

## **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 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 (see specimen at 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. The Authority hereby issues guidelines to specify the forms 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.

## **APPLICATION FOR APPROVAL OF RETIREMENT OR APPOINTMENT OF TRUSTEE**

### **Prescribed Form**

4. For new appointees which are companies, applications shall be made in the prescribed format as set out in Annex B (Form OI-TC). For new appointees who are natural persons, applications shall be made in the prescribed format as set out in Annex C (Form OI-TI).

5. For retirement of a trustee, there will not be any prescribed forms. 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.

6. The prescribed format of the forms in the Annexes can be downloaded from the Authority's website at:

**<http://www.mpfa.org.hk>**

### **Definition of Terms**

7. Where a term used in the Guidelines is defined in the Mandatory Provident Fund Schemes Ordinance ("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.

## **Submission of Application**

8. 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 8, Tower 1, Kowloon Commerce Centre  
51 Kwai Cheong Road, Kwai Chung  
Hong Kong

## **Warning**

9. 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 the Authority, makes a statement that he knows to be false or misleading in a material respect, or recklessly makes a statement which is false or misleading in a material respect.