



Transitional Period

Precious metals and stones dealers who have been in operation before commencement of the registration regime on 1 April 2023 are allowed to apply for registration within the nine-month transitional period (i.e. April to December 2023).

The transitional period is not applicable to any person who would start up a business of dealing in precious metals and stones on or after 1 April 2023. Registration is required before the carrying out of any transaction(s) with total value at or above HKD120,000 (cash or non-cash).

Certificate for Display

Certificate of registration and branch certificates for branches carrying out face-to-face transactions will be issued to a registrant upon granting of registration. Registrants must display the certificates in a conspicuous place at the related premises.

Register of Registrants

A register of registrants is available for public inspection at the registration office during normal office hours or at the website <https://www.drs.customs.gov.hk> to be available upon commencement of the registration regime.

Application Method

Starting from 1 April 2023, a dealer can submit the application through the online application system at <https://www.drs.customs.gov.hk>, or download relevant form(s) from the same website or <https://www.customs.gov.hk> for completion and submit it with the supporting documents in person or by post.



Fee

CATEGORY A REGISTRATION	CATEGORY B REGISTRATION	
Registration fee for the first year: \$260	Registration fee for the first three years: \$1,970	+ (per person subject to fit and proper test) \$650
Annual fee: \$195	Renewal application fee: \$1,060	

For precious metals and stones dealers who have been operating before commencement of the registration regime on 1 April 2023, the registration and relevant fees are waived for first registration to be made within the nine-month transitional period.

Penalty

Any dealer, other than a registrant, claims to be a registrant, claims to be authorized to carry out, or carries out any cash or non-cash transaction(s) with total value at or above HKD120,000 is liable on conviction to a maximum fine of HKD100,000 and imprisonment for six months.

Apart from criminal penalties, any registrant not in compliance with the requirements stipulated in the AMLO (Cap. 615) or any registration condition may be subject to disciplinary actions or suspension/cancellation of registration.

This publication is for general reference only and should not be treated as a complete and authoritative statement of law.



AML/CTF Obligations of Category B Registrant

- Category B registrant, when engages in any cash transaction(s) with total value at or above HKD120,000, is subject to the requirements of Schedule 2 of the AMLO (Cap. 615), such as customer due diligence and record keeping. The objective is to help the registrant to determine the ML/TF risks and take appropriate AML/CTF measures to address them.
- Customer due diligence is an approving process of obtaining customers' identifying information (e.g. Hong Kong Identity Card, passport or other travel document), recording the information and verifying who they are before transacting with them.
- The respective records shall be kept for at least five years after the transaction completed or the business relationship with a customer ended.



When Dealing in Precious Metals & Stones It's your Duty to Register



Dealers in precious metals and stones registration regime has been introduced with effect from 1 April 2023 according to the Anti-Money Laundering and Counter-Terrorist Financing Ordinance (Cap. 615)



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Introduction of a Regulatory Regime for the Dealers in Precious Metals and Stones

Background

To enhance the regulatory regime for combating money laundering and terrorist financing (“ML/TF”) in fulfilment of Hong Kong’s obligations under the Financial Action Task Force (“FATF”), the Anti-Money Laundering and Counter-Terrorist Financing Ordinance (“AMLO”) (Cap. 615) has been amended to introduce a registration regime for dealers in precious metals and stones for commencement on 1 April 2023. The Customs and Excise Department would take charge of the regime to enforce the registration requirements and supervise the anti-money laundering and counter-terrorist financing (“AML/CTF”) conduct of registrants.

Two Categories of Registration

Any person who is seeking to carry on a business of dealing in precious metals and stones in Hong Kong and engage in any transaction(s) (whether making or receiving a payment) with total value at or above HKD120,000 in Hong Kong is required to register with the Commissioner of Customs and Excise.

There are two categories under the registration regime as follows:

- (a) Any dealer who intends to engage in non-cash transaction(s) with total value at or above HKD120,000 in the course of business is required to register as a **Category A registrant**.
- (b) Any dealer who is seeking to engage in cash transaction(s) with total value at or above HKD120,000 and non-cash transaction(s) with total value at or above HKD120,000 in the course of business is required to register as a **Category B registrant**. A Category B registrant is subject to AML/CTF supervision.

For dealers who carry out cash or non-cash transaction(s) with total value below HKD120,000, **no registration** is required.

Remark: In this pamphlet, the HKD120,000 threshold includes an equivalent amount in another currency

Exemptions¹

Entities exempted from the registration requirements include:

- (a) banks;
- (b) certain financial institutions that are already regulated under the AMLO (Cap.615) and whose precious metals and stones business is ancillary to their principal business;
- (c) pawnbrokers which are already subject to the regulation of the Pawnbrokers Ordinance (Cap. 166); and
- (d) non-Hong Kong precious metals and stones dealers².

¹ Please refer to section 53ZUA of the AMLO (Cap. 615).

² Non-Hong Kong precious metals and stones dealers must file a cash transaction report to the Customs and Excise Department in respect of any cash transaction(s) (whether making or receiving a payment) with total value at or above HKD120,000.

Regulated Activities and Articles

“Dealing in precious metals and stones” would include, among others, the following activities by way of business: trading in, importing, exporting, manufacturing, refining or carrying out any value-adding work on precious metals, precious stones or precious products; issuing, redeeming or trading in precious-asset-backed instruments; and acting as an intermediary in respect of such activities. Exception is provided for any person who carries on a logistics service business which only imports and exports precious metals, precious stones or precious products in the ordinary course of that business.

Precious metals, precious stones, precious products and precious-asset-backed instruments are defined as follows:

- (a) **Precious metal:** gold, silver, platinum, iridium, osmium, palladium, rhodium or ruthenium, in a manufactured or unmanufactured state;
- (b) **Precious stone:** diamond, sapphire, ruby, emerald, jade or pearl, whether natural or otherwise;
- (c) **Precious product:** any jewellery and watch that is made up of, containing or having attached to it, any precious metal or precious stone, or both;
- (d) **Precious-asset-backed instrument:** any certificate or instrument backed by one or more precious metals, precious stones or precious products that entitles the holder to such assets (in entirety or in part); but does not include any securities, a futures contract, any interest in a collective investment scheme, a structured product or an OTC derivative product as defined by the Securities and Futures Ordinance (Cap 571); or a virtual asset.



Application for Category A Registration

Application for Category A registration is simple and straightforward. An applicant holding a valid business registration certificate or hawkers licence can file an application accompanied with details on all business premises, a correspondence address and a declaration that the applicant’s precious metals and stones business is carried out for a lawful purpose. The Category A registration would remain valid as long as the registrant continues to stay in business and pay the annual fee.

Application for Category B Registration

Application for Category B registration, like other designated non-financial businesses and professions (“DNFBPs”) regulated under the AMLO (Cap. 615), is subject to the meeting of a fit-and-proper test by the applicant³. Besides, the applicant is required to demonstrate its capability in fulfilling the AML/CTF requirements stipulated in Schedule 2 of the AMLO (Cap. 615) and the “Guideline on AML/CTF for Category B Registrants dealing in precious metals and stones”, in addition to the holding of a valid business registration certificate or hawkers licence and provision of all business premises addresses and a correspondence address. The Category B registration would normally be valid for three years and renewal application must be submitted at least 60 days before the registration is due to expire.

³ Please refer to sections 53ZUN and 53ZUO of the AMLO (Cap. 615).





過渡期

在2023年4月1日註冊制度開始前，一直營運的貴金屬及寶石交易商，可在9個月的過渡期內（即2023年4月至2023年12月）申請註冊。

過渡期安排並不適用於在2023年4月1日或以後，開展貴金屬及寶石業務的人士。如該人士有意進行總額為12萬或以上港元的交易（現金或非現金），則須在交易前獲得註冊。

展示證明書

註冊證明書及進行面對面交易分行的分行證明書將在批准註冊後發給註冊人。註冊人必須在相關處所的顯眼地方展示證明書。

註冊紀錄冊

公眾人士可在通常辦公時間內到註冊辦事處或在制度實施後於網站 <https://www.drs.customs.gov.hk> 查閱註冊紀錄冊。

申請方法

由2023年4月1日起，交易商可通過網上申請系統 <https://www.drs.customs.gov.hk> 提交申請，或於同一網站或 <https://www.customs.gov.hk> 下載申請表，親身遞交或郵寄已填妥的申請表及證明文件。



費用

A類註冊	B類註冊	
首年註冊費： \$260	首三年註冊費： \$1,970	每位需接受適當 人選評定的人 +\$650
年費： \$195	續期申請費： \$1,060	

在2023年4月1日註冊制度開始前一直營運的貴金屬及寶石交易商，若在9個月的過渡期內申請註冊，可獲寬免首次註冊費和相關費用。

刑罰

除註冊人外，任何交易商若聲稱為註冊人、聲稱獲授權進行；或進行任何總額為12萬或以上港元的現金交易或非現金交易，均屬違法，一經定罪，最高可被判處罰款港幣10萬元及監禁6個月。

除刑事處罰外，註冊人不遵守《打擊洗錢及恐怖分子資金籌集條例》（第615章）規定的要求或註冊條件，可能會受到紀律處分，或被暫時吊銷或取消註冊。

此文本只作一般參考用途，不可視為法律的詳盡及具有權威性的說明。



B類註冊人須遵守的打擊洗錢及恐怖分子資金籌集規定

- B類註冊人在進行任何總額為12萬或以上港元的現金交易時，必須遵守《打擊洗錢及恐怖分子資金籌集條例》（第615章）附表2所訂的要求，例如客戶盡職審查及保存記錄，以便註冊人可評估洗錢及恐怖分子資金籌集風險，並採取有效打擊洗錢及恐怖分子資金籌集措施。
- 客戶盡職審查是一個在交易前收集客戶身分資料（例如香港身份證、護照或其他旅行證件），並備存及核實客戶身分的批核程序。
- 相關記錄須於交易完成後或與有關客戶終止業務關係後保存至少5年。



貴金屬及寶石業務

經營有法 註冊有責



根據《打擊洗錢及恐怖分子資金籌集條例》（第615章），貴金屬及寶石交易商註冊制度於2023年4月1日起實施



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貴金屬及寶石交易商 監管制度簡介

背景

為優化香港打擊洗錢及恐怖分子資金籌集的監管制度，以履行香港在財務行動特別組織的義務，《打擊洗錢及恐怖分子資金籌集條例》（第 615 章）已被修訂及引入貴金屬及寶石交易商註冊制度，並於 2023 年 4 月 1 日起實施。香港海關會負責該制度，執行註冊規定，以及監管註冊交易商在打擊洗錢及恐怖分子資金籌集方面的操守。

兩類註冊

任何人如有意在香港經營貴金屬及寶石業務，並在業務過程中在香港進行總額為12萬或以上港元的交易（不論是支付或收取款項），均須向海關關長註冊。

貴金屬及寶石交易商註冊制度共分為以下兩類註冊：

- (a) 任何交易商有意在業務過程中，進行總額為12萬或以上港元的非現金交易，必須註冊為A類註冊人。
- (b) 任何交易商有意在業務過程中，進行總額為12萬或以上港元的現金交易及總額為12萬或以上港元的非現金交易，必須註冊為B類註冊人，並須遵守打擊洗錢及恐怖分子資金籌集規定。

如交易商只進行總額為12萬以下港元的現金或非現金交易，則無須註冊。

註：於此小冊子，12萬港元限額包括或折算為另一貨幣的相同款額

豁免¹

獲豁免註冊的機構包括：

- (a) 銀行；
- (b) 部分已受《打擊洗錢及恐怖分子資金籌集條例》（第 615 章）規管的金融機構經營附屬於其主要業務的貴金屬及寶石業務；
- (c) 已受《當舖條例》（第 166 章）規管的當舖商；以及
- (d) 非香港貴金屬及寶石交易商²。

1. 參閱《打擊洗錢及恐怖分子資金籌集條例》（第615章）第53ZUA條
2. 非香港貴金屬及寶石交易商須就任何總額為12萬或以上港元的現金交易（不論是支付或收取款項），向海關提交現金交易報告

受規管的活動及物品

「經營貴金屬及寶石業務」其中包括以業務形式買賣、進口、出口、生產或提煉貴金屬、寶石或貴重產品，或對其進行增值加工，或發行、贖回或買賣貴重資產支持工具，以及就該等活動擔任中介人等。經營物流服務業務人士，僅在該業務的通常業務運作中進口或出口貴金屬、寶石或貴重產品除外。

貴金屬、寶石、貴重產品及貴重資產支持工具所指如下：

- (a) 貴金屬：成品或非成品狀態的金、銀、白金或鉑金、鈦、銻、鈮、銻或鈳。
- (b) 寶石：鑽石、藍寶石、紅寶石、綠寶石、玉石或珍珠，不論其為天然與否。
- (c) 貴重產品：符合以下說明的珠寶或錶：由任何貴金屬或寶石或兼由上述兩者組成，或包含或附有任何貴金屬或寶石或兼包含或附有上述兩者。
- (d) 貴重資產支持工具：指以貴金屬、寶石或貴重產品支持的、使有關持有人有權享有該等資產(整體或部分)的證明書或工具；但不包括《證券及期貨條例》(第571章)所界定的任何證券、期貨合約、集體投資計劃的任何權益、結構性產品或場外衍生工具產品；或虛擬資產。



A類註冊申請

A類註冊申請手續簡單。交易商持有有效商業登記證或小販牌照，便可以提交申請，並附上所有業務處所的詳情、通訊地址和其貴金屬及寶石業務會為合法目的而經營的聲明。只要註冊交易商繼續經營並支付年費，A類註冊將一直保持有效。

B類註冊申請

至於B類註冊，如《打擊洗錢及恐怖分子資金籌集條例》(第615章)監管的其他指定非金融業人士般，申請人須通過適當人選的評定準則³。申請人除了須持有有效的商業登記證或小販牌照，並提供所有業務處所地址和通訊地址外，還須證明其有能力滿足《打擊洗錢及恐怖分子資金籌集條例》(第615章)附表 2及《B類註冊交易商從事貴金屬和寶石交易的打擊洗錢及恐怖分子資金籌集指引》所規定的相關要求。B類註冊一般有效期為三年，並且必須在註冊到期前至少 60 天提交續期申請。

3. 參閱《打擊洗錢及恐怖分子資金籌集條例》(第615章)第53ZUN及53ZUO條





Obligations of a Non-Hong Kong Precious Metals and Stones Dealer

A non-Hong Kong precious metals and stones dealer must file a **cash transaction report** ("the report") to the Customs and Excise Department in respect of any cash transaction(s) (whether making or receiving a payment) with total value at or above HKD120,000 carried out by the dealer in Hong Kong.

Information to be provided in the report includes travel information and particulars of the dealer, particulars of the counterparty, and relevant transaction details.

The report must be given to the Customs & Excise Department before the expiry of one day after the transaction or the earliest time the dealer or the person acting on behalf of the dealer leaves Hong Kong, whichever is earlier.

Starting from 1 April 2023, a non-Hong Kong precious metals and stones dealer has to submit the report online at <https://www.drs.customs.gov.hk>, or download a report form at the same website or <https://www.customs.gov.hk> for submission of the completed report in person or by fax.

Penalty

Any non-Hong Kong precious metals and stones dealer fails to report any cash transaction(s) with total value at or above HKD120,000 is liable on conviction to a maximum fine of HKD50,000 and imprisonment for three months.

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When Dealing in Precious Metals & Stones It's your Duty to Report



Starting from 1 April 2023, **non-Hong Kong** precious metals and stones dealers must file a **cash transaction report** to the Customs and Excise Department in respect of any cash transaction(s) with total value at or above HKD120,000



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Non-Hong Kong Precious Metals and Stones Dealers

Background

To enhance the regulatory regime for combating money laundering and terrorist financing (“ML/TF”) in fulfilment of Hong Kong’s obligations under the Financial Action Task Force (“FATF”), the Anti-Money Laundering and Counter-Terrorist Financing Ordinance (“AMLO”) (Cap. 615) has been amended to introduce a registration regime for dealers in precious metals and stones for commencement with effect from 1 April 2023. The Customs and Excise Department would take charge of the regime to enforce the registration requirements and supervise the anti-money laundering and counter-terrorist financing (“AML/CTF”) conduct of registrants.

Registration of Dealers in Precious Metals and Stones

Any person who is seeking to carry on a business of dealing in precious metals and stones in Hong Kong and engage in any transaction(s) (whether making or receiving a payment) with total value at or above HKD120,000 in Hong Kong is required to register with the Commissioner of Customs and Excise.

Remark: In this pamphlet, the HKD120,000 threshold includes an equivalent amount in another currency



Definition of a Non-Hong Kong Precious Metals and Stones Dealer

A non-Hong Kong precious metals and stones dealer who is exempted from registration refers to any person who deals in precious metals and stones in Hong Kong if —

- (a) the person is either an individual who does not ordinarily reside in Hong Kong; or a legal person, other than an individual, that is incorporated or established outside Hong Kong and is not a registered non-Hong Kong company as defined by section 2(1) of the Companies Ordinance (Cap. 622);
- (b) the person does not have a place of business in Hong Kong; and
- (c) the total number of days on which the person’s precious metals and stones business is carried on in Hong Kong does not exceed 60 days in a calendar year.





非香港貴金屬及 寶石交易商的責任

非香港貴金屬及寶石交易商須就任何總額為12萬或以上港元的現金交易(不論是支付或收取款項)，向海關提交有關**現金交易報告**。

有關現金交易報告資料包括，該交易商的基本及行程資料、交易另一方的基本資料及相關的交易資料。

相關現金交易報告須於交易後一日內，或在該交易商或代表該交易商行事的人離開香港前，以較早者為準，向海關提交。

由2023年4月1日起，非香港貴金屬及寶石交易商須於 <https://www.drs.customs.gov.hk> 在線提交報告，或在同一網站或 <https://www.customs.gov.hk> 下載報告表格，並親身或傳真遞交填妥的報告表格。

刑罰

任何非香港貴金屬及寶石交易商沒有報告總額為12萬或以上港元的現金交易，均屬違法，一經定罪，最高可被處罰港幣5萬元及監禁3個月。

此文本只作一般參考用途，不可視為法律的詳盡及具有權威性的說明。



貴金屬及寶石業務

經營有法 報告有責



由2023年4月1日起，**非香港**貴金屬及寶石交易商須就任何總額為12萬或以上港元的現金交易，向香港海關提交**現金交易報告**



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非香港貴金屬及寶石交易商的定義

可獲豁免註冊的非香港貴金屬及寶石交易商指在香港經營貴金屬及寶石業務的人，前提是：

- (a) 該人屬並非通常居於香港的個人；或在香港以外地方成立或設立的法人（並非個人）及不屬《公司條例》（第 622 章）第 2（1）條所界定的註冊非香港公司；
- (b) 該人在香港沒有營業地點；及
- (c) 該人在香港經營貴金屬及寶石業務的總日數，在任何公曆年中不超過 60 日。

非香港貴金屬及寶石交易商

背景

為優化香港打擊洗錢及恐怖分子資金籌集的監管制度，以履行香港在財務行動特別組織的義務，《打擊洗錢及恐怖分子資金籌集條例》（第 615 章）已被修訂及引入貴金屬及寶石交易商註冊制度，並於 2023 年 4 月 1 日起實施。香港海關會負責該制度，執行註冊規定，以及監管註冊交易商在打擊洗錢及恐怖分子資金籌集方面的操守。

貴金屬及寶石交易商註冊制度

任何人如有意在香港經營貴金屬及寶石業務，並在業務過程中在香港進行總額為 12 萬或以上港元的交易（不論是支付或收取款項），均須向海關關長註冊。

註：於此小冊子，12 萬港元限額包括或折算為另一貨幣的相同款額

