

FORM TC

MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)
(the Ordinance)

APPLICATION FOR APPROVAL AS TRUSTEE
(for applicant that is a company incorporated in Hong Kong or outside Hong Kong)

NOTES:

- (1) *The applicant making an application for approval as an approved trustee should read the Guidelines on Application for Approval as Trustees and Application for Approval as Controllers of Approved Trustees before submitting the application.*
 - (2) *Please read the Notes on Personal Information Collection before completing this Form.*
 - (3) *All questions must be answered. If any question is not applicable, please write "N.A."*
 - (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 - PARTICULARS OF 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) _____

(4) Is the company a Registered Trust Company
(RTC), i.e. registered under Part 8 of the
Trustee Ordinance (Cap 29)? Yes No

(5) Financial year end date:

--	--	--	--

Day Month

(6) 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.: (____) _____

(7) 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		
Name of district		<i>Hong Kong/Kowloon/New Territories*</i>	

Telephone no.: _____ Fax no.: _____

- (8) Address where books and records are accessible in Hong Kong (if not the same as (6) or (7)):

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) 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:

Day		Month		Year			

(C) Place of incorporation: _____

(D) Registration number under
Part XI of the predecessor
Ordinance (as defined in the
Companies Ordinance (Cap
622)) or Part 16 of the
Companies Ordinance (Cap
622) (if any): _____

(E) Financial year end date:

Day		Month	

(F) Nature of company:

(a) RTC in Hong Kong (b) Authorized financial
institution in Hong
Kong (c) Authorized insurer in
Hong Kong (d) Overseas trust
company **

Approving authority: _____

(e) Overseas bank **

Approving authority: _____

(f) Overseas insurer **

Approving authority: _____

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

(G) 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.: (____) _____

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

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.: _____

(I) Relationship with the applicant (please attach a group chart showing the relationship):

(J) (a) Address of the approving authority stated under (F)(d), (F)(e) or (F)(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 Ordinance) of the applicant: (each of them should complete the 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 the organization: _____

Address of the organization: _____

Action taken by the 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 the organization taking disciplinary action: _____

Nature of the 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 the organization taking disciplinary action:

Nature of the 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 the 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:

Reason for disqualification:

Date of 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 overseas 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 the 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.
- (2) If the Company has appointed or plans to appoint third parties to administer scheme records (the administrator), please list below the names of those administrators. Each of those administrators should complete the FORM TC(A) with regard to books and records.

No.	Name of administrator
1.	
2.	

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)

- (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 Companies Ordinance (Cap 622)) or Part 16 of the Companies Ordinance (Cap 622) (if any): _____

- (6) Principal place of business in Hong Kong:

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

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 certificate of incorporation with the Companies Registry in Hong Kong in respect of the applicant	
(2) A copy of the constitution documents showing the objects of the applicant	
(3) Evidence of authorization to carry out trust business	
(4) Application by the controllers, including directors, chief executive officers, etc. (FORM TC(C))	
(5) A copy of the audited financial statements for the last three years of the applicant or since its incorporation if it has been incorporated for less than three years	
(6) A copy of the auditors' report on capital adequacy	
(7) Business plan of the applicant (FORM TC(B))	
(8) Information relating to administrator (FORM TC(A)), if applicable	
(9) An undertaking to the Authority in compliance with section 20(6)(b) of the Ordinance	

Additional documents		Attachment No.
For company with continuous financial support from another company		
(10)	A copy of certificate of incorporation/registration with overseas authority in respect of the substantial financial institution	
(11)	A copy of certificate of incorporation/registration with the Companies Registry in Hong Kong in respect of the substantial financial institution	
(12)	Group chart showing the relationship (with percentage of shareholding) between the applicant and the substantial financial institution	
(13)	A copy of the audited financial statements for the last three years of the substantial financial institution 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		Attachment No.
For company incorporated outside Hong Kong		
(15)	A copy of certificate of incorporation/registration with overseas authority in respect of the applicant	
(16)	Letter from overseas authority confirming good standing of the applicant	
(17)	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 Notes on Personal Information Collection 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 are true and correct copies.

We undertake to notify the Authority of any matter which affects the validity of any information given in support of our 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 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 of application: _____

✦ **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 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.: _____