

# **Money Lenders Regulations**

## **(Cap. 163 sub. leg. A)**

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## Money Lenders Regulations

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## **Money Lenders Regulations**

(Cap. 163, section 34)

[1 October 1988]

*(Format changes—E.R. 4 of 2021)*

### **1. Citation**

These regulations may be cited as the Money Lenders Regulations.

### **2. Directions in and signing of forms, etc.**

A form prescribed by these regulations shall be—

(a) completed—

- (i) in accordance with any directions specified in the form;
- (ii) in the English or Chinese language; and *(23 of 1999 s. 3)*
- (iii) in such a manner as to be clearly legible; and

(b) signed—

- (i) where the applicant is an individual (alone or as a partner of a firm), by that individual; or
- (ii) where the applicant is a company, by any person authorized in that behalf by such company.

### **3. Fees**

- (1) The fees set out in Part A of Schedule 1 shall be payable to the Registrar.

- (2) The fees set out in Part B of Schedule 1 shall be payable to the licensing court.
- (3) The prescribed fee to be tendered under section 19(1) of the Ordinance by a borrower to a money lender shall be \$15.
- (4) The prescribed fee to be paid under section 19(2) of the Ordinance by a borrower to a money lender shall be \$15.
- (5) No fee shall be refundable.

#### **4. Form of licence**

A licence referred to in section 7(2) of the Ordinance and granted under section 11 or renewed under section 13 of the Ordinance shall be in Form 1 in Schedule 2.

#### **5. Application for licence**

- (1) An application for a licence made under section 8(1) of the Ordinance shall—
  - (a) where the applicant is an individual (alone or as a partner of a firm), be in Form 2 in Schedule 2; or
  - (b) where the applicant is a company, be in Form 3 in Schedule 2.
- (2) An application referred to in paragraph (1) shall be accompanied by—
  - (a) a statement—
    - (i) where the applicant is an individual (alone or as a partner of a firm), in Form 4 in Schedule 2; or
    - (ii) where the applicant is a company, in Form 5 in Schedule 2; and
  - (b) the prescribed fee.

- (3) An application referred to in paragraph (1)(a) shall be further accompanied by a character or business reference, in writing, signed by any one of the following—
  - (a) a director or manager of a bank within the meaning of section 2 of the Banking Ordinance (Cap. 155); or *(49 of 1995 s. 53; 47 of 1997 s. 10)*
  - (b) a barrister, solicitor or certified public accountant (within the meaning of the Professional Accountants Ordinance (Cap. 50)), of at least 5 years standing and in actual practice in Hong Kong. *(47 of 1997 s. 10; 23 of 2004 s. 56)*
  - (c) *(Repealed 47 of 1997 s. 10)*

## **6. Application for renewal of licence**

- (1) An application for renewal of a licence under section 13 of the Ordinance shall—
  - (a) where the applicant is an individual (alone or as a partner of a firm), be in Form 6 in Schedule 2; or
  - (b) where the applicant is a company, be in Form 7 in Schedule 2.
- (2) An application referred to in paragraph (1) shall be accompanied by—
  - (a) a statement—
    - (i) where the applicant is an individual (alone or as a partner of a firm), in Form 8 in Schedule 2; or
    - (ii) where the applicant is a company, in Form 9 in Schedule 2; and
  - (b) the prescribed fee.

## **7. Publication of applications**

Within 21 days of the receipt of an application referred to in regulation 5 or 6, the Registrar shall give notice of such application in—

- (a) the Gazette; and
- (b) one daily newspaper in the English language and one daily newspaper in the Chinese language published and circulating generally in Hong Kong.

## **8. Application for endorsement on licence**

- (1) An application under section 15(2) of the Ordinance for the endorsement on a licence of a widow, widower or member or person acting on behalf of the family of a deceased licensee shall be in writing and shall contain—
  - (a) the name of the deceased licensee;
  - (b) the number of the licence; and
  - (c) the name and residential address of the person proposed to be endorsed on the licence, and his relationship to the deceased licensee.
- (2) An application under section 15(3) of the Ordinance for the endorsement of additional premises on a licence shall be in writing and shall contain—
  - (a) the name of the licensee;
  - (b) the number of the licence; and
  - (c) the address of the proposed additional premises.
- (3) An application under section 15(4) of the Ordinance for the endorsement of new premises in substitution for premises specified on a licence shall be in writing and shall contain—
  - (a) the name of the licensee;
  - (b) the number of the licence; and
  - (c) the address of the proposed premises to be substituted.

- (4) An application referred to in paragraph (1), (2) or (3) shall be completed in triplicate and signed by the applicant, or where the applicant is a company, by a person authorized in that behalf by such company, and 2 copies thereof shall be forwarded to the Registrar and one copy thereof shall be forwarded to the Commissioner of Police.

**9. Specified particulars not to be entered in the register**

For the purposes of section 4 of the Ordinance, the particulars in any of Forms 4, 5, 8 and 9 in Schedule 2 are specified as particulars furnished under section 8 of the Ordinance which shall not be entered in the register.

**10. Duty to notify Registrar of changes in share holdings**

For the purposes of section 17(1) of the Ordinance, a licensee shall—

- (a) if a private company within the meaning of the Companies Ordinance (Cap. 622), give notice to the Registrar in accordance with that section of any change in the number of shares in the company held by any person; or
- (b) if a company other than a private company referred to in paragraph (a), give notice to the Registrar in accordance with that section of any change in the number of shares in the company held by any person whereby the number of any such voting shares held by that person exceeds 10% of the total number of issued voting shares of the company.

*(28 of 2012 ss. 912 & 920)*

**11. Summary of Ordinance to be included in loan agreement**

For the purposes of section 18(1)(b) of the Ordinance, a summary

of the provisions of the Ordinance to be included in or attached to a copy of a note or memorandum of agreement referred to in that section shall—

- (a) be in the form set out in Schedule 3; and
- (b) except where otherwise approved in writing by the Registrar, be printed in the English version in type of a size not less than the type known as 8 point Times and in the Chinese version in type the face of which is not less than 2.5 mm in depth.

## **12. Prohibition of certain forms of security**

No money lender shall demand or accept as security for any loan any—

- (a) identity card issued under the Registration of Persons Ordinance (Cap. 177), passport, warrant card, or other document establishing the identity or nationality of the holder;
- (b) bank savings or deposit account book; or
- (c) photograph (whether developed or not) of the borrower or surety or of any member of the family of the borrower or surety.

## **13. Form of exemption**

An exemption granted under section 33B(2)(a) of the Ordinance, including a renewal of such an exemption, shall be in Form 10 in Schedule 2.

## **14. Application for exemption**

An application for an exemption made under section 33B of the Ordinance, including an application for a renewal of such an exemption, shall be—



- (a) in Form 11 in Schedule 2; and
  - (b) accompanied by the prescribed fee.
-

# Schedule 1

[reg. 3]

## Part A—Table of Fees Payable to the Registrar

Item	Reference to Ordinance	Matter in respect of which fee is payable	Fee \$
1.	Sec. 6(1)	For inspecting the register or any part thereof	17
2.	Sec. 6(1)	For issuing or supplying a copy of or extract from any entry in the register—	
		(a) by photostatic means (per page).....	6
		(b) by other means (per folio of 100 words or part thereof) .....	6
3.	Sec. 6(1)	For certifying a copy of or extract from any entry in the register.....	130
4.	Sec. 8(1)	Upon making an application for a licence .....	8,800
5.	Sec. 13(3)	Upon making an application for renewal of a licence .....	8,800
6.	Sec. 15(2), (3), (4) & (5)	Upon making an application for endorsement on a licence of—	
		(a) widow, widower or family member, etc.	165
		(b) additional premises .....	770
		(c) substituted premises.....	770
7.	Sec. 33B (1)(b)	Upon making an application for an exemption or a renewal of an exemption.....	770

(L.N. 168 of 1989; L.N. 232 of 1993; L.N. 370 of 1994)

## Money Lenders Regulations

Schedule 1

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### Part B—Table of Fees Payable to the Licensing Court

Item	Reference to Ordinance	Matter in respect of which fee is payable	Fee \$
1.	Sec. 11(7)	For issue of a licence .....	1,910
2.	Sec. 11(7) & 13(4)	For renewal of a licence .....	1,910
3.	Sec. 15(8)	For endorsement on a licence of—	
		(a) widow, widower or family member, etc.	95
		(b) additional premises .....	95
		(c) substituted premises .....	95
		<i>(L.N. 205 of 1993; L.N. 370 of 1994; L.N. 345 of 2000)</i>	

## Schedule 2

[regs. 4, 5, 6, 9, 13 & 14]

### Licensing and Exemption Forms

Form 1

[ss. 7(2), 11, 13 & 34]

#### MONEY LENDERS ORDINANCE (Chapter 163)

#### MONEY LENDERS LICENCE

No. ....

LICENCE is granted this ..... day of .....  
19 ..... to .....  
(*name*) to carry on business as a money lender at.....  
.....  
.....(*address(es) of  
premises*) for a period of 12 months from the .....day  
of..... 19 .....

This licence shall, unless earlier suspended or revoked, cease to have  
effect on ..... 19 .....

This licence is subject to conditions set out herein.

# Money Lenders Regulations

Schedule 2

S2-4

Cap. 163A

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## *CONDITIONS*

*Signed*.....

*Presiding Member,  
Licensing Court.*

## *ENDORSEMENTS*

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Form 2

[ss. 8(1) & 34]

MONEY LENDERS ORDINANCE  
(Chapter 163)

APPLICATION BY AN INDIVIDUAL FOR A LICENCE  
FOR HIMSELF OR FOR A PARTNERSHIP

*(To be completed in triplicate)*

Application is hereby made to the Registrar for a licence under Part II of the Money Lenders Ordinance.

*Please answer the following questions—*

*(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)*

1. State—

(a) your present family name and other names (including any aliases)

.....

(b) if you are of Chinese race, your name in Chinese characters and Chinese commercial code

.....

(c) your residential address (Post Office Box number is not acceptable)

.....

## Money Lenders Regulations

Schedule 2

S2-8

Cap. 163A

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(d) the address and telephone number of each place at or from which your business or proposed business as a money lender will be carried on (Post Office Box numbers are not acceptable)

1. ....  
.....
2. ....  
.....
3. ....  
.....

(e) your Hong Kong identity card number

.....

(f) your place and date of birth

.....

2. State the business name (if any) which you propose for your business as a money lender

(a) English name

.....

(b) Chinese name

.....

## Money Lenders Regulations

Schedule 2

S2-10

Cap. 163A

3. Stated the following particulars of any partners with whom you propose to carry on business as a money lender—

	1	2	3	4
Name in English				
Name in Chinese characters (if applicable) and code				
Aliases				
Residential address (Post Office Box numbers are not acceptable)				
Hong Kong identity card number				
Place and date of birth				



## Money Lenders Regulations

Schedule 2

S2-12

Cap. 163A

4. (a) Will any persons, other than persons specified in any answer to question 3 above, have any power to exercise control over or in relation to your business or proposed business as a money lender? (answer “yes” or “no”)

- (b) If so, give the following details of those persons—

	1	2	3	4
Name in English				
Name in Chinese characters (if applicable) and code				
Aliases				
Residential address (Post Office Box numbers are not acceptable)				
Hong Kong identity card number				
Nature of control				

## Money Lenders Regulations

Schedule 2

S2-14

Cap. 163A

5. State the following particulars of any persons you employ or propose to employ in the business of a money lender—

	1	2	3	4
Name in English				
Name in Chinese characters (if applicable) and code				
Aliases				
Residential address (Post Office Box numbers are not acceptable)				
Hong Kong identity card number				
Place and date of birth				

# Money Lenders Regulations

Schedule 2

S2-16

Cap. 163A

6. (a) Are you now a director of a company? (answer “yes” or “no”) .....

(b) If so, give the following details—

	1	2	3	4
Name of company				
Company registration number				
The address of its registered office or principal place of business (Post Office Box numbers are not acceptable)				
The place of incorporation				
The nature of its business				
The date of appointment as a director				

## Money Lenders Regulations

Schedule 2

S2-18

Cap. 163A

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7. (a) Are you now carrying on, as a principal, any business other than the business in respect of which this application is made? (answer “yes” or “no’)
- .....
- (b) If so, give details of—
- (i) the name of the business (in English and Chinese)
- .....
- .....
- (ii) the address of the place at or from which the business is carried on (Post Office Box numbers are not acceptable)
- .....
- (iii) the nature of the business
- .....
- (iv) particulars of any business partners as follows—

## Money Lenders Regulations

Schedule 2

S2-20

Cap. 163A

	1	2	3	4
Name of partner in English				
Name of partner in Chinese characters (if applicable) and code				
Aliases				
Residential address of partner (Post Office Box numbers are not acceptable)				
Hong Kong identity card number of partner				

# Money Lenders Regulations

Schedule 2

S2-22

Cap. 163A

8. (a) Have you, during the 5 years preceding this application, been a director of any company (other than a company named in question 6)? (answer “yes” or “no”) .....

(b) If so, give the following details—

	1	2	3
Name of company			
The address of its registered office or principal place of business (Post Office Box numbers are not acceptable)			
The place of incorporation			
The nature of its business			

## Money Lenders Regulations

Schedule 2

S2-24

Cap. 163A

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9. (a) Have you, during the 5 years preceding this application, carried on any business (other than a business named in question 7) as a principal? (answer “yes” or “no”)

.....

(b) If so, give details of—

- (i) the name of the business (in English and Chinese)

.....

.....

- (ii) the address of the place at or from which the business is or was carried on (Post Office Box numbers are not acceptable)

.....

- (iii) the nature of the business

.....

- (iv) particulars of any business partners as follows—

## Money Lenders Regulations

Schedule 2

S2-26

Cap. 163A

	1	2	3	4	5	6
Name of partner in English						
Name of partner in Chinese characters (if applicable) and code						
Aliases						
Residential address of partner (Post Office Box numbers are not acceptable)						
Hong Kong identity card number of partner						



# Money Lenders Regulations

Schedule 2

S2-28

Cap. 163A

10. (a) Are you employed, or have you been employed during the 5 years preceding this application, by any person or company, otherwise than as a director? (answer “yes” or “no”) .....
- (b) If so, give details of —

	1	2	3
Name of the employer in English			
Name in Chinese characters (if applicable) and code			
Aliases			
Residential address (if an individual) or principal place of business (if a company) (Post Office Box numbers are not acceptable)			
Capacity in which employed			

## Money Lenders Regulations

Schedule 2

S2-30

Cap. 163A

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11. If you are still in employment as described in the answers to question 10, do you intend to remain in employment if a licence as a money lender is granted to you? (answer “yes” or “no”)
- .....

I declare that all information given by me in this application is true and correct.

Dated this ..... day of ..... 19 .....

The applicant  
must affix  
a recent  
passport size  
photograph of  
himself here

*Signed*.....  
*Applicant.*

### *PLEASE NOTE*

1. You are advised—
  - (a) to read the Money Lenders Ordinance and the Money Lenders Regulations before submitting this application; and
  - (b) not to spend money on the establishment of premises before a licence is granted.
2. A statement in support of this application (Form 4) must also be completed (section 8(1) of the Ordinance).

3. The fee payable upon submitting this application is \$6,500.
4. The original and one copy of—
  - (a) this application;
  - (b) the statement in support; and
  - (c) the reference (required under regulation 5(3)),together with the fee payable on application, should be posted or delivered to the Registrar.
5. One copy of—
  - (a) this application;
  - (b) the statement in support; and
  - (c) the reference,should be posted or delivered to the Commissioner of Police at the same time as the documents are posted or delivered to the Registrar.
6. A further fee of \$1,000 will be payable to the licensing court on the grant of a licence.
7. You are advised that, in accordance with the definition of “company” in section 2(1) of the Money Lenders Ordinance, references in this application to “company” (公司) mean a body corporate—
  - (a) incorporated under the Companies Ordinance (Cap. 622);
  - (ab) incorporated under a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap. 622);
  - (b) incorporated by any other Ordinance; or
  - (c) incorporated or established outside Hong Kong.

## Money Lenders Regulations

Schedule 2

S2-34

Cap. 163A

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**WARNING**— Section 29(2) of the Money Lenders Ordinance makes it an offence punishable by a fine at level 6 and imprisonment for 2 years for a person to make a false or misleading statement or furnish false or misleading information in connection with any application for a licence.

*(28 of 2012 ss. 912 & 920; E.R. 4 of 2021)*

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Form 3

[ss. 8(1) & (2) & 34]

MONEY LENDERS ORDINANCE  
(Chapter 163)

APPLICATION BY A COMPANY FOR A LICENCE

*(To be completed in triplicate)*

Application is hereby made to the Registrar for a licence under Part II of the Money Lenders Ordinance.

*Please answer the following questions—*

*(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)*

1. State—

(a) the name and any former names  
of the company (in English and  
Chinese)

.....  
.....

(b) the place of incorporation

.....

(c) the date of incorporation

.....

(d) if a non-Hong Kong company, as defined by section 2(1) of the Companies Ordinance (Cap. 622), the date of the certificate of registration issued in respect of the company under—

(i) Part XI of the Companies Ordinance (Cap. 32) as in force at the time of the issue; or

(ii) section 777 of the Companies Ordinance (Cap. 622)

(e) the address of the company's registered office (Post Office Box number is not acceptable)

(f) the address and telephone number of each place at or from which the company's business as a money lender is carried on (Post Office Box numbers are not acceptable)

.....

.....

1. ....

.....

2. ....

.....

3. ....

.....

## Money Lenders Regulations

Schedule 2

S2-40

Cap. 163A

2. Give the following details of every existing director of the company—

	1	2	3	4	5	6
Name in English						
Name in Chinese characters (if applicable) and code						
Aliases						
Residential address (Post Office Box numbers are not acceptable)						
Hong Kong identity card number						

## Money Lenders Regulations

Schedule 2

S2-42

Cap. 163A

3. Give the following details of every person (other than a person named in question 2) who has held office as a director of the company during the period of 12 months immediately preceding the date of this application—

	1	2	3	4	5	6
Name in English						
Name in Chinese characters (if applicable) and code						
Aliases						
Residential address (Post Office Box numbers are not acceptable)						
Period of service as a director						
Hong Kong identity card number						



## Money Lenders Regulations

Schedule 2

S2-44

Cap. 163A

4. Give the following particulars of any persons (other than the directors named in question 2 above) who will have the authority of the company to grant loans and arrange terms—

	1	2	3	4
Name in English				
Name in Chinese characters (if applicable) and code				
Aliases				
Residential address (Post Office Box numbers are not acceptable)				
Hong Kong identity card number				

## Money Lenders Regulations

Schedule 2

S2-46

Cap. 163A

5. Give the following particulars of any persons (other than the directors named in question 2 and the persons named in question 4 above) who are to participate actively in the business of the company as a money lender—

	1	2	3	4
Name in English				
Name in Chinese characters (if applicable) and code				
Aliases				
Residential address (Post Office Box numbers are not acceptable)				
Hong Kong identity card number				

## Money Lenders Regulations

Schedule 2

S2-48

Cap. 163A

6. (a) Will any persons, other than the directors named in question 2 above, have any power to exercise control over, or in relation to, the business of the company as a money lender? (answer “yes” or “no”)

.....

(b) If so, give the following details of those persons—

	1	2	3	4
Name in English				
Name in Chinese characters (if applicable) and code				
Aliases				
Residential address (Post Office Box numbers are not acceptable)				
Nature of control				

# Money Lenders Regulations

Schedule 2

S2-50

Cap. 163A

7. (a) Give the following details of the 6 principal shareholders of the company or of all the shareholders if less than 6—

	1	2	3	4	5	6
Name of shareholder in English						
Name in Chinese characters (if applicable) and code						
Aliases						
Residential address (Post Office Box numbers are not acceptable)						
Particulars of shareholdings (including the number and nominal value (if any) of the shares held by the shareholders and the total number of shares issued by the company)						

# Money Lenders Regulations

Schedule 2

S2-52

Cap. 163A

(b) If any of the principal shareholders given in answer to question 7(a) above is not the beneficial owner of shares held by him, then give the following details in respect of such shareholdings—

	1	2	3	4
Name of shareholder				
Particulars of shareholdings not beneficially owned				
Name of the beneficial owner in English				
Name in Chinese characters (if applicable) and code				
Aliases				
Residential address (Post Office Box numbers are not acceptable)				

I declare that all information given by me in this application is true and correct.

Dated this ..... day of ..... 19 .....

## Money Lenders Regulations

Schedule 2

S2-54

Cap. 163A

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*Signed.....*

*A person authorized  
in this behalf by the  
company [Note: evidence  
of authorization should be  
produced].*

### *PLEASE NOTE*

1. You are advised—
  - (a) to read the Money Lenders Ordinance and the Money Lenders Regulations before submitting this application; and
  - (b) not to spend money on the establishment of premises before a licence is granted.
2. A statement in support of this application (Form 5) must also be completed (section 8(1) of the Ordinance).
3. The fee payable upon submitting this application is \$6,500.
4. The original and one copy of—
  - (a) this application; and
  - (b) the statement in support,together with the fee payable on application, should be posted or delivered to the Registrar.
5. One copy of—
  - (a) this application; and
  - (b) the statement in support,

should be posted or delivered to the Commissioner of Police at the same time as the documents are posted or delivered to the Registrar.

6. A further fee of \$1,000 will be payable to the licensing court on the grant of a licence.
7. You are advised that, in accordance with the definition of “company” in section 2(1) of the Money Lenders Ordinance, references in this application to “company” (公司) mean a body corporate—
  - (a) incorporated under the Companies Ordinance (Cap. 622);
  - (ab) incorporated under a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap. 622);
  - (b) incorporated by any other Ordinance; or
  - (c) incorporated or established outside Hong Kong.

**WARNING—**Section 29(2) of the Money Lenders Ordinance makes it an offence punishable by a fine at level 6 and imprisonment for 2 years for a person to make a false or misleading statement or furnish false or misleading information in connection with any application for a licence.

*(30 of 2004 s. 3; 28 of 2012 ss. 912 & 920; E.R. 4 of 2021)*

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Form 4

[ss. 8(1) & 34]

MONEY LENDERS ORDINANCE  
(Chapter 163)

STATEMENT IN SUPPORT OF AN APPLICATION BY AN  
INDIVIDUAL FOR A LICENCE FOR HIMSELF  
OR FOR A PARTNERSHIP

*(To be completed in triplicate)*

*Please answer the following questions—*

*(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)*

1. (a) Have you ever previously made application for a licence under the Money Lenders Ordinance?

.....

- (b) If you have, state—

(i) the date of application

.....

(ii) whether the application was successful (answer “yes” or “no”)

.....

- (c) If the application was unsuccessful, state the reason, if known to you

.....

.....

.....



## Money Lenders Regulations

Schedule 2

S2-60

Cap. 163A

2. (a) Have you ever been convicted of an offence, other than a traffic offence, in Hong Kong or elsewhere? (answer “yes” or “no”)

.....

- (b) If you have, give the following details—

	1	2	3
The offence			
The penalty (if any) imposed			
The date of conviction			
The name of the court which tried the offence			

## Money Lenders Regulations

Schedule 2

S2-62

Cap. 163A

3. Give the following details of each bank at which you keep or propose to keep an account in connection with your business as a money lender—

	1	2	3	4
Name of bank				
Its address				
The account number				
Date on which the account was opened				

I declare that all information given by me in this statement is true and correct.

Dated this ..... day of ..... 19 .....

*Signed*.....

*Applicant.*

### *PLEASE NOTE*

1. You are advised to read the Money Lenders Ordinance and the Money Lenders Regulations before submitting this statement.

## Money Lenders Regulations

Schedule 2

S2-64

Cap. 163A

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2. The original and one further copy of this statement should accompany your application to the Registrar (Form 2).
3. One copy of this statement should accompany the copy of your application posted or delivered to the Commissioner of Police.

**WARNING**—Section 29(2) of the Money Lenders Ordinance makes it an offence punishable by a fine at level 6 and imprisonment for 2 years for a person to make a false or misleading statement or furnish false or misleading information in connection with any application for a licence.

*(E.R. 4 of 2021)*

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Form 5

[ss. 8(1) & 34]

MONEY LENDERS ORDINANCE  
(Chapter 163)

STATEMENT IN SUPPORT OF AN APPLICATION BY  
A COMPANY FOR A LICENCE

*(To be completed in triplicate)*

*Please answer the following questions—*

*(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)*

1. (a) Has the company, or its holding company or any subsidiary or associated company, ever previously made application for a licence under the Money Lenders Ordinance?

.....

- (b) If it has, state—

(i) the date(s) of application

.....

(ii) whether the application was successful (answer “yes” or “no”)

.....

# Money Lenders Regulations

Schedule 2

S2-68

Cap. 163A

(c) If any such application was unsuccessful state the reason, if known to you

.....  
.....  
.....

2. (a) Have any of the directors or other controlling persons of the company ever been convicted of an offence, other than a traffic offence, in Hong Kong or elsewhere? (answer “yes” or “no”)

.....

(b) If so, give the following details—

	1	2	3	4	5	6
Name of the director or other person						
The offence						
The penalty (if any) imposed						
The date of conviction						
The name of the court which tried the offence						

## Money Lenders Regulations

Schedule 2

S2-70

Cap. 163A

3. Give details of every bank at which the company keeps or proposes to keep an account in connection with its business as a money lender—

	1	2	3	4
Name of bank				
Its address				
The account number				
Date on which the account was opened				

I declare that all information given by me in this statement is true and correct.

Dated this ..... day of ..... 19 .....

*Signed.....*

*A person authorized  
in this behalf by the  
company [Note: evidence  
of authorization should be  
produced].*

*PLEASE NOTE*

1. You are advised to read the Money Lenders Ordinance and the Money Lenders Regulations before submitting this statement.
2. The original and one further copy of this statement should accompany the application to the Registrar (Form 3).
3. One copy of this statement should accompany the copy of the application posted or delivered to the Commissioner of Police.
4. You are advised that, in accordance with the definition of “company” in section 2(1) of the Money Lenders Ordinance, references in this statement to “company” (公司) mean a body corporate—
  - (a) incorporated under the Companies Ordinance (Cap. 622);
  - (ab) incorporated under a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap. 622);
  - (b) incorporated by any other Ordinance; or
  - (c) incorporated or established outside Hong Kong.

**WARNING—**Section 29(2) of the Money Lenders Ordinance makes it an offence punishable by a fine at level 6 and imprisonment for 2 years for a person to make a false or misleading statement or furnish false or misleading information in connection with any application for a licence.

*(28 of 2012 ss. 912 & 920; E.R. 4 of 2021)*

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Form 6

[ss. 13(3) & 34]

MONEY LENDERS ORDINANCE  
(Chapter 163)

APPLICATION BY AN INDIVIDUAL FOR RENEWAL OF  
A LICENCE FOR HIMSELF OR FOR A PARTNERSHIP

*(To be completed in triplicate)*

Application is hereby made to the Registrar for the renewal of Licence  
No. .... granted on ..... under Part II of the  
Money Lenders Ordinance.

*Please answer the following questions—*

*(If there is insufficient space provided for your answer, please continue  
on a separate sheet of paper, specifying the question number to which your  
answer relates, and add your signature.)*

1. State—

- (a) Your present surname and other  
names (including any aliases) .....
- (b) If you are of Chinese race, your  
name in Chinese characters and code .....
- (c) Your residential address (Post Office  
Box number is not acceptable) .....



## Money Lenders Regulations

Schedule 2

S2-76

Cap. 163A

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(d) The business name (if any) under which your business as a money lender is carried on (give both English and Chinese names)

.....  
.....  
.....

(e) The address and telephone number of each place at or from which your business as a money lender is carried on (Post Office Box numbers are not acceptable)

1. ....  
.....  
2. ....  
.....  
3. ....  
.....

## Money Lenders Regulations

Schedule 2

S2-78

Cap. 163A

2. State the following particulars of any partners with whom you are currently carrying on the business of a money lender in partnership—

	1	2	3	4
Name of partner				
Name in Chinese characters (if applicable) and code				
Aliases				
Residential address (Post Office Box numbers are not acceptable)				
Hong Kong identity card number				

I declare that all information given by me in this application is true and correct.

Dated this ..... day of ..... 19 .....

*Signed*.....

*Applicant.*

*PLEASE NOTE*

1. A statement in support of this application (Form 8) must also be completed.
2. The fee payable upon submitting this application for renewal is \$6,500.
3. The original and one copy of—
  - (a) this application; and
  - (b) the statement in support,together with the fee payable on application, should be posted or delivered to the Registrar, as soon as possible within 3 months before the date of expiry of the licence.
4. One copy of—
  - (a) this application; and
  - (b) the statement in support,should be posted or delivered to the Commissioner of Police at the same time as the documents are posted or delivered to the Registrar.
5. A further fee of \$1,000 will be payable to the licensing court on renewal of the licence.

## Money Lenders Regulations

Schedule 2

S2-82

Cap. 163A

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**WARNING—**Section 29(2) of the Money Lenders Ordinance makes it an offence punishable by a fine at level 6 and imprisonment for 2 years for a person to make a false or misleading statement or furnish false or misleading information in connection with any application for the renewal of a licence.

*(E.R. 4 of 2021)*

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Money Lenders Regulations

Schedule 2

S2-84

Cap. 163A

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Form 7

[ss. 13(3) & 34]

MONEY LENDERS ORDINANCE  
(Chapter 163)

APPLICATION BY A COMPANY FOR RENEWAL  
OF A LICENCE

*(To be completed in triplicate)*

Application is hereby made to the Registrar for the renewal of Licence No. .... granted on ..... under Part II of the Money Lenders Ordinance.

*Please answer the following questions—*

*(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)*

1. State—

(a) The name of the company (in English and Chinese)

.....  
.....

(b) The address of its registered office (Post Office Box number is not acceptable)

.....

## Money Lenders Regulations

Schedule 2

S2-86

Cap. 163A

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(c) The address and telephone number of each place at or from which its business as a money lender is carried on (Post Office Box numbers are not acceptable)

1. ....  
.....
2. ....  
.....
3. ....  
.....

2. Give the following particulars of persons who are currently directors of the company—

## Money Lenders Regulations

Schedule 2

S2-88

Cap. 163A

	1	2	3	4
Name in English				
Name in Chinese characters (if applicable) and code				
Aliases				
Residential address (Post Office Box numbers are not acceptable)				
Hong Kong identity card number				

3. (a) Has there been any change in the 6 principal shareholders of the company or in the details thereof since the issue or last renewal of the licence? (answer “yes” or “no”) .....
- (b) If so, please give the following details of the 6 principal shareholders, or of all the shareholders if less than 6—

## Money Lenders Regulations

Schedule 2

S2-90

Cap. 163A

	1	2	3	4	5	6
Name of shareholder in English						
Name in Chinese characters (if applicable) and code						
Aliases						
Residential address (Post Office Box numbers are not acceptable)						
Particulars of shareholdings (including the number and nominal value (if any) of the shares held by the shareholders and the total number of shares issued by the company)						



## Money Lenders Regulations

Schedule 2

S2-92

Cap. 163A

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I declare that all information given by me in this application is true and correct.

Dated this ..... day of ..... 19 .....

*Signed.....*

*A person authorized  
in this behalf by the  
company [Note: evidence  
of authorization should be  
produced].*

### *PLEASE NOTE*

1. A statement in support of this application (Form 9) must also be completed.
2. The fee payable upon submitting this application for renewal is \$6,500.
3. The original and one further copy of—
  - (a) this application; and
  - (b) the statement in support,together with the fee payable on application, should be posted or delivered to the Registrar, as soon as possible within 3 months before the date of expiry of the licence.
4. One copy of—
  - (a) this application; and
  - (b) the statement in support,

should be posted or delivered to the Commissioner of Police at the same time as the documents are posted or delivered to the Registrar.

5. A further fee of \$1,000 will be payable to the licensing court on renewal of the licence.
6. You are advised that, in accordance with the definition of “company” in section 2(1) of the Money Lenders Ordinance, references in this application to “company” (公司) mean a body corporate—
  - (a) incorporated under the Companies Ordinance (Cap. 622);
  - (ab) incorporated under a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap. 622);
  - (b) incorporated by any other Ordinance; or
  - (c) incorporated or established outside Hong Kong.

**WARNING—**Section 29(2) of the Money Lenders Ordinance makes it an offence punishable by a fine at level 6 and imprisonment for 2 years for a person to make a false or misleading statement or furnish false or misleading information in connection with any application for the renewal of a licence.

*(28 of 2012 ss. 912 & 920; E.R. 4 of 2021)*

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Form 8

[ss. 13(4) & 34]

MONEY LENDERS ORDINANCE  
(Chapter 163)

STATEMENT IN SUPPORT OF AN APPLICATION BY  
AN INDIVIDUAL FOR RENEWAL OF A LICENCE FOR  
HIMSELF OR FOR A PARTNERSHIP

*(To be completed in triplicate)*

*Please answer the following questions—*

*(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question to which your answer relates, and add your signature.)*

1. (a) Since the date of your application for a licence or last application for renewal (whichever is the later) have you been convicted of any offence, other than a traffic offence, in Hong Kong or elsewhere? (answer “yes” or “no”)

.....

- (b) If you have, give the following details—

## Money Lenders Regulations

Schedule 2

S2-98

Cap. 163A

	1	2	3
The offence			
The penalty (if any) imposed			
The date of conviction			
The name of the court which tried the offence			

2. (a) Since the date of your application for a licence or last application for renewal (whichever is the later) has there been any change in the bank accounts kept in connection with your business as a money lender?  
(answer “yes” or “no”) .....
- (b) If so, give the following details of each bank at which you are keeping an account in connection with your business as a money lender—

## Money Lenders Regulations

Schedule 2

S2-100

Cap. 163A

	1	2	3	4
Name of bank				
Its address				
The account number				
Date on which the account was opened				

I declare that all information given by me in this statement is true and correct.

Dated this ..... day of ..... 19 .....

*Signed*.....

*Applicant.*

### *PLEASE NOTE*

1. The original and one further copy of this statement should accompany your application to the Registrar for renewal (Form 6).
2. One copy of this statement should accompany your copy of your application for renewal posted or delivered to the Commissioner of Police.

## Money Lenders Regulations

Schedule 2

S2-102

Cap. 163A

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**WARNING**— Section 29(2) of the Money Lenders Ordinance makes it an offence punishable by a fine at level 6 and imprisonment for 2 years for a person to make a false or misleading statement or furnish false or misleading information in connection with any application for renewal of a licence.

*(E.R. 4 of 2021)*

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Form 9

[ss. 13(4) & 34]

MONEY LENDERS ORDINANCE  
(Chapter 163)

STATEMENT IN SUPPORT OF AN APPLICATION BY  
A COMPANY FOR RENEWAL OF A LICENCE

*(To be completed in triplicate)*

*Please answer the following questions—*

*(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)*

1. (a) Since the date of the company's application for a licence or last application for renewal (whichever is the later), has the company, or any of its directors, been convicted of any offence, other than a traffic offence, in Hong Kong or elsewhere? (answer "yes" or "no") .....

- (b) If so, give the following details—

## Money Lenders Regulations

Schedule 2

S2-106

Cap. 163A

	1	2	3	4	5	6
Name of the director or other person						
The offence						
The penalty (if any) imposed						
The date of conviction						
The name of the court which tried the offence						

2. (a) Since the date of the company's application for a licence or last application for renewal (whichever is the later), has there been any change in the bank accounts kept by the company in connection with its business as a money lender? (answer "yes" or "no") .....
- (b) If so, give the following details of each bank at which the company is keeping an account in connection with its business as a money lender—



## Money Lenders Regulations

Schedule 2

S2-108

Cap. 163A

	1	2	3	4
Name of bank				
Its address				
The account number				
Date on which the account was opened				

I declare that all information given by me in this statement is true and correct.

Dated this ..... day of ..... 19 .....

*Signed .....*

*A person authorized  
in this behalf by the  
company [Note: evidence  
of authorization should be  
produced].*

*PLEASE NOTE*

1. The original and one further copy of this statement should accompany the application to the Registrar for renewal (Form 7).
2. One copy of this statement should accompany the copy of the application for renewal posted or delivered to the Commissioner of Police.
3. You are advised that, in accordance with the definition of “company” in section 2(1) of the Money Lenders Ordinance, references in this statement to “company” (公司) mean a body corporate—
  - (a) incorporated under the Companies Ordinance (Cap. 622);
  - (ab) incorporated under a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap. 622);
  - (b) incorporated by any other Ordinance; or
  - (c) incorporated or established outside Hong Kong.

**WARNING—**Section 29(2) of the Money Lenders Ordinance makes it an offence punishable by a fine at level 6 and imprisonment for 2 years for a person to make a false or misleading statement or furnish false or misleading information in connection with any application for renewal of a licence.

*(28 of 2012 ss. 912 & 920; E.R. 4 of 2021)*

# Money Lenders Regulations

Schedule 2

S2-112

Cap. 163A

Form 10

[ss. 33B & 34]

## MONEY LENDERS ORDINANCE (Chapter 163)

### EXEMPTION

*No.* .....

1. Exemption is granted this ..... day of ..... 19 .....  
to .....(*name of person*)  
and, if person is licensed money lender, the licensee in respect of  
Licence No. ....from the following provisions of the Money  
Lenders Ordinance:.....  
.....  
.....
2. This exemption shall, unless earlier revoked, cease to have effect on....  
..... 19 .....
3. This exemption is subject to the conditions set out herein.

### CONDITIONS

*Signed* .....

*Registrar.*

Money Lenders Regulations

Schedule 2

S2-114

Cap. 163A

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Form 11

[ss. 33B & 34]

MONEY LENDERS ORDINANCE  
(Chapter 163)

APPLICATION BY A PERSON TO BE EXEMPTED  
FROM SPECIFIED PROVISIONS OF THE  
MONEY LENDERS ORDINANCE

*(To be completed in triplicate)*

Application is hereby made to the Registrar for an exemption under section 33B of the Money Lenders Ordinance.

*Please answer the following questions—*

*(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)*

1. State—

(a) the name of the person

.....

(b) in the case of a person who is a  
licensed money lender, the number  
of the licence

.....

## Money Lenders Regulations

Schedule 2

S2-116

Cap. 163A

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2. Is this application for the renewal of an exemption previously granted under section 33B of the Money Lenders Ordinance? (answer “yes” or “no”)

3. If the answer to item 2 is “yes”, give the exemption number of the exemption you are seeking to renew.

4. Have you ever been granted any exemption under section 33B of the Money Lenders Ordinance which was revoked? (answer “yes” or “no”). If yes, give exemption number(s).

5. Do not answer item 6 if—

- (a) the answer to item 2 is “yes”;
- (b) you have, in accordance with item 3, given the exemption number of the exemption you are seeking to renew; and
- (c) both—

- (i) the provisions of the Money Lenders Ordinance from which you are exempted by virtue of your existing exemption; and

- (ii) *all* the reasons given, in the last application under section 33B of the Money Lenders Ordinance that resulted in your existing exemption, for seeking to be exempted from those provisions,

- are the *same* provisions for the *same* reasons for which you are seeking an exemption by virtue of this application.

In any other case, you *must* answer item 6.

## Money Lenders Regulations

Schedule 2

S2-120

Cap. 163A

6. Specify in column 1 of the following table each provision of the Money Lenders Ordinance for which you are seeking an exemption and specify in column 2 of that table opposite each such provision the respective reason or reasons why you are seeking that particular exemption—

TABLE

Column 1	Column 2
Provision of Money Lenders Ordinance for which exemption is sought	Reason(s) why exemption is sought

I declare that all information given by me in this application is true and correct.

Dated this ..... day of ..... 19 .....

## Money Lenders Regulations

Schedule 2

S2-122

Cap. 163A

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*Signed.....*

*Where the person is an individual or firm, the applicant. Where the person is a company, a person authorized in this behalf by that company [Note: evidence of authorization should be produced].*

### *PLEASE NOTE*

1. You are advised to read the Money Lenders Ordinance and the Money Lenders Regulations before submitting this application.
2. The fee payable upon submitting this application is \$500.
3. The original and one copy of this application together with the fee payable on application should be posted or delivered to the Registrar.
4. One copy of this application should be posted or delivered to the Commissioner of Police at the same time as the original and one copy of this application is posted or delivered to the Registrar.
5. You are advised that, in accordance with the definition of “company” in section 2(1) of the Money Lenders Ordinance, references in this application to “company” (公司) mean a body corporate—
  - (a) incorporated under the Companies Ordinance (Cap. 622);



- (ab) incorporated under a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap. 622);
- (b) incorporated by any other Ordinance; or
- (c) incorporated or established outside Hong Kong.

**WARNING**—Section 29(2) of the Money Lenders Ordinance makes it an offence punishable by a fine at level 6 and imprisonment for 2 years for a person to make a false or misleading statement or furnish false or misleading information in connection with any application for an exemption.

*(L.N. 522 of 1995; 28 of 2012 ss. 912 & 920; E.R. 4 of 2021)*

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## Schedule 3

[reg. 11]

### **Form of Summary of Provisions of the Ordinance to be Included in or Attached to a Note or Memorandum of a Loan Agreement**

[ss. 18(1) & 34]

#### THE MONEY LENDERS ORDINANCE

The provisions of the Money Lenders Ordinance summarized below are important for the protection of all the parties to a loan agreement, and should be read carefully. The summary is not part of the law, and reference should be made to the provisions of the Ordinance itself in case of doubt.

#### *Summary of Part III of the Ordinance—Money lenders transactions*

*Section 18* sets out the requirements relating to loans made by a money lender. Every agreement for a loan must be put into writing and signed by the borrower within 7 days of making the agreement and *before* the money is lent. A copy of the signed note of the agreement must be given to the borrower, with a copy of this summary, at the time of signing. The signed note must contain full details of the loan, including the terms of repayment, the form of security and the rate of interest. An agreement which does not comply with the requirements will be unenforceable, except where a court is satisfied that it would be unjust not to enforce it.

*Section 19* provides that a money lender must, if requested in writing and on payment of the prescribed fee for expenses, give the original and a copy of a written statement of a borrower's current position under a loan

agreement, including how much has been paid, how much is due or will be due, and the rate of interest. The borrower must endorse on the copy of the statement words to the effect that he has received the original of the written statement and return the copy as so endorsed to the money lender. The money lender must retain the copy of the statement so returned during the continuance of the agreement to which that statement relates. If the money lender does not do so he commits an offence. The money lender must also, upon a request in writing, supply a copy of any document relating to the loan or security. But a request cannot be made more than once per month. Interest is not payable for so long as the money lender, without good reason, fails to comply with any request mentioned in this paragraph.

*Section 20* provides that the surety, unless he is also the borrower, must within 7 days of making the agreement be given a copy of the signed note of the agreement, a copy of the security instrument (if any) and a statement with details of the total amount payable. The money lender must also give the surety, upon request in writing at any time (but not more than once per month) a signed statement showing details of the total sum paid and remaining to be paid. The security is not enforceable for so long as the money lender, without good reason, fails to comply.

*Section 21* provides that a borrower may at any time, on giving written notice, repay a loan together with interest to the date of repayment, and no higher rate of interest may be charged for early repayment.

This provision, however, will not apply where the money lender is recognized, or is a member of an association recognized, by the Financial Secretary by notice in the Gazette in force under section 33A(4) of the Ordinance.

*Section 22* states that a loan agreement is illegal if it provides for the payment of compound interest, or provides that a loan may not be repaid by instalments. A loan agreement is also illegal if it charges a higher rate of

interest on amounts due but not paid, although it may provide for charging simple interest on that part of the principal and interest outstanding at a rate not exceeding the rate payable apart from any default. The illegal agreement may, however, be declared legal in whole or in part by a court if the court is satisfied that it would be unjust if the agreement were illegal because it did not comply with this section.

*Section 23* declares that a loan agreement with a money lender and any security given for the loan will not be enforceable if the money lender was unlicensed at the time of making the agreement or taking the security. The loan agreement or security may, however, be declared enforceable in whole or in part by a court if the court is satisfied that it would be unjust if the agreement or security were unenforceable by virtue of this section.

*Summary of Part IV of the Ordinance—Excessive interest rates*

*Section 24* fixes the maximum effective rate of interest on any loan (the “effective rate” is to be calculated in accordance with the Second Schedule to the Ordinance). A loan agreement providing for a higher effective rate will be unenforceable and the lender will be liable to prosecution. This maximum rate may be changed by the Legislative Council but not so as to affect existing agreements. The section does not apply to any loan made to a company which has a paid up share capital of not less than \$1,000,000 or, in respect of any such loan, to any person who makes that loan. (L.N. 139 of 2022)

*Section 25* provides that where court proceedings are taken to enforce a loan agreement or security for a loan or where a borrower or surety himself applies to a court for relief, the court may look at the terms of the agreement to see whether the terms are grossly unfair or exorbitant (an effective rate of interest exceeding the rate specified in the section may be presumed, on that ground alone, to be exorbitant), and, taking into account all the circumstances, it may alter the terms of the agreement in such a manner as to be fair to all parties. The section does not apply to any loan made to a company which has a paid up share capital of not less than \$1,000,000 or, in respect of any such loan, to any person who makes that loan. (*L.N. 139 of 2022*)

(*L.N. 522 of 1995*)