

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

V.7 Guidelines on MPF Exempted ORSO Schemes – Application for Approval of Appointment of Directors of Trustees

INTRODUCTION

Section 7(2) of Schedule 3 to the Mandatory Provident Fund Schemes (Exemption) Regulation (the Exemption Regulation) provides that for a trustee which is a company but is not a trustee to which section 5(1)(a) or (b) of Schedule 3 to the Exemption Regulation applies (i.e. (a) *(in the case of a trustee which is a company incorporated in Hong Kong or a re-domiciled company as defined in the Companies Ordinance (Cap. 622))* the trustee is not a registered trust company; or (b) *(in the case of a trustee which is a company incorporated outside Hong Kong but is not a re-domiciled company as defined in the Companies Ordinance)* the trustee is not comparable to a registered trust company), the trustee shall obtain the approval of the Mandatory Provident Fund Schemes Authority (the Authority) in writing before retiring or appointing, as the case may be, a director of the company.

2. With regard to the appointment of a new director, 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 directors of the trustee where section

5(2) of Schedule 3 to the Exemption Regulation applies;

(f) accompanied by such additional particulars and undertakings as may be required by the Authority.

3. The new appointee shall meet the standards applicable to directors of a trustee as set out in section 5(2) of Schedule 3 to the Exemption Regulation before the Authority may grant an approval.

4. 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.

5. 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.

6. The Authority hereby issues guidelines to set out the form prescribed by the Authority for application for appointment of a new director of a trustee and prescribe the information and documents to be submitted together with the application form.

EFFECTIVE DATE

7. These revised Guidelines (Version 6 – May 2025) shall become effective on 23 May 2025. The previous version of these Guidelines (Version 5 – June 2024) shall be superseded on that day.

APPLICATION FOR APPROVAL OF RETIREMENT OR APPOINTMENT OF DIRECTOR OF TRUSTEE

The Applicant and the Prescribed Form

8. For appointment of a director of a trustee, the applicant must be the respective director. The application shall be made by the new director by completing the prescribed form as set out in Annex B (Form OI-D). For retirement of a director of a trustee, there is no prescribed form. An application in writing to the Authority specifying the name of the retiring director and the effective date of retirement signed by the trustee will suffice.

9. The prescribed form in Annex B can be downloaded from the Authority's website at: www.mpfaf.org.hk.

Signature Requirement

10. The application for approval of appointment of director of trustee must be signed by the new appointee, i.e. the new director.

Submission of Application

11. The completed application form 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-D

MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP. 485)

**APPLICATION FOR APPROVAL OF
APPOINTMENT OF DIRECTOR OF TRUSTEE**

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

NOTES:

- (1) *The applicant making an application for approval of appointment of a director should read the Guidelines on MPF Exempted ORSO Schemes - Application for Approval of Appointment of Directors 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 person applying for approval to be a director of the trustee (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 DIRECTOR

(1) Name of the trustee (in English): _____
to which the director
is proposed to be
appointed
(in Chinese, if any): _____

(2) Name of the director (in English): _____

(in Chinese, if any): _____

(3) Date of birth: _____

Day	Month	Year				

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

(5) Residential address:

Flat/Room	Floor	Block	Name of building
Street no.		Name of street HK/Kowloon/N.T.*	
Name of district			

Telephone no.: _____ Fax no.: _____

Email address: _____

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

(a) a qualified director

(b) a director but not a qualified director

(7) Proposed date of appointment:

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

(8) Are you previously approved by the Authority as a trustee under section 5(1)(c) or (d) or as a director of another company under section 5(2) of Schedule 3 to the Mandatory Provident Fund Schemes (Exemption) Regulation?

Yes No

If no, please go to section III.

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
(iii) Qualified director
(iv) Director but not qualified director

If (8)(c)(i) or (iii) is ticked, please go to section V below.

If (8)(c)(ii) or (iv) is ticked, please go to section IV 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 A QUALIFIED DIRECTOR

(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)	<p><100 <input type="checkbox"/></p> <p>100-499 <input type="checkbox"/></p> <p>500-999 <input type="checkbox"/></p> <p>≥1 000 <input type="checkbox"/></p> <p>as at _____</p>	<p><100 <input type="checkbox"/></p> <p>100-499 <input type="checkbox"/></p> <p>500-999 <input type="checkbox"/></p> <p>≥1 000 <input type="checkbox"/></p> <p>as at _____</p>	<p><100 <input type="checkbox"/></p> <p>100-499 <input type="checkbox"/></p> <p>500-999 <input type="checkbox"/></p> <p>≥1 000 <input type="checkbox"/></p> <p>as at _____</p>
(E) Approximate size of scheme assets (to the nearest million) (if available)	<p>\$ _____</p> <p>as at _____</p>	<p>\$ _____</p> <p>as at _____</p>	<p>\$ _____</p> <p>as at _____</p>
(F) Appointed as member trustee, employer trustee or independent trustee?			
(G) Date of appointment			
(H) Date of retiring			
(I) Reasons for retiring			

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 Director 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 appointment of director of trustee for 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 available to the public for inspection. The purpose of the registers is to enable members

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

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

Access to Personal Data

5. You are entitled under the PDPO to ascertain whether the Authority holds any of your personal data, and to request access to and/or correction of them, in the manner and subject to the limitations as set out in the PDPO. The Authority has the right to charge a fee as permitted under the PDPO for processing any data access request, which fee shall not be excessive. All enquiries should be directed to:

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

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