

FORM CF

MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)

APPLICATION FOR APPROVAL OF CONSTITUENT FUND

Section 21BB of the Mandatory Provident Fund Schemes Ordinance (Cap 485)

NOTES:

- (1) *The applicant making an application for approval of a constituent fund (the Constituent Fund) under section 21BB of the Mandatory Provident Fund Schemes Ordinance (the Ordinance) should refer to the Guidelines on Application for Approval of Constituent Funds.*
 - (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.*
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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 SCHEME

- (1) Name of the scheme to which the Constituent Fund belongs: _____
- (2) Is the scheme a registered scheme? Yes No
- (3) If the answer to (2) is "Yes", please state the scheme registration no.: _____
- (4) If the answer to (2) is "No", has an application for registration of the scheme been submitted to the Authority? Yes No
- (5) If the answer to (4) is "Yes", please state the application no. and/or date of submission: _____

SECTION II - THE CONSTITUENT FUND

- (1) Name of the Constituent Fund
- (In English): _____
- (In Chinese): _____
- (2) Statement of investment policy
(Please state the investment policy as prescribed in section 24 of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation) and specify whether the Constituent Fund will engage in security lending, financial futures and option trading other than hedging.)
- (3) Structure of the Constituent Fund
- (A) Internal portfolio
- (B) Feeder fund
Name of the underlying pooled investment fund
- (C) Portfolio management fund
Name of the underlying pooled investment funds

- (4) Portfolio of underlying investments
(Please provide a brief description of the proposed asset allocation, in percentage terms, by type and by country/region.)

(5) Fund type (e.g. bond, equity, money market, other): _____

(6) Specialized fund (complete only if applicable)

(A) Capital preservation fund

Is the Constituent Fund a capital preservation fund? Yes No

(B) Guaranteed fund

(a) Is the Constituent Fund a guaranteed fund? Yes No

(b) If the answer to (a) is “Yes”, please state:

(i) The name of the guarantor

(ii) The guarantee features

(7) Is the Constituent Fund unitized? Yes No

(8) Proposed launch date of the Constituent Fund
(DD/MM/YYYY): _____

(9) Currency denomination: _____

(10) Level of all charges payable by scheme members

- (11) Level/basis of calculation of all charges payable by the Constituent Fund
- (12) Level of performance fee (if any)
- (13) Valuation and dealing frequency (daily/weekly/other): _____
- (14) Pricing method (forward/other): _____
- (15) Minimum initial subscription and minimum subsequent holding (if any)
- (16) List of the constitutive documents (including investment management contract and custodial agreement) of the Constituent Fund and date of execution
- (17) Address where books and records of the Constituent Fund are kept

SECTION III - THE TRUSTEE, CUSTODIAN AND INVESTMENT MANAGER OF THE CONSTITUENT FUND

(1) Particulars

	Name	Name of Ultimate Holding Company	Registration status with SFC* ¹ (if any)
Trustee* ²			
Custodian* ³			
Investment Manager* ⁴			

*¹ Securities and Futures Commission (SFC)

*² The trustee may be the approved trustee or the person who has applied for approval as an approved trustee under section 20 of the Ordinance.

*³ For the purposes of this application form, "custodian", in relation to the assets of a scheme, which may be a registered scheme or a scheme in respect of which an application has been submitted for registration of the scheme as a registered scheme under section 21 of the Ordinance, includes:

- (a) the person appointed by the trustee of the scheme as a custodian of the scheme assets; and
- (b) the trustee of the scheme who also acts as a custodian of the scheme assets, but does not include a sub-custodian.

*⁴ No investment manager is required to be appointed if:

- (a) the accrued benefits of the Constituent Fund are invested only in a single approved pooled investment fund, or in a single approved index-tracking collective investment scheme, that is specified in the offering document; or
- (b) prior approval has been obtained from the Authority.

(2) Investment manager of the Constituent Fund
(Please complete if there is an investment manager appointed for the Constituent Fund.)

(A) Independence of investment manager

- (a) Do the investment manager and all of its delegates comply with the independence requirement as stipulated in section 46(1) of the Regulation? Yes No
- (b) If the answer to (a) is "No", in respect of the investment manager and the delegates who fail to Yes No

satisfy the independence requirement of section 46(1) of the Regulation, do they comply with the requirements as stipulated in section 46(2) and section 46(3)(a) & (b) of the Regulation?

- (c) If the answer to (b) is “Yes”, please provide undertakings in accordance with section 46(3)(c) of the Regulation.

- (B) Please list below the name and registered office address of all delegates appointed by the investment manager:

No.	Name	Address	Registration Status*
1.			A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/>
2.			A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/>
3.			A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/>

* For each of the delegates, please specify under the column of “Registration Status” whether the delegate meets one of the following requirements:

- (a) section 45(3) of the Regulation (put a tick in box A)
- (b) section 45(4)(a) of the Regulation (put a tick in box B)
- (c) section 45(4)(b) of the Regulation (put a tick in box C)
- (d) section 45(4)(c) of the Regulation (put a tick in box D)

SECTION IV - INVESTMENT ACTIVITIES

- (1) Security lending

- (A) Will the Constituent Fund engage in security lending activities? Yes No

- (B) If the answer to (A) is “Yes”, please specify the relevant clauses in the investment management contract which provide the investment manager the power to terminate/suspend security lending arrangements at any time. _____

- (C) If the answer to (A) is “Yes” and a custodian has been appointed, please specify the relevant clauses in the custodial agreement which indicate that the trustee has delegated the authority to enter into security lending arrangements to the custodian. _____

(2) Financial futures and option trading

(A) Will the Constituent Fund engage in financial futures and option trading for purposes other than hedging? Yes No

(B) If the answer to (A) is “Yes”, please demonstrate that the trustee has the relevant experience in this respect.

SECTION V - MARKETING DOCUMENTS & ADVERTISEMENTS

(1) Have the marketing documents and advertisements been approved by the SFC? Yes No

(2) If the answer to (1) is “Yes”, please attach final copies of the marketing documents and advertisements and proof of authorization by the SFC.

(3) If the answer to (1) is “No”, have the marketing documents and advertisements been submitted to the SFC for approval? Yes No

SECTION VI - DOCUMENTS TO BE ATTACHED

	Documents	Attachment No.
(1)	Copies of constitutive documents (please specify): _____ _____ _____ _____	
(2)	Undertakings in accordance with section 46(3)(c) of the Regulation	
(3)	Final copies of the marketing documents and advertisements	
(4)	A copy of the proof of authorization by the SFC in respect of the marketing documents and advertisements	

SECTION VII - 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 (if any): _____

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 21BB of the Mandatory Provident Fund Schemes Ordinance (Cap 485) (the Ordinance) 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 21BB of the Ordinance of approving an application for approval of a constituent fund of a registered scheme; and
 - (b) 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, hindering the Authority from processing the application in accordance with section 21BB of the Ordinance.

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

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>.