

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

I.1 Guidelines on Application for Approval as Approved Trustees and Application for Approval as Controllers of Approved Trustees

INTRODUCTION

Application for Approval as Approved Trustees

Section 20(1) of the Mandatory Provident Fund Schemes Ordinance (the Ordinance) provides that a person may apply to the Mandatory Provident Fund Schemes Authority (the Authority) for approval as a trustee for the purposes of the Ordinance.

2. Section 20(4) of the Ordinance provides that an application must:
 - (a) be in a form approved by the Authority; and
 - (b) contain such information, and be accompanied by such documents, as may be prescribed by the guidelines; and
 - (c) be accompanied by an application fee of such amount as may be prescribed by the regulations.

Application for Approval as Controllers of Approved Trustees

3. According to section 2 of the Ordinance, the following persons are controllers of an approved trustee that is a company:
 - (a) the chief executive officer and directors of the company (officer);
 - (b) a person in accordance with whose instructions those directors are accustomed to act (shadow director);
 - (c) 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 company (substantial shareholder);

- (d) another company that, alone or with any associate, or any employee of an associate, of that other company, or through a nominee, controls at least 15% of the voting shares of the first-mentioned company (substantial shareholder).

4. Section 42B(1) of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation) provides that an approved trustee must not, on or after 1 December 2008, appoint a person to be an officer of the trustee unless the Authority has, on the application of the trustee, given prior written consent to the person's becoming such an officer. Sections 42C(1) and 42D(1) of the Regulation provide that a person must not become a shadow director or a substantial shareholder respectively of an approved trustee unless the Authority has given prior written consent to the person's becoming such a shadow director or substantial shareholder. Sections 42B(2), 42C(2) and 42D(4) of the Regulation further require that an application for the consent of the Authority to be a controller of an approved trustee must:

- (a) be in a form approved by the Authority; and
- (b) contain such information, and be accompanied by such documents, as are specified in the form.

5. Section 6H of the Ordinance provides that the Authority may issue guidelines for the guidance of approved trustees, service providers, participating employers and their employees, self-employed persons, regulated persons and other persons concerned with the Ordinance.

6. The Authority hereby issues guidelines to set out the forms prescribed by the Authority for application as approved trustees and controllers

of approved trustees and prescribe the information and documents to be submitted together with the forms.

EFFECTIVE DATE

7. These revised Guidelines (Version 9 – May 2025) shall become effective on 23 May 2025. The previous version of these Guidelines (Version 8 – June 2024) shall be superseded on that day.

APPLICATION FOR APPROVAL

The Applicant and the Prescribed Forms

Application for Approval as Approved Trustees

8. An application for approval as an approved trustee can be made by either a company or a natural person.

9. For applicants which are companies (corporate applicants), the applications shall be made in the prescribed forms as set out in Annexes A to C:

- (a) Annex A refers to the main application form (Form TC) which covers the information relating to the particulars of the applicant;
- (b) Annex B refers to the business plan (Form TC(B)) which covers the information relating to the operation systems of the applicant; and
- (c) Annex C refers to the application form (Form TC(C)) which covers the information relating to the particulars of the controllers of the applicant. Each of the controllers has to fill in a separate Form TC(C).

10. For applicants who are natural persons (individual applicants), the applications shall be made in the prescribed form as set out in Annex D (Form TI) which covers the information relating to the suitability of the applicant.

11. Applicants are required to submit the documents as prescribed in the forms in Annexes A to D, where applicable, and pay the application fee as prescribed in the Mandatory Provident Fund Schemes (Fees) Regulation.

Application for Approval as Controllers of Approved Trustees

12. For an application for approval as a controller of an approved trustee, the application shall be made in the prescribed form as set out in Annex C (Form TC(C)). Applicants are required to submit the documents as prescribed in the form in Annex C. Each applicant has to fill in a separate Form TC(C).

Prescribed Forms for Approval as Approved Trustees and as Controllers of Approved Trustees

13. The prescribed forms in the Annexes can be downloaded from the Authority's website at: www.mpfa.org.hk.

Signature Requirements

14. The application must be signed:
- (a) if the applicant is or includes a company, by at least two directors of the company; and
 - (b) if the applicant is a natural person, by that person.

Submission of Application

15. The completed application forms and the relevant application documents for approval as approved trustees and/or controllers of approved trustees should be submitted in hard copies and sent, together with the application fees (if any), to:

Mandatory Provident Fund Schemes Authority
Level 12, Tower 1, The Millennium
98 How Ming Street, Kwun Tong
Hong Kong

DEFINITION OF TERMS

16. Where a term used in the Guidelines is defined in the Ordinance or the subsidiary legislation then, except where specified in the Guidelines, that term carries the meaning as defined in the Ordinance or the subsidiary legislation.

WARNING

17. If there is any change to the application information or documents after an application is submitted to the Authority, the applicant should inform the Authority as soon as reasonably practicable. It is an offence under section 43E of the Ordinance if a person, in any document given to a prescribed person¹ 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.

¹ Prescribed person means (a) the Authority; (b) a system operator of an electronic MPF system; (c) an approved trustee; (d) a trustee of a relevant scheme; or (e) an auditor of an approved trustee or of a registered scheme.

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:

--	--	--	--	--	--	--	--

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:

--	--	--	--

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

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:

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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		Attachment No.
For company with continuous financial support from another company		
(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	

<p style="text-align: center;">Additional documents</p> <p style="text-align: center;">For company incorporated outside Hong Kong which is not a re-domiciled company as defined in the CO</p>	<p style="text-align: center;">Attachment No.</p>
(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 Millennium
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>.

FORM TC(B)

MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP. 485)

**APPLICATION FOR APPROVAL AS APPROVED TRUSTEE
(INFORMATION RELATING TO THE BUSINESS PLAN)**

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.*
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-

FOR OFFICIAL USE ONLY

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

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

SECTION I - THE APPLICANT

(1) Name of the Company: _____

SECTION II - COMPANY PROFILE

(1) A copy of the up-to-date organizational chart of the group of which the Company is a member, showing the respective percentages of shareholdings, if applicable.

(2) Give the following particulars of the immediate/ultimate holding company of the applicant, if any:

	Immediate Holding Company	Ultimate Holding Company
(A) Name		
(B) Registered office		
(C) Place and date of incorporation		
(D) Place of domicile		
(E) Nature of business		
(F) Names of directors		
(G) Names of the directors who will be actively involved in the management of		

the applicant		
(H) Names of controllers that hold at least 15% of voting shares and their respective shareholdings		

- (3) Organizational structure, a brief description of the division of functions among different departments and staff position including the number of staff by department and by rank.
- (4) A list of key personnel who are in charge of statutory compliance and supervision of scheme administration, detailing their respective qualifications and experience.
- (5) A description of the arrangements of internal controls measures and operating systems including the following:
- (A) A description of the internal controls measures proposed to be implemented to achieve the control objectives of MPF schemes for compliance with the Mandatory Provident Fund Schemes Ordinance (the Ordinance).
 - (B) A description of the operating systems proposed to be implemented in respect of operating MPF schemes, e.g. internal audits, procedures for handling clients' complaints, mechanism for handling public enquiries.
 - (C) If any functions are outsourced, please describe how you will supervise the performance of those functions.
- (6) What arrangements would be made with regard to the indemnity insurance? Would there be multiple policies obtained from more than one eligible insurer? If so, who are the insurers and how the coverage is spread between these insurers?
- (7) In the case of a company carrying on business(es) other than MPF business, give a detailed description of such business(es).
- (8) In the case of a company incorporated outside Hong Kong but is not a re-domiciled company as defined in the Companies Ordinance (Cap. 622):
- (A) a brief description of its experience in conducting business internationally; and
 - (B) provide other information relating to its standing as an international financial institution, such as the up-to-date rating and ranking in respect of the financial position of the company.

SECTION III - PARTIES PROVIDING SERVICES TO THE COMPANY

- (1) Names, addresses and qualifications of the auditors of the Company.
- (2) Names and addresses of the Company's principal bankers.
- (3) Names, addresses and qualifications of the Company's professional advisers (other than auditors) including solicitors, investment advisers, consultants.

SECTION IV - FINANCIAL PROJECTION

- (1) Provide two sets of financial projections, representing separately a "best estimate" and a "pessimistic estimate", for each of the first three financial years following approval (if granted) to the Company in respect of its MPF business. The financial projections should include a projected profit and loss account and a projected balance sheet. A "best estimate" projection should show the Company's realistic expectations while a "pessimistic estimate" projection should show the worst scenario. This should include a summary of the key underlying assumptions that have been made in the preparation of the projections.

SECTION V - OTHER INFORMATION, ACCOUNTS, AGREEMENTS

- (1) Copies of the latest accounts of the immediate holding company and the ultimate holding company of the Company.
- (2) Copies of any report or investigation in respect of the Company produced within the last three years by any supervisory authority or governmental agency, if any.
- (3) (A) State, whether in any jurisdiction within the past five years:
 - (a) a petition has been presented to the court for the winding up of the holding company of the Company or the company that provides continuous financial support to the Company;

- (b) a receiver has been appointed in respect of any of the assets of the holding company of the Company or the company that provides continuous financial support to the Company; or
 - (c) the holding company of the Company or the company that provides continuous financial support to the Company has made any composition or arrangement with its creditors or any class of its creditors, and
- (B) if the answer to any of the above is “yes”, give details of the present position regarding any such petition/receivership/composition/arrangement.

SECTION VI - 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 Millennium
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>.

FORM TC(C)

MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP. 485)

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

Sections 42B, 42C and 42D of the Mandatory Provident Fund Schemes (General) Regulation (Cap. 485A)

NOTES:

- (1) *The applicant making an application for approval as a controller of 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) *For verification purpose, please attach a copy of the Hong Kong Identity Card (if the Hong Kong Identity Card number is provided) or copies of the relevant pages of the passport (if the passport number is provided) to the application for approval of the controller who is a natural person. Alternatively, the controller may choose to present the Hong Kong Identity Card or the relevant pages of the 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 rejection or refusal of your 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.*
-
-

FOR OFFICIAL USE ONLY

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

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

SECTION I - 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 - CONTROLLER WHO IS A NATURAL PERSON

- (1) (A) Surname (in English): _____
- (B) Other names (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) Residential address: _____
- (B) 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.

Qualification	Issuing institution	Year 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 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 organization taking
action: _____

Nature of 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 organization: _____

Address of organization: _____

Action taken by 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 organization taking
disciplinary action: _____

Nature of 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 non-local 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 body corporate/
partnership/unincorporated
institution:

Date of event:

Details of event:

Name of 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 body corporate/
partnership/unincorporated
institution:

Nature and date of event:

Details of event:

Name of 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 - CONTROLLER WHICH IS A COMPANY

- (1) (A) Name in English: _____
- (B) Name in Chinese (if any): _____
- (C) Date of incorporation
(DD/MM/YYYY): _____
- (D) Place of incorporation: _____
- (E) Place of domicile: _____
- (F) Registration number under Part XI of the predecessor Ordinance (as defined in the Companies Ordinance (Cap. 622) (CO)) or Part 16 of the CO (if any): _____
- (G) Registered office: _____
- (H) Principal place of business in Hong Kong: _____
- (I) What is the percentage of voting shares of the applicant/approved trustee controlled by the company? _____
- (J) 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 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 organization: _____

Address of organization: _____

Action taken by 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 organization taking
disciplinary action: _____

Nature of 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 organization taking disciplinary action: _____

Nature of 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 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: _____

Date of disqualification: _____

Reason for 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 non-local 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 body corporate/
partnership/unincorporated
institution:

Date of event:

Details of event:

Name of 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 body corporate/
partnership/unincorporated
institution:

Nature and date of event:

Details of event:

Name of 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 - 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 which is a Company

(1)	A copy of certificate of incorporation	
(2)	A copy of business registration certificate (if any)	
(3)	(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)	
(4)	An organizational 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	
(5)	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 Personal Information Collection Statement 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 application form is correct and complete. ✦

I/We* certify that the documents attached to this application 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 (or in support of) this application.

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 application 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 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 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 Millennium
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>.

FORM TI

MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)

**APPLICATION FOR APPROVAL AS APPROVED TRUSTEE
(for applicant who is a natural person)**

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) *For verification purpose, please attach a copy of the Hong Kong Identity Card (if the Hong Kong Identity Card number is provided) or copies of the relevant pages of the passport (if the passport number is provided) to the application. Alternatively, the trustee may choose to present the Hong Kong Identity Card or the relevant pages of the 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 rejection or refusal of your 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

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) Surname (in English)	
(2) Other names (in English)	
(3) Name in Chinese (if any)	
(4) Name in Chinese Commercial Code (if any)	
(5) Any previous name(s) by which you have been known	
(6) Hong Kong Identity Card/passport no.*	
(7) Date of birth (DD/MM/YYYY)	
(8) Place of birth	
(9) Nationality	
(10) Are you a public officer?	Yes/No*
(11) Residential address	
(12) Previous residential addressees during the last three years	
(13) Telephone number and fax number	
(14) Do you ordinarily reside in Hong Kong?	Yes/No*
(15) Period of residence in Hong Kong (in years)	

SECTION II - EDUCATIONAL BACKGROUND AND EMPLOYMENT HISTORY OF THE APPLICANT

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

Qualifications	Issuing institution	Year obtained

(2) 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.		

- (3) The companies of which you have been appointed as a trustee to their retirement schemes at any time during the past 10 years, in Hong Kong or elsewhere.

Details of appointment	1	2	3
(A) Name of company			
(B) Principal business address			
(C) Nature of scheme (defined benefit or defined contribution)			
(D) Approximate number of scheme members (if available)	<100 <input type="checkbox"/> 100-499 <input type="checkbox"/> 500-999 <input type="checkbox"/> ≥1 000 <input type="checkbox"/> as at _____	<100 <input type="checkbox"/> 100-499 <input type="checkbox"/> 500-999 <input type="checkbox"/> ≥1 000 <input type="checkbox"/> as at _____	<100 <input type="checkbox"/> 100-499 <input type="checkbox"/> 500-999 <input type="checkbox"/> ≥1 000 <input type="checkbox"/> as at _____
(E) Approximate size of scheme assets (to the nearest million) (if available)	\$ _____ as at _____	\$ _____ as at _____	\$ _____ as at _____
(F) Appointed as member trustee, employer trustee or independent trustee?			
(G) Date of appointment			
(H) Date of retiring			
(I) Reasons for retiring			

SECTION III - DISCIPLINARY AND CONVICTION HISTORY, AND FINANCIAL STATUS

- (1) 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*

- (2) 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): _____

- (3) 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 dates): _____

Name and place of court where proceedings commenced: _____

- (4) Other than those listed under question (3), 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 parties involved: _____

Date and place of litigation: _____

Nature of litigation: _____

- (5) 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 organization taking
action: _____

Nature of action
taken/proceedings: _____

Outcome (if applicable): _____

Date of action/proceedings: _____

Reason for action/proceedings: _____

- (6) 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 organization: _____

Address of organization: _____

Action taken by organization: _____

Date of such action: _____

Reason for such action: _____

- (7) 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 organization taking
disciplinary action: _____

Nature of disciplinary action: _____

Outcome (if applicable): _____

Date of disciplinary action: _____

Reason for disciplinary action: _____

- (8) 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): _____

- (9) 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 non-local authority? Yes/No*

If yes, please provide the following information:

Name and place of
regulatory/authority: _____

Details of non-compliance
(with dates): _____

- (10) 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: _____

- (11) 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): _____

- (12) 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 organization undertaking
investigation: _____

Nature of investigation: _____

Summary of findings (with dates): _____

- (13) 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 body corporate/
partnership/unincorporated institution: _____

Nature and date of event: _____

Details of event: _____

Name of court/body: _____

SECTION IV - DETAILS OF APPOINTMENT

(1) Proposed appointment

- (A) Name of scheme: _____
- (B) Name of employer: _____
- (C) Business address of employer: _____

- (D) Telephone number of employer: _____
- (E) Fax number of employer: _____
- (F) Proposed date of appointment: _____
- (G) Is the applicant to act as an independent trustee of the scheme? Yes/No*
- (H) Is the applicant an employee of the employer of the scheme? Yes/No*
- (I) Has an application in respect of the scheme registration been made to the Authority? Yes/No*
- If yes, please state:
- Date of application: _____
- Application no.: _____

SECTION V - DOCUMENTS TO BE ATTACHED

Documents	Attachment No.
(1) An undertaking to the Authority in compliance with section 20(6)(b) of the Mandatory Provident Fund Schemes Ordinance (the Ordinance)	
(2) Evidence of performance guarantee entered into/proposed to enter into, if available	

SECTION VI - DECLARATION

I certify that I have read the Personal Information Collection Statement 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 declare that to the best of my knowledge and belief, the information given in this application form is correct and complete. ✦

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

I 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, I 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: _____

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

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Mandatory Provident Fund Schemes Authority
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Hong Kong

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