - (c) the individual has been providing the VA service in Hong Kong on behalf of a corporation that was providing the VA service immediately before 1 June 2023;
 - (d) the individual is providing the VA service in Hong Kong on behalf of the subparagraph (i) corporation at the time the individual's applications are made;
 - (e) under section 3(1) of this Schedule, section 4 of this Schedule applies to the subparagraph (i) corporation; and
 - (f) the Commission has not issued a section 7 notice under subsection (5) in respect of the individual's applications.
- (2) A condition in subsection (1)(a)(i), (ii) or (iii) is regarded as not met in relation to the individual if the Commission has not acknowledged receipt in writing that it has received the application referred to in that subsection.
- (3) If any of the matters specified in subsection (4) are not proved to the Commission's satisfaction in relation to the individual, the Commission may—
- (a) decide that section 8 of this Schedule is not to apply to the individual; and
 - (b) decide to commence the deemed withdrawal procedure under section 10 of this Schedule in respect of the individual's applications.
- (4) The matters are that—

- (a) all of the conditions specified in subsection (1)(a), (b), (c), (d) and (e) are met in relation to the individual; and
 - (b) the individual has a reasonable prospect of successfully showing to the Commission that the individual is capable of complying with the regulatory requirements applicable to a licensed representative and responsible officer of a licensed provider of the VA service.
- (5) The Commission must inform the individual of its decisions under subsection (3) by written notice (*section 7 notice*) given to the individual.
- (6) The section 7 notice must—
 - (a) state the Commission’s decisions referred to in subsection (3) and the reasons for the decisions; and
 - (b) state that the individual has a right under section 10 of this Schedule to object to the deemed withdrawal of the individual’s applications within the objection period.
- (7) A section 7 notice may only be issued before the end of the first 12 months.

8. Individual applicant deemed approved as responsible officer pending determination of applications

- (1) If, under section 7 of this Schedule, this section applies to an individual who made applications referred to in subsection (1)(a)(i), (ii) and (iii) of that section, the individual is deemed for the period specified in subsection (2)—
 - (a) to be licensed as a licensed representative under section 53ZRL to provide the VA service on behalf of the corporation to which the applications relate;
 - (b) to be accredited to the corporation; and
 - (c) to be approved as a responsible officer of the corporation.

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- (2) The period specified for the purposes of subsection (1)—
- (a) begins on the first day of the period for which the corporation is deemed under section 4 of this Schedule to be licensed to provide the VA service; and
 - (b) ends on the day on which one of the following events happens (whichever happens first)—
 - (i) the period for which the corporation is deemed under section 4 of this Schedule to be licensed to provide the VA service ends;
 - (ii) the individual's application under section 53ZRL is withdrawn;
 - (iii) the individual's application under section 53ZRM is withdrawn;
 - (iv) the individual's application under section 53ZRP to be approved as a responsible officer is withdrawn;
 - (v) a refusal of the individual's application under section 53ZRL, 53ZRM or 53ZRP takes effect as a specified decision under section 75;
 - (vi) the individual is granted a licence under section 53ZRM to provide the VA service on behalf of the corporation and the individual is approved under section 53ZRP as a responsible officer;
 - (vii) the individual ceases, on or after the day immediately following the first 12 months, to act for or on behalf of the corporation in relation to the VA service.
- (3) During the period the individual is deemed to be licensed under this section and, if the individual is granted a licence under section 53ZRL to perform a regulated function in relation to the provision of the VA service, even after that,

the day immediately following the first 12 months is to be regarded—

- (a) for the purposes of section 53ZRY(1), as the date of the grant of the individual's licence, unless another date is approved by the Commission under that section; and
- (b) for the purposes of section 53ZRY(4), as the date of the grant of the individual's licence, unless another date is approved by the Commission under that section.

9. Application of Ordinance to deemed persons

- (1) If a person is deemed for a period to be licensed to provide a VA service under section 4, 6 or 8 of this Schedule, this Ordinance applies to, and in relation to, that person as if the person were licensed, for that period, to provide the VA service under this Ordinance.
- (2) Subsection (1) has effect subject to sections 4(3) and (4), 6(3) and 8(3) of this Schedule.
- (3) If an individual is deemed for a period to be approved as a responsible officer under section 8 of this Schedule, this Ordinance applies to, and in relation to, that individual as if the individual were approved, for that period, as a responsible officer under this Ordinance.

10. Deemed withdrawal of applications

- (1) This section applies if—
 - (a) a person (*applicant*) has made an application or applications referred to in subparagraph (i), (ii) or (iii) (referred to in each case as *specified application*)—
 - (i) an application made in accordance with section 53ZRK to be licensed to provide a VA service;
 - (ii) both—

-
- (A) an application made in accordance with section 53ZRL for a licence to provide a VA service, but not as a responsible officer of a corporation providing the VA service; and
 - (B) an application made in accordance with section 53ZRM for accreditation to a corporation;
 - (iii) all of the following—
 - (A) an application made in accordance with section 53ZRL for a licence to provide a VA service;
 - (B) an application made in accordance with section 53ZRM for accreditation to a corporation;
 - (C) an application referred to in section 53ZRP for approval as a responsible officer in relation to the corporation; and
 - (b) the Commission has given, to the applicant in respect of the applicant's specified application, a specified notice, that is to say—
 - (i) if paragraph (a)(i) applies, a section 3 notice;
 - (ii) if paragraph (a)(ii) applies, a section 5 notice; or
 - (iii) if paragraph (a)(iii) applies, a section 7 notice.
 - (2) On receiving a specified notice, an applicant may object to the deemed withdrawal of the applicant's specified application by giving to the Commission a written notice in the specified form within the objection period.
 - (3) If the objection period in relation to the specified notice expires without the applicant having raised an objection in accordance with subsection (2), the applicant's specified application is to be regarded as having been withdrawn

- (4) If the applicant objects to the deemed withdrawal within the objection period in accordance with subsection (2), the Commission must determine the specified application in accordance with (as the case requires)—
 - (a) section 53ZRK;
 - (b) sections 53ZRL and 53ZRM; or
 - (c) sections 53ZRL, 53ZRM and 53ZRP.

Part 4

Closing Down if Corporation Not Deemed, or No Longer Deemed, to be Licensed

11. Duration of closing-down period

- (1) If a corporation makes an application to be licensed for a VA service under section 53ZRK and a section 3 notice is issued in respect of the application, the closing-down period applicable to the corporation—
 - (a) begins on the day on which the section 3 notice is issued (*start day*); and
 - (b) subject to section 14 of this Schedule, ends on the later of the following—
 - (i) the expiry of the first 12 months;
 - (ii) the expiry of the 3 months beginning on the start day.
- (2) Subsection (1) applies whether or not the corporation has objected to the deemed withdrawal of the application in accordance with section 10 of this Schedule.
- (3) If—

- (a) a corporation has made an application to be licensed for a VA service under section 53ZRK and is deemed under section 4 of this Schedule to be licensed for the VA service; and
 - (b) the corporation has withdrawn the application,
the closing-down period applicable to the corporation is, subject to section 14 of this Schedule, the period of 3 months beginning on the day on which the application is withdrawn.
- (4) If—
 - (a) the corporation has made an application to be licensed for a VA service under section 53ZRK and is deemed under section 4 of this Schedule to be licensed for the VA service; and
 - (b) on the refusal of the application (*decision*), the corporation—
 - (i) does not apply for a review of the decision; or
 - (ii) applies for a review of the decision but the decision is confirmed on review,the closing-down period applicable to the corporation is, subject to section 14 of this Schedule, the period of 3 months beginning on the day on which the decision takes effect as a specified decision under section 75.

12. Section 53ZRD not contravened by closing down business during closing-down period

- (1) An act, by a corporation to which section 11 of this Schedule applies, of carrying on, or holding itself out as carrying on, a business of providing a VA service does not constitute a contravention of section 53ZRD(1) if—
 - (a) the act is done during the closing-down period applicable to the corporation; and

- (b) the act is done solely for the purpose of closing down the business that is connected with the VA service.
- (2) Subsection (3) applies to an individual if—
 - (a) in connection with an application made by a corporation to be licensed to provide a VA service under section 53ZRK, the individual has made the following applications—
 - (i) an application under section 53ZRL, to be licensed to provide the VA service on behalf of the corporation;
 - (ii) an application under section 53ZRM to be accredited to the corporation; and
 - (b) the corporation is one to which a closing-down period under section 11(1), (3) or (4) of this Schedule applies (*closing-down period corporation*).
- (3) An act, by an individual referred to in subsection (2), of performing, or holding himself or herself out as performing, a regulated function in relation to a business, carried on by the closing-down period corporation, of providing a VA service does not constitute a contravention of section 53ZRD(3) if—
 - (a) the act is done during the closing-down period applicable to the closing-down period corporation; and
 - (b) the act is done solely for the purpose of closing down the business, of the closing-down period corporation, that is connected with that VA service.

13. Section 53ZRD not contravened by individual assisting to close down business in certain circumstances

- (1) Subject to subsection (2), an individual (*specified individual*) who does an act in relation to the carrying on, by a closing-

down period corporation, of a business of providing a VA service does not contravene section 53ZRD(3) if—

- (a) the act is done during the closing-down period applicable to the closing-down period corporation; and
 - (b) the act is done solely for the purpose of closing down the business, of the closing-down period corporation, that is connected with the VA service.
- (2) Subsection (1) applies only if—
- (a) no individual referred to in section 12(2) of this Schedule is able to assist the closing-down period corporation to close down that business; and
 - (b) the closing-down period corporation has given prior written notice to the Commission that the specified individual would be assisting the corporation, and the corporation has received from the Commission a written acknowledgement of receipt of the notice.

(3) In this section—

closing-down period corporation (結業期法團) means a corporation in respect of which section 11 of this Schedule specifies an applicable closing-down period.

14. Extension of closing-down period

- (1) A corporation, in respect of which section 11 of this Schedule specifies an applicable closing-down period, may apply to the Commission for an extension of that closing-down period.
- (2) An application under subsection (1) must be made, in writing, before the end of the closing-down period applicable to the corporation (if applicable, as extended under this section).
- (3) On receiving the application, the Commission may extend the closing-down period applicable to the corporation for a period

that the Commission considers appropriate, having regard to the circumstances of the corporation's business and activities.

- (4) For the purposes of sections 12 and 13 of this Schedule, the closing-down period applicable to the corporation must be taken to include the period as extended under this section.

15. Requirements imposed by Commission

- (1) The Commission may, by a written notice served on a corporation to which, or an individual to whom, section 12 or 13 applies, impose on the corporation or individual (*recipient*) one or more of the requirements specified in subsection (2).
- (2) The requirements that the Commission may impose are—
- (a) to require the recipient to provide the VA service concerned in a specified manner;
 - (b) to require the recipient not to provide the VA service concerned in a specified manner;
 - (c) to require the recipient who is a corporation to deal with or refrain from dealing with, any assets whether in Hong Kong or elsewhere and whether or not they are the recipient's assets, in a specified manner; and
 - (d) to require the recipient who is a corporation to maintain assets in Hong Kong or a specified place outside Hong Kong so that—
 - (i) the assets are of a value or class or description that appear to be desirable to the Commission for the purpose of ensuring that the recipient will be able to meet the recipient's liabilities in respect of the business in the VA service concerned carried on by that recipient; and

- (ii) the assets are maintained in a manner that will enable the recipient at any time to freely transfer or otherwise dispose of the assets.
- (3) Without limiting subsections (1) and (2), the Commission may impose any requirement under subsection (1) to apply during any period within the first 12 months if the period forms part of the closing-down period applicable to—
 - (a) the corporation on which the requirements are imposed; or
 - (b) if the requirements are imposed on an individual acting in relation to the carrying on, by a corporation, of a business of providing a VA service—the corporation.
- (4) Any corporation or individual who fails to comply with a requirement imposed under subsection (1) commits an offence.
- (5) A corporation that commits an offence under subsection (4) is liable—
 - (a) on conviction on indictment to a fine of \$10,000,000; or
 - (b) on summary conviction to a fine of \$500,000.
- (6) An individual who commits an offence under subsection (4) is liable—
 - (a) on conviction on indictment to a fine of \$10,000,000 and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine of \$500,000 and to imprisonment for 6 months.

(Schedule 3G added 15 of 2022 s. 5)

Schedule 3H

[ss. 53ZTZ & 53ZVQ]

Amount Specified for Definition of *specified cash transaction*

\$120,000 or an equivalent amount in another currency

(Schedule 3H added 15 of 2022 s. 5)

Schedule 3I

[ss. 53ZTZ & 53ZVQ]

Amount Specified for Definition of *specified transaction*

\$120,000 or an equivalent amount in another currency

(Schedule 3I added 15 of 2022 s. 5)

Schedule 3J

[ss. 53ZUB, 53ZVK &
53ZVQ]

Information to be Provided in Cash Transaction Report

Part 1

Information

1. Information to be provided

A cash transaction report, in relation to a specified cash transaction (*transaction*) carried out by a non-Hong Kong precious metals and stones dealer (*dealer*) with a customer (*customer*), must contain the following information—

- (a) basic information of the dealer;
- (b) travel information of each specified individual (as defined by section 53ZVK(4)) in relation to the transaction—
 - (i) last port before arrival in Hong Kong;
 - (ii) scheduled next port after departure from Hong Kong;
 - (iii) date of arrival in Hong Kong;
 - (iv) scheduled date of departure from Hong Kong; and
 - (v) particulars of means of transport used on arrival and departure (such as flight numbers, vehicle registration numbers and vessel names);
- (c) information on the transaction, including—
 - (i) transaction date;

- (ii) descriptions of the precious metals, precious stones, precious products or precious-asset-backed instruments traded;
 - (iii) amount of payment or payments in cash; and
 - (iv) address of the place where the transaction was carried out;
- (d) basic information of the customer.

Part 2

Interpretation

2. Interpretation

(1) An expression used in this Schedule, and defined or otherwise explained in Part 5C, has the same meaning as in that Part.

(2) In this Schedule—

basic information (基本資料)—

- (a) in relation to an individual, means the following particulars of the individual—
 - (i) full name;
 - (ii) number and place of issue of travel document;
 - (iii) nationality;
 - (iv) date and place of birth;
 - (v) domicile or place of permanent residence;
 - (vi) address in Hong Kong; or
- (b) in relation to a person who is not an individual, means the following particulars of the person—
 - (i) name;

- (ii) address of the principal place of business of the person;
- (iii) for a person that is a corporation—
 - (A) subject to sub-subparagraph (B)—address of the registered office (or its equivalent) of the person in its place of incorporation; or
 - (B) if the person has changed its place of domicile after its incorporation—address of the registered office (or its equivalent) of the person in its latest place of domicile;
(Replaced 14 of 2025 s. 275)
- (iv) the following particulars of each individual acting on behalf of the person in the transaction—
 - (A) full name;
 - (B) the individual's identification document number and, if the individual's identification document is a travel document, place of issue of the travel document;
 - (C) capacity in which the individual acted for the dealer;
 - (D) address in Hong Kong.

(Schedule 3J added 15 of 2022 s. 5)

Schedule 3K

[ss. 53ZUB, 53ZUD, 53ZUF,
53ZUH, 53ZUL, 53ZUS,
53ZUZ & 53ZVQ]

Fees in relation to Part 5C

Part 1

Fees

Column 1	Column 2	Column 3
Item	Particulars of matter	Fee
1.	For certifying a copy of an entry in, or extract from, the register	\$160 per copy
2.	For providing an uncertified copy of an entry in, or extract from, the register	\$1.3 per page or portion of a page
3.	For providing a certificate specified in section 53ZUD(1)(b)	\$160 per copy
4.	Application for registration as a Category A registrant	\$260

Column 1	Column 2	Column 3
Item	Particulars of matter	Fee
5.	Annual fee payable by a Category A registrant under section 53ZUH	\$195
6.	Application for registration— (a) as a Category B registrant	\$1,970
	(b) plus for each person who is subject to the fit and proper test	\$650
7.	Application for the renewal of registration— (a) as a Category B registrant	\$1,060
	(b) plus for each person who is subject to the fit and proper test	\$650
8.	Application for an approval to become a Category B registrant's ultimate owner	\$690 for each person in relation to whom the application is made

Column 1	Column 2	Column 3
Item	Particulars of matter	Fee
9.	Application for an approval to become a Category B registrant's partner	\$690 for each person in relation to whom the application is made
10.	Application for an approval to become a Category B registrant's director	\$690 for each person in relation to whom the application is made

Part 2

Interpretation

1. Interpretation

An expression used in this Schedule, and defined or otherwise explained in Part 5C, has the same meaning as in that Part.

(Schedule 3K added 15 of 2022 s. 5)

Schedule 4

[ss. 55, 56, 58,
61 & 64]

Provisions Relating to Anti-Money Laundering and Counter-Terrorist Financing Review Tribunal

(Amended 4 of 2018 s. 28)

1. Interpretation

(1) In this Schedule—

chairperson (主席) means the chairperson of the Tribunal;

ordinary member (普通成員) means a member of the Tribunal other than the chairperson;

panel member (委員) means a member of the panel of persons appointed under section 2(1) of this Schedule.

(2) In this Schedule—

application for review (覆核申請), ***parties*** (各方), ***review*** (覆核), ***Secretary*** (局長), ***specified authority*** (指明當局), ***specified decision*** (指明決定) and ***Tribunal*** (審裁處) have the same meaning as in Part 6.

2. Appointment of panel

(1) The Secretary must appoint a panel of persons whom the Secretary considers suitable for appointment as ordinary members of the Tribunal and who are not public officers.

(2) Subject to subsections (4) and (5), a panel member may be appointed for any term the Secretary considers appropriate.

(3) A person whose term of appointment or reappointment as a panel member has expired may be reappointed.

- (4) A panel member may resign from office by giving notice in writing to the Secretary.
- (5) The Secretary may by notice in writing remove a panel member from office on the grounds of incapacity, bankruptcy, neglect of duty, conflict of interest or misconduct.
- (6) To avoid doubt, section 55(3) does not require the appointment of persons to more than one panel under subsection (1).

3. Tenure of chairperson

- (1) The term of appointment of a person as chairperson must not exceed 3 years.
- (2) A person whose term of appointment or reappointment as chairperson has expired may be reappointed.
- (3) The chairperson may resign from office by giving notice in writing to the Secretary.
- (4) A notice of resignation takes effect—
 - (a) on the date the Secretary receives the notice; or
 - (b) if a later date is specified in the notice, on that later date.
- (5) The Secretary may by notice in writing remove the chairperson from office—
 - (a) if the chairperson is no longer qualified for appointment as chairperson under section 56(2); or
 - (b) on the grounds of incapacity, bankruptcy, neglect of duty, conflict of interest or misconduct.

4. Appointment of ordinary members

- (1) For the purpose of determining a review, the Secretary, on the recommendation of the chairperson, must appoint 2 panel

members as ordinary members of the Tribunal in relation to the review.

- (2) Subject to subsections (3) and (5), a panel member who is appointed as an ordinary member is appointed to act in relation to a specified review and may be reappointed after his or her term of appointment or reappointment as an ordinary member has expired.
- (3) An ordinary member may resign from office by giving notice in writing to the Secretary.
- (4) A notice of resignation takes effect—
 - (a) on the date the Secretary receives the notice; or
 - (b) if a later date is specified in the notice, on that later date.
- (5) If an ordinary member ceases to be a panel member, he or she ceases to be an ordinary member.

5. Further provisions relating to chairperson and ordinary members

- (1) If the term of appointment of the chairperson expires after proceedings for a review have begun but before the review is determined, the person may continue to act as chairperson for the purpose of the review until the review has been determined.
- (2) Where there is a change in the membership of the Tribunal during the proceedings for a review, the proceedings may continue despite that change if the parties to the review so consent.
- (3) If the parties do not consent, the proceedings must be discontinued but they may begin anew.

6. Procedure

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- (1) The chairperson must convene sittings of the Tribunal as often as necessary to enable the Tribunal to determine a review.
 - (2) At any time after an application for review has been received, the chairperson may give directions to the parties to the review concerning—
 - (a) procedural matters to be complied with by any of the parties; and
 - (b) the time within which those procedural matters are to be complied with.
 - (3) At any sitting of the Tribunal, the chairperson and 2 ordinary members must be present.
 - (4) The chairperson is to preside at every sitting of the Tribunal.
 - (5) Every question before the Tribunal is to be determined by a majority of the votes cast by the chairperson and the ordinary members, except that a question of law is to be determined by the chairperson alone.
 - (6) Subject to subsections (7) and (8), every sitting of the Tribunal must be held in public.
 - (7) If the Tribunal, on its own initiative or on the application of any of the parties to the review, determines that in the interests of justice a sitting or any part of a sitting should not be held in public, the Tribunal may hold the sitting or that part of the sitting in private.
 - (8) If an application is made under subsection (7) for a private sitting, any hearing of the application must be held in private.
 - (9) At any sitting of the Tribunal relating to a review, the parties to the review are entitled to be heard—
 - (a) in person, or—

- (i) in the case of a corporation, through an officer or employee;
 - (ii) in the case of a partnership, through a partner; or
 - (iii) in the case of a specified authority, through a representative; and
 - (b) through a solicitor or counsel or, with the leave of the Tribunal, through any other person.
- (10) The chairperson must prepare a record of the proceedings of every sitting of the Tribunal containing any particulars relating to the proceedings that the chairperson considers appropriate.
- (11) In this section—
- representative*** (代表)—
- (a) in relation to the Monetary Authority, means a person appointed by the Financial Secretary under section 5A(3) of the Exchange Fund Ordinance (Cap. 66);
 - (b) in relation to the Securities and Futures Commission, means an employee of the Commission;
 - (c) in relation to the Insurance Authority, means an employee of the Authority; (*Replaced 12 of 2015 s. 164. Amended 4 of 2018 s. 28*)
 - (d) in relation to the Commissioner, means a public officer employed in the Customs and Excise Department; and (*Amended 4 of 2018 s. 28*)
 - (e) in relation to the Registrar, means a public officer employed in the Companies Registry. (*Added 4 of 2018 s. 28*)

7. Preliminary conferences

- (1) Subject to subsection (2), at any time after an application for

review has been received, the chairperson may, on his or her own initiative or on the application of any party to the review, direct that a conference, to be attended by the parties or their representatives, is to be held for the purposes of—

- (a) enabling the parties to prepare for the conduct of the review;
 - (b) assisting the Tribunal to determine issues for the purposes of the review; and
 - (c) generally securing the just, expeditious and economical conduct of the review.
- (2) The chairperson may only give a direction under subsection (1) if the parties to the review agree to the giving of the direction.
- (3) The chairperson may consider any material that has been submitted to the Tribunal in relation to the application by the parties to the review before giving a direction under subsection (1).
- (4) The chairperson is to preside at a conference held in accordance with a direction given under subsection (1).
- (5) At a conference held in accordance with a direction given under subsection (1), the chairperson may—
- (a) give any direction that he or she considers necessary or desirable for securing the just, expeditious and economical conduct of the review; and
 - (b) try to get the parties to the review to make all agreements as they ought reasonably to have made in relation to the review.
- (6) After a conference has been held in accordance with a direction given under subsection (1), the chairperson must report to the Tribunal on any matters relating to the conference that the chairperson considers appropriate.

8. Consent orders

- (1) At any time after an application for review has been received, the Tribunal or the chairperson may make any order that the Tribunal or the chairperson is entitled to make under any provision of this Ordinance, whether or not any other requirements applicable to the making of the order have been complied with, if—
 - (a) the parties to the review request, and agree to, the making of the order under this section by the Tribunal or the chairperson; and
 - (b) the parties consent to all of the terms of the order.
- (2) Despite anything in this Schedule or in Part 6, if the Tribunal or the chairperson makes an order under subsection (1), the order is to be regarded for all purposes as an order made by the Tribunal or the chairperson under the provision of this Ordinance in question and to be in compliance with the requirements otherwise applicable to the making of the order.
- (3) In this section—

order (命令) includes any finding, determination and any other decision.

9. Chairperson as sole member of Tribunal

- (1) If, at any time after an application for review has been made but before any sitting of the Tribunal is held to determine the review, the parties to the review by notice in writing inform the Tribunal that they have agreed that the review may be determined by the chairperson alone as the sole member of the Tribunal, the chairperson may determine the review as the sole member of the Tribunal.
- (2) The chairperson may also determine an application as the sole member of the Tribunal if it is—

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- (a) an application made to the Tribunal under section 59(2) for the grant of an extension of the time within which an application for review may be made; or
 - (b) an application made to the Tribunal under section 69(2) for a stay of execution of a specified decision.
 - (3) If the chairperson determines a review as the sole member of the Tribunal under subsection (1) or (2), the Tribunal constituted by the chairperson as the sole member of the Tribunal is to be regarded for all purposes as the Tribunal constituted also by 2 ordinary members.
 - (4) After the chairperson has made any determination under subsection (2)(b) as the sole member of the Tribunal, the chairperson must report to the Tribunal—
 - (a) the making of the determination and the reasons for the determination; and
 - (b) any other matters relating to the determination that the chairperson considers appropriate.
 - (5) If there is an application described in subsection (2)(b) and the chairperson—
 - (a) is precluded by illness, absence from Hong Kong or any other cause from performing the chairperson's functions; or
 - (b) considers it improper or undesirable that he or she should perform his or her functions in relation to the application,

a judge or a deputy judge of the Court of First Instance must, on appointment by the Chief Justice for the purpose, determine the application as if he or she were the chairperson duly appointed under this Ordinance, and the provisions of this Ordinance are to apply to him or her accordingly.

10. Privileges and immunities

Except as otherwise provided in this Ordinance—

- (a) the Tribunal, its chairperson and ordinary members; and
- (b) the parties to a review and any witness, solicitor, counsel or other person involved in a review,

have the same privileges and immunities in respect of the review as they would have if the review were civil proceedings before the Court of First Instance.