

**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP. 485)
("the MPFSO")**

**OCCUPATIONAL RETIREMENT SCHEMES ORDINANCE (CAP. 426)
("the ORSO")**

**REQUEST FOR CONSENT FOR DISCLOSURE OF INFORMATION UNDER
SECTION 42AAB OF THE MPFSO / SECTION 78A OF THE ORSO**

SECTION I – PARTICULARS OF THE SCHEME

(If more than one scheme, please provide in a separate sheet)

- (1) ORSO Scheme No.: _____
- (2) Name of the Scheme
(in English): _____
("the Scheme")
- (3) Global Intermediary
Identification Number
(GIIN): _____
- (4) Name of Pooling
Agreement (if any): _____

SECTION II

PART I – REQUEST FOR CONSENT

I/We hereby request for the consent of the Mandatory Provident Fund Schemes Authority ("MPFA") to:

Disclose Information pursuant to section 42AAB(1) of the MPFSO.

*and/or

Disclose Information pursuant to section 78A(1) of the ORSO.

to Department of The Treasury Internal Revenue Service of United States of America ("IRS") for compliance with the Foreign Account Tax Compliance Act ("FATCA") of United States of America.

For the Calendar year _____

PART II – BASIS FOR REQUESTING CONSENT FOR DISCLOSURE (Please complete all items if applicable)

I/We hereby confirm that:

(1) The governing rules of the scheme permit disclosure of the scheme's/scheme members' information for compliance with FATCA.

(2) The information disclosed is limited to those required under Form 8966 of IRS. (Please provide a copy of current version of the Form)

If another Form is used, please specify and provide a copy of the current version of the Form: _____

(3) The information is to be disclosed to IRS of USA in compliance with FATCA. IRS performs or exercises functions that correspond to those of the Commissioner of Inland Revenue.

Please tick whichever is appropriate:

(4) The scheme member(s) to whom the information relates has given written consent (see attached list of relevant scheme members with name and HKID/Passport no.);

(5) For recalcitrant account holders/dormant accounts, the information is disclosed in a manner that prevents particulars relating to the identity of the person to whom the information relates from being ascertained from the information.

SECTION III - DECLARATION

I/We declare that to the best of my/our knowledge and belief, the information given in this request form and any of its supporting documents is correct and complete. ★

I/We declare that the information (the subject of the current request) in relation to the scheme(s)/scheme member(s) is to be reported to IRS only.

I/We undertake to notify the Authority of any matter which affects the validity of any information given in support of the request.

I/We confirm that the disclosure of information (the subject of the current request) is, subject to the consent as requested being granted, in compliance with all applicable laws and regulations (including, but without limitation, the Personal Data (Privacy) Ordinance (Chapter 486 of the Laws of Hong Kong)).

I/We shall indemnify MPFA from and against any losses, liabilities, claims, demands, actions, damages, costs and expenses arising from or in connection with the disclosure of information.

Name of the *administrator (a body corporate or natural person) / relevant employer:

Signature and company chop of the *administrator (a body corporate or natural person) / relevant employer:

Name of person signing:

Title or position of person signing:

Date:

★ Warning: Section 43E(1) of the MPFSO makes it an offence punishable with 12 months' imprisonment and a fine of \$100,000 on first conviction and 2 years' imprisonment and a fine of \$200,000 on each subsequent conviction for a person who knowingly makes a false or misleading statement in a material respect.



Name and telephone no. of the contact person for the Authority's enquiries in connection with this request –

Name:

Telephone no.:

Disclaimer

The MPFA shall not be responsible or liable for any loss, destruction or damage (including without limitation consequential loss, destruction or damage) howsoever arising from the disclosure of information the subject of the current request.

Explanatory Notes

- (1) For consent requested under section 42AAB of the MPFSO, the request should be made by the administrator.
- (2) For consent requested under section 78A of the ORSO, the request should be made by the administrator or relevant employer.
- (3) The consent granted is to be considered on a per scheme and calendar year basis.
- (4) In case the scheme is a participating scheme of a pooling agreement, the administrator of the pooling agreement may submit in respect of participating schemes.
- (5) In case the scheme is a group scheme and the consent requested under section 78A of the ORSO, the request can be submitted by the representative employer.
- (6) All questions must be answered. If any question is not applicable, please write “N.A.”.
- (7) If boxes are provided, please tick whichever is appropriate.
- (8) The term “recalcitrant account holders” and “dormant accounts” under Part II of Section II refers the same definition as defined in the US Foreign Account Tax Compliance Act.
- (9) Signing requirement:
 - (a) if the request is made by a relevant employer which is a company, it is required to be signed by a director of the company.
 - (b) if the request is made by an administrator which is a company, it is required to be signed by a director or its authorized person.
- (10) * means delete whichever is inappropriate.

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

Personal Information Collection Statement

You are advised to read this Personal Information Collection Statement (“PICS”) carefully about your rights and obligations in relation to the supply of personal data by you (which data may relate to yourself or other persons) to the Mandatory Provident Fund Schemes Authority (“MPFA”).

Purpose of Collection and Use

1. Personal data to be collected in support of this request will be used for one or more of the following purposes:
 - (i) processing this request which is required under the relevant statutory provisions stated at the beginning of this request form;
 - (ii) considering any other application(s) made under the Mandatory Provident Fund Schemes Ordinance (“MPFSO”) and the Occupational Retirement Schemes Ordinance (“ORSO”) which is related to you;
 - (iii) establishing and keeping registers open to the public which will contain particulars including the name of employer, investment manager, designated person and scheme administrator;
 - (iv) administering and monitoring on-going compliance with the MPFSO and the ORSO;
 - (v) taking supervisory, disciplinary or enforcement actions;
 - (vi) exercising or performing the MPFA’s other functions under the MPFSO or the ORSO;
 - (vii) enabling or assisting other regulators to perform their functions under the MPFSO or their respective regimes;
 - (viii) research and statistical purposes; and
 - (ix) any other directly related purposes.
2. The supply of personal data by you in this request is required for the purpose of the request under the relevant statutory provisions stated at the beginning of this request form, and failure to supply sufficient information may result in delay or refusal in processing this request, and may constitute a breach of the relevant statutory requirements. If you supply personal data relating to another person, please ensure that he / she consents to the supply of his / her personal data by you to the MPFA for the

purposes stated in this PICS.

Transfer of Personal Data

3. Personal data provided by you will be used, disclosed or transferred to third parties including government bodies, other regulatory authorities, corporations, organizations or individuals in Hong Kong or overseas for the aforesaid purposes (where applicable) or in accordance with an order of a court or a law or a requirement made under a law.

Access to Personal Data

4. You are entitled under the Personal Data (Privacy) Ordinance (“PDPO”) to ascertain whether the MPFA holds any of your personal data, and to request access to or correction of any such personal data, in the manner and subject to the limitations set out in the PDPO. All enquiries concerning your personal data supplied in support of this request and requests for access or correction should be directed in writing to the Personal Data Privacy Officer of the Mandatory Provident Fund Schemes Authority at Level 12, Tower 1, The Millennity, 98 How Ming Street, Kwun Tong, Hong Kong.

Mandatory Provident Fund Schemes Authority