

G.N. 7177

SECURITIES AND FUTURES ORDINANCE (Chapter 571) ('Ordinance')

NOTICE SPECIFYING CERTAIN FORM

Notice is hereby given, pursuant to section 402 of the Ordinance, that the Securities and Futures Commission ('Commission') specifies the following form which, with effect from 1 December 2021, shall be used for the purpose of submission to the Commission under the Ordinance:—

- (1) Application Form for Revised Offering Documents that Incorporate Changes Falling within 10.1 of the Code on Pooled Retirement Funds (PRF Code) that Require SFC's Prior Approval

19 November 2021

*Christina CHOI Executive Director, Investment Products
Securities and Futures Commission*



SECURITIES AND
FUTURES COMMISSION
證券及期貨事務監察委員會

Application Form for Revised Offering Documents that Incorporate Changes Falling within 10.1 of the Code on Pooled Retirement Funds (PRF Code) that Require SFC's Prior Approval

Application for Authorization under Part IV of the Securities and Futures Ordinance (SFO) for the Issue of Revised Document Pursuant to Section 105 of the SFO

This Application Form should be used by applicant in support of any application submitted to the Securities and Futures Commission (the "Commission" or the "SFC") for authorization on or after 1 December 2021 under Part IV of the SFO for the issue of revised document pursuant to section 105 of the SFO that incorporate changes falling within 10.1 of the PRF Code that require the SFC's prior approval. The Product Provider should note that any representation in, or referred to in, this application, and any representation made from time to time in support of this application, which is false or misleading in a material particular, the provision of any information to the Commission which is false or misleading in a material particular and the provision of any record or document which is false or misleading in a material particular constitute an offence under either section 383(1), 384(1) and/or 384(3) of the SFO.

- The SFC reserves the right to return forthwith, without processing, an incomplete or non-compliant application to the extent this Application Form and/or the accompanying documents are not properly or fully completed, and/or where negative responses in this Application Form are not properly explained, and/or such application is accompanied by documents that do not meet the applicable requirements, not in good order or otherwise not suitable for clearance. The SFC reserves the right to request the applicant to submit more information and/or documents and/or updated and duly completed and properly executed form(s), confirmation(s) or undertaking(s) before authorization of the revised offering documents pursuant to section 105 of the SFO.
- If there are changes which do not fall within 10.1 of the PRF Code in the revised offering document(s), please also complete "Filing Form for Revised Offering Documents that Incorporate Changes Falling within 10.1B of the Code on Pooled Retirement Funds (PRF Code) and Do Not Require SFC's Prior Approval".
- If there are changes in the revised offering document(s) which require the SFC's prior approval, please also complete the "Application Form for Scheme Change(s) in respect of Pooled Retirement Funds".
- The Product Provider is reminded to tick ALL boxes that are applicable in this Application Form.

On application, please submit soft copies of the revised offering document(s) with proper annotation(s) of the changes falling within 10.1 of the PRF Code in text-searchable format.



To: Investment Products Division
Securities and Futures Commission
Attention: [name of officer (if applicable)]

Dear Sirs,

1. We _____ (acting on the instructions of _____ [state the name of Product Provider] (please delete if the Product Provider is making the application directly)) hereby apply to the Commission for the authorization for the issue of the revised offering document(s) referred in paragraph 2 below pursuant to section 105 of the SFO.

2. The issue of the revised offering document(s) is related to the following scheme(s) authorized by the Commission:-

(a) Name of the PRF scheme

(b) Name and type¹ of the investment portfolio(s)

1. _____

2. _____

3. _____

4. _____

5. _____

(Please use separate sheet(s), if necessary)

(c) Offering document(s) revised

3. (If applicable) We have instructed _____ [Please state name of law firm] to act on our behalf in relation to this application. The contact details of the lawyer(s) handling the matter are as follows:-

Name of lawyer-in-charge: _____

Position: _____

Telephone number: _____

Email: _____

Address: _____

¹ Please indicate the type of investment portfolio pursuant to 8.10 of the PRF Code, i.e. fund investing in SFC-authorized fund(s), cash management portfolio, guaranteed fund or direct investment fund.



4. We confirm that:-

- (a) The revised offering document(s) referred in paragraph 2 above has/have incorporated all changes that were approved by the Commission on _____;

Annotation(s) in the revised offering document(s) ²	Nature/brief details of change(s)
10.1 - 1	
10.1 - 2	
10.1 - 3	
10.1 - 4	
10.1 - 5	

(Please use separate sheet(s), if necessary)

- (b) Apart from the changes as mentioned above, other changes (if any) in the revised offering document(s) referred in paragraph 2 above do not require the approval of the Commission under 10.1 of the PRF Code;
- (c) All documents required to be submitted to the SFC for the purposes of the application for authorization of the revised offering document(s) as referred in paragraph 2 above have been submitted and are in compliance with the applicable provisions of the PRF Code;
- (d) Nothing in any of the documents required to be submitted to the SFC for the purposes of the application for authorization of the revised offering document(s) as referred in paragraph 2 above would in any way contradict or result in any breach of the applicable provisions of the PRF Code;
- (e) Where the change(s) to the revised offering document(s) is/are attributable to change(s) in the constitutive document(s), all disclosures in the revised offering document(s) as referred in paragraph 2 above relating to the constitutive document(s) are consistent with the relevant provisions in the constitutive document(s);
- (f) The content of the revised offering document(s) as referred in paragraph 2 above is consistent with the constitutive document(s); and
- (g) Unless otherwise specifically allowed for in this Application Form, no deletion, addition or amendment has been made to the standard template of the current prescribed application form as published on the SFC website.

² Please properly annotate the corresponding change(s) as set out in this table in the revised offering document(s).



5. We enclose with this Application Form the draft translation certificate for the revised Chinese [name of revised offering document(s)]³.

Yours faithfully,

Name:
Position:
Duly authorized⁴
For and on behalf of
[Applicant's name]

Date: _____

³ The Chinese translation certificate (together with the bilingual revised offering document(s) with proper annotation(s) indicating changes falling within 10.1 of the PRF Code for the English version) must be executed and submitted before the authorization (if granted by the SFC) becoming effective.

⁴ The signatory is expected to be a senior-ranking executive of the Product Provider (or an appropriate person designated by the senior-ranking executive of the Product Provider) with overall responsibility for the application.