



OCCUPATIONAL RETIREMENT SCHEMES ORDINANCE

APPLICATION FOR AN EXEMPTION CERTIFICATE

(under Section 7(2) of The Occupational Retirement Schemes Ordinance)

The applicant should read the “Guidance Notes on Application for an Exemption Certificate” (NOTES ORS-3) carefully before completing this application form. The note numbers specified in this form correspond with those in the guidance notes.

This application shall be made to the Registrar of Occupational Retirement Schemes (the Registrar) by:

- (a) the relevant employer (see definition in note 1) of an occupational retirement scheme; or*
- (b) the representative employer of an occupational retirement scheme which covers two or more relevant employers that are related to each other in the manner as stated in section 67 of the Occupational Retirement Schemes Ordinance (the Ordinance) (see note 4).*

If there is more than one occupational retirement scheme operated by the same relevant employer, separate applications for each of these schemes should be submitted.

This application is required under the relevant statutory provisions stated above, and any personal data contained herein will be used for such purpose and other purposes stated in the Personal Information Collection Statement at the end of the form. Any relevant person who fails to supply the required information or provides false information shall be liable to prosecution under the relevant provisions of the Ordinance.

Completed application forms should be sent to:

*The Registrar of Occupational Retirement Schemes
 Level 12, Tower 1, The Millennity
 98 How Ming Street, Kwun Tong
 Hong Kong*

Mail items with insufficient postage: The Mandatory Provident Fund Schemes Authority (the MPFA) will not accept any underpaid mail delivered via the Hongkong Post which will return the mail item to the sender if there is a return address or dispose of the item in accordance with its procedures. To avoid unsuccessful delivery of your mail, please ensure your mail items addressed to the MPFA carry sufficient postage before posting to us.

FOR OFFICIAL USE ONLY

Application no.	:	_____	Subject officer	:	_____
Fee receipt no.	:	_____	Input officer	:	_____
Date of fee receipt	:	_____	Verification Officer	:	_____
Date of letter of acknowledgement	:	_____	Remarks	:	_____



SECTION I - NAME OF THE OCCUPATIONAL RETIREMENT SCHEME (Scheme)

Name of the Scheme (in English) : _____
(see note 5) _____

(in Chinese, if any) : _____

SECTION II - THE SCHEME

- (1) Domicile of the Scheme (see definition in note 1): _____
- (2) Scheme type (see definition in note 1):
 Defined contribution scheme
 Defined benefit scheme
- (3) Arrangement of the Scheme:
 Governed by trust
 Subject of or regulated by an insurance arrangement
 Others, please specify

SECTION III - SCHEME MEMBERSHIP

	No. of members
1) Number of members of the Scheme as at the date of this application (<i>see</i> ¹ <i>below</i>).	
2) Number of members of the Scheme who are currently working in Hong Kong and holding Hong Kong identity card as at the date of this application.	

¹: *The total number of Scheme members under section 7(4)(a) of the Ordinance refers to the members who are employees of the relevant employer as at the date of this application for the Scheme.*



SECTION IV - APPROVAL BY A NON-LOCAL AUTHORITY (see note 2)

For the Registrar’s consideration under this section, the following documents relating to the registration/approval by the non-local authority of the Scheme and the functions of the non-local authority should accompany this application:-

- (1) A certificate or statement issued by the non-local authority confirming registration or approval of the Scheme; and*
- (2) An explanatory summary prepared by a person qualified to practise as a professional legal practitioner in the country or territory stated to be the domicile of the Scheme, stating the functions of the non-local authority responsible for the registration, authorization, regulation or supervision of the Scheme. The particulars of that legal practitioner (including his name, professional qualifications, experience relating to that particular jurisdiction, etc.) should also be stated; and*
- (3) All relevant documents to prove that the non-local authority performs functions which are generally analogous to those conferred on the Registrar by the Ordinance.*

(1) Particulars of the regulatory/supervisory authority:-

(a) Name (in English) : _____

For official use						
Code						

(b) Address (in English):

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			

(c) Telephone no.: _____ Fax no.: _____

(d) Email address: _____

(2) Date of approval/registration of the Scheme by that authority :

Day		Month		Year			



SECTION V - THE RELEVANT EMPLOYER (see note 4)

If the Scheme has only one relevant employer, only item (3) below should be completed.

If the Scheme covers two or more relevant employers, all items (1), (2) and (3) below should be completed. In completing item (2), the particulars of the representative employer should be given. Additionally, a copy of the power of attorney (see note 4) nominating the representative employer by all the relevant employers should be submitted with the application. In completing item (3), the particulars of each relevant employer should be supplied. Supplementary Form 3A annexed to this form, or photocopies thereof, can be used to insert additional entries if necessary.

(1) How many relevant employers are there in relation to the Scheme?

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(2) Particulars of the **representative employer**:

(a) Name (in English) : _____

(in Chinese): _____

For official use						
Code						

(b) Please tick the appropriate box below (see note 10):

- Registered office in Hong Kong *(please provide copy of Certificate of Incorporation and Business Registration Certificate)*
- Principal place of business in Hong Kong *(please provide copy of Certificate of Registration and Business Registration Certificate)*
- Business address *(please provide copy of Business Registration Certificate)*

Address (in English):

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			

(c) Telephone no.: _____ Fax no.: _____

(d) Email address: _____

(e) Business registration no. in Hong Kong, if any: _____



(f) Apart from acting as the representative employer, is he also a relevant employer of the Scheme?

Yes No

(3) Particulars of the **relevant employer**:

(a) Name (in English) : _____

(Insert surname first for individual)

(in Chinese): _____

For official use						
Code						

(b) Please tick the appropriate box below (see note 10):
For individual, business address is preferred.

- Registered office in Hong Kong *(please provide copy of Certificate of Incorporation and Business Registration Certificate)*
- Principal place of Business in Hong Kong *(please provide copy of Certificate of Registration and Business Registration Certificate)*
- Business address *(please provide copy of Business Registration Certificate)*
- Residential address

Address (in English):

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

(c) Telephone no.: _____ Fax no. : _____

(d) Email address: _____

(e) Business registration no. in Hong Kong, if any: _____

(4) Title of Person-in-charge of the Scheme*: _____

Name of the person-in-charge: _____

Email address: _____ Telephone no.: _____

** The person-in-charge is responsible for the overall management of the Scheme.*



SECTION VI - DOCUMENTS TO BE ATTACHED (see the guidance notes)

No.	Documents required for application	Provided (Yes/No/NA)
1	Written statement by the relevant employer or representative employer on Scheme's membership.	
2	A copy of the Scheme instrument.	
3	Information/documents evidencing the Scheme is currently registered or approved by the non-local authority.	
4	An explanatory summary prepared by a person qualified to practise as a legal practitioner in the country, territory or place in which the Scheme has been approved or registered*. * In the case of an application for an exemption certificate concerning a non-local authority which is on the "List of Authorities for the purpose of section 7(4)(a) of the Occupational Retirement Schemes Ordinance" published by the Registrar (as amended from time to time), the applicant is not required to submit such document.	
5	Any other documents/information that the relevant employer considers relevant to the application.	

✦ **All required documents must be attached with the application; otherwise the application may not be accepted** ✦



SECTION VII - DECLARATION (see notes 4, 9 & 12)

I/We declare that I/we have read the Personal Information Collection Statement and understand our rights and obligations in relation to the supply of personal data to the Registrar and the manner in which the Registrar 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 (including any attached Supplementary Form 3A and other separate sheets and supporting documents) is correct and complete.

I/We hereby confirm that in compliance with section 7(3) of the Ordinance, I/we have given written notice to each member of the Scheme who is the holder of a Hong Kong identity card that an application will be made to the Registrar of Occupational Retirement Schemes for an exemption certificate to be issued in respect of this Scheme or displayed an appropriate notice of such application and made it available for inspection by such member.

Signature and company chop of the applicant : _____
(relevant / representative* employer)

Name of authorized signatory (in English) : _____

Title or position : _____

Name of applicant (in English) : _____

Date : _____

* Delete whichever is inappropriate.

✦ **Warning:** Every care must be taken to ensure that correct information is provided in this application. It is an offence under section 79 of the Ordinance for any person to provide information which is false in a material particular and which he knows to be false or he has no reasonable ground to believe to be true in such particular.

Name of the person and his telephone no. for the Registrar's enquiries in connection with this application:

Name : _____

Telephone no. : _____



CHECKLIST FOR THE APPLICANT

Before you send in your application, check that you have:

1. completed every relevant section in this form and inserted “Nil”, “None” or “Not Applicable” in those sections or parts as appropriate; ()
 2. annexed to this form the relevant documents stated in Section IV and VI; ()
 3. where the Scheme has two or more relevant employers, annexed to this form: ()
 - (a) the power of attorney; and
 - (b) any Supplementary Form(s) 3A showing the particulars of the relevant employer(s) as required under Section V of this form;
 4. properly signed the declaration and stamped the official chop of the firm/company as appropriate in Section VII; and ()
 5. enclosed the crossed paper cheque, e-cheque or bank draft in Hong Kong dollars for \$940 made payable to the “MPFA Administration Account” in respect of the relevant application fee. (For payment made from a place outside Hong Kong: The MPFA only accepts payment by bank draft which can be drawn on a bank in Hong Kong and is in Hong Kong currency. Any bank charges incurred must be borne by the company itself.) For payment by e-cheque, please send an e-cheque via the e-Cheque Collection Portal (<https://echeque.mpfa.org.hk>). ()
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Staple your cheque or bank draft here



MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

PERSONAL INFORMATION COLLECTION STATEMENT (PICS)

This PICS is made by the Mandatory Provident Fund Schemes Authority (the MPFA) 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 MPFA 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 an Exemption Certificate of an ORSO Scheme required under section 7(2) of the Occupational Retirement Schemes Ordinance (Cap 426) (the Ordinance) will be used and held by the MPFA for one or more of the following purposes:
 - (i) exercising and performing the MPFA's functions pursuant to the Ordinance, including, but not limited to, exercising and performing functions related to section 7(2) of the Ordinance to issue an exemption certificate of an ORSO scheme;
 - (ii) considering any other application(s) made under the Mandatory Provident Fund Schemes Ordinance (Cap 485) (the MPFSO) and the Ordinance 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 MPFSO and the Ordinance;
 - (v) enabling or assisting the MPFA and other regulatory bodies/law enforcement agencies/government departments to perform functions under the MPFSO and the Ordinance 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 MPFA is subject to the MPFSO or the Ordinance;
 - (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 MPFA, and, in some circumstances, hindering the MPFA from performing its functions.



Transfer of Personal Data

3. The MPFA may disclose or transfer your personal data held by the MPFA 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 MPFSO or Ordinance.

Public Registers

4. The MPFA is required to establish and maintain a register of MPF exempted ORSO schemes and a register of ORSO schemes registered or exempted under the Ordinance, containing specified data (including personal data), pursuant to the relevant provisions of the MPFSO and the Ordinance. The MPFA 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 Ordinance, and to obtain the basic information of the ORSO

¹ Electronic MPF system means an electronic system designated under section 19I(1) of the MPFSO.
June 2024



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 Ordinance, or apply for a certified copy of an entry in the register, on payment to the MPFA of the respective prescribed fees.

Access to Personal Data

5. You are entitled under the PDPO to ascertain whether the MPFA 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 MPFA 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 MPFA's Privacy Policy Statement is available on the MPFA's website at <https://www.mpfa.org.hk/en/privacy-policy>