

Memorandum of Understanding

Concerning Implementation of the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance (Cap.615)

Commissioner of Customs and Excise

Insurance Authority

Monetary Authority

and

Securities and Futures Commission

30 April 2014

PURPOSES

1. This Memorandum of Understanding (“MoU”) sets out the framework agreed between the Commissioner of Customs and Excise, the Insurance Authority, the Monetary Authority and the Securities and Futures Commission (each referred to as a “party”, together as “parties”), to cooperate and communicate constructively in order to exercise their powers in relation to anti-money laundering and counter-terrorist financing (“AML/CFT”) matters under the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance (Cap. 615) (the “AMLO”).

PRINCIPLES

2. The parties recognise the following overriding principles:
 - (a) the parties use their best endeavours to meet the terms of this MoU;
 - (b) to the extent permitted by applicable laws, each party will use reasonable efforts to ensure that the other parties are provided with all relevant information so that they may effectively exercise their powers under the AMLO;
 - (c) this MoU does not modify or supersede any law or regulation;
 - (d) this MoU does not amount to a delegation of any of the powers, duties and obligations of the parties;
 - (e) this MoU does not create, directly or indirectly, any legal rights, obligations or liabilities, enforceable by the parties or by any persons not a party to this MoU; and
 - (f) this MoU does not affect any arrangements under any other MoU that any of the parties have entered into or may enter into with any one or more of the other parties or any other persons not a party to this MoU.

COOPERATION AND INFORMATION SHARING

3. The parties recognize the importance of communication and cooperation with each other concerning AML/CFT matters.
4. There will be regular meetings at intervals to be agreed between the parties to facilitate the exercise of their powers under the AMLO.

5. The “Anti-Money Laundering Regulation and Supervision Co-ordination Group” will have regular meetings to monitor the operation of the AML/CFT regulatory regime for financial sectors and share information and insights on regulatory and supervisory issues on AML/CFT, in particular those which may have a cross-sectoral impact.
6. The “Anti-Money Laundering Regulatory Enforcement Co-ordination Group” will have regular meetings to share outcomes of investigation and enforcement actions in relation to AML/CFT matters.
7. Ad hoc meetings with any party to deal with specific matters of supervisory and enforcement concern or interest, such as regulatory, disciplinary or criminal actions, may be called by any of the parties.
8. The parties will each appoint one or more persons to be the principal contact person or persons to facilitate the efficiency and effectiveness of the exchange of information between the parties. Annex A identifies the principal contact person or persons of each party. Either party may change its principal contact person or persons by giving notice to the others.

CONFIDENTIALITY AND USE OF INFORMATION

9. Information is to be provided by each party to the other parties in accordance with the applicable laws and for the purposes of assisting the other parties in the exercise of their powers under the AMLO.
10. Any information exchanged between the parties under this MoU will be used by the recipient only for the purposes of exercising its powers under the AMLO, and except as otherwise required by the relevant laws, should not be disclosed to any third party without the prior written consent of the party providing the information.
11. Each party will establish and maintain such safeguards as are necessary and appropriate to protect the confidentiality of such information.

AMENDMENT

12. Each party may at any time request the other parties to agree to make a specific amendment to this MoU. An amendment to this MoU takes effect by written agreement of all the parties.

This MoU shall take effect from 30 April 2014.

COMMISSIONER OF CUSTOMS
AND EXCISE

INSURANCE AUTHORITY

Clement W C CHEUNG

Date:

Annie CHOI

Date:

MONETARY AUTHORITY

SECURITIES AND FUTURES
COMMISSION

~~Norman CHAN~~

Date:

Peter S T PANG
for the Monetary
Authority

Ashley ALDER

Chief Executive Officer

Date: