

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

V.6 Guidelines on MPF Exempted ORSO Schemes – Application for Approval of Appointment of Trustees

INTRODUCTION

Section 7(1) of Schedule 3 to the Mandatory Provident Fund Schemes (Exemption) Regulation (the Exemption Regulation) provides that a person who has the duty or power to retire or appoint the trustee of a scheme shall obtain the Mandatory Provident Fund Schemes Authority's (the Authority's) approval in writing before retiring or appointing the trustee.

2. With regard to the appointment of a trustee, section 7(3) of Schedule 3 to the Exemption Regulation requires that the Authority's approval shall be sought by way of an application in writing:

- (a) made to the Authority;
- (b) in a manner and form specified by the Authority;
- (c) by the appointee;
- (d) accompanied by the prescribed fee;
- (e) accompanied by a statutory declaration (in Annex A) as to the character and suitability of the trustee where section 5(1)(c) or (d) of Schedule 3 to the Exemption Regulation applies;
- (f) accompanied by such additional particulars and undertakings as may be required by the Authority.

3. Section 6H of the Mandatory Provident Fund Schemes Ordinance (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.

4. Section 47A of the Ordinance provides that the Authority may specify or approve the form and contents of documents required for the purposes of the Ordinance.

5. The Authority hereby issues guidelines to set out the forms prescribed by the Authority for application for appointment of trustees in respect of ORSO registered schemes which are exempted under section 16 of the Exemption Regulation and prescribe the information and documents to be submitted together with the application forms.

EFFECTIVE DATE

6. These revised Guidelines (Version 6 – June 2024) shall become effective on 13 June 2024. The previous version of these Guidelines (Version 5 – April 2023) shall be superseded on that day.

APPLICATION FOR APPROVAL OF RETIREMENT OR APPOINTMENT OF TRUSTEE

The Applicant and the Prescribed Forms

7. For appointment of a trustee, if the new appointee is a company, the applicant must be the respective company. The application shall be made by the company by completing the prescribed form as set out in Annex B (Form OI-TC). If the new appointee is a natural person, the applicant must be the respective individual. The application shall be made by the natural person by completing the prescribed form as set out in Annex C (Form OI-TI).

8. For retirement of a trustee, there is no prescribed form. An application in writing to the Authority specifying the name of the retiring trustee and the effective date of retirement signed by the person who has the power to retire the trustee will suffice.

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

Signature Requirements

10. The application for approval of appointment of a trustee must be signed:

- (a) if the appointee is a natural person, by the appointee;
- (b) if the appointee is a company, by at least two of the directors of the company.

Submission of Application

11. The completed application forms and the relevant application documents should be submitted in hard copies and sent, together with the application fees, to:

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

DEFINITION OF TERMS

12. 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

13. 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.

MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)

**STATUTORY DECLARATION FOR
APPOINTMENT OF TRUSTEE/DIRECTOR OF TRUSTEE***

Name of Scheme: _____

I, _____ [name of trustee/director of trustee*] of

[address of the trustee/director of trustee*], solemnly and sincerely declare that:

I am suitable to be appointed as a trustee/director of a trustee*. I have not been found guilty, whether in Hong Kong or elsewhere, of an offence involving fraud or dishonesty.

And I make solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap 11).

[Signature of the trustee/director of trustee*]
[Name of the trustee/director of trustee*]

Declared at _____, Hong Kong this _____ day of
_____(month)_____(year).

Before me,

[Signature of the Commissioner for Oaths]

** means delete whichever is inappropriate*

✦ **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 Mandatory Provident Fund Schemes 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. A person who knowingly and wilfully makes a statutory declaration false in a material particular also commits an offence under section 36 of the Crimes Ordinance (Cap 200) and is liable on conviction to imprisonment for two years and to a fine.

FORM OI-TC**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)***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.*

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 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: _____

(5) The company is:

- (a) a registered trust company in Hong Kong (RTC) ☐
- or
- (b) a company incorporated outside Hong Kong to which section 5(1)(b) of Schedule 3 to the Exemption Regulation applies ☐

(6) Proposed date of appointment:

					2	0			
--	--	--	--	--	---	---	--	--	--

(7) Has the company ever been approved under section 7 of Schedule 3 to the Exemption Regulation with respect to another ORSO scheme?

Yes ☐

No ☐

If yes, please state the following information and complete section V below:

- (a) MPF Exemption
No. of the scheme _____
- (b) Name of the scheme
(in English): _____
(in Chinese, if any): _____

If no, please complete sections III, IV and V below.

SECTION III - ADDITIONAL INFORMATION FOR COMPANY INCORPORATED OUTSIDE HONG KONG

(1) 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

	Hong Kong/Kowloon/N.T.*
Name of district	

Telephone no.: _____ Fax no.: _____

- (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	
			<i>Hong Kong/Kowloon/N.T.*</i>
Name of district			

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

Documents	Attachment No.
(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:

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 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 system¹;
 - (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

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

the Ordinance and the ORSO. The Authority is required by law to make the registers 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 Millennium
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>.

FORM OI-TI**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)****APPLICATION FOR APPROVAL OF APPOINTMENT OF TRUSTEE
(for applicant who is a natural person)***Section 7 of Schedule 3 to the Mandatory Provident Fund Schemes (Exemption) Regulation (Cap 485B)***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 applicant who is a natural person (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.*

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 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 applicant
(in English): _____
- (in Chinese, if any): _____

- (2) Hong Kong Identity
Card/passport no.*: _____

- (3) Date of birth:

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

Day Month Year

- (4) Residential address:
- | | | | |
|-----------|-------|-------|------------------|
| | | | |
| Flat/Room | Floor | Block | Name of building |
- | | |
|------------|----------------|
| | |
| Street no. | Name of street |
- | | |
|------------------|-------------------------|
| | <i>HK/Kowloon/N.T.*</i> |
| Name of district | |

Telephone no.: _____ Fax no.: _____

Email address: _____

- (5) In what capacity are you proposed to be appointed?

An individual non-employer trustee ☐

An individual employer trustee ☐

- (6) Proposed date of appointment:

					2	0		
--	--	--	--	--	---	---	--	--

- (7) Have you ever been approved under section 7 of Schedule 3 to the Mandatory Provident Fund Schemes (Exemption) Regulation with respect to another ORSO scheme?

Yes ☐

No ☐

If no, please complete sections III, IV (applicable to individual non-employer trustee only) and V below.

If yes, please state:

- (a) MPF exemption no.
of the scheme: _____

- (b) Name of the scheme
(in English): _____

(in Chinese, if any): _____

- (c) Capacity: (i) Individual non-employer trustee ☐
(ii) Individual employer trustee ☐

If (7)(c)(i) is ticked, please complete section V below.

If (7)(c)(ii) is ticked, please complete sections IV, if applicable, and V below.

SECTION III - CONVICTION AND DISCIPLINARY HISTORY AND FINANCIAL STATUS

- (1) 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): _____

- (2) 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:

- (3) Other than those listed under question (2), 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:

- (4) 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 organisation taking action:

Nature of action taken/ proceedings:

Outcome (if applicable):

Date of action/proceedings:

Reason for action/proceedings:

- (5) 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 organisation:

Address of organisation:

Action taken by the organisation:

Date of such action:

Reason for such action:

- (6) 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 organisation taking disciplinary action:

Nature of disciplinary action:

Outcome (if applicable):

Date of disciplinary action:

Reason for disciplinary action:

- (7) 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):

- (8) 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):

- (9) 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:

- (10) 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 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):

SECTION IV - ADDITIONAL INFORMATION FOR NEW APPOINTEE WHO IS AN INDIVIDUAL NON-EMPLOYER TRUSTEE

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

Qualification	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			

- (4) Do you have any past or present association (financial or otherwise) with:
- (A) the employer of the Scheme otherwise than as:
- (i) if the employer is a company, a director of the company; or
- (ii) a professional adviser;
- (B) any associate of the employer;
- (C) any controller of the employer; or
- (D) any associate of such controller,
- that could affect the impartiality of your independent judgment? Yes/No*
- (5) Are you an auditor, investment manager or actuary of the Scheme? Yes/No*
- (6) Are you ordinarily resident in Hong Kong? Yes/No*

SECTION V - 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) our 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 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 system¹;
 - (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

¹ 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 Millennium
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>.