

<b>FORMER</b>
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**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP. 485)**  
**(“the Ordinance”)**

**APPLICATION FOR EXEMPTION OF ORSO REGISTERED SCHEME**

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**NOTES:**

- (1) *The applicant making an application for exemption of ORSO registered schemes should read the “Guidelines on MPF Exempted ORSO Schemes - Application for Exemption of ORSO Registered Schemes” before submitting the application.*
  - (2) *Please read the Notes on Personal Information Collection before completing this Form.*
  - (3) *All questions must be answered. If any question is not applicable, please write “N.A.”.*
  - (4) *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.*
  - (5) *If boxes are provided, please tick whichever is appropriate.*
  - (6) *\* means delete whichever is inappropriate.*
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**FOR OFFICIAL USE ONLY**

<b>Application no.:</b> _____ <b>Fee receipt no.:</b> _____ <b>Date of fee receipt:</b> _____ <b>Date of letter of acknowledgment:</b> _____	<b>Date application received:</b> _____ <b>Subject officer:</b> _____ <b>Input officer:</b> _____ <b>Verification officer:</b> _____
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**SECTION I - PARTICULARS OF THE POOLING AGREEMENT (if applicable)**

- (1) Name of the pooling agreement  
(in English):

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(in Chinese, if any):

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**SECTION II - PARTICULARS OF THE ORSO REGISTERED SCHEME (“the Scheme”) (for applications in respect of schemes participating in a pooling agreement, use supplement sheet in Annexure 1 for each scheme)**

- (1) Registration number under ORSO:

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- (2) Name of the Scheme (in English):

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(in Chinese, if any):

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- (3) Date of establishment of the Scheme:

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Day                  Month                  Year

- (4) Is the application made with respect to a scheme to which section 14 of the Mandatory Provident Fund Schemes (Exemption) Regulation (“the Exemption Regulation”) applies?

Yes

No

- (5) If the answer to (4) above is “Yes”, please provide the details of the original occupational retirement scheme to which this Scheme is related (use supplementary sheet if necessary):

- (a) Registration number:

R - 

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- (b) Name of the Scheme  
(in English):

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(in Chinese, if any):

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**SECTION III - PARTICULARS OF THE INVESTMENT MANAGER**

(1) Particulars of the investment manager [use supplementary sheet if necessary]:-

(a) Name (in English): \_\_\_\_\_  
(Insert surname first for individual)

(b) \*Registered office in Hong Kong/Principal place of business in Hong Kong/Business address/Residential address (in English):

Flat/Room	Floor	Block	Name of building
Street no.		Name of street	
Name of district/city/province		Area code/Postal code	
<i>Hong Kong</i> */			
Name of country			

(c) Telephone no.: (\_\_\_\_)\_\_\_\_\_ Fax no.: (\_\_\_\_)\_\_\_\_\_

(d) Business registration no. in Hong Kong, if any: \_\_\_\_\_

(e) SFC no., if any: \_\_\_\_\_

(2) Particulars of the authority under which the investment manager is supervised in its place of incorporation (if applicable):-

(a) Place of incorporation: \_\_\_\_\_

(b) Name of the authority: \_\_\_\_\_

(c) 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	
<i>Hong Kong</i> */			
Name of country			

Telephone no.: (\_\_\_\_)\_\_\_\_\_ Fax no.: (\_\_\_\_)\_\_\_\_\_

- (d) Registration number with the authority: \_\_\_\_\_
- (e) Type of licence, registration, authorization or permit issued by the authority: \_\_\_\_\_
- (f) Date of issue: \_\_\_\_\_
- (g) 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): \_\_\_\_\_

#### SECTION IV - DOCUMENTS TO BE ATTACHED

- (1) Please provide a copy of the governing rules and indicate below the relevant clause no. of the governing rules of the Scheme which provide for the following items (for applications in respect of schemes participating in a pooling agreement, please indicate separately the relevant clauses in the master governing rules and the Deed of Adherence/Variation):

Items	Clause no. in the governing rules
(a) Date of establishment of the Scheme	
(b) Definition of terms including “new member”, “existing member”, “new eligible employee”, “commencement date of MPF”, “minimum MPF benefits”, “years of post-MPF service”, etc.	
(c) Eligibility of employees to join the Scheme	
(d) Right of employees to choose between an ORSO scheme and an MPF scheme upon prescribed circumstances	
(e) Treatment of “minimum MPF benefits” upon inter-group transfer and scheme transfer	
(f) Preservation of minimum MPF benefits	
(g) Treatment of benefits upon dismissal for cause	
(h) Portability or transferability of minimum MPF benefits	
(i) Withdrawal of minimum MPF benefits	
(j) Treatment of accrued rights of existing members of the Scheme who opt to join an MPF scheme	
(k) Investment restrictions on the use of derivatives or borrowing	

- (2) **FOR SCHEME TO WHICH SECTION 14 OF THE EXEMPTION REGULATION APPLIES** - In addition to those required in (1) above, the following documents are required to be submitted together with this application:
- (a) A statement setting out -
    - (i) the reason for establishing the new scheme; and
    - (ii) the eligibility requirements for members of the original scheme(s) to be transferred to the new scheme.
  - (b) If the new scheme is established before the relevant date, a copy of the governing rules of each of the original scheme(s).
  - (c) The documents providing for the transfer, if any, of assets from the original scheme(s) to the new scheme.
  - (d) The documents evidencing the bona fide business transaction, if applicable.
  - (e) The documents evidencing the scheme restructuring, if applicable.
  - (f) A comparison of the terms and conditions of the original scheme(s) and the new scheme with respect to overall design, benefit level, etc.
  - (g) The percentage of members of the new scheme who are or will be members of the original scheme(s).
  - (h) Any other documents or information which may assist the Authority in reaching a decision on the application.

**SECTION V - DECLARATION**

\* (For a trustee who is a natural person) I certify that I have read the Notes on Personal Information Collection 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/we\* declare that to the best of my/our\* knowledge and belief the information given in this application form is correct and complete. ✦

I/we\* certify that the documents annexed to this application, if any, are true and correct copies.

I/we\* undertake to notify the Authority of any matter which affects the validity of any information given in support of our application.

After the application is approved, I/we\* undertake to notify the Authority of any material changes to, or affecting the completeness or accuracy of, the information provided in this Form as soon as possible.

Name of trustee: \_\_\_\_\_

Signature and company chop  
(to be signed by two directors or  
authorised persons of the trustee if it is  
a company): \_\_\_\_\_

Name of person(s) signing: \_\_\_\_\_

Title or position of person(s) signing: \_\_\_\_\_

Date: \_\_\_\_\_

✦ **Warning:** Section 43E of the Ordinance makes it an offence punishable with a maximum of 1 year's imprisonment for the first occasion and 2 years' imprisonment on each subsequent occasion for a person who makes a false or misleading statement in a material aspect.

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

Name: \_\_\_\_\_

Telephone no.: \_\_\_\_\_



**SECTION II - DOCUMENTS TO BE ATTACHED**

- (1) Please provide a copy of the deed of adherence/deed of variation in respect of the Scheme and indicate below the relevant clause no. of deed of adherence/deed of variation of the Scheme which provide for the following items (only those not contained in the master trust deed):

Items	Clause no. in the governing rules
(a) Date of establishment of the Scheme	
(b) Definition of terms including “new member”, “existing member”, “new eligible employee”, “commencement date of MPF”, “minimum MPF benefits”, “years of post-MPF service”, etc.	
(c) Eligibility of employees to join the Scheme	
(d) Right of employees to choose between an ORSO scheme and an MPF scheme upon prescribed circumstances	
(e) Treatment of “minimum MPF benefits” upon inter-group transfer and scheme transfer	
(f) Preservation of minimum MPF benefits	
(g) Treatment of benefits upon dismissal for cause	
(h) Portability or transferability of minimum MPF benefits	
(i) Withdrawal of minimum MPF benefits	
(j) Treatment of accrued rights of existing members of the Scheme who opt to join an MPF scheme	
(k) Investment restrictions on the use of derivatives or borrowing	

- (2) ***FOR SCHEME TO WHICH SECTION 14 OF THE EXEMPTION REGULATION APPLIES*** - In addition to those required in (1) above, the following documents are required to be submitted together with this application:

- (a) A statement setting out -
  - (i) the reason for establishing the new scheme; and
  - (ii) the eligibility requirements for members of the original scheme(s) to be transferred to the new scheme.
- (b) If the new scheme is established before the relevant date, a copy of the governing rules of each of the original scheme(s).
- (c) The documents providing for the transfer, if any, of assets from the original scheme(s) to the new scheme.
- (d) The documents evidencing the bona fide business transaction, if applicable.
- (e) The documents evidencing the scheme restructuring, if applicable.
- (f) A comparison of the terms and conditions of the original scheme(s) and the new scheme with respect to overall design, benefit level, etc.
- (g) The percentage of members of the new scheme who are or will be members of the original scheme(s).
- (h) Any other documents or information which may assist the Authority in reaching a decision on the application.