

# APPLICATION FOR LICENCE TO CARRY ON LABUAN COMPANY MANAGEMENT BUSINESS

	IMPORTANT NOTES					
1.	The	e completed application	form and supporting documents s	hould be submitted to:		
		Head of Authorization Labuan Financial Serv Level 17, Main Office Financial Park Comple Jalan Merdeka 87000 Labuan F.T. Malaysia	vices Authority Tower			
2.			nit a soft copy of the completed ap censing@labuanfsa.gov.my for pre			
3.		ubmission of applicatic hich are unsatisfactory	on which does not comply with La may be returned.	abuan FSA's requirement or		
4.	The form and supporting documents serves as general requirement of the application, Labuan FSA reserves the right to request for additional information and/or documents to support the application.					
5.	Any information supplied pursuant to this form will be dealt with in confidence in accordance with Section 178 of the Labuan Financial Services and Securities Act 2010/Section 139 of the Labuan Islamic Financial Services and Securities Act 2010.					
6.	Documents may be certified by any authorised person including, but not limited to, commissioner for oaths, notary public, certified public accountants, advocates or solicitors, company secretaries and Malaysian/foreign embassies. Copy of bank statements must be certified by the bank. Where documents are not in the national language of Malaysia or in English, please provide English-translated version of the documents, duly certified/notarized.					
7.		his document belongs t s contents is permitted.	o Labuan FSA, no modification or	tampering with the format or		
8.	. Labuan FSA has a whistle blowing policy in place where suppliers, consultants or even members of the public can report to the Designated Officers in writing as per the Whistle Blowing Disclosure Form if there is any element of wrongdoings by any staff of Labuan FSA or its subsidiaries in relation to the application or licence being awarded.					
9.	9. For details of applicable legislations and guidelines pertaining to company management business, please visit our website at <u>www.labuanfsa.gov.my</u> .					
10.	Ρ	rocessing fee and client	t charter:			
		Type of Processing	Processing Fee (USD)	Client Charter		
		Normal	350.00	30 working days		

1,550.00

15 working days

Fast Track

	IMPORTANT	NOTES					
11.	Terms and conditions of fast track application	n:					
	<ul> <li>(i) Labuan FSA reserved the right to accept or decline any fast track application submitted.</li> <li>(ii) The fast track processing timeline will only commence upon compliance with the following: <ul> <li>(a) Submission of complete documentation;</li> <li>(b) Payment of fast track processing fee; and</li> <li>(c) Acceptance of fast track application by Labuan FSA.</li> </ul> </li> <li>(iii) The fast track processing fee will be forfeited should the applicant decided to withdraw after the fast track application has been accepted by Labuan FSA.</li> <li>(iv) Labuan FSA reserved the right to change the status of the application from fast track to normal processing. The applicant will be notified and the fast track processing fee paid will be refunded accordingly.</li> </ul>						
	GENERAL INFO						
1.	Party responsible for submission of application <sup>1</sup> : Applicant's Shareholder/Head Office Others: (please specify)	Labuan Trust Company					
2.	Officer responsible for submission of application:						
	Name :	Company :					
	Designation :	Contact No. :					
		Signature :					
3.	How do you know about Labuan IBFC? Website Previous Experience Labuan Trust Company Others: (please specify)	Newspaper/Media         Business Referral         Labuan IBFC Inc. Sdn. Bhd. <sup>2</sup>					
4.	Consent for disclosure of information to be used for FSA and Labuan IBFC Inc. Sdn. Bhd.:						
	Yes	No					

<sup>&</sup>lt;sup>1</sup> With the exception of the applicant's shareholder/head office, party responsible for submission of application is required to submit the duly completed Statutory Declaration as attached in Appendix VI.

<sup>&</sup>lt;sup>2</sup> Labuan IBFC Inc. Sdn. Bhd. was incorporated in July 2008 as the sole official Malaysian agency authorised to promote, market and develop the benefits of Labuan IBFC as the premier international business and financial centre in Asia Pacific.

## APPLICATION FOR LICENCE TO CARRY ON LABUAN COMPANY MANAGEMENT BUSINESS

Sections 131, Labuan Financial Services and Securities Act 2010

	PART I : PROFILE OF APPLICANT Important: All fields are mandatory and should not be left blank						
a.	Name of Applicant (refers to the proposed Labuan company)						
b.	Type of Licence Applied (Please tick ( $$ ) the appropriate box)	Conventional	Conventional Islamic				
c.	Nature of Legal Entity (Please tick ( $\checkmark$ ) the appropriate box)	Labuan Company - Subsidiary Foreign Labuan Company - Branch					
d.	Marketing Office to be Established (Please tick ( $$ ) the appropriate box)	Yes No					
e.	Proposed Paid-up Capital/Working Fund (please specify currency used)						
	Proposed	Name of Shareholder(s)	Country of Origin	Percentage of Shareholding(s)			
f.	Shareholder(s) (each of shareholder is required to complete Part II and/or Part III)						
g.	Proposed Director(s)/	Name of Director(s)	Nationality	Position to be Held			
	Principal Officer (each of Director/Principal Officer is required to complete Part IV)						
	Proposed Shariah	Name of Advisor(s)	Nationality	Years of Experience in Islamic Financial Business			
h.	Advisor(s) (each of Shariah Advisor is required to complete Part IV)						
i.	Any Other Information Relevant For Consideration of the Application						

	PART II : PROFILE OF CORPORATE SHAREHOLDER(S) Important: All fields are mandatory and should not be left blank						
a.	Name of Company/ Head Office						
b.	Company Address						
C.	Nature and Type of Business						
d.	Incorporation/ Registration Number						
e.	Date and Place of Incorporation/ Registration						
f.	Date, Type of Licence and Licence Number <i>(if applicable)</i>						
g.	Home Supervisory Authority (if applicable)						
	Shareholders' Fund (please specify currency and amount for the latest	Year	Paid-up Capital	Retained Profits/ Accumulated Losses	Other Reserves		
h.	three(3) years)						
	Financial Performance	Year	Total Assets	Total Liabilities	Profit/(Loss) Before Tax		
i.	(please specify currency and amount for the latest three (3) years)						
		Name of Shar	eholder(s)	Country of Origin	Percentage of Shareholding(s)		
j.	Shareholder(s)						
		Name of Di	rector(s)	Nationality	Nature of Appointment (executive or non- executive)		
k.	Board of Director(s)						

	PART III : PROFILE OF INDIVIDUAL SHAREHOLDER(S) Important: All fields are mandatory and should not be left blank							
a.	Salutation							
b.	Name (as per NRIC/passport)	Please tick ( $$ )	if the individual is	s a PEP				
c.	Date and Place of Birth							
d.	Gender	Male		Female				
e.	Nationality							
f.	NRIC Details (for Malaysian)	Old IC No.: NRIC No.:						
g.	Passport Details (for Non-Malaysian)	Passport No.: Expiry Date: Country of Issue: Issuing Authority: Length of residence in M Any work permit applied	-	ication: Yes (please provide certified copy of the work permit,				
		a) Net Worth Stateme		Qualified Accountant	; or			
		Total Assets	Cι	irrency and Amount				
		Total Liabilities						
	Financial Net worth	b) Bank Statement/O	nline Bank State	ement Certified by the	e Bank			
h.	(latest three months bank statement duly certified by the Bank or net worth statement	Name of Bank	Type of Account	Statement Date	Currency and Amount			
n.	prepared and certified by Qualified Accountant)							

PART III : PROFILE OF INDIVIDUAL SHAREHOLDER(S) Important: All fields are mandatory and should not be left blank							
i. Curriculum Vitae of I	ndividual Shareho	lder					
Section A: Tertiary / Hig	ghest Education(	s)			<u> </u>		
Type of Qualification/	/ Certification		ne of School/Col University/Other			Year Qualification Obtained	
Section B: Professional	Qualification(s)	T					
Type of Qualification	/Certification	N	lame of Institution	on		Year Qualification Obtained	
Section C: Membership	of Professional	Body(s)			<u>I</u>		
Type and Details of	Membership	Name of Institution				Year Membership Obtained	
Section D: Past and Cu	ırrent Work Expe	rience(s)					
Date (dd/mm/yy) From To	Name of En	nployer Designation				Key Areas of Responsibilities	
Section E: Directorship	Held in Other Co	ompa <u>ny(s)</u>			l		
Name of Corpo	Place of Incorporation Date Appointr (dd/mm		tment	Nature of Appointment (executive or non- executive)			

	PART IV: PROFILE OF DIRECTOR(S)/PRINCIPAL OFFICER/SHARIAH ADVISOR(S) Important: All fields are mandatory and should not be left blank						
a.	Position to be Held						
b.	Salutation						
c.	Name (as per NRIC/passport)		] Please tick ( $$ ) if the individual i	s a PEP	1		
d.	Date and Place of Birth						
e.	Gender		Male		Femal	9	
f.	Nationality						
g.	NRIC Details (for Malaysian)	Old IC NRIC					
h.	Passport Details (for Non-Malaysian)	Passport No.: Expiry Date: Country of Issue: Issuing Authority: Length of residence in Malaysia: Any work permit applied prior to this application: No Yes (please provide certified true copy of the work permit)					
i.	Curriculum Vitae of Director						
	ction A: Tertiary / Highest Ec		n(s) Name of College/Universit	y/Others	;	Year Qualification Obtained	

PART IV: PROFILE OF DIRECTOR(S)/PRINCIPAL OFFICER/SHARIAH ADVISOR(S) Important: All fields are mandatory and should not be left blank								
Section B:	Professiona	al Qualification	(s)					
Type of Qu	alification/ Ce	ertification	Nan	ne of li	nstitution		Year Qualification Obtained	
Section C:	Membershi	p of Profession	al Body(s)					
Type ar	nd Details of I	Membership	Nan	ne of l	nstitution		Year Membership Obtained	
Section D:	Section D: Past and Current Work Experience(s)							
	ate nm/yy)	Name o	of Employer <sup>3</sup>	Employer <sup>3</sup> Designation Key Areas				
From	То				0	Resp	oonsibilities	
Section E:	Directorshi	p Held in Other	Company(s)					
Name of Corporation			Place of Incorpora	tion	Date of Appo (dd/mm/y	intment y)	Nature of Appointment (executive or non-executive)	

<sup>&</sup>lt;sup>3</sup> If the position applied for requires approval from relevant authority, please give detail of the approving authority (applicable to current employment only).

PART V : PARTICULARS OF THE APPLICATION Important: All fields are mandatory and should not be left blank							
Section A: Business Plan (Please fill in the details, where applicable)							
a. Objective of Establishment							
b. Type of Products/Services							
Target Market c. (to specify whether it is individual and/or corporate client and the percentage)	Territorial Sc	ope	%				
Territorial Scope d. (to specify the country and percentage)	Territorial Sc	ope	%				
e. (a credible and viable business of implement the proposed business of	an included but not lin		ollowing that .	sets out	the approach to		
<ul> <li>Treasury Processing Services</li> </ul>							
<ul> <li>Managerial Services</li> </ul>							
Internal policies and controls f. that commensurate with the business profile or risks							
g. Marketing Strategy							
h. Manpower Planning	Category         (a) Managerial & Professional         (b) Technical & Supervisory         (c) Production / Operation         Workers         - Skilled         - Unskilled         (d) Clerical & General         Workers         Total	Malaysian	Non- Malaysian	Total	Expected Remuneration		
Functional Structure of Management Office in Labuan	(a)+(b)+(c)+(d)						

PART V : PART Important: All fields are	ICULARS OF THE e mandatory and s		ık
Functional Structure of j. Marketing Office ( <i>if any</i> )			
Section B: Three Years Financial Project	ion (*fill in where a	applicable)	
Currency:			
Statement of Comprehensive Income	Year 1	Year 2	Year 3
Revenue			
Operating Expenses			
Operating Profit/(Loss)			
Other Income			
General and Administrative Expenses			
Income/(Loss) Before Tax			
Тах			
Income/(Loss) After Tax			
Statement of Financial Position	Year 1	Year 2	Year 3
ASSETS			
Non-current assets			
Current assets			
Total Assets			
LIABILITIES			
Long term liabilities			
Short term liabilities			
Total Liabilities			
SHAREHOLDERS' FUNDS / HEAD OFFIC			
Head office account / paid up capital			
Retained profits / accumulated losses			
Other reserves			
Other reserves			

Please provide basis of assumption in deriving to the projected figure.
 The above information is a guidance for the applicant to complete the financial projection.

	<b>PART VI : SUPPORTING DOCUMENTS</b> (Please $$ at the appropriate box and provide reason(s)/justification(s) for any non-submission)									
No	Documents	For Applicant	For Labuan FSA							
Part	Part II: Corporate Shareholder(s)									
1.	Detailed information of applicant's shareholder(s) or head office:									
	a) Group corporate shareholding structure including the applicant									
	b) Certified true copy of certificate of incorporation									
	<ul> <li>c) Certified true copy of certificate of licence granted by relevant authority(s) in its home country - (if applicable)</li> </ul>									
	<ul> <li>d) Letter of awareness or approvals of authorities from the home country, if applicable, which includes:</li> <li>(i) Statement of no objection towards the establishment of a subsidiary or branch in Labuan.</li> <li>(ii) Confirmation that the applicant's shareholder or head office is of good financial standing.</li> </ul>									
	financial standing. (iii) Agreement to co-operate in the supervision of the proposed subsidiary or branch in Labuan in terms applicable regulatory standards.									
	e) Certified true copy of board resolution or minutes of general meeting which approved the setting up of the applicant									
	f) Certified true copy of memorandum & articles of association									
	g) Copy of two (2) years audited financial statements/annual reports									
2.	Letter of guarantee or undertaking by: a) applicant's shareholder, if applicant is a subsidiary (format as per Appendix I)									
Dert	b) applicant's head office, if applicant is a branch (format as per Appendix II)									
	III: Individual Shareholder(s)									
1.	Certified true copy of NRIC (Malaysian) or passport (non-Malaysian)									
2.	Certified true copy of relevant academic and professional certificates									
3.	Two (2) referral letters from corporations, institutions and/or professional bodies									
4.	Net worth statement certified by qualified accountant or certified true copy of the latest three months of bank statements indicating the amount of funds available									
5.	Letter of Guarantee by Individual Shareholder as per Appendix III									
6.	Statutory Declaration by Shareholder/Director on Fit and Proper Person as per Appendix IV									
7.	Enhance Due Diligence report from the trust company / service provider, if applicable									
Part	IV: Director(s)/Principal Officer/Shariah Advisor									
1.	Certified true copy of NRIC (Malaysian) or passport (non-Malaysian)									
2.	Certified true copy of relevant academic and professional certificates									
3.	Two (2) referral letters from corporation, institutions and/or professional bodies (not applicable for appointment within the group of companies)									
4.	Statutory Declaration by Shareholder/Director on Fit and Proper Person as per Appendix IV									
5.	Enhance Due Diligence report from the trust company / service provider, if applicable									

	<b>PART VI : SUPPORTING DOCUMENTS</b> (Please $$ at the appropriate box and provide reason(s)/justification(s) for any non-submission)						
No	Documents	For Applicant	For Labuan FSA				
Othe	er Supporting Documents						
1.	Proposed organisation chart of the applicant						
2.	Declaration of True and Correct Information Submitted as per Appendix V						
3.	Statutory Declaration by Services Provider Responsible for Submission of Application as per Appendix VI						
4.	Framework on Know-Your-Customers' policy and compliance to the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001						

Appendix I

#### Name and Address of Corporate Shareholder

[Date]

The Director General Labuan Financial Services Authority Level 17, Main Office Tower Financial Park Labuan, Jalan Merdeka 87000 Federal Territory of Labuan Malaysia

Dear Sir,

#### LETTER OF GUARANTEE

The application by [name of applicant], a subsidiary of [name of shareholder] to Labuan FSA dated [date] for a licence to carry on Labuan [type of licence] business under the provisions of the Labuan Financial Services and Securities Act 2010/Labuan Islamic Financial Services and Securities Act 2010 [delete whichever not applicable] (hereinafter referred to as "the Act") refers.

We, being the shareholder, do hereby irrevocably and unconditionally guarantee and undertake in respect of [name of applicant]'s Labuan [type of licence] business, that during validity of [name of applicant]'s license and its operation in Labuan IBFC, it shall comply with the following:

- a. The financial obligations and requirements imposed under the Act on it and shall meet it's liabilities in respect of its Labuan [type of licence] business.
- b. The requirement to obtain a prior written approval from Labuan FSA for:
  - i. any change of [name of applicant]'s shareholder who holds ten per centum or more of its paid-up capital.
  - ii. any appointment of [name of applicant]'s director and Principal Officer, whom shall be of a fit and proper person.
  - iii. any amendment or alteration to any of [name of applicant]'s constituent documents.
- c. The requirement to immediately notify Labuan FSA of any amendment or alteration to any information which had been furnished to Labuan FSA in connection with the application for the Labuan [type of licence] business.

We shall when so demanded in writing by Labuan FSA, on first demand, make good, meet and honour the above requirements including, but not limited to, paying such sum of money in satisfaction of such financial obligations, requirements and liabilities to the extent they are properly due in such currency as may be specified by Labuan FSA, and on the basis such payments extinguish such financial obligations, requirements and liabilities of [name of applicant] and the Company.

Yours faithfully,

For and on behalf of [Name of shareholder]

[Name] Director

**Appendix II** 

Letterhead of Head Office

#### [Date]

The Director General Labuan Financial Services Authority Level 17, Main Office Tower Financial Park Labuan, Jalan Merdeka 87000 Federal Territory of Labuan Malaysia

Dear Sir,

#### LETTER OF UNDERTAKING

The application by [name of applicant], a branch of [name of head office], to Labuan FSA dated [date] for a licence to carry on Labuan [type of licence] business under the provisions of the Labuan Financial Services and Securities Act 2010/Labuan Islamic Financial Services and Securities Act 2010/Labuan Islamic Financial Services and Securities Act 2010 [delete whichever not applicable] (hereinafter referred to as "the Act") refers.

We, being the head office, do hereby irrevocably and unconditionally undertake in respect of [name of applicant]'s Labuan [type of licence] business, that during validity of [name of applicant]'s licence and its operation in Labuan IBFC, it shall comply with the following:

- a. The financial obligations and requirements imposed under the Act on it and shall meet it's liabilities in respect of its Labuan [type of licence] business.
- b. Requirement to notify Labuan FSA in writing within three months from the date of:
  - i. any change of [name of applicant]'s shareholder who holds ten per centum or more of its paid-up capital.
  - ii. any appointment of [name of applicant]'s director and Principal Officer, whom shall be of a fit and proper person.
  - ii. any amendment or alteration to any of its constituent documents.
- c. The requirement to immediately notify Labuan FSA of any amendment or alteration to any information which had been furnished to Labuan FSA in connection with the application for the Labuan [type of licence] business.

We shall when so demanded in writing by Labuan FSA, on first demand, make good, meet and honour the above requirements including, but not limited to, paying such sum of money in satisfaction of such financial obligations, requirements and liabilities to the extent they are properly due in such currency as may be specified by Labuan FSA, and on the basis such payments extinguish such financial obligations, requirements and liabilities of [name of applicant] and the head office.

Yours faithfully,

For and on behalf of [Name of head office]

[Name] Director

Appendix III

#### Name and Address of Individual Shareholder

[Date]

The Director General Labuan Financial Services Authority Level 17, Main Office Tower Financial Park Labuan, Jalan Merdeka 87000 Federal Territory of Labuan Malaysia

Dear Sir,

#### LETTER OF GUARANTEE

The application by [name of applicant], to Labuan FSA dated [date] for a licence to carry on Labuan [type of licence] business under the provisions of the Labuan Financial Services and Securities Act 2010/Labuan Islamic Financial Services and Securities Act 2010 [delete whichever not applicable] (hereinafter referred to as "the Act") refers.

I, being the [percentage of shareholding] shareholder of [name of applicant], do hereby irrevocably and unconditionally guarantee and undertake in respect of [name of applicant]'s Labuan [type of licence] business, that during validity of [name of applicant]'s licence and its operation in Labuan IBFC, it shall comply with the following:

- a. The financial obligations and requirements imposed under the Act on it and shall meet it's liabilities in respect of its Labuan [type of licence] business.
- b. The requirement to obtain a prior written approval from Labuan FSA for:
  - i. any change of the [name of applicant]'s shareholder who holds ten per centum or more of its paid-up capital.
  - ii. any appointment of [name of applicant]'s director and Principal Officer, whom shall be of a fit and proper person.
  - iii. any amendment or alteration to any of [name of applicant]'s constituent documents.
- c. The requirement to immediately notify Labuan FSA of any amendment or alteration to any information which had been furnished to Labuan FSA in connection with the application for the Labuan [type of licence] business.

I shall when so demanded in writing by Labuan FSA, on first demand, make good, meet and honour the above requirements including, but not limited to, paying such sum of money in satisfaction of such financial obligations, requirements and liabilities to the extent they are properly due in such currency as may be specified by Labuan FSA, and on the basis such payments extinguish such financial obligations, requirements and liabilities of [name of applicant].

Yours faithfully,

[Name of shareholder] [NRIC or Passport No.]

	STATUTORY DECLARATION BY SHAREHOLDER/DIRECTOR/PRINCIPAL OFFICER ON FIT AND PROPER PERSON Important: All fields are mandatory and should not be left blank
sharel	NRIC/Passport No:, a nolder/proposed director/principal officer of(name Labuan company), do hereby solemnly and sincerely declare that:
	Labdan company), do horoby scientiny and sincerely decide that
1.	I have read Section 4 of the Labuan Financial Services and Securities Act 2010 (LFSSA)/Section 4 of the Labuan Islamic Financial Services and Securities Act 2010 (LIFSSA) and the Guidelines on Fit and Proper Person Requirements issued on 11 February 2014 (the Guidelines).
2.	to the best of my knowledge and belief in making this declaration and/or submitting the attached documents in relation to this declaration, that I am a fit and proper person based on the criteria stated under the said Section 4 of LFSSA/Section 4 of LIFSSA and the Guidelines.
3.	the information given in this declaration and in the attached documents (if any) are accurate, true and complete.
4.	I understand that if it is found that I have made false declaration herein and/or in the attached document (if any), Labuan FSA is entitled to take any legal action including disqualifying myself from acting in the capacity expressly mentioned herein.
provis	make this solemn declaration conscientiously believing the same to be true and by virtue of the ions of the Statutory Declaration Act 1960 /(please any other relevant provisions).
name	cribed and solemnly declared by the above ed
In the	e State of Signatureday of 20
Before	e me,
 (Comr	nissioner for Oaths/Notary Public)

## Appendix V

DECLARATION OF TRUE AND CORRECT INFORMATION SUBMITTED Important: All fields are mandatory and should not be left blank			
INRIC/Passport No: the(position in the applicant's shareholder/head office) of(name of the applicant's shareholder/head office), do hereby solemnly and sincerely declare that:			
<ol> <li>all information submitted in this application including all attachments, forms, documents and forwarding letters are accurate, true and correct and that all estimations provided are fair and reasonable.</li> <li>I am aware that if I make any misrepresentation herein this application, it is an offence punishable pursuant to Section 192 of the LFSSA.</li> <li>a printed signed copy of this application which reflects the same information provided in this application is being kept at the office of my principal or our appointed Labuan trust company being the agent approved by Labuan FSA.</li> </ol>			
And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1960 /(please state any other relevant provisions).			
Subscribed and solemnly declared by the above			
named			
At			
In the State of Signature			
Thisday of 20			
Before me,			
(Commissioner for Oaths/Notary Public)			

## Appendix VI

Important: All fields are mandatory and should not be left blank			
I,(address) NRIC/Passport No: the authorized officer of(name of trust company/other service providers) being the party responsible for the submission of application for 			
5. I have conducted due diligence process on (name of applicant) and on its director(s) and shareholder(s) and other persons or companies that involved and related to the application and satisfied with the result thereof.			
6. I am satisfied that the requirements of all legislations and applicable guidelines including but not limited to Guidelines on Fit and Proper Person Requirements and Anti-Money Laundering, Anti- Terrorism Financing and Proceeds of Unlawful Activities Act 2001 in respect of the above application have been complied with.			
And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declaration Act 1960 /(please state any other relevant provisions).			
Subscribed and solemnly declared by the above named			
At In the State of20 Thisday of 20			
Before me,			
(Commissioner for Oaths/Notary Public)			