

Information Checklist for Application for Authorization of Thai Funds under the Mutual Recognition of Funds Arrangement

This Information Checklist should be used with effect from 16 June 2021 in support of any application for authorization of a Thai fund and its Hong Kong offering document(s) (if applicable).

A. Introduction

An applicant seeking authorization of a collective investment scheme (“CIS”) domiciled in Thailand, which is approved by the Securities and Exchange Commission of Thailand (“SEC”) for public offering in Thailand in accordance with Section 117 of Securities and Exchange Act B.E. 2535 (“SEA”) (as amended), and its Hong Kong offering document(s) (“Thai MRF Fund”) under the Mutual Recognition of Funds between Thailand and Hong Kong (“MRF”) arrangement and pursuant to section 104 and section 105 of the Securities and Futures Ordinance (“SFO”) respectively / An applicant seeking authorization of a CIS domiciled in Thailand, which is approved by the SEC for public offering in Thailand in accordance with Section 117 of SEA (as amended), pursuant to section 104 of the SFO for the sole purpose of being the master fund of an SFC-authorized feeder fund (“Thai Master Fund”) must complete this Information Checklist and submit it to the Investment Products Division of the Securities and Futures Commission (“SFC”), together with relevant documents provided hereunder that are required for an application. The SFC reserves the right to request for more information and/or documents in reviewing and considering each application.

The SFC reserves the right to return forthwith, without processing, an incomplete or non-compliant application to the extent the application form¹, this Information Checklist and/or the accompanying documents are not properly or fully completed, and/or where negative responses in this Information Checklist 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 updated and duly completed and properly executed checklist(s), confirmation(s) or undertaking(s) before authorization of a Thai fund.

This is a standard form document. Unless otherwise specified, when completing this Information Checklist, please do not make any deletion, addition or amendment to the forms or headings. The applicant is reminded to tick ALL boxes that are applicable to its application(s) in this Information Checklist.

¹ Application form refers to the Application Form for Unit Trusts and Mutual Funds, Investment-Linked Assurance Schemes and Unlisted Structured Investment Products duly completed and executed by / for and on behalf of the applicant. References to the scheme(s) in the application form refer to the Thai fund(s) under application in this Information Checklist.



Structure of the Thai fund(s)

: As stated under 3(a)(i) of the application form¹

Thai fund(s) under application

: Name(s) of the Thai fund(s) under application which is/are stated under 3(a)(ii), (iv) and (v) of the application form¹ is/are repeated below (or such other name(s) as may be approved by the SFC):

B. Basic information relating to the Thai fund(s)

Please fill in this sheet for each of the Thai fund(s) under application (please use separate sheet(s), if necessary).

Name (or such other name as may be approved by the SFC) : _____ (English name)
of the Thai fund (each, referred to as the “Thai fund”) _____ (Chinese name)

- 1) *(Please tick one of the following boxes)*
 - The Thai fund is seeking authorization as a Thai MRF Fund
 - The Thai fund is seeking authorization as a Thai Master Fund that is to be substantially invested by an SFC-authorized feeder fund / a feeder fund under application and will not be offered to the public in Hong Kong. Please indicate the name of the SFC-authorized feeder fund / the feeder fund currently under application: (please specify the name)
- 2) Is the Thai fund managed by a management company currently managing other existing SFC-authorized fund(s)?
 - Yes No
- 3) Please tick if the Thai fund does not have any investment delegate(s) and proceed to Q4. Otherwise, please answer the following question:
 - Is/Are the investment delegate(s) currently managing other existing SFC-authorized fund(s)?
 - Yes No
- 4) Please indicate the fund type of the Thai fund by ticking one of the following boxes:

| | |
|---|--|
| <input type="checkbox"/> General equity fund | <input type="checkbox"/> General bond fund |
| <input type="checkbox"/> General mixed fund | <input type="checkbox"/> <i>(Applicable only to Thai MRF Fund)</i> Feeder fund, where the underlying fund falls within one of the other fund types described in Q4 |
| <input type="checkbox"/> Unlisted index fund | |
| <input type="checkbox"/> Passively managed index tracking exchange traded fund (“Passive ETF”) including physical gold ETF ² | |
- 5) Please tick if the Thai fund is not an unlisted index fund or Passive ETF and proceed to Q6. Otherwise, please answer the following questions:
 - a) Is the Thai fund tracking an index which is currently adopted by other existing SFC-authorized unlisted index fund(s) or Passive ETF(s)?
 - Yes
 - No
- 6) Please indicate the use of financial derivatives instruments (“derivatives”) / investment in derivatives of the Thai fund by ticking one of the following boxes:
 - the net derivative exposure³ of the Thai fund is not more than 50% of the fund’s net asset value.
 - the net derivative exposure³ of the Thai fund is more than 50% of the fund’s net asset value.

² Physical gold invested by such gold ETFs must possess a standard and fineness recognized by the London Bullion Market Association.

³ The term “net derivative exposure” shall have the meaning as defined in 7.26 of the UT Code.

- 7) Please tick if the Thai fund may not invest in debt instruments with loss-absorption features (“LAP”)⁴. Otherwise, please answer the following question:
- Will the Thai fund invest more than 50% of its net asset value in LAP?
 - Yes, as last consulted with the SFC on (please specify the date)
 - No
- 8) Please tick if the Thai fund is a Passive ETF that seeks to be listed in Hong Kong. If so, please also answer the following questions:
- a) Does the Thai fund propose to appoint an overseas auditor to carry out a PIE engagement⁵ (e.g. an auditor’s report on the Thai fund’s annual financial statements) for it?
 - Yes
 - No, [please state the reason(s)]
 - b) Has a statement of no objection (“SNO”) for the appointment of an overseas auditor been obtained from the SFC for the overseas auditor recognition application with the Financial Reporting Council (“FRC”)?
 - Yes, the SNO was issued by the SFC on [please specify the date of the SNO]
 - No
 - c) Has an application been submitted to the FRC for the recognition of the overseas auditor to be appointed for the Thai fund?
 - Yes, the application has been submitted to the FRC on [please specify the date of the application] [(please delete as appropriate) and was subsequently granted by the FRC on [please specify the date on which FRC has granted the recognition]
 - No, the application will be submitted to the FRC by [please specify the date for the application]

Please proceed to complete Section C, Section D and, where applicable, Section E.

⁴ Please refer to the section headed “Investments in debt instruments with loss-absorption features” of the Guide on Practices and Procedures for Application for Authorization of Unit Trusts and Mutual Funds regarding the disclosure and other requirements on schemes investing in LAP.

⁵ Please refer to Part 1 of Schedule 1A of the Financial Reporting Council Ordinance (“FRCO”) for the meaning of PIE engagement. Please also refer to FAQs 17 and 18 in the Frequently Asked Questions on the Exchange Traded Funds and Listed Funds which can be downloaded at: <https://www.sfc.hk/web/EN/faqs/publicly-offered-investment-product/exchange-traded-funds-and-listed-funds.html>.

C. Confirmation from the applicant

The Thai fund(s) under application: As stated in Section A of this Information Checklist

We, in respect of this application and the Thai fund(s) thereunder, hereby confirm and undertake that:

Eligibility of the Thai MRF Fund/Thai Master Fund (as the case may be)

- a) the Thai fund(s) is/are established, domiciled and managed in accordance with Thai laws and regulations and its/their constitutive documents; and
- b) the Thai fund(s) is/are CIS(s) which is/are approved by the SEC for public offering in Thailand in accordance with Section 117 of the SEA; and
- c) the Thai fund(s) falls/fall within one or more than one of the eligible funds types under the MRF arrangement; and
- d) the Thai fund(s)' net exposure⁶ resulting from the investment in derivatives does/do not exceed 100% of the fund's net asset value (NAV), as defined in Notification of the Capital Market Supervisory Board No. Tor Nor. 87/2558 Re: Investment of Funds; and
- e) the Thai fund(s) is/are subject to the following investment restrictions in respect of its/their investment in funds:
 - (i) the underlying funds may be Thai-domiciled funds (including exchange-traded funds (ETFs) that are approved by the SEC and comply with the requirements in the SFC Circular on "Mutual Recognition of Funds (MRF) between Thailand and Hong Kong" dated 20 January 2021 ("Circular") as amended from time to time; and
 - (ii) the underlying funds may be UCITS schemes (including ETFs) domiciled in Luxembourg and Ireland, and CIS domiciled in the UK authorised as UK UCITS; and
 - (iii) the Thai fund(s) may invest up to 10% of its NAV in unlisted funds⁷ not falling within paragraphs (e)(i) and (e)(ii) above; and
 - (iv) the Thai fund(s) may have indirect exposure to restricted assets⁸ via its/their investment in underlying funds falling with paragraphs (e)(ii) and (e)(iii) above not exceeding 20% of the Thai fund(s)' NAV; and
 - (v) investment in any single listed real estate investment trusts must not exceed 10% of the Thai fund(s)' NAV; and
 - (vi) investment in any single ETF other than those set out in paragraphs (e)(i) and (e)(ii) above must not exceed 10% of the Thai fund(s)' NAV; and
- f) the Thai fund(s) does/do not directly invest in digital assets⁹ in any form, save for any indirect exposure via underlying funds as permitted in paragraph (e) above; and
- g) the Thai fund(s) does/do not engage in a physical short sale transaction; and

⁶ Such exposure limit should be calculated using commitment approach as prescribed in Notification of the Office of the Securities and Exchange Commission No. Sor. Nor. 92/2558 Re: Additional Regulation for a fund Investing in Derivatives and Structured Notes.

⁷ Such unlisted funds must be under supervision of a regulator who is a member of the International Organization of Securities Commission (IOSCO) and a signatory to the IOSCO Multilateral Memorandum of Understanding.

⁸ Restricted assets include loan participation, loan assignment, digital assets, writing of credit default swap protection and writing of credit derivative. The list of restricted assets is available on the SEC's website.

⁹ Digital assets are such as cryptocurrencies, utility tokens, investment tokens and certificates representing the assets referred to digital assets, and other assets of essentially the same nature.

- h) the Thai fund(s) is/are subject to an aggregate limit of 10% of its/their NAV in respect of borrowings or engaging in repurchase transactions (including direct and indirect exposure via investment in underlying funds falling within paragraphs (e)(i), (e)(ii) and (e)(iii) above), on a temporary basis for the purpose of liquidity management; and
- i) *(applicable only to Thai Master Fund)* the Thai fund(s) is/are not available for direct investment by the public in Hong Kong; and

Management company and investment delegates

- j) the management company has fulfilled and will at all times fulfil the requirements under paragraphs 8 to 10 of Annex B to the Circular as amended from time to time and the related guidance as may be issued by the SFC from time to time; and
- k) *(please tick if applicable)* the details of the regulatory or enforcement action(s)/proceeding(s) by the SEC concerning the management company in the past three years or since the date of establishment if it has been established for less than three years that we wish to bring to the SFC's attention are set out below; and none of these action(s)/proceeding(s) will materially affect its financial condition, status as a licensed or regulated entity, or ability to perform its licensed or regulated activities and the justification is also set out below; and

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

- l) *(please tick if applicable)* the investment management functions are delegated to the following investment delegate(s) who is/are subject to supervision in an overseas jurisdiction with an inspection regime under the list of acceptable inspection regime ("AIR") published on the SFC's website; and

| Name(s) of AIR delegate(s) | Name(s) of relevant Thai fund(s) under application |
|----------------------------|--|
| | |
| | |

(For the avoidance of doubt, please list out all the investment delegate(s) (including sub-delegate(s)) of the management company. Please use separate sheet(s), if necessary)

- m) *(applicable only to new management company)* *(please tick one of the following boxes)*
- there is no restriction attached to the management company's licence;
- the details of the restriction(s) attached to the management company's licence are attached in separate sheet(s); and
- n) *(applicable only to new investment delegate(s))*
the following investment delegate(s) is/are *not* currently managing other existing SFC-authorized fund(s); and

| Name(s) of new investment delegate(s) | Home regulator(s) of the new investment delegate(s) |
|---------------------------------------|---|
| | |
| | |

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

Trustee/custodian

- o) the trustee/custodian qualifies to act as mutual fund supervisor for Thai CIS approved for public offering; and
- p) *(please tick one of the following)*:
- the trustee/custodian of the Thai fund(s) is currently acting as trustee/custodian of other existing SFC-authorized fund(s);
- the trustee/custodian of the Thai fund(s) is not currently acting as trustee/custodian of other existing SFC-authorized fund(s); and the information relating to the trustee/custodian is set out below; and

| | |
|---------------------------------------|--|
| Name of trustee/custodian | |
| Registered/business address | |
| Name of primary supervisory authority | |

Hong Kong representative

- q) we [*(please delete as appropriate)*] have appointed / will appoint] the following entity as the Hong Kong representative of the Thai fund(s) and the requirements set out in Chapter 9 of the Code on Unit Trusts and Mutual Funds (“UT Code”) in respect of the appointment of the Hong Kong representative [*(please delete as appropriate)*] have been fulfilled / will be fulfilled before the authorization of the Thai fund(s) (if granted by the SFC) becomes effective]; and

| | |
|----------------------------------|--|
| Name of Hong Kong representative | |
|----------------------------------|--|

- r) we have submitted the required undertaking from the [*(please delete as appropriate)*] appointed / proposed] Hong Kong representative as set out in Annex A; and

Compliance with Guidance on Internal Product Approval Process

- s) all requirements set out in the Circular to product providers of SFC-authorized unit trusts and mutual funds, SFC-authorized investment-linked assurance schemes and SFC-authorized unlisted structured investment products entitled “Guidance on Internal Product Approval Process”, as amended from time to time, have been and will be complied with in respect of the Thai fund(s) under this application; and

Waivers / Special Requirements / Conditions granted by SEC

- t) *(please tick one of the following)*:
- there are no waivers granted or special requirements and/or conditions imposed on the Thai fund(s) by the SEC;
- there is/are waiver(s) granted or special requirement(s) and/or condition(s) imposed on the Thai fund(s) by the SEC; and the details are set out below; and

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

Material breach/investigation/disciplinary matters

- u) *(please tick one of the following)*:
- there is no material breach of the Thai laws and regulations and/or its/their constitutive documents by the Thai fund(s);

there is/are material breach(es) of the Thai laws and regulations and/or its/their constitutive documents by the Thai fund(s); and the details are set out below; and

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

v) *(please tick one of the following):*

there is no current or pending investigation/disciplinary matter(s) against the Thai fund(s);
 there is current or pending investigation/disciplinary matter(s) against the Thai fund(s); and the details are set out below; and

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

Compliance with the Circular and the related guidance

- w) all documents required to be submitted to the SFC for the purposes of application for authorization of the Thai fund(s) have been submitted and are in compliance with the Circular as amended from time to time and the related guidance as may be issued by the SFC from time to time; and
- x) all requirements in the Circular as amended from time to time and the related guidance as may be issued by the SFC from time to time applicable to this application and the Thai fund(s) under this application have been and will be complied with in respect of the Thai fund(s) under this application; and
- y) the Thai fund(s) adopt(s) a forward pricing method; and

Hong Kong offering document(s)¹⁰ (applicable only to application seeking authorization of the Thai fund(s)' Hong Kong offering document(s))

- z) the product key facts statement(s) ("KFS") of the Thai fund(s) is/are consistent with the Hong Kong offering document(s) of the Thai fund(s); and
- aa) the Hong Kong offering document(s) of the Thai fund(s) is/are consistent with the latest offering document(s) which is/are made available to Thai investors; and such latest offering document(s) has/have obtained the necessary approval from/completed the required notification to/filing with the SEC; and

Constitutive documents¹¹

- bb) the constitutive documents of the Thai fund(s) have complied with all applicable Thai laws and regulations, the SEC's requirements and the requirements in the Circular as amended from time to time and the related guidance as may be issued by the SFC from time to time and such constitutive

¹⁰ References to Hong Kong offering document(s) in this Information Checklist refer to offering document(s) of the Thai fund(s) seeking SFC authorization under the MRF arrangement and pursuant to section 105 of the SFO, which generally consist(s) of (i) the latest offering document(s) of the Thai fund(s) which is/are made available to Thai investors and has/have obtained the necessary approval from/completed the required notification to/filing with the SEC; (ii) a Hong Kong covering document complementing the Thai offering document(s) ("Hong Kong Covering Document(s)"); and (iii) the KFS.

¹¹ "Constitutive documents" means the principal documents governing the formation of a Thai fund, and includes (i) details of the mutual fund project; (ii) draft commitment between the unitholders and the CIS operation; and (iii) draft agreement appointing the mutual fund supervisor.



documents are the latest version that have obtained the necessary approval from/completed the required notification to/filing with the SEC; and

Tax-related

- cc) competent tax advice and opinion on the US Foreign Account Tax Compliance Act (“FATCA”) status of the Thai fund(s) has/have been received; and
- dd) there is no indemnification relating to FATCA imposed on the unitholders of the Thai fund(s); and
- ee) *(applicable only to application seeking authorization of the Thai fund(s)’ Hong Kong offering document(s))* all tax related disclosure in the KFS and Hong Kong Covering Document(s) of the Thai fund(s), including FATCA related disclosures, are true and accurate and have been cleared by professional tax advisors; and if the tax related disclosure(s) is/are subsequently amended, such amendment(s) will be cleared by professional tax advisors before the authorization of the Thai fund(s) (if granted by the SFC) become(s) effective; and

Approved person

ff) *(please tick one of the following):*

- (please insert the name of the approved person)* _____
has been approved as the approved person of the Thai fund(s) and the approval letter previously issued by the SFC is attached in separate sheet;
- the nomination of the approved person of the Thai fund(s) and the corresponding duly completed and properly executed confirmation from the nominated approved person as set out in Annex B has been submitted; and

General

We confirm that all information contained in this Information Checklist (including all confirmations and undertakings) and the documents submitted relating thereto are true and accurate; and unless otherwise specifically allowed for in this Information Checklist, no deletion, addition or amendment has been made to the standard templates of these current prescribed documents as published on the SFC’s website.

We further undertake to notify the SFC immediately if there are any changes to the information and/or confirmations provided to the SFC from time to time in connection with the application or where we have become aware of any matters or changes in circumstance that may affect the SFC’s assessment of this application.

Signed for and on behalf of:

| | | |
|------------------------------|---|---|
| Applicant | : | _____ |
| | | <i>(Please state the name of the management company of the Thai fund(s))</i> |
| Name of authorized signatory | : | _____ |
| | | <i>(Insert name of at least one executive director¹² (or above) of the management company of the Thai fund(s))</i> |
| Signature | : | _____ |
| Title / Position | : | _____ |
| Date (date / month / year) | : | _____ |

¹² Equivalents include, for example, CEO, managing director, etc. Essentially, the signatory is expected to be a senior ranking executive with overall responsibility over the new fund application.

D. Basic documents required to be submitted to the SFC

The list below is not exhaustive. The SFC may require additional information.

On application, please submit soft copies of the following documents in text-searchable format.

I. Mandatory documents

- 1) Duly completed and properly executed application form¹
- 2) Application fee¹³ (*in the form of cheque payable to the “Securities and Futures Commission”, or other means of payment acceptable to the SFC, for the correct amount of total application fee*)
(Note: The SFC will take up new fund applications if they are in good order and the application fee is the only outstanding matter)
- 3) Duly and properly completed Information Checklist, including the duly completed and properly executed confirmation from the applicant under Section C of the Information Checklist
- 4) (*applicable only to application seeking authorization of the Thai fund(s)' Hong Kong offering document(s)*) English version of the latest offering document(s) of the Thai fund(s)¹⁴
- 5) (*applicable only to application seeking authorization of the Thai fund(s)' Hong Kong offering document(s)*) Advanced draft of the English Hong Kong Covering Document(s) of the Thai fund(s)
- 6) (*applicable only to application seeking authorization of the Thai fund(s)' Hong Kong offering document(s)*) Advanced draft of the English KFS of the Thai fund(s)
- 7) Constitutive documents¹⁵ of the Thai fund(s)
- 8) Latest audited financial report (if any) and if more recent, the latest unaudited financial report of the Thai fund(s)¹⁶
- 9) Duly completed and properly executed undertaking from the Hong Kong Representative (see [Annex A](#))
- 10) (i) A copy of the letter of approval on the approved person previously issued by the SFC (for Thai funds with approved person previously approved by the SFC); or (ii) duly completed and properly executed nomination letter from the management company of the Thai fund(s) nominating an individual as the approved person for the Thai fund(s) and the duly completed and properly executed confirmation from the nominated approved person (see [Annex B](#))
- 11) Duly and properly completed information sheet on the use of derivatives / investment in derivatives of the Thai fund(s) (see [Annex C](#))
- 12) Duly completed and properly executed letters from the management company of the Thai fund(s) and the approved person regarding non-fulfilment of authorization condition(s) (see [Annex D](#))
- 13) (*applicable only to application seeking authorization of the Thai fund(s)' Hong Kong offering document(s)*) Duly completed and properly executed Chinese translation confirmation¹⁷ (see [Annex E](#))

II. Additional documents (to the extent applicable)

| Applicable? (please tick) | |
|------------------------------|----|
| Yes (and submitted) | No |

¹³ Please refer to the latest fee schedule posted on the SFC website.

¹⁴ The latest offering document(s) of the Thai fund(s) refer(s) to the latest offering document(s) which is/are currently made available to Thai investors and has/have obtained the necessary approval from/completed the required notification to/filing with the SEC.

¹⁵ “Constitutive documents” means the principal documents governing the formation of a Thai fund, and includes (i) details of the mutual fund project; (ii) draft commitment between the unitholders and the CIS operation; and (iii) draft agreement appointing the mutual fund supervisor. The constitutive documents should be submitted and made available to Hong Kong investors in either Chinese or English. The constitutive documents should be the latest version that have obtained the necessary approval from/completed the required notification to/filing with the SEC.

¹⁶ The financial report(s) should be submitted and made available to Hong Kong investors in either Chinese or English.

¹⁷ The Chinese translation confirmation(s) is/are not required to be submitted upon the application. However, the Chinese translation confirmation(s) (together with the Hong Kong offering document(s) of the Thai fund(s) in Chinese and English with proper annotations against Annex H of this Information Checklist for the English version) must be executed and submitted before the authorization (if granted by the SFC) becomes effective.

14) For Thai unlisted index fund(s) or Passive ETF(s) with new index not currently adopted by other existing SFC-authorized index fund(s) or Passive ETF(s)

Submission to demonstrate compliance with 8.6(e) of the UT Code on the index acceptability (please use separate sheet(s))

15) For Thai Passive ETF(s)

Confirmation on the impact of the Volcker Rule in the US for Thai Passive ETF(s) under application

16) For Thai Passive ETF(s) that seek(s) to be listed in Hong Kong with an overseas auditor proposed to be appointed

Evidence that the overseas auditor has been recognized by the FRC to carry out a PIE engagement (as defined in the FRCO)⁵ for the Thai Passive ETF(s) (if available)

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ANNEX A: Undertaking from Hong Kong Representative

Name of Thai fund(s) under application:

Name (or such other name as :
may be approved by the
SFC) of the Thai fund(s)

We hereby confirm and undertake that, in respect of the Thai fund(s) under application mentioned above,

- (i) *(please tick one of the following boxes)*
- we have been appointed as the Hong Kong representative;
 - we agree to be appointed as the Hong Kong representative before the authorization of the Thai fund(s) (if granted by the SFC) becomes effective; and
- (ii) we will perform the duties required of a Hong Kong representative under the Code on Unit Trusts and Mutual Funds ("UT Code") upon the authorization of the Thai fund(s) becoming effective.

We also confirm that:

- (iii) *(applicable only to Hong Kong representative which is a trust company)* we are an affiliate of an authorized financial institution defined under the Securities and Futures Ordinance ("SFO"); and
- (iv) *(please tick where applicable)*
- we have obtained the following licensing or registration status required for compliance with 9.4 of the UT Code:
 - licensing or registration status under the SFO;
 - registration status under Part VIII of the Trustee Ordinance (Chapter 29 of the laws of Hong Kong).
 - we are in the process of applying for the following licensing or registration status required for compliance with 9.4 of the UT Code:
 - licensing or registration status under the SFO.
 - registration status under Part VIII of the Trustee Ordinance (Chapter 29 of the laws of Hong Kong).

Signed for and on behalf of:

Name of the Hong Kong representative : _____

Name of authorized signatory : _____

Signature : _____

Title / Position : _____

Date (date / month / year) : _____



ANNEX B: Nomination of approved person

Part 1: Nomination letter from the management company of the Thai fund(s)

The Thai fund(s) under application: As stated in Section A of this Information Checklist

We hereby nominate the following individual as the approved person for (a) the Thai fund(s) under application [(*please delete if not applicable*)] and (b) the issue of any related advertisement, invitation or document] for the purpose of section 104(2) [(*please delete if not applicable*)] and section 105(2) respectively] of the Securities and Futures Ordinance:

Name : _____
Employer : _____
Position : _____
Address : _____
Telephone no. : _____
Facsimile no. : _____
Email address : _____

Signed for and on behalf of:

Name of the management company : _____
Name of authorized signatory : _____
Signature : _____
Title / Position : _____
Date (date / month / year) : _____



Part 2: Confirmation from the nominated approved person

The Thai fund(s) under application: As stated in Section A of this Information Checklist

I, as the nominated approved person for (a) the Thai fund(s) under application [*(please delete if not applicable)*] and (b) the issue of any related advertisement, invitation or document] for the purpose of section 104(2) [*(please delete if not applicable)*] and section 105(2) respectively] of the Securities and Futures Ordinance, hereby confirm the following:

- (a) I have my ordinary residence in Hong Kong;
- (b) My contact details set out in Part 1 above are accurate and up-to-date;
- (c) I am capable of being contacted by the SFC by post, telephone, facsimile and electronic mail during business hours;
- (d) I will inform the SFC of any change in my contact details within 14 days after the change takes place; and
- (e) I will comply with any other requirements as the SFC considers appropriate.

I also confirm to the SFC that I have read and understood the Personal Information Collection Statement as set out at the Appendix (“PICS”) and consent to the use by the SFC of my Personal Data (as defined in the PICS) I have provided and may provide in the future, for the purposes described in the PICS.

Signed by:

Name of the nominated approved person : _____
Signature : _____
Date (date / month / year) : _____



ANNEX C: Information on use of derivatives / investment in derivatives of the Thai fund(s)

Please fill in this sheet for each Thai fund(s) under application (please use separate sheet(s), if necessary).

Name (or such other name as may be approved by the SFC) of Thai fund(s) _____

Part 1 (Applicable to all Thai fund(s) under application)

We, in respect of the Thai fund(s) under application mentioned above, hereby confirm, represent and undertake that:

1. (please tick if the Thai fund(s) will not use derivatives for any purposes) the Thai fund(s) will not use derivatives for any purposes;
2. (please tick if the Thai fund(s) may use derivatives for hedging and/or investment purposes (i.e. non-hedging purposes))
 - (i) the net derivative exposure³ of the Thai fund(s) calculated in accordance with the Derivative Guide¹⁸ (please tick one of the following boxes) is:
 - not more than 50% of its/their respective NAV
 - more than 50% and up to 100% of its/their respective NAV
 - more than 100% of its/their respective NAV
 - (ii) in relation to (2)(i) above, the Thai fund(s) may use derivatives under the following circumstance(s) (please tick all the applicable boxes) and the net derivative exposure³ stated in (2)(i) above has been calculated excluding these usage in accordance with the Derivative Guide¹⁸:
 - Netting, hedging or risk mitigation
 - Cash flow management
 - Market access or exposure replication (without incremental leverage at portfolio level of the Thai fund(s))
 - Investment in conventional convertible bonds
 - (iii) (please tick if the Thai fund(s) will use derivatives not referenced to the same underlying assets for hedging or risk mitigation purposes) the use of derivatives by the Thai fund(s) for hedging or risk mitigation purposes are in compliance with and will continue to comply with (i) the principles of hedging under 7.25 of the UT Code and (ii) the criteria as provided under paragraph 17 under Chapter 3 of the Derivative Guide¹⁸;
3. the Thai fund(s) [is/are][is/are not] (please delete where appropriate) derivative fund(s):
4. all requirements and conditions set out in the Derivative Guide¹⁸, as amended from time to time, have been and will be complied with by the Thai fund(s); and

¹⁸ The Derivative Guide refers to the Guide on the Use of Financial Derivative Instruments for Unit Trusts and Mutual Funds published by the SFC dated 17 December 2018 (<https://www.sfc.hk/web/EN/faqs/publicly-offered-investment-product/guide-on-the-use-of-financial-derivative-instruments-for-unit-trusts-and-mutual-funds.html>), which may be updated from time to time.



- we will notify the SFC immediately if there are any changes to the information and/or representations provided to the SFC from time to time in connection with this confirmation or where we have become aware of any matters or changes in circumstances that may change or affect the determination or classification provided under (3) of Part 1 of this Annex C in connection with the use of derivatives by the Thai fund(s).

Part 2 (Applicable only to Thai fund(s) with net derivative exposure³ of more than 50% of its/their NAV)

- We hereby confirm and undertake that, in respect of this application, the management company and the investment delegate(s) (if applicable) has/have put in place suitable and adequate risk management and control systems which are commensurate with the risk profile of the Thai fund(s) to monitor, measure, and manage all the relevant risks in relation to the Thai fund(s).

- Please fill in the information below.

Information as of _____ : _____ (Insert reference date¹⁹)

| Asset Class | Derivatives used | Notional Exposure (Maximum Level) | Netting / Hedging | Other Adjustments (e.g. Delta) | Net Derivative Exposure ³ (Maximum Level) |
|-------------|------------------|-----------------------------------|-------------------|--------------------------------|--|
| | | | | | |
| | Total | | | | |

Part 3 - General

We confirm that all information contained in this confirmation is true and accurate; and unless otherwise specifically allowed for in this confirmation, no deletion, addition or amendment has been made to the standard template of this confirmation as published on the SFC website.

We acknowledge that the information posted on the SFC website to indicate whether the Thai fund(s) is/are or is not/are not derivative fund(s), where applicable, is based on the confirmations and representations we provided hereunder and it is not an endorsement of the suitability of the Thai fund(s) for any particular investor or class of investors.

Signed for and on behalf of:

Name of the management company : _____

Name of authorized signatory : _____

¹⁹ The reference date should be the date on which the most up-to-date information is available and such information should be representative of the exposure arising from the use of derivatives by the Thai fund under application and should be complete and not misleading.

Illustrative Example: ABC Fund

| Asset Class | Derivatives used | Notional Exposure (Maximum Level) | Netting / Hedging | Other Adjustments (e.g. Delta) | Net Derivative Exposure (Maximum Level) |
|---------------|-------------------|-----------------------------------|-------------------|--------------------------------|---|
| Currency | FX Forwards | 200% | -120% | | 80% |
| Equity | Options | 40% | | -30% | 10% |
| Interest Rate | IRS, bond futures | 250% | -150% | | 100% |
| Credit | CDS | 10% | | | 10% |
| | Total | 500% | | | 200% |



Signature : _____
Title / Position : _____
Date (date / month / year) : _____



ANNEX D: Letters from the management company of the Thai fund(s) and the approved person regarding non-fulfilment of authorization condition(s)

(Note: Both Part A and Part B must be completed and submitted to the SFC at the time of application of the Thai fund(s).)

Part A – Acknowledgement from the management company

To: Securities and Futures Commission (“SFC”)

Name (or such other name as may be approved by the SFC) of Thai fund(s)²⁰:
[insert name of all Thai fund(s) under application]

(each a “Thai Fund” and, collectively, “Thai Funds”)

In connection with the application for authorization (“Authorization Application”) of the Thai Fund(s) *[(please delete if not applicable)]* and the related Hong Kong offering document(s) (“Hong Kong Offering Document(s)”), we understand that under section 104(1) *[(please delete if not applicable)]* and section 105(1) of the Securities and Futures Ordinance (“SFO”), the SFC may, where it considers appropriate, authorise the Thai Fund(s) *[(please delete if not applicable)]* and the issue of the Hong Kong Offering Document(s) respectively], subject to such conditions as the SFC considers appropriate.

We acknowledge that for the authorization (if granted by the SFC) of the Thai Fund(s) *[(please delete if not applicable)]* and its/their Hong Kong Offering Document(s)] (“Authorization”) to become effective, all relevant conditions (“Relevant Conditions”) imposed by the SFC as set out in the letter of authorization (“Authorization Letter”) are generally required to be fulfilled within 2 months from the date of the Authorization Letter (as may be extended by the SFC upon the submission of proper justifications by the applicant) (“Time Limit”). A confirmation for fulfilment is required to be submitted to the SFC²¹ within the Time Limit.

In this connection, we hereby authorise *[insert name of the approved person / nominated approved person]* (“Approved Person”) in his/her capacity as the approved person (upon approval by the SFC) to submit the Withdrawal Application (as defined and set out in Part B below) herewith which is to take effect upon occurrence of the events set out therein.

We further agree and undertake to procure the Approved Person or his/her successor to do all such other acts and execute such other documents to give effect to the Withdrawal Application as and when required by the SFC.

²⁰ As stated under 3(a)(ii), (iv) and (v) of the Application Form for Unit Trusts and Mutual Funds, Investment-Linked Assurance Schemes and Unlisted Structured Investment Products and in Section A of the Information Checklist for Application for Authorization of Thai Funds under the Mutual Recognition of Funds Arrangement submitted to the SFC in respect of the application for seeking SFC’s authorization of the Thai fund(s) and its/their Hong Kong offering document(s) *(if applicable)*.

²¹ For the Authorization to become effective, the applicant must submit to the SFC a duly completed and properly executed “Confirmation of fulfilment of authorization conditions”, as set out in Annex F of this Information Checklist as may be updated by the SFC from time to time.



Signed for and on behalf of:

Name of the management company : _____
Name of authorized signatory : _____
Signature : _____
Title / Position : _____
Date (date / month / year) : _____



Part B – Application for withdrawal of authorization (in the event of non-fulfilment of all conditions required for an authorization to become effective) by the approved person of the Thai fund(s)

To: Securities and Futures Commission (“SFC”)

Name (or such other name as may be approved by the SFC) of Thai fund(s)²²:
[insert name of all Thai fund(s) under application]

(each a “Thai Fund” and, collectively, “Thai Funds”)

I, [insert name], in my capacity as the approved person (upon approval by the SFC) (“Approved Person”) of the Thai Fund(s) for the purpose of section 104(2) [(please delete if not applicable)] and section 105(2) of the Securities and Futures Ordinance (“SFO”), write to submit that this letter be served as an application for withdrawal of authorization (if granted by the SFC) of the Thai Fund(s) [(please delete if not applicable)] and its/their Hong Kong offering document(s) pursuant to section 106(2) of the SFO (“Withdrawal Application”) upon occurrence of the events set out below.

In respect to each Thai Fund, this Withdrawal Application shall become effective in the event that: (i) authorization has been granted by the SFC under section 104(1) [(please delete if not applicable)] and section 105(1)] of the SFO (“Authorization”); and (ii) if any of the conditions imposed by the SFC for the Authorization to become effective (“Relevant Conditions”) as stated in the letter of authorization letter issued by the SFC (“Authorization Letter”) has not been fulfilled and complied with within the prescribed time limit as stated in the Authorization Letter (as may be extended in writing by the SFC).

The Withdrawal Application herein will cease to have any effect and be lapsed with regard to each Thai Fund once the respective Authorization (if granted by the SFC) has become effective in accordance with terms as stipulated under the Authorization Letter.

Name of the approved person of the Thai fund(s) : _____
Signature : _____
Title / Position : _____
Date (date / month/ year) : _____

²² As stated under 3(a)(ii), (iv) and (v) of the Application Form for Unit Trusts and Mutual Funds, Investment-Linked Assurance Schemes and Unlisted Structured Investment Products and in Section A of the Information Checklist for Application for Authorization of Thai Funds under the Mutual Recognition of Funds Arrangement submitted to the SFC in respect of the application for seeking SFC’s authorization of the Thai fund(s) and its/their Hong Kong offering document(s) (if applicable).



ANNEX E: Chinese translation confirmation

Option 1: One Confirmation to be Issued

Name of Thai fund(s) under application (“Thai Fund”):

Name of the Thai fund(s) : _____

I hereby certify and confirm that:

(a) *(please tick one of the following boxes)*

I have appointed *(please insert the name of the person)* _____, who is fully conversant in the Chinese language and competent to review and ensure the truth and accuracy of the Chinese translation of *(please insert the name of relevant document(s))* (“Relevant Chinese Document(s)”) in respect of the Thai Fund, to review and ensure the truth and accuracy of the Relevant Chinese Document(s);

I am fully conversant in the Chinese language and competent to review and ensure the truth and accuracy of the Chinese translation of *(please insert the name of relevant document(s))* (the “Relevant Chinese Document(s)”) in respect of the Thai Fund, and have reviewed and ensured the truth and accuracy of the Relevant Chinese Document(s); and

(b) the Relevant Chinese Document(s) is/are the true and accurate translation of the English version(s) of the same documentation.

Name of the party issuing confirmation²³ : _____

Name of authorized signatory : _____

Title / Position of authorized signatory : _____

Signature : _____

Date (date / month / year) : _____

²³ Please refer to the SFC’s circular regarding streamlining of authorization process (30 December 2005) which can be downloaded at: <http://www.sfc.hk/edistributionWeb/gateway/EN/circular/openFile?refNo=H480> and the Frequently Asked Questions on the Application Procedures for Authorization of Unit Trusts and Mutual Funds under the Revamped Process which can be downloaded at: <http://www.sfc.hk/web/EN/faqs/product-authorization/application-procedures-for-authorization-of-unit-trusts-and-mutual-funds-revamped-process.html>



Option 2: Two Confirmations to be Issued (Comprising the First Confirmation and Second Confirmation Below)

First Confirmation

Name of Thai fund(s) under application (“Thai Fund”):

Name of the Thai fund(s) : _____

I hereby certify and confirm that I have appointed (please insert the name of the translation company) _____, a company with qualified personnel who are fully conversant in the Chinese language and competent to review and ensure the truth and accuracy of the Chinese translation of (please insert the name of relevant document(s)) _____ (“Relevant Chinese Document(s)”) in respect of the Thai Fund, to review and ensure the truth and accuracy of the Relevant Chinese Document(s) . .

Name of the party issuing confirmation²⁴ : _____

Name of authorized signatory : _____

Title / Position of authorized signatory : _____

Signature : _____

Date (date / month / year) : _____

²⁴ Please refer to the SFC’s circular regarding streamlining of authorization process (30 December 2005) which can be downloaded at: <http://www.sfc.hk/edistributionWeb/gateway/EN/circular/openFile?refNo=H480> and the Frequently Asked Questions on the Application Procedures for Authorization of Unit Trusts and Mutual Funds under the Revamped Process which can be downloaded at: <http://www.sfc.hk/web/EN/faqs/product-authorization/application-procedures-for-authorization-of-unit-trusts-and-mutual-funds-revamped-process.html>



Second Confirmation

Name of Thai fund(s) under application (“Thai Fund”):

Name of the Thai fund(s) : _____

I hereby certify and confirm that:

- (i) *(please insert the name of the translation company)* _____
has been appointed by *(please insert the name of the appointing party)* _____
to review the Chinese translation of *(please insert the name of relevant document(s))* _____
 (“Relevant Chinese Document(s)”) in respect of the Thai Fund;
- (ii) *(please insert the name of the translator)* _____
of this office is fully conversant in the Chinese language and competent to review and ensure the truth
and accuracy of the Relevant Chinese Document(s); and
- (iii) the Relevant Chinese Document(s) is/are the true and accurate translation of the English version(s) of
the same documentation.

Name of the translator²⁵ : _____

Name of authorized signatory : _____

Position / Title of authorized signatory : _____

Signature : _____

Date (date / month / year) : _____

²⁵ Please refer to the SFC's circular regarding streamlining of authorization process (30 December 2005) which can be downloaded at: <http://www.sfc.hk/edistributionWeb/gateway/EN/circular/openFile?refNo=H480> and the Frequently Asked Questions on the Application Procedures for Authorization of Unit Trusts and Mutual Funds under the Revamped Process which can be downloaded at: <http://www.sfc.hk/web/EN/faqs/product-authorization/application-procedures-for-authorization-of-unit-trusts-and-mutual-funds-revamped-process.html>



Annex F: Confirmation of fulfilment of authorization conditions

Dated: _____ (*Note**)

To: Securities and Futures Commission (“SFC”)

Name of the Thai fund(s): _____ (“Thai Fund(s)”)

We refer to the letter from the SFC dated _____ (*insert date*) granting authorization of the Thai Fund(s) [and its/their Hong Kong offering document(s)] (“Authorization Letter”).

Confirmations/undertakings

We hereby confirm our agreement to all the conditions for the authorization of the Thai Fund(s) as set out in the Authorization Letter (“Authorization Conditions”). We further confirm and undertake that the Authorization Conditions have been fulfilled and will be complied with in respect of the Thai Fund(s).

(*Please tick if applicable*) In particular:

- (*Applicable only to Thai fund(s) whose HKOD are subject to comments of the SFC*) We confirm that the finalised draft of the Hong Kong offering document(s) of the Thai Fund(s) (“HKOD”) has/have properly addressed all the comments of the SFC on the HKOD as set out in the Authorization Letter.
- (*Applicable only to Thai fund(s) which is/are seeking authorization of its/their Hong Kong offering document(s)*) We confirm that the finalised draft of the HKOD is consistent with the latest offering document(s) which is/are currently made available to Thai investors and has/have obtained the necessary approval from/completed the required notification to/filing with the Securities and Exchange Commission of Thailand.
- We confirm that a Hong Kong representative which complies with 9.4 of the Code on Unit Trusts and Mutual Funds (the “UT Code”) has been duly appointed in respect of the Thai Fund(s) in accordance with Chapter 9 of the UT Code.
- (*Applicable only to Thai Passive ETF(s) that seek(s) to be listed in Hong Kong and propose to appoint an overseas auditor*) [*Applicable in the case that the overseas auditor has not been recognized by the FRC prior to the date of the authorization letter*] We confirm that the overseas auditor proposed to be appointed for the Thai Fund(s) has been recognized by the Financial Reporting Council (“FRC”) to carry out a PIE engagement (as defined under Part 1 of Schedule 1A of the Financial Reporting Council Ordinance (“FRCO”)) for the Thai Fund(s) on [date].] We [further] confirm that we shall inform the SFC promptly if (1) the recognition of the overseas auditor of the Thai Fund(s) has expired (and not renewed) or been [subsequently] revoked or suspended by the FRC or (2) an overseas auditor is no longer appointed by the Thai Fund(s).
- All other confirmations and/or undertakings that are required to be submitted in accordance with the Authorization Letter are set out below: (*use separate sheet(s) if necessary*)

* Please refer to “Chapter 7 – Documentation requirements following SFC authorization and prior to the authorization becoming effective” of the Guide on Practices and Procedures for Application for Authorization of Unit Trusts and Mutual Funds, including the timeframe within which the applicant is required to submit this confirmation to the SFC.



Supporting documentation

We confirm that all the documents as required to be submitted pursuant to the Authorization Letter is enclosed and listed below:

- A cheque made payable to the “Securities and Futures Commission”, or other means of payment acceptable to the SFC, in the total sum of _____ (*insert amount*) in payment of the authorization fees and annual fees in respect of the Thai Fund(s)
- (*Applicable only to Thai fund(s) which is/are seeking authorization of its/their Hong Kong offering document(s)*) Finalised draft of the English HKOD, with (i) changes (shown in mark-ups against previously submitted version) properly addressing all the comments of the SFC on the HKOD (if any) as set out in the Authorization Letter and (ii) annotations against Annex G to the Information Checklist for Application for Authorization of Thai Funds under the Mutual Recognition of Funds Arrangement
- (*Applicable only to Thai fund(s) which is/are seeking authorization of its/their Hong Kong offering document(s)*) Chinese version of the HKOD and the executed Chinese translation confirmation(s)
- Copy of duly executed constitutive documents
- (*Applicable only to Thai Passive ETF(s)*) Listing approval granted to the Thai Fund(s) by the Stock Exchange of Hong Kong Limited
- (*Applicable only to Thai Passive ETF(s) that seek(s) to be listed in Hong Kong and propose to appoint an overseas auditor*) Recognition application granted by the FRC to the Thai Fund(s) for the appointment of the overseas auditor to carry out a PIE engagement (as defined under Part 1 of Schedule 1A of the FRCO) for the Thai Fund(s)
- Please list out such other documents that are required to be submitted pursuant to the Authorization Letter: (use separate sheet(s) if necessary)*

Signed for and on behalf of:

Applicant : _____
(Please state the name of the management company of the Thai fund(s))

Name of authorized signatory : _____
(Insert name of at least one executive director²⁶ (or above) of the management company of the Thai fund(s))

Signature : _____

Title / Position : _____

Date (date / month / year) : _____

²⁶ Equivalents include, for example, CEO, managing director, etc. Essentially, the signatory is expected to be a senior ranking executive with overall responsibility over the new fund application.

Annex G: Reference on annotations for the Hong Kong offering documents of Thai funds

1. The Hong Kong offering documents (“HKOD”) of a Thai fund as annotated are required to be submitted to the SFC before the authorization of the Thai fund may become effective. This document aims to assist applicants of new fund applications in annotating the finalised English draft of the HKOD of a Thai fund under application against the required disclosure requirements.
2. The management company is obliged to disclose any information which may be necessary for investors to make an informed judgment.

| SFC Circular on “Mutual Recognition of Funds (MRF) between Thailand and Hong Kong” dated 20 January 2021 as amended from time to time | |
|--|--|
| TABLE 1 – Basic disclosure requirements | |
| | Hong Kong offering documents |
| | 5.6 of Overarching Principles Section (“OPS”) of SFC Handbook for Unit Trusts and Mutual Funds, Investment-Linked Assurance Schemes and Unlisted Structured Investment Products (“SFC Handbook”) |
| | 6.16 of the UT Code |
| | 6.17 of the UT Code |
| | 8.9(j) of the UT Code |
| | KFS |
| | 6.5 of the OPS of the SFC Handbook |
| | 6.6 of the OPS of the SFC Handbook |
| | 6.7 of the OPS of the SFC Handbook |
| | 6.8 of the OPS of the SFC Handbook |
| | 6.2A of the UT Code |
| | Use of disclaimers |
| | 6.12 of the OPS of the SFC Handbook |
| | Enquiries and complaints handling |
| | 7.4 of OPS of the SFC Handbook |
| | Mention of SFC authorization |
| | 1.10 of OPS of the SFC Handbook |
| | Other disclosure |
| | Appendix C1 to the UT Code |
| | Appendix C2 to the UT Code |
| | Appendix C2A to the UT Code |
| | Appendix C2B to the UT Code |
| | Appendix C2C to the UT Code |
| | Appendix C3 to the UT Code |
| | Appendix C4 to the UT Code |
| | Appendix C7 to the UT Code |
| | Appendix C8 to the UT Code |

SFC Circular on “Mutual Recognition of Funds (MRF) between Thailand and Hong Kong” dated 20 January 2021 as amended from time to time
TABLE 1 – Basic disclosure requirements

| |
|---|
| Appendix C9 to the UT Code |
| Appendix C10 to the UT Code |
| Appendix C12 to the UT Code |
| Appendix C13 to the UT Code (<i>if applicable</i>) |
| Appendix C14 to the UT Code |
| Appendix C15 to the UT Code |
| Appendix C16 to the UT Code |
| Appendix C18 to the UT Code |
| Appendix C18A to the UT Code |
| Appendix C19 to the UT Code |
| Appendix C19A to the UT Code |
| Appendix C20 to the UT Code |
| Appendix C21 to the UT Code |
| Appendix C22 to the UT Code |
| Appendix C22A to the UT Code |
| Appendix C23 to the UT Code |
| Appendix C24 to the UT Code |
| Appendix C25 to the UT Code |
| Appendix C26 to the UT Code |
| Paragraph 33 of the Circular |
| Disclosure requirements in the relevant Frequently Asked Questions (FAQs) issued by the SFC from time to time, including, FAQs on the Code on Unit Trusts and Mutual Funds, FAQs on Post Authorization Compliance Issues of SFC-authorized Unit Trusts and Mutual Funds, FAQs on SFC Authorization of UCITS Funds and FAQs on Thailand-Hong Kong Mutual Recognition of Funds. |
| Other information which may have a significant impact on the investors in Hong Kong |

TABLE 2 – Additional disclosure requirements for specific type of Thai funds

| | |
|---|--|
| <i>Applicable only to feeder funds</i> | |
| UT Code – 7.12 | |
| <i>Applicable only to unlisted index funds</i> | |
| UT Code – 8.6(j) | |
| <i>Applicable only to unlisted index funds</i> | |
| UT Code – 8.6(j), 8.6(u), 8.6(v) and 8.6(w) | |

APPENDIX

Personal Information Collection Statement

1. This Personal Information Collection Statement (“**PICS**”) is made in accordance with the guidelines issued by the Office of the Privacy Commissioner for Personal Data. The PICS sets out the policies and practices of the Securities and Futures Commission (“**SFC**”) with regard to your Personal Data²⁷ and what you are agreeing to with respect to the SFC’s use of your Personal Data for the purposes identified below.

Purpose of Collection

2. The Personal Data provided in any application, filing, submission (including any related form, checklist, confirmation, documentation or correspondence), enquiry, survey or any other form of request for information (as the case may be) will be used by the SFC for one or more of the following purposes:
 - to administer the Securities and Futures Ordinance (“**SFO**”) and other relevant Ordinances (including the Companies (Winding Up and Miscellaneous Provisions) Ordinance, the Companies Ordinance, the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance, Financial Institutions (Resolution) Ordinance), rules, regulations, codes and guidelines made or promulgated pursuant to the powers vested in the SFC as in force at the relevant time, including:
 - *SFC Handbook for Unit Trusts and Mutual Funds, Investment-Linked Assurance Schemes and Unlisted Structured Investment Products and the various Product Codes therein;*
 - *Code on Real Estate Investment Trusts;*
 - *SFC Code on MPF Products;*
 - *Code on Open-ended Fund Companies;*
 - *Code on Pooled Retirement Funds;*
 - *Advertising Guidelines Applicable to Collective Investment Schemes Authorized under the Product Codes;*
 - *Guidance Note for Persons Advertising or Offering Collective Investment Schemes on the Internet;*

(collectively, the “**Relevant Ordinances and Regulatory Requirements**”)

 - to process any application made under the Relevant Ordinances and Regulatory Requirements where you may have a connection;
 - to monitor the ongoing compliance of SFC-authorized investment products, open-ended fund companies and their key operators with the Relevant Ordinances and Regulatory Requirements;
 - for the purposes of inviting attendees to events or industry briefings organised by the SFC;
 - for the purposes of performing the SFC’s statutory functions under the relevant Ordinances, including surveillance, investigation, inspection or enforcement / disciplinary action;
 - for research or statistical purposes;
 - other purposes directly relating to any of the above; and

²⁷ Personal Data means personal data as defined in the Personal Data (Privacy) Ordinance, Cap 486 (“**PDPO**”).



- other purposes as permitted by law.

3. Failure to provide the requested Personal Data may result in the SFC being unable to process your application or request, or perform its statutory functions under the relevant Ordinances.

Transfer / Matching of Personal Data

4. Personal Data may be disclosed by the SFC to (i) other financial regulators in Hong Kong (including the Hong Kong Exchanges and Clearing Limited, the Hong Kong Monetary Authority, the Insurance Authority and the Mandatory Provident Funds Schemes Authority), (ii) government bodies (including the Hong Kong Police Force, the Customs and Excise Department, the Independent Commission Against Corruption, and the Companies Registry), (iii) relevant courts, panels, tribunals and committees, (iv) overseas regulatory / government / judicial bodies as permitted or required under the law, or pursuant to any regulatory / supervisory / investigatory assistance arrangements between the SFC and other regulators (local / overseas), and/or (iv) persons engaged by the SFC to assist the SFC in the performance of its statutory functions.
5. Personal Data may be used by the SFC and/or disclosed by the SFC to the above organizations / bodies / persons in Hong Kong or elsewhere for the purposes of verifying / matching²⁸ those data. You consent to the use of your Personal Data for carrying out a matching procedure (as defined in the PDPO).
6. Your Personal Data may be transferred to place(s) outside of Hong Kong for the purposes stated herein (such places may or may not offer the same or a similar level of personal data protection as in Hong Kong).

Access to Data

7. You have the right to request access to and correction of your Personal Data held by the SFC about you in accordance with the provisions of the PDPO. Your right of access includes the right to request a copy of your Personal Data held by the SFC. The SFC has the right to charge a fee for processing of any data access request.

Enquiries

8. Any enquiries regarding the Personal Data provided, or requests for access to Personal Data or correction of Personal Data, should be addressed in writing to:

The Data Privacy Officer
Securities and Futures Commission
54/F, One Island East
18 Westlands Road, Quarry Bay, Hong Kong

A copy of the Privacy Policy Statement adopted by the SFC is available on the SFC website at www.sfc.hk.

June 2021

²⁸ "matching procedure" is defined in section 2 of the PDPO.