

**INFORMATION CHECKLIST FOR TERMINATION OF A PRIVATE OFC OR
PRIVATELY OFFERED SUB-FUND UNDER CHAPTER 10 OF
THE CODE ON OPEN-ENDED FUND COMPANIES**

Note: This Information Checklist must be completed and submitted by an applicant to the Securities and Futures Commission for an application for termination of a private OFC as defined in the Code on Open-ended Fund Companies ("OFC Code") or privately offered sub-fund(s) of an open ended fund company ("OFC") as defined in the Securities and Futures Ordinance pursuant to Chapter 10 of the OFC Code.

Documents required	Provided? (please tick)
<p>1. (Applicable to the submission of a proposal for termination under 10.3 of the OFC Code) Please indicate if the following documents have been submitted in compliance with Chapter 10 of the OFC Code enclosing the following information –</p> <p>a) a proposal for termination for the OFC or sub-fund(s) (as the case may be), enclosing the following information:</p> <ul style="list-style-type: none"> (i) a solvency statement by the directors compliant with 10.4 and 10.5 of the OFC Code; (ii) reasons for the termination; (iii) proposed key procedures for such termination; (iv) consequences of such termination; (v) effect on its shareholders; <p>b) a confirmation on the following:</p> <ul style="list-style-type: none"> (i) the directors' decision to terminate the OFC / sub-fund(s) has taken due account of the best interests of the shareholders; (ii) reasonable notice has been provided to shareholders containing relevant and key particulars and procedures of the termination and impact on shareholders in accordance with the offering documents and instrument of incorporation (as applicable); (iii) the proposed termination (including the reasons, procedures and manner in which it is proposed to be conducted) is compliant with the applicable provisions in its instrument of incorporation and offering documents. 	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

<p>2. <i>(Applicable to the submission of an application pursuant to 10.10 of the OFC Code for cancellation of registration of the OFC or termination of sub-fund(s) of an OFC)</i> Please indicate if the following documents have been submitted in compliance with Chapter 10 of the OFC Code enclosing the following information –</p> <p>a) the “Application Form for Cancellation of Registration of an Open-ended Fund Company or Termination of a Sub-fund of an Open-ended Fund Company”;</p> <p>b) the final accounts of the OFC / sub-fund(s) (as the case may be) accompanied by the auditor’s report;</p> <p>c) a declaration signed by the board of directors and the investment manager confirming completion of realization of assets and distribution of proceeds in accordance with the OFC’s instrument of incorporation, and that the OFC or sub-fund(s) (as the case may be) has no outstanding liabilities;</p> <p><i>note: the applicant should ensure that it has no outstanding tax liabilities by obtaining a letter of tax clearance from the Inland Revenue Department or, in the case of termination of sub-fund(s) of an OFC, other similar confirmation from the Inland Revenue Department.</i></p> <p>d) confirmation that (i) written notification to investors has been made prior to and will be made upon cancellation of registration of the OFC or termination of the sub-fund(s) (as the case may be), (ii) such notification contains an explanation as to the reasons for such cancellation of registration or termination of the sub-fund(s); and (iii) that such notification is compliant with the applicable provisions in its instrument of incorporation and offering documents.</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
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