

<b>FORM OI-TC</b>
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**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)****APPLICATION FOR APPROVAL OF APPOINTMENT OF TRUSTEE  
(for applicant which is a company)**

*Section 7 of Schedule 3 to the Mandatory Provident Fund Schemes (Exemption) Regulation (Cap 485B)*

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**NOTES:**

- (1) *The applicant making an application for approval for appointment of a trustee should read the Guidelines on MPF Exempted ORSO Schemes - Application for Approval of Appointment of Trustees before submitting the application.*
  - (2) *Please read the Personal Information Collection Statement before completing this application form*
  - (3) *It is obligatory for the applicant 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 refusal of the application.*
  - (4) *For verification purpose, please attach a copy of the Hong Kong Identity Card of the Hong Kong chief executive officer of the applicant which is a company incorporated outside Hong Kong to which section 5(1)(b) of Schedule 3 to the Mandatory Provident Fund Schemes (Exemption) Regulation (Exemption Regulation) applies (if the Hong Kong Identity Card number is provided) or copies of the relevant pages of his/her passport (if the passport number is provided). Alternatively, he/she may choose to present his/her Hong Kong Identity Card or the relevant pages of his/her passport in person at our office. Failure to provide a document for verification purpose (either by (i) attaching a copy of the Hong Kong Identity Card or copies of the relevant pages of the passport to the application; or (ii) presenting the Hong Kong Identity Card or the relevant pages of the passport in person at our office) may result in refusal of this application.*
  - (5) *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.*
  - (6) *If boxes are provided, please tick whichever is appropriate.*
  - (7) *\* means delete whichever is inappropriate.*
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**FOR OFFICIAL USE ONLY**

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

**SECTION I - THE SCHEME**

- (1) MPF Exemption No.  
of the Scheme: \_\_\_\_\_
- (2) Name of the Scheme  
(in English): \_\_\_\_\_
- (in Chinese, if any): \_\_\_\_\_

**SECTION II - THE NEW APPOINTEE**

- (1) Name of the Company (in English): \_\_\_\_\_
- (in Chinese, if any): \_\_\_\_\_

- (2) Date of incorporation: 

Day		Month		Year			

- (3) Place of incorporation: \_\_\_\_\_

- (4) 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.: (\_\_\_\_) \_\_\_\_\_

Email address: \_\_\_\_\_



- (2) Address where books and records are accessible in Hong Kong (if not the same as the registered office or (1) above):

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

Telephone no.: \_\_\_\_\_ Fax no.: \_\_\_\_\_

- (3) Business Registration No., if any: \_\_\_\_\_

- (4) Issued share capital (please state the currency used): \_\_\_\_\_

- (5) Paid up share capital (please state the currency used): \_\_\_\_\_

- (6) Name of the authority under which the company is being supervised in the company's place of incorporation: \_\_\_\_\_

- (7) Address of the authority:

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) Registration number with the authority: \_\_\_\_\_

- (9) Type of licence, registration, authorization or permit issued by the authority: \_\_\_\_\_

- (10) Date of issue: \_\_\_\_\_
- (11) 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): \_\_\_\_\_
- (12) Particulars of the Hong Kong chief executive officer:
- A. Surname (in English): \_\_\_\_\_
- B. Other names (in English): \_\_\_\_\_
- C. Name in Chinese (if any): \_\_\_\_\_
- D. Hong Kong Identity Card/passport no.\*: \_\_\_\_\_
- E. Residential address: \_\_\_\_\_
- F. Telephone number, fax number and email address: \_\_\_\_\_
- G. Is the Hong Kong chief executive officer ordinarily resident in Hong Kong? Yes/No\*
- H. Period of residence in Hong Kong (in years): \_\_\_\_\_
- I. Is the Hong Kong chief executive officer, either alone or with others, immediately responsible to the directors of the company for the conduct of the whole of the business carried on by the company in Hong Kong? Yes/No\*
- (13) Are the objects set out in the company's constitutive documents restricted to some or all of the objects set out under section 81 of the Trustee Ordinance (Cap 29)? Yes/No\*
- (14) Brief description of the expertise and management resources available in Hong Kong for carrying on the business of administering ORSO schemes in Hong Kong:
- \_\_\_\_\_
- \_\_\_\_\_

**SECTION IV - DOCUMENTS TO BE ATTACHED**

<b>Documents</b>	<b>Attachment No.</b>
(1) A copy of the certificate of incorporation/ certificate of registration with the Companies Registry in Hong Kong in respect of the company	
(2) (For company incorporated outside Hong Kong) A copy of the certificate of incorporation (or its equivalent) with a non-local authority in respect of the company	
(3) (For company incorporated outside Hong Kong) A copy of the constitutive documents showing the objects of the company	
(4) (For company incorporated outside Hong Kong) Evidence of authorization to carry out trust business	
(5) (For company incorporated outside Hong Kong) A copy of the audited financial statements of the company for the last three years or since its incorporation if it has been incorporated for less than three years	

**SECTION V - 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) 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 application form and any documents in relation to the application as soon as possible.

Name of applicant:

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

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Name of persons signing:

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Title or position of persons signing:

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Date:

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✦ **Warning:** Section 43E of the Mandatory Provident Fund Schemes 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 that 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 for Approval of Appointment of Trustee required under section 7 of Schedule 3 to the Mandatory Provident Fund Schemes (Exemption) Regulation (Cap 485B) (the Exemption 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 pursuant to the Mandatory Provident Fund Schemes Ordinance (Cap 485) (the Ordinance) and the Occupational Retirement Schemes Ordinance (Cap 426) (the ORSO), including but not limited to exercising and performing functions related to section 7 of Schedule 3 to the Exemption Regulation of approving an application for approval of appointment of a trustee of an ORSO registered scheme which is exempted under section 16 of the Exemption Regulation;
  - (ii) considering any other application(s) made under the Ordinance and the ORSO which is related to you;
  - (iii) establishing and maintaining public registers which will contain particulars including the name of employer, investment manager, designated person and scheme administrator;
  - (iv) ensuring compliance with the Ordinance and the ORSO;
  - (v) enabling or assisting the Authority and other regulatory bodies/law enforcement agencies/government departments to perform functions under the Ordinance and the ORSO or their respective regimes including without limitation monitoring, surveillance, inspection, investigation, taking supervisory and/or enforcement actions, and/or conducting any legal, disciplinary or appeal proceedings, provided that such enablement or assistance by the Authority is subject to the Ordinance or the ORSO;
  - (vi) research and statistical purposes; and
  - (vii) 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 refusal of your application by the Authority, and, in some circumstances, hindering the Authority from performing its functions.

### **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) the Chief Executive;
  - (ii) the Financial Secretary;
  - (iii) the Secretary for Justice;
  - (iv) the Insurance Authority;
  - (v) the Hong Kong Monetary Authority;
  - (vi) the Securities and Futures Commission;
  - (vii) the Commissioner of Inland Revenue;
  - (viii) the Official Receiver appointed under the Bankruptcy Ordinance (Cap 6);
  - (ix) 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);
  - (x) the Privacy Commissioner for Personal Data;
  - (xi) the Ombudsman;
  - (xii) the Registrar of Companies;
  - (xiii) the eMPF Platform Company Limited;
  - (xiv) the system operator of an electronic MPF system<sup>1</sup>;
  - (xv) the Accounting and Financial Reporting Council established under the Accounting and Financial Reporting Council Ordinance (Cap 588);
  - (xvi) the Hong Kong Police Force;
  - (xvii) any relevant courts, panels, tribunals and committees; and
  - (xviii) other law enforcement agencies, government departments, regulatory bodies, corporations, organizations or individuals in Hong Kong or in a place outside Hong Kong for the purposes of the Ordinance or the ORSO.

### **Public Registers**

4. The Authority is required to establish and maintain a register of MPF exempted ORSO schemes and a register of ORSO schemes registered or exempted under the ORSO, containing specified data (including personal data), pursuant to the relevant provisions of the Ordinance and the ORSO. The Authority is required by law to make the registers

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

available to the public for inspection. The purpose of the registers is to enable members of the public to ascertain whether or not an ORSO scheme has been exempted from MPF requirements and whether an ORSO scheme has been registered or exempted under the ORSO, and to obtain the basic information of the ORSO scheme. A member of the public may inspect the register of MPF exempted ORSO schemes free of charge. A member of the public may inspect the register of ORSO schemes registered or exempted under the ORSO, or apply for a certified copy of an entry in the register, on payment to the Authority of the respective prescribed fees.

### **Access to Personal Data**

5. 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

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