

FORM TC(C)

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

**APPLICATION FOR APPROVAL AS TRUSTEE
(APPLICATION BY THE CONTROLLER)**

NOTES:

- (1) *Please read the Notes on Personal Information Collection before completing this Form.*
- (2) *All questions must be answered. If any question is not applicable, please write "N.A."*
- (3) *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.*
- (4) *If boxes are provided, please tick whichever is appropriate.*
- (5) ** means delete whichever is inappropriate.*

FOR OFFICIAL USE ONLY

Application no.: _____ **Date application received:** _____

Subject officer: _____ **Input officer:** _____

SECTION I - PARTICULARS OF THE CONTROLLER

(1) Name of applicant/approved trustee to which the controller is connected:

(2) In what capacity are you a controller of the applicant/approved trustee?

Director

Director with relevant experience and skill

Independent director

Shadow director i.e. a person in accordance with his/her instruction the directors are accustomed to act

Chief executive officer

Substantial shareholder

A natural person who, alone or together with an associate, a close relative or an employee of the person, or a company of which the person is a director, or through a nominee, controls at least 15% of the voting shares of the applicant/approved trustee

A company that, alone or with any associate, or any employee of an associate, of that company, or through a nominee, controls at least 15% of the voting shares of the applicant/approved trustee

(3) Date/proposed date of becoming a controller of the applicant/approved trustee:

Day		Month		Year			

(4) Please advise whether you have exercised any voting rights in respect of your shares specified in section 42D(8) of the Mandatory Provident Fund Schemes (General) Regulation? Yes/No*

If yes, please provide details (e.g. date, number of shares involved and circumstances in which the voting occurred):

PART A - PARTICULARS OF CONTROLLER WHO IS A NATURAL PERSON

- (1) (A) Surname (in English): _____
- (B) Forenames (in English): _____
- (C) Name in Chinese (if any): _____
- (D) Name in Chinese Commercial Code (if any): _____
- (E) Any previous name(s) by which you have been known: _____
- (F) Hong Kong Identity Card/Passport No.*: _____
- (G) Date of birth (DD/MM/YYYY): _____
- (H) Place of birth: _____
- (I) Nationality: _____
- (J) Are you a public officer? Yes/No*
- (K) What is the percentage of voting shares of the applicant/approved trustee controlled by you, either alone or together with an associate, a close relative, or an employee of you, or a company of which you are a director, or through a nominee? _____
- (2) (A) Your residential address: _____
- (B) Your previous residential addressees during the last three years: _____
- (C) Telephone number and fax number: _____
- (D) Do you ordinarily reside in Hong Kong? Yes/No*
- (E) Period of residence in Hong Kong (in years): _____
- (3) Please describe the particular duties and responsibilities attaching to the position which you hold or will hold. If you are completing this form in the capacity of director or prospective director, indicate whether, in your position as director, you have or will have executive responsibility for the management of the applicant's/ approved trustee's business.
- _____
- _____
- _____

- (4) In carrying out your duties or exercising voting power will you be acting on the directions or instructions of any other person? Yes/No*

If yes, please provide the following information:

Name of the person: _____

Position held by the person: _____

- (5) Please state your professional, academic, technical or other qualifications and the years in which they were obtained.

Professional and academic qualifications	Issuing institutions	Dates obtained

- (6) Present occupation or employment and occupations and employment during the last 10 years, including the name of employer, the nature of the business, the position held and relevant dates.

Details of employment	1 (Present employment)	2	3
(A) Name of employer/corporation			
(B) Principal business address			
(C) Nature of business			
(D) Capacity in which employed			

(E) Brief description of your duties and responsibilities			
(F) Date of commencement of employment			
(G) Date of termination of employment (if applicable)	N.A.		
(H) Reasons for termination of employment	N.A.		

- (7) The companies of which you have been a controller at any time during the past 10 years, in Hong Kong or elsewhere.

Details of company	1	2	3
(A) Name of company			
(B) Principal business address			
(C) Place of incorporation			
(D) Nature of business			
(E) Capacity in which appointed			
(F) Brief description of your duties and responsibilities			
(G) Date of commencement of becoming a controller			
(H) Date of termination of appointment (if applicable)			
(I) Reasons for termination of appointment			

- (8) Have you ever been found by a court, in accordance with the Mental Health Ordinance (Cap 136), to be of unsound mind and incapable of managing your affairs? Yes/No*

- (9) Have you ever been convicted of any offence (other than a traffic offence) or are you 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): _____

- (10) Have you ever been a party to any civil litigation, other than arising from a traffic accident, 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 date): _____

Name and place of court where proceedings commenced: _____

- (11) Other than those listed under question (10), if any, have you ever been, or are you presently, or do you 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: _____

- (12) Have you, in Hong Kong or elsewhere, ever been dismissed from any office or position, subject to disciplinary proceedings or barred from entry to any profession or occupation? Yes/No*

If yes, please provide the following information:

Name of the organization
taking action: _____

Nature of the action taken/
proceedings: _____

Outcome (if applicable): _____

Date of action/proceedings: _____

Reason for action/proceedings: _____

- (13) Have you 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: _____

- (14) Have you ever been disqualified, censured or disciplined by any professional body or by any regulatory body 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: _____

- (15) Have you 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
(with dates): _____

- (16) Do you 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): _____

- (17) Have you 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 you? Yes/No*

If yes, please provide the following information:

Current status: _____

Outcome: _____

Amount involved: _____

- (18) Have you ever been adjudicated bankrupt by a court or are you currently subject to bankruptcy proceedings or a bankrupt who has been discharged; or have you ever entered into any scheme of arrangement or any form of composition with the creditors, in Hong Kong or elsewhere? Yes/No*

If yes, please provide the following information:

Name and place of adjudication: _____

Court of adjudication: _____

If discharged, the date of
discharge and conditions (if any): _____

- (19) Have you, as a controller, ever been concerned with a body corporate, partnership or unincorporated institution which was wound up (other than voluntary dissolution), adjudicated bankrupt by a court or was otherwise insolvent or had a receiver or administrator appointed, or was 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 body corporate/
partnership/unincorporated
institution:

Date of event:

Details of event:

Name of the organization
undertaking investigation:

Nature of investigation:

Summary of findings (with dates):

- (20) Have you, as a controller, ever been concerned with a body corporate, partnership or unincorporated institution which was convicted of any offence; or censured, disciplined or reprimanded by, or denied or disqualified from membership of, a professional or trade body; or whose authorization or registration or similar type of approval has ever been refused, suspended or revoked by a regulatory body? Yes/No*

If yes, please provide the following information:

Name of the body corporate/
partnership/unincorporated
institution:

Nature and date of event:

Details of event:

Name of the court/body:

- (21) Please describe any business interests (beneficial or otherwise) relating to MPF business, other than those business interests with the applicant/approved trustee, which exist or which may exist.

PART B - PARTICULARS OF CONTROLLER WHICH IS A COMPANY

- (1) (A) Name in English: _____
- (B) Name in Chinese (if any): _____
- (C) Place of incorporation: _____
- (D) Date of incorporation
(DD/MM/YYYY): _____
- (E) 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): _____
- (F) Registered office: _____

- (G) Principal place of business in Hong
Kong: _____

- (H) What is the percentage of voting
shares of the applicant/approved
trustee controlled by the company? _____
- (I) If the percentage of voting shares
controlled is less than 15%, please list
out any associate or any employee of
an associate of the company, or
nominee which, together with the
company, control at least 15% voting
shares of the applicant/ approved
trustee. Please also specify the
relationship between the company and
those parties: _____

- (2) Has the company ever been convicted of any offence or is the company 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): _____

- (3) Has the company 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 date): _____

Name and place of court where
proceedings commenced: _____

- (4) Other than those listed under question (3), if any, has the company ever been, or is the company presently, or does the company 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: _____

- (5) Has the company 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: _____

- (6) Has the company 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: _____

- (7) Are there any disciplinary actions or proceedings pending against the company 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: _____

- (8) Has the company 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): _____

- (9) Has the company 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: _____

- (10) Does the company 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): _____

- (11) Has the company 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):

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

If yes, please provide the following information:

Date of such petition: _____

Current status: _____

Outcome: _____

Amount involved: _____

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

If yes, please provide the following information:

Date of such appointment: _____

Current status: _____

Outcome: _____

Amount involved: _____

- (14) Has the company 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: _____

- (15) Has the company, as a controller, ever been concerned with a body corporate, partnership or unincorporated institution which was wound up (other than voluntary dissolution), adjudicated bankrupt by a court or was otherwise insolvent or had a receiver or administrator appointed, or was 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 body corporate/
partnership/unincorporated
institution:

Date of event:

Details of event:

Name of the organization
undertaking investigation:

Nature of investigation:

Summary of findings (with dates):

- (16) Has the company, as a controller, ever been concerned with a body corporate, partnership or unincorporated institution which was convicted of any offence; or censured, disciplined or reprimanded by, or denied or disqualified from membership of, a professional or trade body; or whose authorization or registration or similar type of approval has ever been refused, suspended or revoked by a regulatory body? Yes/No*

If yes, please provide the following information:

Name of the body corporate/
partnership/unincorporated
institution:

Nature and date of event:

Details of event:

Name of the court/body:

- (17) Please describe any business interests (beneficial or otherwise) relating to MPF business, other than those business interests with the applicant/approved trustee, which exist or which may exist.

PART C - PARTICULARS OF THE INDEPENDENT DIRECTOR

- (1) Are you an employee or partner of the applicant/approved trustee, or an employee or partner of an associate of the applicant/approved trustee? Yes/No*
- (2) Are you a director of an associate of the applicant/approved trustee? Yes/No*
- (3) Do you hold any shares of the applicant/approved trustee or do you hold any shares of any associate of the applicant/approved trustee? Yes/No*
- (4) Do you have any past or present association (financial or otherwise) with:
- (A) the applicant/approved trustee (otherwise than a director or professional adviser); or
 - (B) any controller of the applicant/approved trustee; or
 - (C) any associate of the applicant/approved trustee or any associate of any such controller,
- that could affect the impartiality of the director's independent judgment? Yes/No*
- (5) Are you a controller (otherwise than by virtue of being a director), close relative, partner or employee of the applicant/approved trustee or of any associate of the applicant/approved trustee? Yes/No*
- (6) Are you an auditor or actuary of any provident fund scheme administered by the applicant/approved trustee? Yes/No*

SECTION II - DOCUMENTS TO BE ATTACHED**For Controller who is a Natural Person**

	Documents	Attachment No.
(1)	A chart showing the relationship among the associates, close relatives, employees of the person or a company of which the person is a director or nominees of the person who hold shares of the applicant/approved trustee together with the percentage of shares held by each party	
(2)	Copies of the certificates for proving the professional, academic, technical or other qualifications of the person	

For Controller who is a Company

(1)	A copy of Certificate of Incorporation	
(2)	A copy of Business Registration Certificate (if any)	
(3)	An organization chart showing the relationship between the company, its associate, employee of its associate or nominee with voting shares of the applicant/approved trustee and the percentage of voting shares held by each party	
(4)	A copy of the latest audited financial statements and auditor's report	

SECTION III - DECLARATION

*(For controller who is a natural person) I certify that I have read the Notes on Personal Information Collection and understand my 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.

I/We* declare that to the best of my/our* knowledge and belief, the information given in this Form is correct and complete. ✦

I/We* certify that the documents attached to this Form are true and correct copies.

I/We* undertake to notify the Authority of any matter which affects the validity of any information given in this Form.

After the application is approved, I/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 controller:

Signature (and company chop)
(to be signed by two directors if the
controller is a company):

Name of person(s) signing:

Title or position of person(s) 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 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.:
