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Companies Registry External Circular No. 5 / 2022

Implementation of Phase 2 of New Inspection Regime – Major Changes in Public Search Services

This circular sets out the **major changes in public search services** upon implementation of Phase 2 of the New Inspection Regime of the Companies Register (“the Register”) under the Companies Ordinance (Cap. 622) (“CO”) on **24 October 2022**.

Public Searches on the Register

2. Starting from 24 October 2022, correspondence addresses instead of the usual residential addresses (“URAs”) of directors and partial identification numbers (“IDNs”) instead of full IDNs of directors, company secretaries and some other individuals (such as liquidators and provisional liquidators) will be made available on the Register for public inspection.

Directors Index Search

3. The URAs and full IDNs on the Index of Directors on the Register will be replaced with correspondence addresses and partial IDNs for public inspection.

4. In the display of results of Director-based Director Index Search, records of **directors having the same full IDNs but with different formats of names kept on the Register** (e.g. one name with English name and another without) will be **grouped together for display in a consolidated manner with the same group number**. This will allow searchers to identify records of the same director more easily despite the difference in formats of the names of the director concerned.

5. In the rare circumstances where **different directors have identical full names and partial IDNs, extra digit(s) will be displayed for the partial IDNs of the related groups** where appropriate for easy differentiation of the directors.

Image Record Search

6. Protected Information¹ contained in documents filed for registration after commencement of Phase 2 will **NOT** be provided for public inspection. The revised specified forms for use after the commencement of Phase 2 will contain a “PI-sheet” to each relevant form for reporting Protected Information of individuals and the PI-sheet will **NOT** be made available on the Register for public inspection.

Disclosure of Protected Information to “Specified Persons” on Application

7. The Registrar of Companies (“the Registrar”) may, on application made for the purposes of section 58(3) of the CO, disclose Protected Information to the following persons for the purpose of the performance of their functions specified in section 12 of the Companies (Residential Addresses and Identification Numbers) Regulation (Cap. 622N) (“Regulation”):

- (a) a data subject;
- (b) a person who is authorized in writing by a data subject to obtain the information;
- (c) a member of the company;
- (d) a liquidator;
- (e) a trustee in bankruptcy;
- (f) a public officer or public body;
- (g) a person specified in the Schedule to the Regulation;
- (h) a solicitor or foreign lawyer;
- (i) a certified public accountant (practising);
- (j) a financial institution or Designated Non-Financial Business and Profession (DNFBP).

8. Further interpretation for “public body” and the types of “specified persons” in items (d), (e), (g), (h), (i) and (j) of paragraph 7 above is provided in section 2 of the Regulation. Only the types of “specified persons” in items (h), (i) and (j) above are required to pay a fee of \$10 for obtaining Protected Information of each data subject

¹ Protected Information refers to the usual residential addresses of directors and full identification numbers of directors, company secretaries and some other individuals such as liquidators and provisional liquidators.

pursuant to section 10(c)(iii) of the Regulation. The other types of “specified persons” are exempted from the said fee pursuant to section 13(2) of the Regulation.

Application for Disclosure of Protected Information by Specified Persons

9. “Specified persons” can apply for disclosure of Protected Information through the following means:

- (i) **One-time online application** via Cyber Search Centre (www.icris.cr.gov.hk) or Company Search Mobile Service (www.mobile-cr.gov.hk)

(only for the types of “specified persons” in items (a) to (c) of paragraph 7 above);

- (ii) **One-time application in paper form**

(for all types of “specified persons”);

- (iii) **Online application using Special Account**

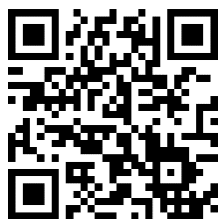
(only for the types of “specified persons” in items (d) to (j) of paragraph 7 above).

10. The key features for the application by “specified persons” for disclosure of Protected Information are summarised at the **Annex**.

11. Where paper application for disclosure of Protected Information is concerned, the following new forms have been specified by the Registrar for use for the purposes of section 58(3) of the CO **with effect from 24 October 2022**:

- (a) Form PS1 - “Application for Disclosure of Protected Information (By data subject / person authorized in writing by a data subject to obtain the information / member of the company)”
- (b) Form PS2 - “Application for Disclosure of Protected Information (By liquidator / trustee in bankruptcy / public officer or public body / scheduled person)”
- (c) Form PS3 - “Application for Disclosure of Protected Information (By solicitor or foreign lawyer / certified public accountant (practising) / financial institution or DNFBP)”

12. The three new forms were published in the Gazette on 24 June 2022 under G.N. 3129 and can be downloaded from the thematic section on “New Inspection Regime” on the Registry’s website at www.cr.gov.hk/en/legislation/nir/newforms.htm.



13. Individual forms will also be available for purchase at the Registry’s office on the 13th floor of the Queensway Government Offices, 66 Queensway, Hong Kong with effect from **23 September 2022**.

Information and Enquiries

14. To facilitate “specified persons” in making applications for obtaining Protected Information, the Registry has published the following information pamphlets which are available for download from the thematic section on “New Inspection Regime” on the Registry’s website at www.cr.gov.hk/en/legislation/nir/pamphlets.htm:-

- (i) How to Obtain Protected Information
- (ii) How to Apply for Opening of Special Account for Disclosure of Protected Information
- (iii) Additional Documents for the Application for Disclosure of Protected Information



15. Enquiries concerning this circular can be directed to Mr Terence MOK, Assistant Registry Manager (Public Search), at 2867 1466 or crenq@cr.gov.hk.

Miss Helen TANG
Registrar of Companies

Implementation of Phase 2 of New Inspection Regime - Major Changes in Public Search Services

A Summary of the Key Features for the Application for Disclosure of Protected Information by “Specified Persons”

I. Application for Disclosure of Protected Information

- “Specified persons” can apply for disclosure of usual residential addresses and full identification numbers (“Protected Information”) through the following means for the performance of their functions specified in section 12 of the Companies (Residential Addresses and Identification Numbers) Regulation (Cap. 622N) (“Regulation”):

(a) One-time Online Application for Disclosure of Protected Information

- (i) **Only the following types of “specified persons” can apply** for disclosure of Protected Information through this type of application:
- a data subject;
 - a person who is authorized in writing by a data subject to obtain the information;
 - a member of the company.
- (ii) The application can be made at the Companies Registry’s Cyber Search Centre at www.icris.cr.gov.hk (“CSC”) or Company Search Mobile Service at www.mobile-cr.gov.hk (“CSMS”).

(b) One-time Application in Paper for Disclosure of Protected Information

- (i) **Any type of “specified persons” can apply** for disclosure of Protected Information through this type of application.
- (ii) The application should be submitted by using one of the following specified forms:
- **Form PS1** – “Application for Disclosure of Protected Information (By data subject/person authorized in writing by a data subject to obtain the information/member of the company)”

- **Form PS2** – “Application for Disclosure of Protected Information (By liquidator / trustee in bankruptcy / public officer or public body / scheduled person)”
- **Form PS3** – “Application for Disclosure of Protected Information (By solicitor or foreign lawyer / certified public accountant (practising) / financial institution or DNFBP)”

(c) Online Application for Disclosure of Protected Information via Special Account

(i) **Only the following designated types of “specified persons”** can apply for disclosure of Protected Information **online** at CSC or CSMS using a **Special Account (“SA”)** or **Authorised Representative’s Special Account (“ARA”)** on a 24-hour basis:

- a liquidator;
- a trustee in bankruptcy;
- a public officer or public body;
- a person specified in the Schedule to the Regulation;
- a solicitor or foreign lawyer;
- a certified public accountant (practising);
- a financial institution or Designated Non-Financial Business and Profession (DNFBP).

(ii) While the designated types of **specified person being a natural person** can apply for disclosure of Protected Information **online through an SA**, designated types of specified persons **not being a natural person** will need its **authorised representative to make online application through ARA**.

➤ If the application for disclosure of Protected Information is approved, the Registry will issue a **Protected Information Report** on the selected data subject to the applicant.

II. Application for Opening of SA / ARA

➤ SA can be set up by the designated types of specified persons at the Registry’s CSC or CSMS upon commencement of Phase 2 of the New Inspection Regime on 24 October 2022. Application can also be made in paper form. If paper

application is submitted, the application should be made via the Form PS4 – “Application for Opening of Special Account relating to Protected Information by Designated Types of Specified Persons”.

- For the designated types of specified person **not being a natural person**, it is **required to further submit an application for opening of ARA for its authorised representative after its SA has been opened**. It can apply for opening of the ARA online via its SA at CSC or CSMS or in paper form. If paper application is submitted, the application should be made via the Form PS5 – “Application for Opening of Special Account for Authorised Representative by a Special Account User other than a Natural Person”.
- Each SA of a designated specified person which is not a natural person can apply for and manage 15 ARAs at most.
- Designated types of specified persons not being a natural person can apply for separate SAs for their branches / sub-offices. To differentiate these SAs being applied for, the name of the branch / sub-offices should be provided in the application for applying for opening of SA.

III. Requirements on Supporting Documents

- Supporting documents are required to be accompanied with the following types of applications:
 - (a) One-time application for disclosure of Protected Information
 - (b) Application for opening of SA
 - (c) Application for opening of ARA
- In general, the supporting documents include the following:

For one-time application for disclosure of Protected Information

- (a) Identification document of the applicant, and in case the applicant is not a natural person together with the identification documents of its authorised representative who is a natural person;
- (b) Documents evidencing the capacity of the applicant as one of the types of “specified persons”; and
- (c) Authorisation documents (if applicable)

- (i) If the applicant is a natural person who is authorized by a data subject to make an application on his/her behalf, an authorisation letter by the data subject will be required.
- (ii) If the applicant is not a natural person, an authorisation letter by the applicant to authorise the natural person representative named in the application to apply for Protected Information on its behalf will be required.

For application for opening of SA

- (a) Identification document of the applicant;
- (b) Documents evidencing the capacity of the applicant as one of the types of “specified persons”; and
- (c) Authorisation letter issued by the applicant in case the applicant is not a natural person to authorise the natural person named in the application to make the application.

For application for opening of ARA

- (a) Identification document of the authorised representative; and
 - (b) Authorisation letter issued by the applicant to authorise the natural person authorised representative to apply for Protected Information on its behalf in future.
- Certified true copy of the supporting documents should be submitted with the application. The certification should be made by:
- (a) a notary public practising in Hong Kong;
 - (b) a solicitor practising in Hong Kong;
 - (c) a certified public accountant (practising) within the meaning of section 2 of the Accounting and Financial Reporting Council Ordinance (Cap. 588);
 - (d) an officer of the court in Hong Kong who is authorised by law to certify documents for any judicial or other legal purpose;
 - (e) a professional company secretary practising in Hong Kong;
 - (f) a consular officer of the applicant’s home country, in case the applicant is a non-Hong Kong resident or an entity not registered in Hong Kong; or
 - (g) the authority or body which issues the document.

- Alternatively, the applicant may choose to present the original supporting documents in person to the Registry. The applicant may bring the original documents to the Public Search Centre of the Registry on 13th floor, Queensway Government Offices, 66 Queensway, Hong Kong for checking. Please allow sufficient time for the checking.
- Detailed requirements on the supporting documents are set out in the Registry’s information pamphlet “**Additional documents for the Application for Disclosure of Protected Information**”.

IV. Downloading of Forms

- The specified Forms PS1, PS2 and PS3 for making application for disclosure of Protected Information in paper, Form PS4 for making application for opening of SA in paper and Form PS5 for making application for opening of ARA in paper can be downloaded from the thematic section on “New Inspection Regime” on the Registry’s website at www.cr.gov.hk/en/legislation/nir/newforms.htm.

