# New Inspection Regime of the Companies Register

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## New Inspection Regime of the Companies Register

- Overview of New Inspection Regime
- Major Changes in Public Search Services
- Application for Disclosure of Withheld Information / Protected Information
- Application to Withhold Information from Public Inspection



**Phase 1** (23 Aug 2021)



Phase 2 (24 Oct 2022)



Phase 3 (27 Dec 2023)

• Companies may replace usual residential addresses of directors with their correspondence addresses, and replace full identification numbers of directors and company secretaries with their partial identification numbers on their own registers for public inspection.



Phase 1 (23 Aug 2021)



Phase 2 (24 Oct 2022)



Phase 3 (27 Dec 2023)

- Usual residential addresses and full identification numbers ("Protected Information") on the Index of Directors on the Companies Register are replaced with correspondence addresses and partial identification numbers for public inspection.
- Protected Information contained in documents filed for registration after commencement of this phase is NOT provided for public inspection.
- "Specified persons" could apply to the Companies Registry ("the Registry") for access to Protected Information.



Phase 1 (23 Aug 2021)



Phase 2 (24 Oct 2022)



Phase 3 (27 Dec 2023)

- A data subject may apply to the Registry for withholding from public inspection his/her usual residential address (if applicable) or full identification number ("Withheld Information") contained in a document registered with the Registry. If the application is approved, the data subject's correspondence address and partial identification number will be provided for public inspection instead.
- "Specified persons" could apply to the Registry for access to the Withheld information.



Who are the "specified persons"? (1)

• "Specified persons" are specified in sections 8(1) and 12(1) of the Companies (Residential Addresses and Identification Numbers) Regulation (Cap. 622N) ("Regulation").

- Specified persons include:
  - (a) a data subject
  - (b) a person who is authorized in writing by a data subject



only has the right to access



WI / PI of the data subject

(c) a member of the data subject's company



only has the right to access WI / PI of the company



#### Who are the "specified persons"? (2)

- Specified persons include: (Cont'd)
  - (d) a liquidator
  - (e) a trustee in bankruptcy
  - (f) a public officer or public body
  - (g) a scheduled person
    - ➤ an inspector (s.838(1) of the Companies Ordinance, Cap. 622)
    - > a recognized clearing house
    - ➤ a recognized exchange controller

- > an inspector (s.95(1) of the Trustee Ordinance, Cap. 29)
- > a recognized exchange company
- > a recognized investor compensation company
- ➤ a person directed or appointed to investigate (s.11(1) of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, Cap. 615)



Who are the "specified persons"? (3)

- Specified persons include: (Cont'd)
  - (h) a solicitor or foreign lawyer
  - a certified public accountant (practising)
  - a financial institution or Designated Non-Financial Business and Profession ("DNFBP")

Financial

an authorized institution

institution: > an authorized insurer

> a licensed insurance agency

> a licensed money service operator

> an SVF licensee

> a licensed corporation

> a licensed individual insurance agent

> a licensed insurance broker company

the Postmaster General

> a licensed VAS (virtual asset service) provider

DNFBP:

> an accounting professional

> a legal professional

> an estate agent

a TCSP licensee



> a Category B PMS (precious metals and stones) registrant

Who are the "specified persons"? (4)

- "Specified persons" other than the data subject, person authorized by a data subject and member of the data subject's company may have the need to obtain Withheld Information or Protected Information ("WI / PI") in relation to statutory procedures, law enforcement, and customer due diligence of financial and business transactions (e.g. for Anti-Money Laundering and Counter-Financing of Terrorism purposes).
- Such persons are required by sections 8 and 12 of the Regulation to make a statement to confirm that the WI / PI is required for the performance of their functions and would only be used for the performance of their functions.



#### Searches on Registered Documents (1)

 Protected Information contained in documents filed for registration on or after 24 October 2022 is NOT provided for public inspection.



The main form does NOT contain PI and is for public inspection

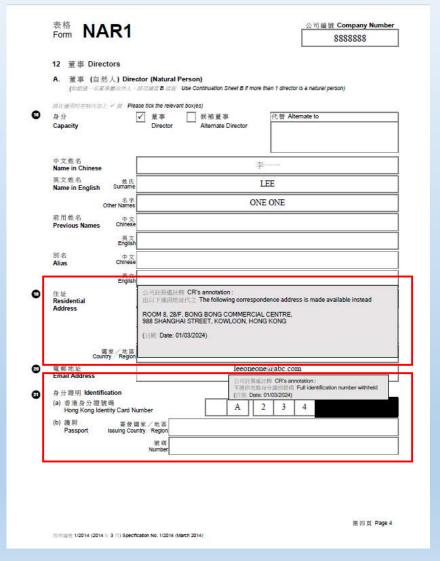


The PI sheet containing PI is NOT for public inspection



Searches on Registered Documents (2)

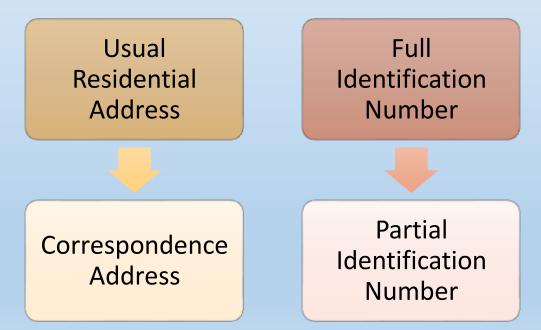
- Starting from 27 December 2023, upon approval of an application to withhold information from public inspection, the Registry will update the image record of the relevant document so that the Withheld Information contained therein will NOT be provided for public inspection.
- The applicant's correspondence address is provided instead of the usual residential address for public inspection.





Searches on Index of Directors (1)

• Starting from 24 October 2022, the Protected Information on the Index of Directors on the Register is replaced with correspondence address and partial identification numbers for public inspection.





#### Searches on Index of Directors (2)

- Partial identification number means
  - a) if the identification number comprises a sequence of an even number of alphanumeric characters (excluding spaces, punctuation marks and symbols) — the first half of the sequence; or
  - b) if the identification number comprises a sequence of an odd number of alphanumeric characters (excluding spaces, punctuation marks and symbols) — the part that begins with the first character in the sequence and ends with the character that falls on the middle of the sequence.



#### Searches on Index of Directors (3)

#### Hong Kong Identity Card Number

Full Number	Partial Number
A123456(7)	A123
AA123456(7)	AA123

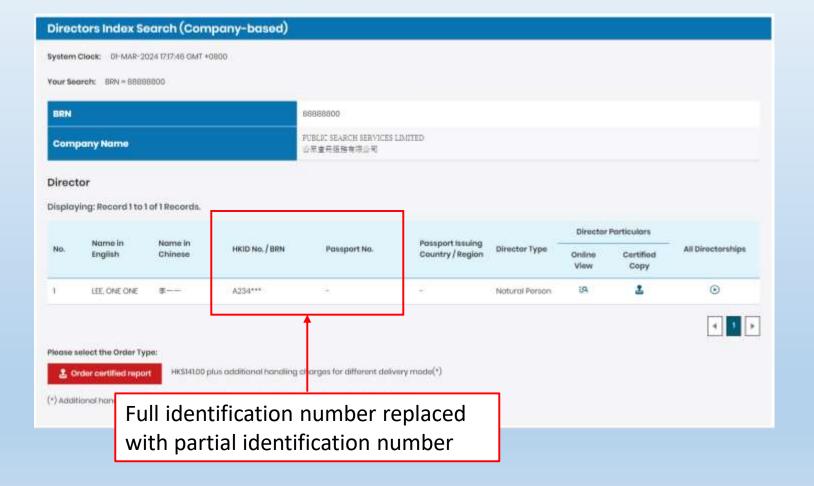
#### **Passport Number**

Full Number	Partial Number
ABCD1234567	ABCD12
ABCD12345678	ABCD12
ABCD123456789	ABCD123
ABC-123-4	ABC1
#A1234567H(*)	A1234



Searches on Index of Directors (4)

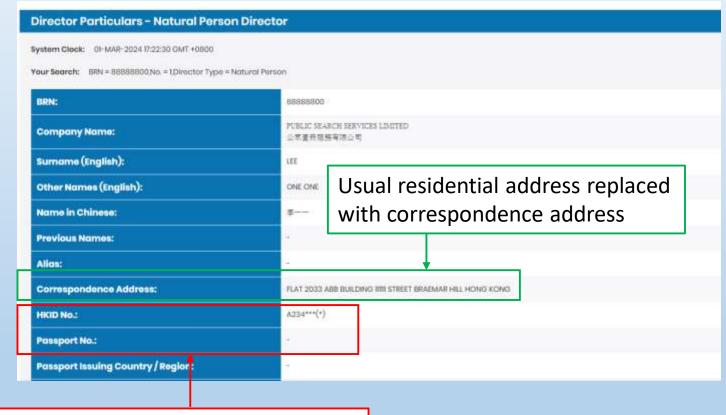
Company-based Directors Index Search





Searches on Index of Directors (5)

#### **Director Particulars Search**



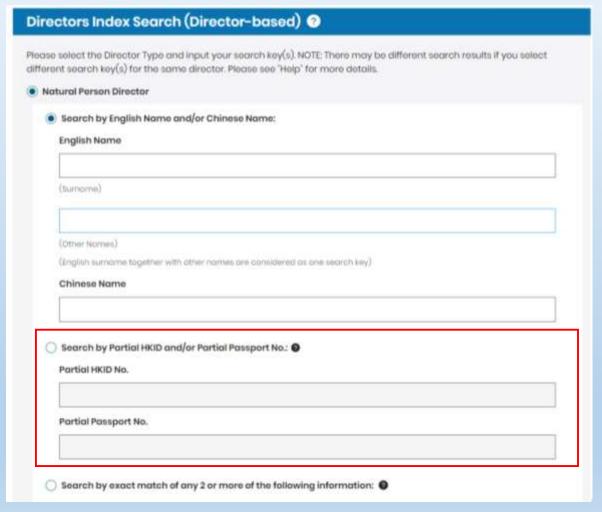
Full identification number replaced with partial identification number



Searches on Index of Directors (6)

## Director-based Directors Index Search

 When HK Identity Card No. or Passport No. is used as a search key, searcher only needs to input the partial identification number.





Searches on Index of Directors (7)

#### Director-based Directors Index Search (Cont'd)

- Records of directors having the same full HKID numbers or passport numbers but with different formats of names kept on the Register will be grouped together for display in a consolidated manner with the same group number.
- In the rare circumstances where different directors have identical full names and partial HKID numbers or passport numbers, extra digit(s) will be displayed for the partial identification numbers of the related group where appropriate.



#### Searches on Index of Directors (8)

Scenario (1) - Identify persons with different name formats but same partial HKID numbers

#### **Display of Search Result**

Searcher inputs partial HKID number \$987, System will group the matched records according to different criteria for searchers to identify records of different individuals

more easily.

	HKID Grouping Number (Note)	Name in English	Name in Chinese	Partial HKID No.	Partial Passport No.	Passport Issuing Country / Region	Records (including Records of Reserve Director)
•	Н	LEE, HO WANG	李好運	S987*4*	×	-	4
•	H2	LEE, HO WANG	李好運	S987*8*	74	<u>~</u>	2
•	H2	LEE, HO WANG JOHN	李好運	S987*8*	-	×	1

- > The search result shows 2 different Group Numbers, indicating that 2 different individuals holding 2 different full HKID numbers are involved.
- Although 2 different name formats are shown for records with Group Number H2, they are in fact referring to the same individual with same full HKID number and have therefore been assigned with the same Group Number.
   The person shown in Group Number H1 is holding a different full HKID number from the person in Group Number H2 and
- they are two different individuals.



#### Searches on Index of Directors (9)

Scenario (2) - Identify persons with same names and same partial HKID numbers

#### **Display of Search Result**

Searcher inputs partial HKID number \$012, System will group the matched records according to different criteria for searchers to identify records of different individuals

more easily.

	HKID Grouping Number (Note)	Name in English	Name in Chinese	Partial HKID No.	Partial Passport No.	Passport Issuing Country / Region	No. of Records (including Records of Reserve Director)
•	н	CHAN, TAI MAN	陳大文	S012**4	-	=	3
•	H2	CHAN, TAI MAN	陳大文	S012**8	CE.	-	2
•	НЗ	HO, SIU MING	何小明	S012***	đ	ě	2

- > The search result shows 3 different Group Numbers, indicating that 3 different individuals holding 3 different full HKID numbers are involved.
- > The persons shown in Group Number H1 and Group Number H2 are 2 different individuals with identical name but holding 2 different full HKID numbers
- The person shown in Group Number H3 is obviously different from the persons in Group Numbers H1 and H2.



How to apply? (1)

**Specified Persons** 

A data subject

A person who is authorized in writing by a data subject

A member of the data subject's company

One-time application (Electronic)

One-time application (Paper)

A liquidator

A trustee in bankruptcy

A public officer or public body

A scheduled person

A solicitor or foreign lawyer

A certified public accountant (practising)

A financial institution or DNFBP

One-time application (Paper)

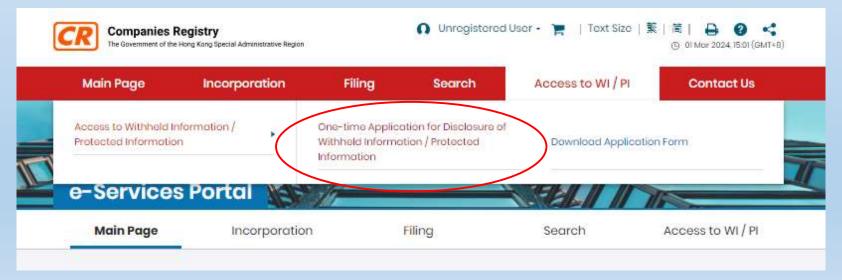
by registered users
who have subscribed to
the WI / PI Search Services



How to apply? (2)

One-time application

- a) Electronic application
  - ▶ By a data subject, a person who is authorized in writing by a data subject, or a member of the data subject's company
  - >through the e-Services Portal (www.e-services.cr.gov.hk)





How to apply? (3)

One-time application (Cont'd)

- b) Paper application
  - ➤ By all types of specified persons
  - ➤ In specified forms Forms PS1, PS2 or PS3 (depending on the type of specified person)





How to apply? (4)

One-time application (Cont'd)

- Submit the application together with supporting documents and fee (if applicable).
- In general, the supporting documents include:
  - ➤ the identification documents of the applicant, and of the authorised representative of the applicant which is other than a natural person;
  - ➤ the evidence of the capacity of the applicant as one of the types of specified persons; and
  - ➢ in certain circumstances, the authorisation document.



Additional Documents for the Application for Disclosure of Withheld Information / Protected Information

Address: 13th Finer, Queensway Government Offices, 66 Queensway, Hong Keny Withole: www.cz.gor.lik. Exact: compilier gov.lik. 24-bear Engaley Bellin: (1952) 2234 9953 (FVRS): (1852) 2367 2860

PAN647E. (Dec 2023)



How to apply? (5)

#### Electronic Application by registered user

 Only the following designated types of specified persons can make application electronically through a User Account which has subscribed to the WI / PI Search Services:

- a liquidator

- a solicitor or foreign lawyer

- a trustee in bankruptcy

- a certified public accountant (practising)

- a public officer or public body

- a financial institution or DNFBP

- a scheduled person

 If the designated specified person is not a natural person, application should be made by its authorised representative through the authorised representative's User Account which has subscribed to the WI / PI Search Services.



What can be obtained? (1)

 Applicant has to indicate the scope of Withheld Information or Protected Information ("WI / PI") required in the application, i.e.

Information of a data subject in a company

AND/OR

Withheld Information /
Protected Information
of a data subject
reported in a registered
document



What can be obtained? (2)

- A fee of \$10 for obtaining WI / PI of each data subject is payable by the following types of specified persons:
  - a solicitor or foreign lawyer
  - a certified public accountant (practising)
  - a financial institution or DNFBP

(sections 6(c)(iii) (for WI) and 10(c)(iii) (for PI) of the Regulation)

 The other types of specified persons are exempted from the fees by section 13 of the Regulation.



What can be obtained? (3)

- If an application is approved, a WI / PI Report on the selected data subject will be provided to the applicant.
- The Report
  - will be sent to the Applicant by email (for one-time application); or
  - provided in a designated area in the e-Services Portal for downloading by the Applicant (for application through User Account which has subscribed to the WI / PI Search Services)



What can be obtained? (4)



# Note:

請參看隨附的注意事項並遵從有關的規定。

Please read the attached Points to Note and comply with the requirements.



私人及機密 Private and Confidential

訂單編號 Order No.: PS090044583483

不提供的資料/受保護資料報告 Withheld Information / Protected Information Report

申請人的評情 Particulars of Applicant	100
申請人的姓名/名稱 Name of Applicant -	≠ LEE ONE ONE
指明人士的關門 Type of Specified Person:	資料畫事人 A data subject
登記帳戶號碼(知道用) Use: Account Number (if applicable):	
資料當事人的評情 Particulars of Data Subject	000000
資料當事人的姓名 Name of Data Subject	I LEE ONE ONE
資料當事人所屬公司的名稱 Name of Data Subject's Company :	公本查報服務一有限公司 PUBLIC SEARCH SERVICES (A) LD
資料當事人所屬公司的商業登記號碼編號 Business Registration Number of Data Subject's Company :	58888901
資料畫事人於所屬公司的身分 Capacity of Data Subject in the Company :	董事 / 供補董事 Director / Alternate Director

Withheld Information / Protected Information of a data subject reported in a registered document

Capacity of Data Subject in the Company -	LANGUAL ABELBARE DATOURE
載於以下指定文件內的不提供的資料/登保騰資料 Withheld Information / Protected Information Reported in	the following Specific Document
文件名稱 Name of Document:	(英)委格NNC1 - 法難改立表格(股份有限公司) (E)PNNC1 - Incorporation Form (Company Limited by Shares)
文件多号编號 Document Reference Number:	71622889652
存権日期 (日/月/年) Piing Date (DD/MM/YYYY):	04/89/2023
光整香港身分體號碼 Full Hong Kong Identity Card Number ÷	A234567(9)
完整護院被碼 Full Passport Number	
通常住址 Usual Residential Address :	FLAT 2033 ABB BUILDING 11111 STREET BRAEMAR HILL HONG KONG

公司註冊處

Companies Registry

- 本報告載刊物定文件內有關資料當事人的不提供的資料/受保護資料、禁等不提供的資料/受保護資料其 通讯其他文件而作出的任何更改或练訂並不包括在内。
- This report contains the withheld information, 'protected information of the data subject reported in the specific document. Any subsequent changes or amendment to the said withheld information / protected information is reported in other documents are not included.
- 請急看護則的注意事項並發花有關的規定。

Please read the attached Points to Note and comply with the requirements.

公司註冊慮 Compunies Registry

## Application to Withhold Information from Public Inspection Who can make the application?

 Data subjects may apply to the Registry for withholding from public inspection their usual residential addresses (if applicable), or full identification numbers contained in documents registered with the Registry pursuant to section 49 of the Companies Ordinance (Cap. 622).

A director, reserve director or company secretary, or a former director, reserve director or company secretary of a company

can apply to withhold

Usual Residential Address

Any person whose full identification number is contained in a registered document

can apply to withhold

Full Identification
Number



## Application to Withhold Information from Public Inspection What documents can be covered under an application?

- Applicant may apply to withhold from public inspection his/her usual residential address and full identification number contained in a document delivered to the Companies Registry for registration under any of the following Ordinances before, on or after the commencement of Phase 3 of the New Inspection Regime –
  - > the Companies Ordinance;
  - ➤ the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32); or
  - ➤ the Companies Ordinance (Cap. 32) as in force from time to time before the commencement of the Companies Ordinance.



## Application to Withhold Information from Public Inspection How to apply? (1)

**Data Subject Paper submission Electronic submission** Submit application through Submit the Form MPI together with the e-Services Portal after supporting document subscription to e-Filing services



## Application to Withhold Information from Public Inspection How to apply? (2)

#### Electronic application

- To apply for withholding information from public inspection electronically, the data subject <u>must</u> hold a <u>User Account</u> of the e-Services Portal with e-Filing Services subscribed.
- After login, select "Filing" from the menu bar of the e-Services Portal and then "Document Submission" > "Online Submission" to complete the Form MPI "Application to Withhold Residential Address or Identification Number from Public Inspection". System will guide the applicant to input the required information.



## Application to Withhold Information from Public Inspection How to apply? (3)

#### Electronic application (Cont'd)

Input Basic Information

• Enter the **BRN of the company** in relation to the application

Particulars of Applicant

- View and check the **name** and **identification number** of data subject
- Update the contact information of the data subject, including telephone number, email address and correspondence address, if necessary



## Application to Withhold Information from Public Inspection How to apply? (4)

#### Electronic application (Cont'd)

Particulars of Document(s)

- Indicate the document(s) containing the information to be withheld
- Select the capacity(ies) of the data subject in the document
- Select the **information to be withheld** and specify the **location** of the information

Sign & Submit

- Sign the Form MPI by entering the User ID and password of the User Account
- You may save a softcopy of the form before submission
- You may save or print the acknowledgement page for reference



## Application to Withhold Information from Public Inspection How to apply? (5)

#### Electronic application (Cont'd)

- Online demonstration is available at "Electronic Services > e-Services
   Portal > Demonstrations" of the Registry's website (www.cr.gov.hk)
- An application may also be submitted by a presentor on behalf of the data subject through the presentor's User Account with e-Filing Services subscribed. The presentor will send a signing request to the data subject after completion of the form. The data subject has to log in his/her User Account to sign and return the form to the presentor for submission.



Application to Withhold Information from Public Inspection

How to apply? (6)

#### Paper application

 Applicant can deliver the Form MPI by post or in person to the e-Services Centre of the Companies Registry on 13/F, Queensway Government Offices, 66 Queensway.





## Application to Withhold Information from Public Inspection How to apply? (7)

#### Paper application (Cont'd)

- Certified true copy of the identification document (i.e. Hong Kong Identity Card or passport) of the data subject should be submitted together with the application. The identification document should be certified as true copy by, among others,
  - > a notary public practising in Hong Kong
  - ➤ a solicitor practising in Hong Kong
  - ➤ a certified public accountant (practising) with the meaning of section 2 of the Accounting and Financial Reporting Council Ordinance (Cap. 588)
  - > a professional company secretary practising in Hong Kong
- Alternatively, the data subject may choose to present the original identification document in person to the Registry for verification.



## Application to Withhold Information from Public Inspection How to apply? (8)

#### Points to note

- It is NOT a mandatory requirement for data subjects to apply to withhold their information from public inspection.
- NO fee is required.
- There is NO deadline for submitting an application.
- Each application is for withholding residential address and/or full identification number of one data subject reported in registered documents (21 documents at most) of one company only.

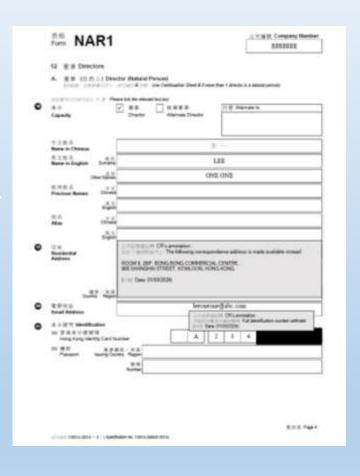


### Application to Withhold Information from Public Inspection

How will the information be withheld? (1)

 If an application to withhold usual residential address and full identification number from public inspection is approved, the image record of the registered document(s) under the application will be updated.

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Page 1





## Application to Withhold Information from Public Inspection How will the information be withheld? (2)

 The usual residential address is withheld from public inspection while the correspondence addresses contained in the application will be made available for public inspection instead.





## Application to Withhold Information from Public Inspection How will the information be withheld? (3)

• The full identification number is withheld from public inspection while only the partial identification number is made available.

身分證明 Identification	公司註冊處註釋 CR's annotation: 不提供完整身分識別號碼 Full identification number withheld (日期 Date: 01/03/2024)		
(a) 香港身分證號碼 Hong Kong Identity Card Number	A 2 3 4		
(b) 護照 簽發國家 / 地區 Passport Issuing Country Region 號碼 Number			



## Application to Withhold Information from Public Inspection How will the information be withheld? (4)

- An email will be issued to the presentor or applicant (as the case may be) after the concerned information has been withheld.
- Applicant may conduct an Image Record Search via the e-Search Services under the Registry's e-Services Portal and place an order for online viewing or downloading of the updated image record(s) or obtaining a certified copy of the document(s).



#### Please visit

## Thematic section on "New Inspection Regime" on the Companies Registry's website

(www.cr.gov.hk/en/legislation/nir/overview.htm)

#### where you can obtain:

- Information Pamphlets
  - ➤ How to Obtain Withheld Information / Protected Information
  - > Additional Documents for the Application for Disclosure of Withheld Information / Protected Information
  - > How to Apply to Withhold Residential Address or Identification Number from Public Inspection
  - ➤ How to Subscribe to Withheld Information / Protected Information Search Services under the e-Services Portal of the Companies Registry
- Frequently Asked Questions
- External Circular No. 5/2022 Implementation of Phase 2 of New Inspection Regime Major Changes in Public Search Services
- External Circular No. 8/2023 Commencement of Phase 3 of New Inspection Regime



## Thank You!

