

## **MANDATORY PROVIDENT FUND SCHEMES AUTHORITY**

### **I.1 Guidelines on Application for Approval as Trustees and Application for Approval as Controllers of Approved Trustees**

#### **INTRODUCTION**

##### *Application for Approval as Approved Trustees*

Section 20(1) of the Mandatory Provident Fund Schemes Ordinance (the Ordinance) provides that a person may apply to the Mandatory Provident Fund Schemes Authority (the Authority) for approval as a trustee for the purposes of the Ordinance.

2. Section 20(4) of the Ordinance requires that an application must:
  - (a) be in a form approved by the Authority; and
  - (b) contain such information, and be accompanied by such documents, as may be prescribed by the guidelines; and
  - (c) be accompanied by an application fee of such amount as may be prescribed by the regulations.

##### *Application for Approval as Controllers of Approved Trustees*

3. According to section 2 of the Ordinance, the following persons are controllers of an approved trustee that is a company:
  - (a) the chief executive officer and directors of the company (officer);
  - (b) a person in accordance with whose instructions those directors are accustomed to act (shadow director);
  - (c) a natural person who, alone or together with an associate, a close relative or an employee of the person, or a company of which the person is a director, or through a nominee, controls at least 15% of

the voting shares of the company (substantial shareholder);

- (d) another company that, alone or with any associate, or any employee of an associate, of that other company, or through a nominee, controls at least 15% of the voting shares of the first-mentioned company (substantial shareholder).

4. Section 42B(1) of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation) provides that an approved trustee must not, on or after 1 December 2008, appoint a person to be an officer of the trustee unless the Authority has, on the application of the trustee, given prior written consent to the person's becoming such an officer. Sections 42C(1) and 42D(1) of the Regulation provide that a person must not become a shadow director or a substantial shareholder respectively of an approved trustee unless the Authority has given prior written consent to the person's becoming such a shadow director or substantial shareholder. Sections 42B(2), 42C(2) and 42D(4) of the Regulation further require that an application for the consent of the Authority to be a controller of an approved trustee must:

- (a) be in a form approved by the Authority; and
- (b) contain such information, and be accompanied by such documents, as are specified in the form.

5. Section 6H of 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.

6. The Authority hereby issues guidelines to specify the forms for application as trustees and controllers of approved trustees and prescribe the information and documents to be submitted together with the application forms.

## **EFFECTIVE DATE**

7. These revised Guidelines (Version 7 – April 2023) shall become effective on 24 April 2023. The previous version of these Guidelines (Version 6 – October 2017) shall be superseded on that day.

## **APPLICATION FOR APPROVAL**

### **Prescribed Forms**

#### *Application for Approval as Approved Trustees*

8. Application for approval as approved trustees can be made by either a company or a natural person.

9. For applicants which are companies (corporate applicants), the applications shall be made in the prescribed format as set out in Annexes A to D:

- (a) Annex A refers to the main application form (Form TC) which covers the information relating to the particulars of the applicant;
- (b) Annex B refers to the business plan (Form TC(B)) which covers the information relating to the operation system of the applicant;
- (c) Annex C refers to the application form (Form TC(A)) which covers the information relating to the administrator of the applicant; and
- (d) Annex D refers to the application form (Form TC(C)) which covers the information relating to the particulars of the controllers of the applicant. Each of the controllers has to fill in a separate Form TC(C).

10. For applicants who are natural persons (individual applicants), the applications shall be made in the prescribed format as set out in Annex E (Form TI) which covers the information relating to the suitability of the applicant.

### Application for Approval as Controllers of Approved Trustees

11. For application for approval as a controller of an approved trustee, the application shall be made in the prescribed format as set out in Annex D (Form TC(C)). Each applicant has to fill in a separate Form TC(C).

12. The prescribed format of the forms in the Annexes can be downloaded from the Authority's website at: [www.mpfa.org.hk](http://www.mpfa.org.hk).

### **Submission of Application**

13. The completed application forms and the relevant application documents for approval as trustees and/or controllers of approved trustees should be submitted in hard copies and sent, together with the application fees (if any), to:

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

### **DEFINITION OF TERMS**

14. 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**

15. 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 person<sup>1</sup> 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.

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<sup>1</sup> 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.

<b>FORM TC</b>
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**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)**  
**(the Ordinance)**

**APPLICATION FOR APPROVAL AS TRUSTEE**  
**(for applicant that is a company incorporated in Hong Kong or outside Hong Kong)**

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**NOTES:**

- (1) *The applicant making an application for approval as an approved trustee should read the Guidelines on Application for Approval as Trustees and Application for Approval as Controllers of Approved Trustees 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>Date application received:</b> _____
<b>Fee receipt no.:</b> _____	<b>Subject officer:</b> _____
<b>Date of fee receipt:</b> _____	<b>Input officer:</b> _____
<b>Date of letter of acknowledgement:</b> _____	<b>Verification officer:</b> _____

**SECTION I - PARTICULARS OF THE APPLICANT**

(1) Name of the Company (in English): \_\_\_\_\_

(in Chinese,  
if any): \_\_\_\_\_

(2) Date of incorporation: 

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Day Month Year

(3) Place of incorporation:  
(please also complete Section IX  
if not incorporated in Hong Kong) \_\_\_\_\_

(4) Is the company a Registered Trust Company  
(RTC), i.e. registered under Part 8 of the  
Trustee Ordinance (Cap 29)? Yes  No

(5) Financial year end date: 

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Day Month

(6) Registered office:

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			

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

(7) Address where the principal business is carried out in Hong Kong (if not the same as  
the registered office):

Flat/Room	Floor	Block	Name of building
Street no.	Name of street		
Name of district			<i>Hong Kong/Kowloon/New Territories*</i>

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

- (8) Address where books and records are accessible in Hong Kong (if not the same as (6) or (7)):

Flat/Room	Floor	Block	Name of building
Street no.		Name of street	
			<i>Hong Kong/Kowloon/New Territories*</i>
Name of district			

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

- (9) Business registration no., if any: \_\_\_\_\_

## SECTION II - CAPITAL ADEQUACY

- (1) Capital adequacy of the applicant (please state the currency used):

(A) Paid up share capital \*\*: \_\_\_\_\_

(B) Net asset value \*\*: \_\_\_\_\_

(C) Net asset value held in Hong Kong: \_\_\_\_\_

(D) Date of valuation: \_\_\_\_\_

*\*\* If the paid up share capital or the net asset value is less than HK\$150 million, please also complete (2) and (3) below.*

- (2) Capital adequacy of the substantial financial institution (if applicable) (please state the currency used):

(A) Paid up share capital: \_\_\_\_\_

(B) Net asset value: \_\_\_\_\_

(C) Date of valuation: \_\_\_\_\_

## (3) Particulars of the substantial financial institution (if applicable):

(A) Name of the Company  
(in English):

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(in Chinese, if any):

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(B) Date of incorporation:

Day		Month		Year			

(C) Place of incorporation:

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(D) 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) (if any):

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(E) Financial year end date:

Day		Month	

(F) Nature of company:

(a) RTC in Hong Kong

(b) Authorized financial  
institution in Hong  
Kong
(c) Authorized insurer in  
Hong Kong
(d) Overseas trust  
company \*\*

Approving authority: \_\_\_\_\_

(e) Overseas bank \*\*

Approving authority: \_\_\_\_\_

(f) Overseas insurer \*\*

Approving authority: \_\_\_\_\_

\*\* Please also complete (J) with regard to the approving authority.

(G) Registered office:

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			

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

(H) Principal place of business in Hong Kong (if any):

Flat/Room	Floor	Block	Name of building
Street no.	Name of street		
	<i>Hong Kong/Kowloon/New Territories*</i>		
Name of district			

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

(I) Relationship with the applicant (please attach a group chart showing the relationship):

\_\_\_\_\_

(J) (a) Address of the approving authority stated under (F)(d), (F)(e) or (F)(f):

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			

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

(b) Type of licence, registration, authorization, or permit issued to the institution by the approving authority and date of issue:

\_\_\_\_\_

Day		Month		Year			

**SECTION III - LIST OF CONTROLLERS**

Please list below the names of all the controllers (as defined in section 2 of the Ordinance) of the applicant: (each of them should complete the application form i.e. FORM TC(C), with regard to their suitability)

No.	Name of Controller	Capacity
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

**SECTION IV - DISCIPLINARY AND INVESTIGATION HISTORY**

- (1) Has the applicant 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 the organization: \_\_\_\_\_

Address of the organization: \_\_\_\_\_

Action taken by the organization: \_\_\_\_\_

Date of such action: \_\_\_\_\_

Reason for such action: \_\_\_\_\_

- (2) Has the applicant ever been disqualified, censured or disciplined by any professional body or by any regulatory body in relation to any of its businesses in Hong Kong or elsewhere? Yes/No\*

If yes, please provide the following information:

Name of the organization taking disciplinary action: \_\_\_\_\_

Nature of the disciplinary action: \_\_\_\_\_

Outcome (if applicable): \_\_\_\_\_

Date of disciplinary action: \_\_\_\_\_

Reason for disciplinary action: \_\_\_\_\_

- (3) Are there any disciplinary actions or proceedings pending against the applicant in relation to any trade, business or profession carried on by it in any place?

Yes/No\*

If yes, please provide the following information:

Name of the organization taking disciplinary action:

\_\_\_\_\_

Nature of the disciplinary action:

\_\_\_\_\_

Outcome (if applicable):

\_\_\_\_\_

Date of disciplinary action:

\_\_\_\_\_

Reason for disciplinary action:

\_\_\_\_\_

- (4) Has the applicant ever been the subject of any investigation by inspector, the police, or by any professional body, association, disciplinary tribunal or inspector appointed under any enactment, or by any other regulatory body in relation to any of its businesses in Hong Kong or elsewhere?

Yes/No\*

If yes, please provide the following information:

Name of the organization undertaking investigation:

\_\_\_\_\_

Nature of investigation:

\_\_\_\_\_

Summary of findings (with dates):

\_\_\_\_\_

- (5) Has the applicant 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:

\_\_\_\_\_

Date of disqualification:

\_\_\_\_\_

- (6) Does the applicant have any record of non-compliance with any non-statutory codes or guidelines promulgated by any regulator in Hong Kong or any relevant overseas authority? Yes/No\*

If yes, please provide the following information:

Name and place of  
regulator/authority: \_\_\_\_\_

Details of non-compliance  
(with dates): \_\_\_\_\_

## SECTION V - FINANCIAL STATUS

- (1) Has the applicant ever been a party to any civil litigation 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 dates): \_\_\_\_\_

Name and place of court  
where proceedings  
commenced: \_\_\_\_\_

- (2) Other than those listed under question (1), if any, has the applicant ever been, or is the applicant presently, or does the applicant expect to be engaged in any litigation in Hong Kong or elsewhere? Yes/No\*

If yes, please provide the following information:

Name of the parties involved: \_\_\_\_\_

Date and place of litigation: \_\_\_\_\_

Nature of litigation: \_\_\_\_\_

- (3) Has the applicant ever, in Hong Kong or elsewhere, entered into any scheme of arrangement or any form of composition with its creditors? Yes/No\*

If yes, please provide the following information:

Details of arrangement or composition (with dates):

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- (4) Has a petition ever been presented for winding up the applicant? Yes/No\*

If yes, please provide the following information:

Date of such petition: \_\_\_\_\_

Current status: \_\_\_\_\_

Outcome: \_\_\_\_\_

Amount involved: \_\_\_\_\_

- (5) Has a receiver ever been appointed by the court or any creditor to manage the affairs of the applicant? Yes/No\*

If yes, please provide the following information:

Date of such appointment: \_\_\_\_\_

Current status: \_\_\_\_\_

Outcome: \_\_\_\_\_

Amount involved: \_\_\_\_\_

- (6) Has the applicant 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 it? Yes/No\*

If yes, please provide the following information:

Current status: \_\_\_\_\_

Outcome: \_\_\_\_\_

Amount involved: \_\_\_\_\_

**SECTION VI - CONVICTION**

- (1) Has the applicant ever been convicted of any offence or is the applicant 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): \_\_\_\_\_

**SECTION VII - BUSINESS PLAN**

- (1) A business plan in the format prescribed in FORM TC(B) should be attached with the application.
- (2) If the Company has appointed or plans to appoint third parties to administer scheme records (the administrator), please list below the names of those administrators. Each of those administrators should complete the FORM TC(A) with regard to books and records.

No.	Name of administrator
1.	
2.	

**SECTION VIII - INSURANCE ARRANGEMENTS**

- (1) Is there in force, or have arrangements been made to enter into, adequate insurance in accordance with section 23(9) of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation)? Yes  No
- (2) If the answer to (1) is "Yes", is the insurance obtained from a person(s) specified in section 6(1) of the Insurance Ordinance (Cap 41)?  
(If the answer to (2) is "No", please submit FORM EI in respect of the person(s) either with this application or with an application for registration of scheme.) Yes  No

## SECTION IX - ADDITIONAL INFORMATION (for company incorporated outside Hong Kong)

- (1) Name of the authority under which the company is being supervised in the company's place of incorporation: \_\_\_\_\_
- (2) Registration number with the authority: \_\_\_\_\_
- (3) Type of licence, registration, authorization or permit issued by the authority: \_\_\_\_\_
- (4) Date of issue: \_\_\_\_\_
- (5) 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) (if any): \_\_\_\_\_

- (6) Principal place of business in Hong Kong:

Flat/Room	Floor	Block	Name of building
Street no.	Name of street		
Name of district		<i>Hong Kong/Kowloon/New Territories*</i>	

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

- (7) Address of the authority stated under (1):

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			

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

**SECTION X - DOCUMENTS TO BE ATTACHED**

<b>Documents</b>	<b>Attachment No.</b>
(1) A copy of certificate of incorporation with the Companies Registry in Hong Kong in respect of the applicant	
(2) A copy of the constitution documents showing the objects of the applicant	
(3) Evidence of authorization to carry out trust business	
(4) Application by the controllers, including directors, chief executive officers, etc. (FORM TC(C))	
(5) A copy of the audited financial statements for the last three years of the applicant or since its incorporation if it has been incorporated for less than three years	
(6) A copy of the auditors' report on capital adequacy	
(7) Business plan of the applicant (FORM TC(B))	
(8) Information relating to administrator (FORM TC(A)), if applicable	
(9) An undertaking to the Authority in compliance with section 20(6)(b) of the Ordinance	

<b>Additional documents</b>		<b>Attachment No.</b>
<b>For company with continuous financial support from another company</b>		
(10)	A copy of certificate of incorporation/registration with overseas authority in respect of the substantial financial institution	
(11)	A copy of certificate of incorporation/registration with the Companies Registry in Hong Kong in respect of the substantial financial institution	
(12)	Group chart showing the relationship (with percentage of shareholding) between the applicant and the substantial financial institution	
(13)	A copy of the audited financial statements for the last three years of the substantial financial institution or since its incorporation if it has been incorporated for less than three years	
(14)	An undertaking to the Authority by the substantial financial institution for providing continuous financial support to the applicant in compliance with section 12 of the Regulation	

<b>Additional documents</b>		<b>Attachment No.</b>
<b>For company incorporated outside Hong Kong</b>		
(15)	A copy of certificate of incorporation/registration with overseas authority in respect of the applicant	
(16)	Letter from overseas authority confirming good standing of the applicant	
(17)	An undertaking to the Authority in relation to transactions to be governed by Hong Kong law in compliance with section 17(12) of the Regulation	

**SECTION XI - DECLARATION**

We certify that we have read the Notes on Personal Information Collection and understand our 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.

We declare that to the best of our knowledge and belief, the information given in this application form is correct and complete. ✦

We certify that the documents attached to this application are true and correct copies.

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, we undertake to notify the Authority of any material changes to, or affecting the completeness or accuracy of, the information provided in this Form and any documents in relation to the application as soon as possible.

Name of applicant: \_\_\_\_\_  
\_\_\_\_\_

Signature and company chop  
(to be signed by two directors): \_\_\_\_\_

Name of persons signing: \_\_\_\_\_

Title or position of persons signing: \_\_\_\_\_

Date of application: \_\_\_\_\_

✦ **Warning:** Section 43E of the 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 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.: \_\_\_\_\_

<b>FORM TC(B)</b>
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**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)  
(the Ordinance)**

**APPLICATION FOR APPROVAL AS TRUSTEE  
(INFORMATION RELATING TO THE BUSINESS PLAN)**

**SECTION I - PARTICULAR OF THE APPLICANT**

(1) Name of the Company: \_\_\_\_\_

**SECTION II - COMPANY PROFILE**

- (1) A copy of the up-to-date organizational chart of the group of which the company is a member, showing the respective percentages of shareholdings, if applicable.
- (2) Give the following particulars of the immediate/ultimate holding company of the applicant, if any:

	Immediate Holding Company	Ultimate Holding Company
(A) Name		
(B) Registered office		
(C) Region/country and date of incorporation		
(D) Nature of business		

(E) Names of directors		
(F) State the names of the directors who will be actively involved in the management of the applicant		
(G) Names of controllers that hold at least 15% of voting shares and their respective shareholdings		

- (3) Organizational structure, a brief description of the division of functions among different departments and staff position including the number of staff by department and by rank.
- (4) A list of key personnel who are in charge of statutory compliance and supervision of scheme administration, detailing their respective qualifications and experience.
- (5) A description of the arrangements of scheme administration, including the following:
- (A) If the day to day business activities will not be conducted wholly in Hong Kong, where they will be conducted and how these activities will be supervised by the Hong Kong office? Who is responsible, i.e. name and particulars of the person, for supervising and controlling these business activities?
  - (B) What arrangements will be made with regard to the keeping of books of account and other records in respect of the Mandatory Provident Fund (MPF) schemes business? To what extent the company considers that it is able to meet the auditing requirements under the Ordinance? What records will be kept in Hong Kong?
  - (C) If the company plans to conduct scheme administration in-house, a description of the computer system of the company for carrying out MPF business. State the main functions of the system and where it is physically located. State also whether the software of the system is tailor-made or standard package with or without modifications.
  - (D) A description of the internal controls measures proposed to be implemented to achieve the control objectives of MPF schemes for compliance with the Ordinance.
  - (E) A description of the operating systems proposed to be implemented in respect of administering MPF schemes, e.g. internal audits, procedures for handling clients'

complaints, mechanism for handling public enquiries.

- (F) If any functions are outsourced, please describe how you will supervise the performance of those functions.
  
- (6) What arrangements would be made with regard to the indemnity insurance? Would there be multiple policies obtained from more than one eligible insurer? If so, who are the insurers and how the coverage is spread between these insurers?
  
- (7) In the case of a company carrying on business other than MPF business, give a detailed description of that other business or businesses.
  
- (8) In the case of a company incorporated outside Hong Kong:
  - (A) a brief description of its experience in conducting business internationally; and
  - (B) provide other information relating to its standing as an international financial institution, such as the up-to-date rating and ranking in respect of the financial position of the company.

### **SECTION III - PARTIES PROVIDING SERVICES TO THE COMPANY**

- (1) Names, addresses and qualifications of the auditors of the company.
  
- (2) Names and addresses of the company's principal bankers.
  
- (3) Names, addresses and qualifications of the company's professional advisers (other than auditors) including solicitors, investment advisers, consultants, etc.

**SECTION IV - FINANCIAL PROJECTION**

- (1) Provide two sets of financial projections, representing separately a “best estimate” and a “pessimistic estimate”, for each of the first three financial years following approval in respect of its MPF schemes business. The financial projections should include a projected profit and loss account and a projected balance sheet. A “best estimate” projection should show the company’s realistic expectations while a “pessimistic estimate” projection should show the worst scenario. This should include a summary of the key underlying assumptions that have been made in the preparation of the projections.

**SECTION V - OTHER INFORMATION, ACCOUNTS, AGREEMENTS**

- (1) Copies of the latest accounts of the immediate holding company and the ultimate holding company.
- (2) Copies of any report or investigation in respect of the company produced within the last three years by any supervisory authority or governmental agency, if any.
- (3) (A) State, whether in any jurisdiction within the past five years:
  - (a) a petition has been presented to the court for the winding up of the holding company of the company or the company that provides continuous financial support to the company,
  - (b) a receiver has been appointed in respect of any of the assets of the holding company of the company or the company that provides continuous financial support to the company, or
  - (c) the holding company of the company or the company that provides continuous financial support to the company has made any composition or arrangement with its creditors or any class of its creditors, and
- (B) if the answer to any of the above is “yes”, give details of the present position regarding any such petition/receivership/composition/arrangement.

**SECTION VI - DECLARATION**

We certify that we have read the Notes on Personal Information Collection and understand our 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.

We declare that to the best of our knowledge and belief, the information given in this Form is correct and complete. ✦

We certify that the documents attached to this Form are true and correct copies.

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, we undertake to notify the Authority of any material changes to, or affecting the completeness or accuracy of, the information provided in this Form and any documents in relation to the application as soon as possible.

Name of applicant:

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Signature and company chop  
(to be signed by two directors):

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Name of persons signing:

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Title or position of persons signing:

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Date:

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✦ **Warning:** Section 43E of the 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 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:

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Telephone no.:

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**FORM TC(A)**

**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)  
(the Ordinance)**

**APPLICATION FOR APPROVAL AS TRUSTEE  
(INFORMATION RELATING TO ADMINISTRATOR)**

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*NOTES:*

- (1) *All questions must be answered. If any question is not applicable, please write "N.A."*
- (2) *\* means delete whichever is inappropriate.*

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**FOR OFFICIAL USE ONLY**

**Application no.:** \_\_\_\_\_ **Date application received:** \_\_\_\_\_

**Subject officer:** \_\_\_\_\_ **Input officer:** \_\_\_\_\_

**SECTION I - PARTICULARS OF THE ADMINISTRATOR**

(1) Name of the administrator:

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(2) Place of incorporation: (please attach a copy of certificate of incorporation/registration)

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(3) Address where the principal business is carried out in Hong Kong:

Flat/Room	Floor	Block	Name of building
Street no.		Name of street	
Name of district			<i>Hong Kong/Kowloon/New Territories*</i>

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

**SECTION II - BUSINESS ACTIVITIES**

(please use separate sheet if necessary)

- (1) If the day to day business activities will not be conducted wholly in Hong Kong, where they will be conducted and how these activities will be supervised by the Hong Kong office? Who is responsible, i.e. name and particulars of the person, for supervising and controlling these business activities?
  
- (2) What arrangements will be made with regard to the keeping of books of account and other records in respect of the Mandatory Provident Fund (MPF) schemes business. To what extent the company considers that it is able to meet the auditing requirements under the Ordinance? What records will be kept in Hong Kong?
  
- (3) A description of the computer system of the company for carrying out MPF business. State the main functions of the system and where it is physically located. State also whether the software of the system is tailor-made or standard package with or without modifications.

**SECTION III - DECLARATION**

We certify that we have read the Notes on Personal Information Collection and understand our 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.

We declare that to the best of our knowledge and belief, the information given in this Form is correct and complete. ✦

We certify that the documents attached to this Form are true and correct copies.

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, we undertake to notify the Authority of any material changes to, or affecting the completeness or accuracy of, the information provided in this Form and any documents in relation to the application as soon as possible.

Name of the administrator:

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Signature and company chop  
(to be signed by two directors):

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Name of persons signing:

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Title or position of persons signing:

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Date:

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✦ **Warning:** Section 43E of the 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 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:

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Telephone no.:

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**FORM TC(C)**

**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)  
(the Ordinance)**

**APPLICATION FOR APPROVAL AS TRUSTEE  
(APPLICATION BY THE CONTROLLER)**

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**NOTES:**

- (1) *Please read the Notes on Personal Information Collection before completing this Form.*
- (2) *All questions must be answered. If any question is not applicable, please write "N.A."*
- (3) *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.*
- (4) *If boxes are provided, please tick whichever is appropriate.*
- (5) *\* means delete whichever is inappropriate.*

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**FOR OFFICIAL USE ONLY**

**Application no.:** \_\_\_\_\_ **Date application received:** \_\_\_\_\_

**Subject officer:** \_\_\_\_\_ **Input officer:** \_\_\_\_\_

**SECTION I - PARTICULARS OF THE CONTROLLER**

(1) Name of applicant/approved trustee to which the controller is connected:

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(2) In what capacity are you a controller of the applicant/approved trustee?

Director

Director with relevant experience and skill

Independent director

Shadow director i.e. a person in accordance with his/her instruction the directors are accustomed to act

Chief executive officer

Substantial shareholder

A natural person who, alone or together with an associate, a close relative or an employee of the person, or a company of which the person is a director, or through a nominee, controls at least 15% of the voting shares of the applicant/approved trustee

A company that, alone or with any associate, or any employee of an associate, of that company, or through a nominee, controls at least 15% of the voting shares of the applicant/approved trustee

(3) Date/proposed date of becoming a controller of the applicant/approved trustee:

Day		Month		Year			

(4) Please advise whether you have exercised any voting rights in respect of your shares specified in section 42D(8) of the Mandatory Provident Fund Schemes (General) Regulation? Yes/No\*

If yes, please provide details (e.g. date, number of shares involved and circumstances in which the voting occurred):

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**PART A - PARTICULARS OF CONTROLLER WHO IS A NATURAL PERSON**

- (1) (A) Surname (in English): \_\_\_\_\_
- (B) Forenames (in English): \_\_\_\_\_
- (C) Name in Chinese (if any): \_\_\_\_\_
- (D) Name in Chinese Commercial Code (if any): \_\_\_\_\_
- (E) Any previous name(s) by which you have been known: \_\_\_\_\_
- (F) Hong Kong Identity Card/Passport No.\*: \_\_\_\_\_
- (G) Date of birth (DD/MM/YYYY): \_\_\_\_\_
- (H) Place of birth: \_\_\_\_\_
- (I) Nationality: \_\_\_\_\_
- (J) Are you a public officer? Yes/No\*
- (K) What is the percentage of voting shares of the applicant/approved trustee controlled by you, either alone or together with an associate, a close relative, or an employee of you, or a company of which you are a director, or through a nominee? \_\_\_\_\_
- (2) (A) Your residential address: \_\_\_\_\_
- (B) Your previous residential addressees during the last three years: \_\_\_\_\_
- (C) Telephone number and fax number: \_\_\_\_\_
- (D) Do you ordinarily reside in Hong Kong? Yes/No\*
- (E) Period of residence in Hong Kong (in years): \_\_\_\_\_
- (3) Please describe the particular duties and responsibilities attaching to the position which you hold or will hold. If you are completing this form in the capacity of director or prospective director, indicate whether, in your position as director, you have or will have executive responsibility for the management of the applicant's/ approved trustee's business.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- (4) In carrying out your duties or exercising voting power will you be acting on the directions or instructions of any other person? Yes/No\*

If yes, please provide the following information:

Name of the person: \_\_\_\_\_

Position held by the person: \_\_\_\_\_

- (5) Please state your professional, academic, technical or other qualifications and the years in which they were obtained.

Professional and academic qualifications	Issuing institutions	Dates obtained

- (6) 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.		

- (7) The companies of which you have been a controller at any time during the past 10 years, in Hong Kong or elsewhere.

Details of company	1	2	3
(A) Name of company			
(B) Principal business address			
(C) Place of incorporation			
(D) Nature of business			
(E) Capacity in which appointed			
(F) Brief description of your duties and responsibilities			
(G) Date of commencement of becoming a controller			
(H) Date of termination of appointment (if applicable)			
(I) Reasons for termination of appointment			

- (8) Have you ever been found by a court, in accordance with the Mental Health Ordinance (Cap 136), to be of unsound mind and incapable of managing your affairs?

Yes/No\*

- (9) 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:

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Penalty imposed (if any):

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Date of conviction or trial:

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Name and place of court in which the offence was tried:

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Court reference (if any):

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- (10) 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):

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Nature of litigation and outcome (with date):

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Name and place of court where proceedings commenced:

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- (11) Other than those listed under question (10), 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 the parties involved:

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Date and place of litigation:

---

Nature of litigation:

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- (12) 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 the organization

taking action: \_\_\_\_\_

Nature of the action taken/  
proceedings: \_\_\_\_\_

Outcome (if applicable): \_\_\_\_\_

Date of action/proceedings: \_\_\_\_\_

Reason for action/proceedings: \_\_\_\_\_

- (13) 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 the organization: \_\_\_\_\_

Address of the organization: \_\_\_\_\_

Action taken by the organization: \_\_\_\_\_

Date of such action: \_\_\_\_\_

Reason for such action: \_\_\_\_\_

- (14) 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 the organization taking  
disciplinary action: \_\_\_\_\_

Nature of the disciplinary action: \_\_\_\_\_

Outcome (if applicable): \_\_\_\_\_

Date of disciplinary action: \_\_\_\_\_

Reason for disciplinary action: \_\_\_\_\_

- (15) 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): \_\_\_\_\_

- (16) 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 overseas authority? Yes/No\*

If yes, please provide the following information:

Name and place of regulator/  
authority: \_\_\_\_\_

Details of non-compliance  
(with dates): \_\_\_\_\_

- (17) 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: \_\_\_\_\_

- (18) 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 the 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): \_\_\_\_\_

- (19) Have you, as a controller, ever been concerned with a body corporate, partnership or unincorporated institution which was wound up (other than voluntary dissolution), adjudicated bankrupt by a court or was otherwise insolvent or had a receiver or administrator appointed, or was the subject of any investigation by inspector, the police, or by any professional body, association, disciplinary tribunal or inspector appointed under any enactment, or by any other regulatory body in relation to any of its businesses in Hong Kong or elsewhere? Yes/No\*

If yes, please provide the following information:

Name of the body corporate/  
partnership/unincorporated  
institution:

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Date of event:

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Details of event:

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Name of the organization  
undertaking investigation:

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Nature of investigation:

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Summary of findings (with dates):

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- (20) Have you, as a controller, ever been concerned with a body corporate, partnership or unincorporated institution which was convicted of any offence; or censured, disciplined or reprimanded by, or denied or disqualified from membership of, a professional or trade body; or whose authorization or registration or similar type of approval has ever been refused, suspended or revoked by a regulatory body? Yes/No\*

If yes, please provide the following information:

Name of the body corporate/  
partnership/unincorporated  
institution:

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Nature and date of event:

---

Details of event:

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Name of the court/body:

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- (21) Please describe any business interests (beneficial or otherwise) relating to MPF business, other than those business interests with the applicant/approved trustee, which exist or which may exist.

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**PART B - PARTICULARS OF CONTROLLER WHICH IS A COMPANY**

- (1) (A) Name in English: \_\_\_\_\_
- (B) Name in Chinese (if any): \_\_\_\_\_
- (C) Place of incorporation: \_\_\_\_\_
- (D) Date of incorporation  
(DD/MM/YYYY): \_\_\_\_\_
- (E) 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) (if any): \_\_\_\_\_
- (F) Registered office: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (G) Principal place of business in Hong  
Kong: \_\_\_\_\_  
\_\_\_\_\_
- (H) What is the percentage of voting  
shares of the applicant/approved  
trustee controlled by the company? \_\_\_\_\_
- (I) If the percentage of voting shares  
controlled is less than 15%, please list  
out any associate or any employee of  
an associate of the company, or  
nominee which, together with the  
company, control at least 15% voting  
shares of the applicant/ approved  
trustee. Please also specify the  
relationship between the company and  
those parties: \_\_\_\_\_

- (2) Has the company ever been convicted of any offence or is the company 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): \_\_\_\_\_

- (3) Has the company ever been a party to any civil litigation 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: \_\_\_\_\_

- (4) Other than those listed under question (3), if any, has the company ever been, or is the company presently, or does the company expect to be engaged in any litigation in Hong Kong or elsewhere?  
Yes/No\*

If yes, please provide the following information:

Name of the parties involved: \_\_\_\_\_

Date and place of litigation: \_\_\_\_\_

Nature of litigation: \_\_\_\_\_

- (5) Has the company 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 the organization: \_\_\_\_\_

Address of the organization: \_\_\_\_\_

Action taken by the organization: \_\_\_\_\_

Date of such action: \_\_\_\_\_

Reason for such action: \_\_\_\_\_

- (6) Has the company ever been disqualified, censured or disciplined by any professional body or by any regulatory body in relation to any of its businesses in Hong Kong or elsewhere?  
Yes/No\*

If yes, please provide the following information:

Name of the organization taking  
disciplinary action: \_\_\_\_\_

Nature of the disciplinary action: \_\_\_\_\_

Outcome (if applicable): \_\_\_\_\_

Date of disciplinary action: \_\_\_\_\_

Reason for disciplinary action: \_\_\_\_\_

- (7) Are there any disciplinary actions or proceedings pending against the company in relation to any trade, business or profession carried on by it in any place? Yes/No\*

If yes, please provide the following information:

Name of the organization taking disciplinary action: \_\_\_\_\_

Nature of the disciplinary action: \_\_\_\_\_

Outcome (if applicable): \_\_\_\_\_

Date of disciplinary action: \_\_\_\_\_

Reason for disciplinary action: \_\_\_\_\_

- (8) Has the company ever been the subject of any investigation by inspector, the police, or by any professional body, association, disciplinary tribunal or inspector appointed under any enactment, or by any other regulatory body in relation to any of its businesses in Hong Kong or elsewhere? Yes/No\*

If yes, please provide the following information:

Name of the organization undertaking investigation: \_\_\_\_\_

Nature of investigation: \_\_\_\_\_

Summary of findings (with dates): \_\_\_\_\_

- (9) Has the company 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: \_\_\_\_\_

Date of disqualification: \_\_\_\_\_

- (10) Does the company have any record of non-compliance with any non-statutory codes or guidelines promulgated by any regulator in Hong Kong or any relevant overseas authority? Yes/No\*

If yes, please provide the following information:

Name and place of regulator/ authority: \_\_\_\_\_

Details of non-compliance (with dates): \_\_\_\_\_

- (11) Has the company ever, in Hong Kong or elsewhere, entered into any scheme of arrangement or any form of composition with its creditors? Yes/No\*

If yes, please provide the following information:

Details of arrangement or composition (with dates):

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- (12) Has a petition ever been presented for winding up the company? Yes/No\*

If yes, please provide the following information:

Date of such petition: \_\_\_\_\_

Current status: \_\_\_\_\_

Outcome: \_\_\_\_\_

Amount involved: \_\_\_\_\_

- (13) Has a receiver ever been appointed by the court or any creditor to manage the affairs of the company? Yes/No\*

If yes, please provide the following information:

Date of such appointment: \_\_\_\_\_

Current status: \_\_\_\_\_

Outcome: \_\_\_\_\_

Amount involved: \_\_\_\_\_

- (14) Has the company 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 it? Yes/No\*

If yes, please provide the following information:

Current status: \_\_\_\_\_

Outcome: \_\_\_\_\_

Amount involved: \_\_\_\_\_

- (15) Has the company, as a controller, ever been concerned with a body corporate, partnership or unincorporated institution which was wound up (other than voluntary dissolution), adjudicated bankrupt by a court or was otherwise insolvent or had a receiver or administrator appointed, or was the subject of any investigation by inspector, the police, or by any professional body, association, disciplinary tribunal or inspector appointed under any enactment, or by any other regulatory body in relation to any of its businesses in Hong Kong or elsewhere? Yes/No\*

If yes, please provide the following information:

Name of the body corporate/  
partnership/unincorporated  
institution:

---

Date of event:

---

Details of event:

---

Name of the organization  
undertaking investigation:

---

Nature of investigation:

---

Summary of findings (with dates):

---

- (16) Has the company, as a controller, ever been concerned with a body corporate, partnership or unincorporated institution which was convicted of any offence; or censured, disciplined or reprimanded by, or denied or disqualified from membership of, a professional or trade body; or whose authorization or registration or similar type of approval has ever been refused, suspended or revoked by a regulatory body? Yes/No\*

If yes, please provide the following information:

Name of the body corporate/  
partnership/unincorporated  
institution:

---

Nature and date of event:

---

Details of event:

---

Name of the court/body:

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- (17) Please describe any business interests (beneficial or otherwise) relating to MPF business, other than those business interests with the applicant/approved trustee, which exist or which may exist.

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**PART C - PARTICULARS OF THE INDEPENDENT DIRECTOR**

- (1) Are you an employee or partner of the applicant/approved trustee, or an employee or partner of an associate of the applicant/approved trustee? Yes/No\*
- (2) Are you a director of an associate of the applicant/approved trustee? Yes/No\*
- (3) Do you hold any shares of the applicant/approved trustee or do you hold any shares of any associate of the applicant/approved trustee? Yes/No\*
- (4) Do you have any past or present association (financial or otherwise) with:
- (A) the applicant/approved trustee (otherwise than a director or professional adviser); or
  - (B) any controller of the applicant/approved trustee; or
  - (C) any associate of the applicant/approved trustee or any associate of any such controller,
- that could affect the impartiality of the director's independent judgment? Yes/No\*
- (5) Are you a controller (otherwise than by virtue of being a director), close relative, partner or employee of the applicant/approved trustee or of any associate of the applicant/approved trustee? Yes/No\*
- (6) Are you an auditor or actuary of any provident fund scheme administered by the applicant/approved trustee? Yes/No\*

**SECTION II - DOCUMENTS TO BE ATTACHED****For Controller who is a Natural Person**

	<b>Documents</b>	<b>Attachment No.</b>
(1)	A chart showing the relationship among the associates, close relatives, employees of the person or a company of which the person is a director or nominees of the person who hold shares of the applicant/approved trustee together with the percentage of shares held by each party	
(2)	Copies of the certificates for proving the professional, academic, technical or other qualifications of the person	

**For Controller who is a Company**

(1)	A copy of Certificate of Incorporation	
(2)	A copy of Business Registration Certificate (if any)	
(3)	An organization chart showing the relationship between the company, its associate, employee of its associate or nominee with voting shares of the applicant/approved trustee and the percentage of voting shares held by each party	
(4)	A copy of the latest audited financial statements and auditor's report	

**SECTION III - DECLARATION**

\*(For controller 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 Form is correct and complete. ✦

I/We\* certify that the documents attached to this Form are true and correct copies.

I/We\* undertake to notify the Authority of any matter which affects the validity of any information given in this Form.

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 and any documents in relation to the application as soon as possible.

Name of controller:

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Signature (and company chop)  
(to be signed by two directors if the controller is a company):

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Name of person(s) signing:

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Title or position of person(s) signing:

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Date:

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✦ **Warning:** Section 43E of the 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 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:

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Telephone no.:

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**FORM TI**

**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)  
(the Ordinance)**

**APPLICATION FOR APPROVAL AS TRUSTEE  
(for applicant who is a natural person)**

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**NOTES:**

- (1) *The applicant making an application for approval as trustee should read the Guidelines on Application for Approval as Trustees and Application for Approval as Controllers of Approved Trustees 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>Date application received:</b> _____
<b>Fee receipt no.:</b> _____	<b>Subject officer:</b> _____
<b>Date of fee receipt:</b> _____	<b>Input officer:</b> _____
<b>Date of letter of acknowledgement:</b> _____	<b>Verification officer:</b> _____

**SECTION I - PARTICULARS OF THE APPLICANT**

(1) Surname (in English)	
(2) Forenames (in English)	
(3) Name in Chinese (if any)	
(4) Name in Chinese Commercial Code (if any)	
(5) Any previous name(s) by which you have been known	
(6) Hong Kong Identity Card/Passport No.*	
(7) Date of birth (DD/MM/YYYY)	
(8) Place of birth	
(9) Nationality	
(10) Are you a public officer?	Yes/No*
(11) Your residential address	
(12) Your previous residential addressees during the last three years	
(13) Telephone number and fax number	
(14) Do you ordinarily reside in Hong Kong?	Yes/No*
(15) Period of residence in Hong Kong (in years)	

## SECTION II - EDUCATIONAL BACKGROUND AND EMPLOYMENT HISTORY OF THE APPLICANT

- (1) Please state your professional, academic, technical or other qualifications and the years in which they were obtained.

Professional and academic qualifications	Issuing institutions	Dates 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)	<100 <input type="checkbox"/> 100-499 <input type="checkbox"/> 500-999 <input type="checkbox"/> ≥1000 <input type="checkbox"/> as at _____	<100 <input type="checkbox"/> 100-499 <input type="checkbox"/> 500-999 <input type="checkbox"/> ≥1000 <input type="checkbox"/> as at _____	<100 <input type="checkbox"/> 100-499 <input type="checkbox"/> 500-999 <input type="checkbox"/> ≥1000 <input type="checkbox"/> as at _____
(E) Approximate size of scheme assets (to the nearest million) (if available)	\$ _____ as at _____	\$ _____ as at _____	\$ _____ as at _____
(F) Appointed as member trustee, employer trustee or independent trustee?			
(G) Date of appointment			
(H) Date of retiring			
(I) Reasons for retiring			

### SECTION III - DISCIPLINARY AND CONVICTION HISTORY, AND FINANCIAL STATUS

- (1) Have you ever been found by a court, in accordance with the Mental Health Ordinance (Cap 136), to be of unsound mind and incapable of managing your affairs? Yes/No\*

- (2) 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): \_\_\_\_\_

- (3) 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 dates): \_\_\_\_\_

Name and place of court where proceedings commenced: \_\_\_\_\_

- (4) Other than those listed under question (3), 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 the parties involved: \_\_\_\_\_

Date and place of litigation: \_\_\_\_\_

Nature of litigation: \_\_\_\_\_

- (5) 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 the organization

taking action: \_\_\_\_\_

Nature of the action

taken/proceedings: \_\_\_\_\_

Outcome (if applicable): \_\_\_\_\_

Date of action/proceedings: \_\_\_\_\_

Reason for action/proceedings: \_\_\_\_\_

- (6) 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 the organization: \_\_\_\_\_

Address of the organization: \_\_\_\_\_

Action taken by the organization: \_\_\_\_\_

Date of such action: \_\_\_\_\_

Reason for such action: \_\_\_\_\_

- (7) 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 the organization taking disciplinary action: \_\_\_\_\_

Nature of the disciplinary action: \_\_\_\_\_

Outcome (if applicable): \_\_\_\_\_

Date of disciplinary action: \_\_\_\_\_

Reason for disciplinary action: \_\_\_\_\_

- (8) 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): \_\_\_\_\_

- (9) 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 overseas authority? Yes/No\*

If yes, please provide the following information:

Name and place of  
regulatory/authority: \_\_\_\_\_

Details of non-compliance  
(with dates): \_\_\_\_\_

- (10) 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: \_\_\_\_\_

- (11) 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 the 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): \_\_\_\_\_

- (12) Have you, as a controller, ever been concerned with a body corporate, partnership or unincorporated institution which was wound up (other than voluntary dissolution), adjudicated bankrupt by a court or was otherwise insolvent or had a receiver or administrator appointed, or was the subject of any investigation by inspector, the police, or by any professional body, association, disciplinary tribunal or inspector appointed under any enactment, or by any other regulatory body in relation to any of its businesses in Hong Kong or elsewhere? Yes/No\*

If yes, please provide the following information:

Name of the body corporate/  
partnership/unincorporated institution: \_\_\_\_\_

Date of event: \_\_\_\_\_

Details of event: \_\_\_\_\_  
\_\_\_\_\_

Name of the organization undertaking  
investigation: \_\_\_\_\_

Nature of investigation: \_\_\_\_\_  
\_\_\_\_\_

Summary of findings (with dates): \_\_\_\_\_  
\_\_\_\_\_

- (13) Have you, as a controller, ever been concerned with a body corporate, partnership or unincorporated institution which was convicted of any offence; or censured, disciplined or reprimanded by, or denied or disqualified from membership of, a professional or trade body; or whose authorization or registration or similar type of approval has ever been refused, suspended or revoked by a regulatory body? Yes/No\*

If yes, please provide the following information:

Name of the body corporate/  
partnership/unincorporated institution: \_\_\_\_\_

Nature and date of event: \_\_\_\_\_  
\_\_\_\_\_

Details of event: \_\_\_\_\_  
\_\_\_\_\_

Name of the court/body: \_\_\_\_\_

**SECTION IV - DETAILS OF APPOINTMENT**

## (1) Proposed appointment

- (A) Name of scheme: \_\_\_\_\_
- (B) Name of employer: \_\_\_\_\_
- (C) Business address of employer: \_\_\_\_\_  
\_\_\_\_\_
- (D) Telephone number of employer: \_\_\_\_\_
- (E) Fax number of employer: \_\_\_\_\_
- (F) Proposed date of appointment: \_\_\_\_\_
- (G) Is the applicant to act as an independent trustee of the scheme: Yes/No\*
- (H) Is the applicant an employee of the employer of the scheme: Yes/No\*
- (I) Has an application in respect of the scheme registration been made to the Authority: Yes/No\*
- If yes, please state:
- Date of application: \_\_\_\_\_
- Application no.: \_\_\_\_\_

**SECTION V - DOCUMENTS TO BE ATTACHED**

	<b>Documents</b>	<b>Attachment No.</b>
(1)	An undertaking to the Authority in compliance with section 20(6)(b) of the Ordinance	
(2)	Evidence of performance guarantee entered into/proposed to enter into, if available	

**SECTION VI - DECLARATION**

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 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 are true and correct copies.

I 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 undertake to notify the Authority of any material changes to, or affecting the completeness or accuracy of, the information provided in this Form and any documents in relation to the application as soon as possible.

Name of applicant: \_\_\_\_\_

Signature: \_\_\_\_\_

Date of application: \_\_\_\_\_

✦ **Warning:** Section 43E of the 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 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**

## **NOTES ON PERSONAL INFORMATION COLLECTION**

The Personal Data (Privacy) Ordinance came into force on 20 December 1996. These Notes are prepared to assist you in understanding your rights and obligations in relation to the supply of personal data by you to the Mandatory Provident Fund Schemes Authority (the Authority) (which data may relate to yourself or other persons) and the manner in which the Authority may use or deal with such data (in connection with application and other matters). You are strongly advised to read these Notes carefully.

1. The provision of personal data is required pursuant to various provisions of the Mandatory Provident Fund Schemes Ordinance (the Ordinance) and of the regulations and rules made under the Ordinance, including the following:
  - (a) Section 20 of the Ordinance, Part 2 of the Mandatory Provident Fund Schemes (General) Regulation (the General Regulation), and sections 42A, 42B, 42C and 42D of the General Regulation in relation to the application for approval as trustees and the application for approval as controllers of approved trustees;
  - (b) Section 21 of the Ordinance and Part 3 of the General Regulation in relation to the application for registration of schemes;
  - (c) Section 21BB of the Ordinance in relation to the approval of constituent funds;
  - (d) Section 6 of the General Regulation in relation to the approval of pooled investment funds;
  - (e) Section 7AB of the Ordinance in relation to submission of statements;
  - (f) Section 5 of the Ordinance, and sections 5, 14 and 16 of the Mandatory Provident Fund Schemes (Exemption) Regulation (the Exemption Regulation) in relation to the application for exemption from MPF requirements;
  - (g) Section 7(3) of Schedule 3 to the Exemption Regulation in relation to the application for appointment of trustees/directors of trustees for MPF exempted ORSO registered schemes;
  - (h) Section 8 of the Exemption Regulation in relation to the application for withdrawal of exemption certificates of ORSO exempted schemes; and
  - (i) Section 19 of the Exemption Regulation in relation to the application for withdrawal of exemption certificates of ORSO registered schemes.

Provision of such personal data is necessary for the exercise or performance of the functions of the Authority conferred or imposed by or under the Ordinance (including the regulations and rules made thereunder). Failure to supply the requested personal data may result in delay or refusal of the application if it affects the Authority's ability to assess the applicant's compliance with the applicable criteria.

2. The personal data supplied by you shall be used by the Authority for the purposes of exercising or performing its functions conferred or imposed by or under the Ordinance (including the regulations and rules made thereunder), including whatever surveillance, investigation, inspection or enforcement action necessary to the discharge of such functions.
3. In the course of exercising or performing its functions, the Authority may, as permitted by law, match, compare, transfer or exchange the data provided by you with data held, or hereafter obtained, for these or any other purposes by the Authority, government bodies, other regulatory authorities, corporations, organizations or individuals in Hong Kong or overseas for the purposes of the Ordinance.
4. Specified data relating to approved trustees, registered schemes and MPF exempted ORSO registered/exempted schemes are kept open for public inspection pursuant to sections 20C, 21B and 5A of the Ordinance respectively.
5. You may be entitled under the Personal Data (Privacy) Ordinance to request access to or to request the correction of any data supplied by you, in the manner and subject to the limitations prescribed therein. All enquiries should be directed to:

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