

FORM TC**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP. 485)**

APPLICATION FOR APPROVAL AS APPROVED TRUSTEE
(for applicant that is a company incorporated in Hong Kong, a re-domiciled company
or a company incorporated outside Hong Kong which is not a re-domiciled company)

Section 20 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485)

NOTES:

- (1) *The applicant making an application for approval as an approved trustee should read the Guidelines on Application for Approval as Approved Trustees and Application for Approval as Controllers of Approved Trustees before submitting the application.*
- (2) *Please read the Personal Information Collection Statement before completing this application form.*
- (3) *It is obligatory for you to supply all the information, including personal data, requested in this application form. If any item is not applicable, please write "N.A.". Failure to provide the requested information, including personal data, may result in rejection or refusal of your application.*
- (4) *Please provide any other information which may assist the Mandatory Provident Fund Schemes Authority (the Authority) in reaching a decision on the application if necessary.*
- (5) *If boxes are provided, please tick whichever is appropriate.*
- (6) ** means delete whichever is inappropriate.*

FOR OFFICIAL USE ONLY

Application no.: _____	Date application received: _____
Fee receipt no.: _____	Subject officer: _____
Date of fee receipt: _____	Input officer: _____
Date of letter of acknowledgement: _____	Verification officer: _____

SECTION I - THE APPLICANT

(1) Name of the Company (in English): _____

(in Chinese,
if any): _____

(2) Date of incorporation:

Day		Month		Year			

(3) Place of incorporation:
(please also complete
Section IX if not
incorporated in Hong
Kong and not a re-
domiciled company (as
defined in the
Companies Ordinance
(Cap. 622)) (CO))

(4) Place of domicile: _____

(5) Is the Company a registered trust company,
i.e. registered under Part 8 of the Trustee
Ordinance (Cap. 29)?

Yes ☐ No ☐

(6) Financial year end date:

Day		Month	

(7) Registered office:

Flat/Room	Floor	Block	Name of building
Street no.		Name of street	
Name of district/city/province		Area code/Postal code	
Name of region/country			

Telephone no.: (____) _____ Fax no.: (____) _____

(8) Address where the principal business is carried out in Hong Kong (if not the same as the registered office):

Flat/Room	Floor	Block	Name of building

Street no.	Name of street

	<i>Hong Kong/Kowloon/New Territories*</i>
Name of district	

Telephone no.: _____ Fax no.: _____

- (9) Address where books and records are accessible in Hong Kong (if not the same as (7) or (8)):

Flat/Room	Floor	Block	Name of building

Street no.	Name of street

	<i>Hong Kong/Kowloon/New Territories*</i>
Name of district	

Telephone no.: _____ Fax no.: _____

- (10) Business registration no., if any: _____

SECTION II - CAPITAL ADEQUACY

- (1) Capital adequacy of the applicant (please state the currency used):

(A) Paid up share capital **: _____

(B) Net asset value **: _____

(C) Net asset value held in Hong Kong: _____

(D) Date of valuation: _____

*** If the paid up share capital or the net asset value is less than HK\$150 million, please also complete (2) and (3) below.*

(2) Capital adequacy of the substantial financial institution (if applicable) (please state the currency used):

(A) Paid up share capital: _____

(B) Net asset value: _____

(C) Date of valuation: _____

(3) Particulars of the substantial financial institution (if applicable):

(A) Name of the company
(in English): _____

(in Chinese, if any): _____

(B) Date of incorporation:

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Day Month Year

(C) Place of incorporation: _____

(D) Place of domicile: _____

(E) Registration number under Part XI of the predecessor Ordinance (as defined in the CO) or Part 16 of the CO (if any): _____

(F) Financial year end date:

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Day Month

(G) Nature of the company:

(a) Registered trust company ☐

(b) Authorized financial institution ☐

(c) Authorized insurer ☐

(d) Overseas trust company ** ☐ Approving authority: _____

(e) Overseas bank ** ☐ Approving authority: _____

(f) Overseas insurer ** ☐ Approving authority: _____

** Please also complete (K) with regard to the approving authority.

(H) Registered office:

Flat/Room	Floor	Block	Name of building
Street no.	Name of street		
Name of district/city/province			Area code/Postal code
Name of region/country			

Telephone no.: (____) _____ Fax no.: (____) _____

(I) Principal place of business in Hong Kong (if any):

Flat/Room	Floor	Block	Name of building
Street no.	Name of street		
Name of district			Hong Kong/Kowloon/New Territories*

Telephone no.: _____ Fax no.: _____

(J) Relationship with the applicant:

(K) (a) Address of the approving authority stated under (G)(d), (G)(e) or (G)(f):

Flat/Room	Floor	Block	Name of building
Street no.	Name of street		
Name of district/city/province			Area code/Postal code
Name of region/country			

Telephone no.: (____) _____ Fax no.: (____) _____

- (b) Type of licence, registration, authorization, or permit issued to the institution by the approving authority and date of issue:

Day		Month		Year			

SECTION III - LIST OF CONTROLLERS

Please list below the names of all the controllers (as defined in section 2 of the Mandatory Provident Fund Schemes Ordinance (the Ordinance)) of the applicant: (each of them should complete a separate application form i.e. Form TC(C), with regard to their suitability)

No.	Name of Controller	Capacity
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

SECTION IV - DISCIPLINARY AND INVESTIGATION HISTORY

- (1) Has the applicant ever been refused the right or restricted in the right to carry on any trade, business or profession for which a specific licence, registration or other authority is required by law in any place? Yes/No*

If yes, please provide the following information:

Name of organization: _____

Address of organization: _____

Action taken by organization: _____

Date of such action: _____

Reason for such action: _____

- (2) Has the applicant ever been disqualified, censured or disciplined by any professional body or by any regulatory body in relation to any of its businesses in Hong Kong or elsewhere? Yes/No*

If yes, please provide the following information:

Name of organization taking disciplinary action: _____

Nature of disciplinary action: _____

Outcome (if applicable): _____

Date of disciplinary action: _____

Reason for disciplinary action: _____

- (3) Are there any disciplinary actions or proceedings pending against the applicant in relation to any trade, business or profession carried on by it in any place? Yes/No*

If yes, please provide the following information:

Name of organization taking disciplinary action: _____

Nature of disciplinary action: _____

Outcome (if applicable): _____

Date of disciplinary action: _____

Reason for disciplinary action: _____

- (4) Has the applicant ever been the subject of any investigation by inspector, the police, or by any professional body, association, disciplinary tribunal or inspector appointed under any enactment, or by any other regulatory body in relation to any of its businesses in Hong Kong or elsewhere? Yes/No*

If yes, please provide the following information:

Name of organization undertaking investigation: _____

Nature of investigation: _____

Summary of findings (with dates): _____

- (5) Has the applicant ever been disqualified by a court of competent jurisdiction from being a trustee or a controller of a company? Yes/No*

If yes, please provide the following information:

Name and place of court: _____

Date of disqualification: _____

Reason for disqualification: _____

- (6) Does the applicant have any record of non-compliance with any non-statutory codes or guidelines promulgated by any regulator in Hong Kong or any relevant non-local authority? Yes/No*

If yes, please provide the following information:

Name and place of regulator/authority: _____

Details of non-compliance (with dates): _____

SECTION V - FINANCIAL STATUS

- (1) Has the applicant ever been a party to any civil litigation in Hong Kong or elsewhere? Yes/No*

If yes, please provide the following information:

Name of plaintiff, defendant
and third party (if any):

Nature of litigation and
outcome (with dates):

Name and place of court
where proceedings
commenced:

- (2) Other than those listed under question (1), if any, has the applicant ever been, or is the applicant presently, or does the applicant expect to be engaged in any litigation in Hong Kong or elsewhere? Yes/No*

If yes, please provide the following information:

Name of parties involved:

Date and place of litigation:

Nature of litigation:

- (3) Has the applicant ever, in Hong Kong or elsewhere, entered into any scheme of arrangement or any form of composition with its creditors? Yes/No*

If yes, please provide the following information:

Details of arrangement or composition (with dates):

- (4) Has a petition ever been presented for winding up the applicant? Yes/No*

If yes, please provide the following information:

Date of such petition:

Current status:

Outcome: _____

Amount involved: _____

- (5) Has a receiver ever been appointed by the court or any creditor to manage the affairs of the applicant? Yes/No*

If yes, please provide the following information:

Date of such appointment: _____

Current status: _____

Outcome: _____

Amount involved: _____

- (6) Has the applicant ever failed to meet any judgement debts, judgements or courts orders for the payment of damages, or other sums of money, in Hong Kong or elsewhere, outstanding against it? Yes/No*

If yes, please provide the following information:

Current status: _____

Outcome: _____

Amount involved: _____

SECTION VI - CONVICTION

- (1) Has the applicant ever been convicted of any offence or is the applicant the subject of unresolved charges, in Hong Kong or elsewhere? Yes/No*

If yes, please provide the following information:

Nature of offence: _____

Penalty imposed (if any): _____

Date of conviction or trial: _____

Name and place of court in which the offence was tried: _____

Court reference (if any): _____

SECTION VII - BUSINESS PLAN

- (1) A business plan in the format prescribed in Form TC(B) should be attached with the application.

SECTION VIII - INSURANCE ARRANGEMENTS

- (1) Is there in force, or have arrangements been made to enter into, adequate insurance in accordance with section 23(9) of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation)? Yes ☐ No ☐
- (2) If the answer to (1) is “Yes”, is the insurance obtained from a person(s) specified in section 6(1) of the Insurance Ordinance (Cap. 41)? (If the answer to (2) is “No”, please submit Form EI in respect of the person(s) either with this application or with an application for registration of scheme.) Yes ☐ No ☐

SECTION IX - ADDITIONAL INFORMATION (for company incorporated outside Hong Kong which is not a re-domiciled company as defined in the CO)

- (1) Name of the authority under which the Company is being supervised in the Company’s place of incorporation: _____
- (2) Registration number with the authority: _____
- (3) Type of licence, registration, authorization or permit issued by the authority: _____
- (4) Date of issue: _____
- (5) Registration number under Part XI of the predecessor Ordinance (as defined in the CO) or Part 16 of the CO (if any): _____
- (6) Principal place of business in Hong Kong:
- | | | | |
|-----------|-------|-------|------------------|
| | | | |
| Flat/Room | Floor | Block | Name of building |

Street no.	Name of street

	<i>Hong Kong/Kowloon/New Territories*</i>
Name of district	

Telephone no.: _____ Fax no.: _____

(7) Address of the authority stated under (1):

Flat/Room	Floor	Block	Name of building

Street no.	Name of street

Name of district/city/province	Area code/Postal code

Name of region/country

Telephone no.: (____)_____ Fax no.: (____)_____

SECTION X - DOCUMENTS TO BE ATTACHED

Documents	Attachment No.
(1) A copy of the certificate of incorporation with the Companies Registry in Hong Kong in respect of the applicant	
(2) (For company which is a re-domiciled company as defined in the CO) A copy of the certificate of re-domiciliation issued by the Registrar of Companies of Hong Kong under section 820C of the CO and a document evidencing the deregistration in its place of incorporation (as required in section 820E of the CO)	
(3) A copy of the constitutive documents showing the objects of the applicant	
(4) Evidence of authorization to carry out trust business	
(5) Application by the controllers, including directors, chief executive officers, etc. (Form TC(C))	

(6)	A copy of the audited financial statements of the applicant for the last three years or since its incorporation if it has been incorporated for less than three years	
(7)	A copy of the auditors' report on capital adequacy	
(8)	Business plan of the applicant (Form TC(B))	
(9)	An undertaking to the Authority in compliance with section 20(6)(b) of the Ordinance	

Additional documents For company with continuous financial support from another company		Attachment No.
(10)	A copy of the certificate of incorporation (or its equivalent) with a non-local authority in respect of the substantial financial institution, if applicable	
(11)	<p>A copy of the certificate of incorporation/ certificate of registration/ certificate of re-domiciliation* with the Companies Registry in Hong Kong in respect of the substantial financial institution, if applicable</p> <p>*For a substantial financial institution which is a re-domiciled company as defined in the CO, in addition to a copy of the certificate of re-domiciliation issued under section 820C of the CO, please also provide a document evidencing the deregistration in its place of incorporation as required in section 820E of the CO.</p>	
(12)	An organizational chart showing the relationship (with percentage of shareholding) between the applicant and the substantial financial institution	
(13)	A copy of the audited financial statements of the substantial financial institution for the last three years or since its incorporation if it has been incorporated for less than three years	
(14)	An undertaking to the Authority by the substantial financial institution for providing continuous financial support to the applicant in compliance with section 12 of the Regulation	

Additional documents For company incorporated outside Hong Kong which is not a re-domiciled company as defined in the CO	Attachment No.
(15) A copy of the certificate of incorporation (or its equivalent) with a non-local authority in respect of the applicant	
(16) (For a non-Hong Kong company as defined in the CO) A copy of the certificate of registration with the Companies Registry in Hong Kong in respect of the applicant	
(17) A letter from a non-local authority confirming good standing of the applicant	
(18) An undertaking to the Authority in relation to transactions to be governed by Hong Kong law in compliance with section 17(12) of the Regulation	

SECTION XI - DECLARATION

We certify that we have read the Personal Information Collection Statement and understand our rights and obligations in relation to the supply of personal data to the Authority and the manner in which the Authority may use or deal with the data.

We declare that to the best of our knowledge and belief, the information given in this application form is correct and complete. ✦

We certify that the documents attached to this application form are true and correct copies.

We undertake to notify the Authority of any matter which affects the validity of any information given in (or in support of) this application.

After the application is approved, we undertake to notify the Authority of any material changes to, or affecting the completeness or accuracy of, the information provided in this application form and any documents in relation to the application as soon as possible.

Name of applicant: _____

Signature and company chop
(to be signed by two directors): _____

Name of persons signing: _____

Title or position of persons signing: _____

Date: _____

✦ **Warning:** Section 43E of the Ordinance makes it an offence punishable with a maximum of one year's imprisonment and a fine of \$100,000 on the first occasion and two years' imprisonment and a fine of \$200,000 on each subsequent occasion for a person who, in a document given to a prescribed person which means, the Authority, a system operator of an electronic MPF system, an approved trustee, a trustee of a relevant scheme, or an auditor of an approved trustee or of a registered scheme, in connection with the Ordinance, makes a statement that the person knows to be false or misleading in a material respect, or recklessly makes a statement which is false or misleading in a material respect.

Name and telephone no. of the contact person for the Authority's enquiries in connection with this application:

Name: _____

Telephone no.: _____

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY
PERSONAL INFORMATION COLLECTION STATEMENT (PICS)

This PICS is made by the Mandatory Provident Fund Schemes Authority (the Authority) in accordance with the Personal Data (Privacy) Ordinance (Cap. 486) (PDPO). You are advised to read this PICS carefully as it sets out your rights and obligations in relation to your personal data (as defined in the PDPO) and the manner in which the Authority may collect, use or deal with your personal data for the purposes specified below.

Purpose of Collection and Use

1. The personal data provided in (or in support of) this application under section 20 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) (the Ordinance) and/or sections 42B, 42C and 42D of the Mandatory Provident Fund Schemes (General) Regulation (Cap. 485A) (the Regulation) will be used and held by the Authority for one or more of the following purposes:
 - (i) exercising and performing the Authority's functions under the Ordinance, including but not limited to:
 - (a) exercising and performing functions related to section 20 of the Ordinance of approving an application for approval as an approved trustee for the purposes of the Ordinance;
 - (b) exercising and performing functions related to sections 42B, 42C and 42D of the Regulation of giving consent to an application in respect of appointment of officers, persons proposing to become shadow directors and persons proposing to become substantial shareholders respectively; and
 - (c) ensuring compliance with the Ordinance;
 - (ii) enabling or assisting the Authority and other regulatory bodies/law enforcement agencies/government departments to perform functions under the Ordinance or their respective regimes including without limitation monitoring, surveillance, inspection, investigation, taking supervisory and/or enforcement actions, overseeing the operation of an electronic MPF system¹, and/or conducting any legal, disciplinary or appeal proceedings, provided that such enablement or assistance by the Authority is subject to the Ordinance;
 - (iii) research and statistical purposes; and
 - (iv) other purposes as permitted or required by law.
2. It is obligatory for you to supply your personal data as requested in this application and in processing your application. Failure to supply the requested personal data may result in rejection or refusal of your application by the Authority, and, in some circumstances,

¹ Electronic MPF system means an electronic system designated under section 19I(1) of the Ordinance.

hindering the Authority from processing the application in accordance with section 20 of the Ordinance and/or sections 42B, 42C and 42D of the Regulation.

Transfer of Personal Data

3. The Authority may disclose or transfer your personal data held by the Authority to third parties including the bodies listed below for one or more of the purposes mentioned in paragraph 1 above or any directly related purposes, or in accordance with an order of a court or in accordance with a law or a requirement made under a law:
- (i) an approved trustee(s);
 - (ii) the system operator of an electronic MPF system;
 - (iii) the eMPF Platform Company Limited;
 - (iv) the Chief Executive;
 - (v) the Financial Secretary;
 - (vi) the Secretary for Justice;
 - (vii) the Registrar of Occupational Retirement Schemes;
 - (viii) the Insurance Authority;
 - (ix) the Hong Kong Monetary Authority;
 - (x) the Securities and Futures Commission;
 - (xi) the Commissioner of Inland Revenue;
 - (xii) the Privacy Commissioner for Personal Data;
 - (xiii) the Ombudsman;
 - (xiv) the Registrar of Companies;
 - (xv) the Accounting and Financial Reporting Council established under the Accounting and Financial Reporting Council Ordinance (Cap. 588);
 - (xvi) the Official Receiver appointed under the Bankruptcy Ordinance (Cap. 6);
 - (xvii) a liquidator appointed under the pre-amended Ordinance (as defined in the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32)) or the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32);
 - (xviii) the Hong Kong Police Force;
 - (xix) any relevant courts, panels, tribunals and committees; and
 - (xx) other law enforcement agencies, government departments or regulatory bodies.

Access to Personal Data

4. You are entitled under the PDPO to ascertain whether the Authority holds any of your personal data, and to request access to and/or correction of them, in the manner and subject to the limitations as set out in the PDPO. The Authority has the right to charge a fee as

permitted under the PDPO for processing any data access request, which fee shall not be excessive. All enquiries should be directed to:

Personal Data Privacy Officer
Mandatory Provident Fund Schemes Authority
Level 12, Tower 1, The Millennity
98 How Ming Street, Kwun Tong
Hong Kong

5. The Authority's Privacy Policy Statement is available on the Authority's website at <https://www.mpfa.org.hk/en/privacy-policy>.