



## Information Checklist for Application for Authorization of Mainland Funds under the Mutual Recognition of Funds Arrangement and the Revamped Process

*This Information Checklist should be used with effect from 7 October 2020 in support of any application for authorization of a Mainland fund and its Hong Kong offering document(s).*

*For Mainland fund(s) application pursuant to the Mutual Recognition of Funds between Mainland and Hong Kong arrangement, they are not required to complete Sections C.(2) and D.(2) and Annex D2 in this Information Checklist.*

*For Mainland fund(s) seeking authorization from the Securities and Futures Commission for the sole purpose of being the master fund of an SFC-authorized feeder ETF, they are not required to complete Sections C.(1) and D.(1) and Annex D1 in this Information Checklist.*

### A. Introduction

An applicant seeking authorization of a publicly offered securities investment fund registered with the China Securities Regulatory Commission (“CSRC”) under the Securities Investment Fund Law of the People’s Republic of China and its Hong Kong offering document(s) under the Mutual Recognition of Funds between Mainland and Hong Kong (“MRF”) arrangement and pursuant to sections 104 and 105 of the Securities and Futures Ordinance (“SFO”) respectively / An applicant seeking authorization of a publicly offered securities investment fund registered with the CSRC under the Securities Investment Fund Law of the People’s Republic of China pursuant to section 104 of the SFO for the sole purpose of being the master fund of an SFC-authorized feeder ETF must complete this Information Checklist and submit it to the Investment Products Division of the Securities and Futures Commission (the “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 form<sup>1</sup>, 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 Mainland 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.



**Structure of the Mainland fund(s)**

: As stated under 3(a)(i) of the application form<sup>1</sup>

**Mainland fund(s) under application**

: Name(s) of the Mainland fund(s) under application which is/are stated under 3(a)(ii), (iv) and (v) of the application form<sup>1</sup> is/are repeated below (or such other name(s) as may be approved by the SFC):

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<sup>1</sup> 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 Mainland fund(s) under application in this Information Checklist.



## B. Basic information relating to the Mainland fund(s)

Please fill in this sheet for each of the single funds / sub-funds of an umbrella fund under application (please use separate sheet(s), if necessary).

Name (or such other name as may be approved by the SFC) of the single fund / sub-fund (each, referred to as the "Mainland fund") : \_\_\_\_\_ (English name)  
\_\_\_\_\_ (Chinese name)

Name (or such other name as may be approved by the SFC) of umbrella fund (if applicable) : \_\_\_\_\_ (English name)  
\_\_\_\_\_ (Chinese name)

- 1) Is the Mainland fund managed by a management firm currently managing other existing SFC-authorized fund(s)?  
 Yes     No
- 2)  Please tick if the Mainland fund does not have any investment delegate(s) and proceed to Q3. Otherwise, please answer the following question:
  - a) Is/Are the investment delegate(s) currently managing other existing SFC-authorized fund(s)?  
 Yes     No
- 3) Please indicate the fund type of the Mainland fund by ticking the applicable box(es) below:  
 general equity fund  
 general bond fund  
 general mixed fund  
 general unlisted index fund  
 physical index-tracking exchange traded fund ("ETF"); and please also tick the following if applicable:  
 Please tick if the Mainland fund is a feeder fund  
 Please tick if the Mainland fund is a master fund that is to be substantially invested by an SFC-authorized feeder ETF and will not be offered to the public in Hong Kong. Please indicate the name of the SFC-authorized feeder ETF / the feeder ETF currently under application ("Feeder ETF").  
\_\_\_\_\_
- 4)  Please tick if the unlisted index fund or ETF is tracking an index which is currently adopted by other existing SFC-authorized unlisted index fund(s) or ETF(s) and proceed to Q5. Otherwise, please answer:
  - a) Is the Mainland fund tracking a plain vanilla index?<sup>2</sup>  
 Yes     No

<sup>2</sup> Plain vanilla index will generally include free float market capitalization weighted equities index and will generally exclude strategy index, smart-beta/value-based index, equities index with covered call and/or hedging elements, etc.

- 5)  Please tick if the Mainland fund may not invest in debt instruments with loss-absorption features (“LAP”)<sup>3</sup>. Otherwise, please answer the following questions:
- a) Will the Mainland 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
- 6)  Please tick if the Mainland fund is a non-Hong Kong domiciled scheme seeking to be listed in Hong Kong<sup>4</sup>. If so, please also answer the following questions:
- a) Does the Mainland fund propose to appoint an overseas auditor to carry out a PIE engagement<sup>5</sup> (e.g. an auditor’s report on the Mainland 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 Mainland 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]
- 7) Please indicate the fund size of the Mainland fund at as the date of application.
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<sup>3</sup> 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.

<sup>4</sup> Applicable to physical index-tracking ETF.

<sup>5</sup> 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. (1) Confirmation from the applicant

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

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

#### Eligibility under the MRF arrangement

- a) the Mainland fund(s) is/are established and managed and operate(s) in accordance with the Mainland laws and regulations and its/their constitutive documents; and
- b) the Mainland fund(s) is a publicly offered securities investment fund/are publicly offered securities investment funds registered with the CSRC under the Securities Investment Fund Law of the People's Republic of China; and
- c) the Mainland fund(s) has/have been established for more than 1 year; and
- d) the Mainland fund(s) falls/fall within one of the eligible types of funds under the MRF arrangement; and
- e) the Mainland fund(s) has/have a minimum fund size of not less than RMB 200 million or its equivalent in a different currency; and
- f) the Mainland fund(s) is/are not primarily investing in the Hong Kong market; and
- g) the value of shares/units in the Mainland fund(s) to be sold to investors in Hong Kong would not be more than 50% of the value of the total assets of the Mainland fund(s); and

#### Management firm and investment delegates

- h) the management firm and the investment delegate(s) (if applicable) has/have fulfilled and will at all times fulfil the requirements under paragraphs 8 to 10 of the SFC Circular on "Mutual Recognition of Funds between the Mainland and Hong Kong" dated 22 May 2015 (the "Circular") as amended from time to time and the related guidance as may be issued by the SFC from time to time; and
- i)  (please tick if applicable) the details of the regulatory action(s)/proceeding(s) by the CSRC concerning the management firm and/or the investment delegate(s) (if applicable) 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

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

- j)  (please tick if applicable) the investment management functions are delegated to the following investment delegate(s) operating within the Mainland; and

Name(s) of investment delegate(s)	Name(s) of relevant Mainland fund(s) under application



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

Custodian

- k) the custodian qualifies to act as custodian for publicly offered securities investment funds pursuant to Mainland laws and regulations; and
- l) (please tick one of the following):
- the custodian of the Mainland fund is currently acting as custodian of other existing SFC-authorized fund(s);
  - the custodian of the Mainland fund is not currently acting as custodian of other existing SFC-authorized fund(s); and the information relating to the custodian is set out below; and

Name of custodian	
Registered/business address	
Name of primary supervisory authority	

Hong Kong representative

- m) we [(please delete as appropriate) have appointed / will appoint] the following entity as the Hong Kong representative of the Mainland fund(s) and the requirements set out in Chapter 4 of the Guide<sup>6</sup> 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 Mainland fund(s) (if granted by the SFC) becomes effective]; and

Name of Hong Kong representative	
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- n) 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

- o) 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 Mainland fund(s) under this application; and

Waivers / Special Requirements / Conditions granted by CSRC

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

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<sup>6</sup> The Guide refers to the Guide on Practices and Procedures for Application for Authorization of Unit Trusts and Mutual Funds published by the SFC, which, among other things, sets out the compliance requirements applicable to funds seeking authorization from the SFC for offering to the public in Hong Kong, and as the same may be revised/updated from time to time. The Guide may be accessed via <http://www.sfc.hk/web/EN/faqs/product-authorization/guide-on-practices-and-procedures-for-application-for-authorization-of-unit-trusts-and-mutual-funds.html>.

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

Material breach/investigation/disciplinary matters

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

- there is no material breach of the Mainland laws and regulations and/or its/their constitutive documents by the Mainland fund(s);
- there is/are material breach(es) of the Mainland laws and regulations and/or its/their constitutive documents by the Mainland fund(s); and the details are set out below;
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*(please use separate sheet(s), if necessary)*

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

- there is no current or pending investigation/disciplinary matter(s) against the Mainland fund(s);
- there is current or pending investigation/disciplinary matter(s) against the Mainland fund(s); and the details are set out below; and
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*(please use separate sheet(s), if necessary)*

Compliance with the Circular and the related guidance

- s) all documents required to be submitted to the SFC for the purposes of application for authorization of the Mainland 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
- t) 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 Mainland fund(s) under this application have been and will be complied with in respect of the Mainland fund(s) under this application; and
- u) the Mainland fund(s) adopt(s) a forward pricing method; and

Hong Kong offering document(s)<sup>7</sup>

- v) the product key facts statement(s) ("KFS") of the Mainland fund(s) is/are consistent with the Hong Kong offering document(s) of the Mainland fund(s); and
- w) the Hong Kong offering document(s) of the Mainland fund(s) is/are consistent with the latest offering document(s) which is/are made available to Mainland investors; and such latest offering document(s) has/have obtained the necessary approval from/completed the required notification to/filing with the CSRC; and
- x) the Mainland fund(s) will not exceed the maximum level of leverage as disclosed in the KFS; and

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<sup>7</sup> References to Hong Kong offering document(s) in this Information Checklist refer to offering document(s) of the Mainland 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 Mainland fund(s) which is/are made available to Mainland investors and has/have obtained the necessary approval from/completed the required notification to/filing with the CSRC; (ii) a Hong Kong covering document complementing the Mainland offering document(s) ("Hong Kong Covering Document(s)"); and (iii) the KFS.



- y) the use of financial derivative instruments by the Mainland fund(s) as disclosed in the KFS is for hedging purposes only; and

Constitutive documents<sup>8</sup>

- z) the constitutive documents of the Mainland fund(s) have complied with all applicable Mainland laws and regulations, the CSRC'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 documents are the latest version that have been submitted to/filed with the CSRC; and

Tax-related

- aa) competent tax advice and opinion on the US Foreign Account Tax Compliance Act ("FATCA") status of the Mainland fund(s) has/have been received; and
- bb) there is no indemnification relating to FATCA imposed on the unitholders of the Mainland fund(s); and
- cc) all tax related disclosure in the KFS and Hong Kong Covering Document(s) of the Mainland 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 Mainland fund(s) (if granted by the SFC) become(s) effective; and

Account opening

- dd) no subscription for the Mainland fund(s) will be accepted in Hong Kong until all necessary account(s) for cross-border money transfer (including those account(s) as may be required by the relevant authorities from time to time) has/have been set up; and

Approved person

- ee) *(please tick one of the following):*

*(please insert the name of the approved person)* \_\_\_\_\_

has been approved as the approved person of the Mainland fund(s) and the approval letter previously issued by the SFC is attached in separate sheet;

the nomination of the approved person of the Mainland 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

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<sup>8</sup> "Constitutive documents" means the fund contract of a Mainland fund.





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 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 : \_\_\_\_\_  
*(Please state the name of the management firm of the Mainland fund(s))*

Name of authorized signatory : \_\_\_\_\_  
*(Insert name of at least one executive director<sup>9</sup> (or above) of the management firm of the Mainland fund(s))*

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

Title / Position : \_\_\_\_\_

Date (date / month / year) : \_\_\_\_\_

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<sup>9</sup> Equivalent 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.



## C. (2) Confirmation from the applicant

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

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

### Requirements on Mainland fund(s)

- a) the Mainland fund(s) is/are established and managed and operate(s) in accordance with the Mainland laws and regulations and its/their constitutive documents; and
- b) the Mainland fund(s) is a publicly offered securities investment fund/are publicly offered securities investment funds registered with the CSRC under the Securities Investment Fund Law of the People's Republic of China; and
- c) the Mainland fund(s) will, on an ongoing basis, remain registered with the CSRC for offering to the Mainland public, and be subject to the ongoing regulation and supervision of the CSRC; and
- d) the Mainland fund(s) will remain a physical index-tracking exchange traded fund and maintain a primary listing on a principal Mainland China stock exchange; and
- e) the Mainland fund(s) is/are not available for direct investment by the public in Hong Kong; and

### Management firm and investment delegates

- f) the management company and the investment delegate(s) (if applicable) of the Mainland fund(s) has/have been registered with and operate(s) in the Mainland in accordance with Mainland laws and regulations and is/are licensed by the CSRC to manage publicly offered securities investment funds; and
- g) the management firm and the investment delegate(s) (if applicable) has/have not been the subject of any major regulatory actions by the CSRC in the past three years or since the date of establishment if it has been established for less than three years; and
- h)  (please tick if applicable) the details of the regulatory action(s)/proceeding(s) by the CSRC concerning the management firm and/or the investment delegate(s) (if applicable) 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)*

- i)  (please tick if applicable) the investment management functions are delegated to the following investment delegate(s) operating within the Mainland; and

Name(s) of investment delegate(s)	Name(s) of relevant Mainland fund(s) under application



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

Custodian

- j) the custodian of the Mainland fund(s) qualifies to act as custodian for publicly offered securities investment funds pursuant to Mainland laws and regulations; and
- k) (please tick one of the following):
  - the custodian of the Mainland fund is currently acting as custodian of other existing SFC-authorized fund(s);
  - the custodian of the Mainland fund is not currently acting as custodian of other existing SFC-authorized fund(s); and the information relating to the custodian is set out below; and

Name of custodian	
Registered/business address	
Name of primary supervisory authority	

Hong Kong representative

- l) we [(please delete as appropriate) have appointed / will appoint] the following entity as the Hong Kong representative of the Mainland fund(s) and the requirements set out in Chapter 4 of the Guide<sup>10</sup> 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 Mainland fund(s) (if granted by the SFC) becomes effective]; and

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

Waivers / Special Requirements / Conditions granted by CSRC

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

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

Material breach/investigation/disciplinary matters

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

<sup>10</sup> The Guide refers to the Guide on Practices and Procedures for Application for Authorization of Unit Trusts and Mutual Funds published by the SFC, which, among other things, sets out the compliance requirements applicable to funds seeking authorization from the SFC, and as the same may be revised/updated from time to time. The Guide may be accessed via <http://www.sfc.hk/web/EN/fags/product-authorization/guide-on-practices-and-procedures-for-application-for-authorization-of-unit-trusts-and-mutual-funds.html>.



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

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

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

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

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

- q) in the event of breach of Mainland laws and regulations, the management firm shall endeavour to notify the CSRC and the SFC at the same time and rectify the breach promptly; and

Compliance with the related guidance

- r) the Mainland fund(s) adopt(s) a forward pricing method; and
- s) the use of financial derivative instruments by the Mainland fund(s) is for hedging purposes only; and
- t) the Mainland fund(s) will not exceed the maximum level of leverage as disclosed in the offering documents of the Feeder ETF; and

Constitutive documents<sup>11</sup>

- u) the constitutive documents of the Mainland fund(s) have complied with all applicable Mainland laws and regulations, the CSRC'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 documents are the latest version that have been submitted to/filed with the CSRC; and

Jurisdiction

- v) the management firm shall make effective and proper arrangement to ensure that, where the constitutive documents of the Mainland fund(s) provide for dispute resolution by way of litigation, the courts of Hong Kong shall not be excluded from entertaining an action concerning the Mainland fund(s); and

Pricing error and suspension/deferral of dealings

- w) if there is pricing error, suspension or deferral of dealings of the Mainland fund(s), the management firm shall notify SFC correspondingly; and

Ongoing disclosure

- x) the management firm shall respond promptly to the SFC's enquiries associated with the Mainland fund(s). The management firm must upon request provide to the SFC all information relating to the Mainland fund(s) (including but not limited to its financial reports and accounts); and
- y) a hyperlink(s) will be posted on the Feeder ETF manager's website linking to the Mainland fund(s) management firm's website where the Mainland fund(s) information is disclosed according to all

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<sup>11</sup> "Constitutive documents" means the fund contract of a Mainland fund.



applicable Mainland laws and regulations, and the CSRC's requirements as amended from time to time; and

Tax-related

z) competent tax advice and opinion on the US Foreign Account Tax Compliance Act ("FATCA") status of the Mainland fund(s) has/have been received; and

aa) there is no indemnification relating to FATCA imposed on the unitholders of the Mainland fund(s); and

Withdrawal of authorization

bb) following the authorization of the Mainland fund(s), if its management firm does not wish to maintain such authorization, it shall apply for withdrawal of authorization from the SFC in accordance with the applicable Hong Kong laws and regulations.

Approved person

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

*(please insert the name of the approved person)* \_\_\_\_\_

has been approved as the approved person of the Mainland fund(s) and the approval letter previously issued by the SFC is attached in separate sheet;

the nomination of the approved person of the Mainland 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 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 : \_\_\_\_\_  
*(Please state the name of the management firm of the Mainland fund(s))*

Name of authorized signatory : \_\_\_\_\_  
*(Insert name of at least one executive director<sup>12</sup> (or above) of the management firm of the Mainland fund(s))*

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

Title / Position : \_\_\_\_\_

Date (date / month / year) : \_\_\_\_\_

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<sup>12</sup> Equivalent 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. (1) 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.

Amended

### I. Mandatory documents

- 1) Duly completed and properly executed application form<sup>1</sup>
- 2) Application fee<sup>13</sup> (*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.(1) of the Information Checklist
- 4) Duly completed and properly executed undertaking from the Hong Kong Representative (see [Annex A](#))
- 5) (i) A copy of the letter of approval on the approved person previously issued by the SFC (for Mainland fund(s) with approved person previously approved by the SFC); or (ii) duly completed and properly executed nomination letter from the management firm of the Mainland fund(s) nominating an individual as the approved person for the Mainland fund(s) and the duly completed and properly executed confirmation from the nominated approved person (see [Annex B](#))
- 6) English version of the latest offering document(s) of the Mainland fund(s)<sup>14</sup>
- 7) Advanced draft of the English Hong Kong Covering Document(s) of the Mainland fund(s)
- 8) Advanced draft of the English KFS of the Mainland fund(s)
- 9) Constitutive documents<sup>15</sup> of the Mainland fund(s)
- 10) Latest audited financial report (if any) and if more recent, the latest unaudited financial report of the Mainland fund(s)<sup>16</sup>
- 11) Duly completed and properly executed letters from the management firm and the approved person regarding non-fulfilment of authorization condition(s) (see [Annex D1](#))
- 12) Duly completed and properly executed Chinese translation confirmation<sup>17</sup> (see [Annex E](#))

Amended

### II. Additional documents (to the extent applicable)

- 13) For Mainland fund(s) with new management firm and/or new investment delegate(s)  
Duly completed and properly executed confirmation from the new management firm and/or new investment delegate(s) (see [Annex C](#))
- 14) For Mainland fund(s) that is not domiciled in Hong Kong and seeking to be listed in Hong Kong with an overseas auditor proposed to be appointed<sup>4</sup>

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

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<sup>13</sup> Please refer to the latest fee schedule posted on the SFC website.

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

<sup>15</sup> "Constitutive documents" means the fund contract of a Mainland fund. The constitutive documents may be submitted in simplified Chinese. Specific information regarding the constitutive documents should be made available to Hong Kong investors in traditional Chinese and/or English upon request.

<sup>16</sup> The financial report(s) may be submitted in simplified Chinese. Specific information regarding the financial report(s) should be made available to Hong Kong investors in traditional Chinese and/or English upon request.

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



Evidence that the overseas auditor has been recognized by the FRC to carry out a PIE engagement (as defined in the FRCO)<sup>5</sup> for the Mainland fund(s) (if available)

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## D. (2) 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

Amended

- 1) Duly completed and properly executed application form<sup>1</sup>
- 2) Application fee<sup>18</sup> (*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.(2) of the Information Checklist
- 4) Duly completed and properly executed undertaking from the Hong Kong Representative (see [Annex A](#))
- 5) (i) A copy of the letter of approval on the approved person previously issued by the SFC (for Mainland fund(s) with approved person previously approved by the SFC); or (ii) duly completed and properly executed nomination letter from the management firm of the Mainland fund(s) nominating an individual as the approved person for the Mainland fund(s) and the duly completed and properly executed confirmation from the nominated approved person (see [Annex B](#))
- 6) Constitutive documents<sup>19</sup> of the Mainland fund(s)
- 7) Latest audited financial report (if any) and if more recent, the latest unaudited financial report of the Mainland fund(s)<sup>20</sup>
- 8) Duly completed and properly executed letters from the management firm and the approved person regarding non-fulfilment of authorization condition(s) (see [Annex D2](#))

Amended

### II. Additional documents (to the extent applicable)

- 9) For Mainland fund(s) with new management firm and/or new investment delegate(s)  
Duly completed and properly executed confirmation from the new management firm and/or new investment delegate(s) (see [Annex C](#))

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

<sup>18</sup> Please refer to the latest fee schedule posted on the SFC website.

<sup>19</sup> "Constitutive documents" means the fund contract of a Mainland fund. The constitutive documents may be submitted in simplified Chinese.

<sup>20</sup> The financial report(s) may be submitted in simplified Chinese.



## **ANNEX A: Undertaking from Hong Kong Representative**

Name of Mainland fund(s) under application:

a) Name (for umbrella fund only, :  
or such other name as may be  
approved by the SFC) of the  
umbrella/single fund(s)

\_\_\_\_\_

b) Name (or such other name as :  
may be approved by the SFC)  
of the relevant sub-fund(s)

\_\_\_\_\_

We hereby confirm and undertake that, in respect of the Mainland 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 Mainland fund(s) (if granted by the SFC) becomes effective;

(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 Mainland 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 firm**

The Mainland 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 Mainland fund(s) under application [(*please delete if not applicable*)] and the sub-funds of the umbrella fund as authorized by the SFC from time to time [(*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 firm : \_\_\_\_\_  
Name of authorized signatory : \_\_\_\_\_  
Signature : \_\_\_\_\_  
Title / Position : \_\_\_\_\_  
Date (date / month / year) : \_\_\_\_\_



**Part 2: Confirmation from the nominated approved person**

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

I, as the nominated approved person for (a) the Mainland fund(s) under application [(please delete if not applicable)] and the sub-funds of the umbrella fund as authorized by the SFC from time to time [(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 (the "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: Confirmation from the new management firm and/or new investment delegate(s)**

Please submit this confirmation for each of the new management firm and/or new investment delegate(s).

Mainland fund(s) under application (please tick one of the following boxes):

(For new management firm) The Mainland fund(s) under application: As stated in Section A of this Information Checklist

(For new investment delegate) Name of Mainland fund(s) under application:

a) Name (or such other name :  
as may be approved by the  
SFC) of the umbrella/single  
fund(s)

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b) Name (or such other name :  
as may be approved by the  
SFC) of the relevant  
sub-fund(s)

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We hereby confirm and undertake that, in respect of this application:

- (a) the management firm<sup>21</sup> is registered and operates in the Mainland in accordance with Mainland laws and regulations;
- (b) the management firm<sup>24</sup> is licensed by the CSRC to manage publicly offered securities investment funds;
- (c) the management firm<sup>24</sup> has not been subject to any major regulatory action(s) by the CSRC in the past three years or since the date of establishment if it has been established for less than three years;
- (d)  (please tick if applicable) the details of the regulatory action(s)/proceeding(s) by the CSRC concerning the management firm<sup>24</sup> 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;

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

(e) (Please tick one of the following boxes)

- there is no restriction attached to the management firm's licence<sup>24</sup>;
- the details of the restriction(s) attached to the management firm's licence<sup>24</sup> are attached to this confirmation in separate sheet(s);

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<sup>21</sup> For confirmation to be submitted from new investment delegate, references to the management firm are deemed to be references to the new investment delegate.



Signed for and on behalf of:

Name of the new management  
firm / new investment delegate

Name of authorized signatory

Signature

Title / Position

Date (date / month / year)

:

:

:

:

:

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*(Insert name of at least one executive director<sup>9</sup> (or above) of the  
management firm / investment delegate)*

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## **ANNEX D1: Letters from the management firm 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 Mainland fund(s).)*

### **Part A – Acknowledgement from the management firm**

To: Securities and Futures Commission (the “SFC”)

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

(collectively, the “Mainland Funds” each, a “Mainland Fund”)

In connection with the application for authorization (“Authorization Application”) of the Mainland Fund(s) and the related Hong Kong offering document(s) (“Hong Kong Offering Document(s)”), we understand that under section 104(1) and section 105(1) of the Securities and Futures Ordinance (“SFO”), the SFC may, where it considers appropriate, authorize the Mainland Fund(s) 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 Mainland Fund(s) 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 SFC<sup>23</sup> within the Time Limit.

In this connection, we hereby authorize [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.

Signed for and on behalf of:

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

<sup>22</sup> 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 Mainland Funds under the Mutual Recognition of Funds Arrangement and the Revamped Process submitted to the SFC in respect of the application for seeking SFC’s authorization of the Mainland fund(s) and its/their Hong Kong offering document(s).

<sup>23</sup> 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.



**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 Mainland fund(s)**

To: Securities and Futures Commission (the “SFC”)

Name (or such other name as may be approved by the SFC) of Mainland fund(s)<sup>24</sup>:  
[insert name of all Mainland fund(s) under application]

(collectively, the “Mainland Funds” and each, a “Mainland Fund”)

I, [insert name], in my capacity as the approved person (upon approval by the SFC) (“Approved Person”) of the Mainland Fund(s) for the purpose of section 104(2) 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 Mainland Fund(s) 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 Mainland Fund, this Withdrawal Application shall become effective in the event that: (i) authorization has been granted by the SFC under section 104(1) 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 Mainland 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 Mainland fund(s) : \_\_\_\_\_  
Signature : \_\_\_\_\_  
Title / Position : \_\_\_\_\_  
Date (date / month/ year) : \_\_\_\_\_

<sup>24</sup> 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 Mainland Funds under the Mutual Recognition of Funds Arrangement and the Revamped Process submitted to the SFC in respect of the application for seeking SFC’s authorization of the Mainland fund(s) and its/their Hong Kong offering document(s).





## **ANNEX D2: Letters from the management firm 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 Mainland fund(s).)*

### **Part A – Acknowledgement from the management firm**

To: Securities and Futures Commission (the “SFC”)

Name (or such other name as may be approved by the SFC) of Mainland fund(s)<sup>25</sup>:  
[insert name of all Mainland fund(s) under application]

(collectively, the “Mainland Funds” each, a “Mainland Fund”)

In connection with the application for authorization (“Authorization Application”) of the Mainland Fund(s), we understand that under section 104(1) of the Securities and Futures Ordinance (“SFO”), the SFC may, where it considers appropriate, authorize the Mainland Fund(s), subject to such conditions as the SFC considers appropriate.

We acknowledge that for the authorization (if granted by the SFC) of the Mainland Fund(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 SFC<sup>26</sup> within the Time Limit.

In this connection, we hereby authorize [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.

Signed for and on behalf of:

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

<sup>25</sup> 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 Mainland Funds under the Mutual Recognition of Funds Arrangement and the Revamped Process submitted to the SFC in respect of the application for seeking SFC’s authorization of the Mainland fund(s).

<sup>26</sup> 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.



**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 Mainland fund(s)**

To: Securities and Futures Commission (the “SFC”)

Name (or such other name as may be approved by the SFC) of Mainland fund(s)<sup>27</sup>:  
[insert name of all Mainland fund(s) under application]

(collectively, the “Mainland Funds” and each, a “Mainland Fund”)

I, [insert name], in my capacity as the approved person (upon approval by the SFC) (“Approved Person”) of the Mainland Fund(s) for the purpose of section 104(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 Mainland Fund(s) pursuant to section 106(2) of the SFO (“Withdrawal Application”) upon occurrence of the events set out below.

In respect to each Mainland Fund, this Withdrawal Application shall become effective in the event that: (i) authorization has been granted by the SFC under section 104(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 Mainland 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 Mainland fund(s) : \_\_\_\_\_  
Signature : \_\_\_\_\_  
Title / Position : \_\_\_\_\_  
Date (date / month/ year) : \_\_\_\_\_

<sup>27</sup> 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 Mainland Funds under the Mutual Recognition of Funds Arrangement and the Revamped Process submitted to the SFC in respect of the application for seeking SFC’s authorization of the Mainland fund(s).



## **ANNEX E: Chinese translation confirmation**

### **Option 1: One Confirmation to be Issued**

Name of Mainland fund(s) under application (the "Mainland Fund"):

a) Name of the umbrella/single fund(s) : \_\_\_\_\_

b) Name of the relevant sub-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 traditional and simplified Chinese and the English language and competent to review and ensure each of the traditional Chinese and English versions of the Hong Kong offering document(s), comprising of *(please insert the name of relevant document(s))* \_\_\_\_\_ (the "Relevant Document(s)") in respect of the Mainland Fund, is a true and accurate translation of each other, to review and ensure that each of the traditional Chinese and English versions of the Relevant Document(s) is a true and accurate translation of each other;

I am fully conversant in the traditional and simplified Chinese and the English language and competent to review and ensure each of the traditional Chinese and English versions of the Hong Kong offering document(s), comprising of *(please insert the name of relevant document(s))* \_\_\_\_\_ (the "Relevant Document(s)") in respect of the Mainland Fund, is a true and accurate translation of each other, and have reviewed and ensured that each of the traditional Chinese and English versions of the Relevant Document(s) is a true and accurate translation of each other; and

(b) each of the traditional Chinese and English versions of the Relevant Document(s) is a true and accurate translation of each other; and

(c) where any text of the Relevant Document(s) is derived from the original simplified Chinese text of the latest offering document(s) of the Mainland Fund that is/are made available to Mainland investors and has/have obtained the necessary approval from/completed the required notification to/filing with the China Securities Regulatory Commission, the Relevant Document(s) is/are a true and accurate reflection of the original simplified text, taking into account market practice and customary use of Chinese language in Hong Kong.

Name of the party issuing confirmation<sup>28</sup> : \_\_\_\_\_

Name of authorized signatory : \_\_\_\_\_

Title / Position of authorized signatory : \_\_\_\_\_

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

Date (date / month/ year) : \_\_\_\_\_

<sup>28</sup> 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>



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

**First Confirmation**

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

a) Name of the umbrella/single fund(s) : \_\_\_\_\_

b) Name of the relevant sub-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 traditional and simplified Chinese and the English language and competent to review and ensure each of the traditional Chinese and English versions of the Hong Kong offering document(s) of the Mainland Fund, comprising of (please insert the name of relevant document(s)) \_\_\_\_\_

(the “Relevant Document(s)”), is a true and accurate translation of each other, to review and ensure that each of the traditional Chinese and English versions of the Relevant Document(s) is a true and accurate translation of each other; and that where any text of the Relevant Document(s) is derived from the original simplified Chinese text of the latest offering document(s) of the Mainland Fund that is/are made available to Mainland investors and has/have obtained the necessary approval from/completed the required notification to/filing with the China Securities Regulatory Commission, the Relevant Document(s) is/are a true and accurate reflection of the original simplified text, taking into account market practice and customary use of Chinese language in Hong Kong.

Name of the party issuing confirmation<sup>29</sup> : \_\_\_\_\_

Name of authorized signatory : \_\_\_\_\_

Title / Position of authorized signatory : \_\_\_\_\_

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

Date (date / month / year) : \_\_\_\_\_

<sup>29</sup> 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>



## Second Confirmation

Name of Mainland fund(s) under application (the "Mainland Fund"):

a) Name of the umbrella/single fund(s) : \_\_\_\_\_

b) Name of the relevant sub-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 and ensure each of the traditional Chinese and English versions of the Hong Kong offering document(s), comprising of (please insert the name of relevant document(s)) (the "Relevant Document(s)") in respect of the Mainland Fund, is a true and accurate translation of each other; and that where any text of the Relevant Document(s) is derived from the original simplified Chinese text of the latest offering document(s) of the Mainland Fund that is/are made available to Mainland investors and has/have obtained the necessary approval from/completed the required notification to/filing with the China Securities Regulatory Commission ("CSRC"), the Relevant Document(s) is/are a true and accurate reflection of the original simplified text, taking into account market practice and customary use of Chinese language in Hong Kong;
- (ii) (please insert the name of the translator) of this office is fully conversant in the traditional and simplified Chinese and the English language and competent to review and ensure each of the traditional Chinese and English versions of the Relevant Document(s) is a true and accurate translation of each other; and
- (iii) each of the traditional Chinese and English versions of the Relevant Document(s) is a true and accurate translation of each other; and that where any text of the Relevant Document(s) is derived from the original simplified Chinese text of the latest offering document(s) of the Mainland Fund that is/are made available to Mainland investors and has/have obtained the necessary approval from/completed the required notification to/filing with the CSRC, the Relevant Document(s) is/are a true and accurate reflection of the original simplified text, taking into account market practice and customary use of Chinese language in Hong Kong.

Name of the translator<sup>30</sup> : \_\_\_\_\_

Name of authorized signatory : \_\_\_\_\_

Position / Title of authorized signatory : \_\_\_\_\_

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

Date (date / month / year) : \_\_\_\_\_

<sup>30</sup> 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>



## Annex F Confirmation of fulfilment of authorization conditions

Dated: \_\_\_\_\_ (*Note*\*)

To: Securities and Futures Commission (the "SFC")

Name of the Mainland fund(s): \_\_\_\_\_ (the "Mainland Fund(s)")

We refer to the letter from the SFC dated \_\_\_\_\_ (*insert date*) granting authorization of the Mainland Fund(s) [*please delete if not applicable*] and its/their Hong Kong offering document(s) [the "Authorization Letter"].

### **Confirmations/undertakings**

We hereby confirm our agreement to all the conditions for the authorization of the Mainland 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 Mainland Fund(s).

*(Please tick if applicable)* In particular:

- (Applicable only to Mainland 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 Mainland Fund(s) ("HKOD") has/have properly addressed all the comments of the SFC on the HKOD as set out in the Authorization Letter.
- (Not applicable to Mainland fund(s) that seek authorization from SFC for the sole purpose of being the master fund of an SFC-authorized feeder ETF)* We confirm that the finalised draft of the HKOD is consistent with the latest offering document(s) which is/are currently made available to Mainland investors and has/have obtained the necessary approval from/completed the required notification to/filing with the China Securities Regulatory Commission.
- 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 Mainland Fund(s) in accordance with Chapter 9 of the UT Code. *(Applicable only to Mainland fund(s) that seek to be listed in Hong Kong (Note 1) 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 Mainland 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 Mainland Fund(s) on [date]. We [further] confirm that we shall inform the SFC promptly if (1) the recognition of the overseas auditor of the Mainland 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 Mainland 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)*

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### **Supporting documentation**

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\* 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.

Note 1: Applicable to physical index-tracking ETF.



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

Amended

- 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 Mainland Fund(s)
- (*Not applicable to Mainland fund(s) that seek authorization from SFC for the sole purpose of being the master fund of an SFC-authorized feeder ETF*) 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 Mainland Funds under the Mutual Recognition of Funds Arrangement and the Revamped Process
- (*Not applicable to Mainland fund(s) that seek authorization from SFC for the sole purpose of being the master fund of an SFC-authorized feeder ETF*) Traditional Chinese version of the HKOD and the executed Chinese translation certificate(s)
- Copy of duly executed constitutive documents
- (*Applicable only to ETFs that seek to be listed in Hong Kong (Note 1)*) Listing approval granted to the Mainland Fund(s) by The Stock Exchange of Hong Kong Limited
- (*Applicable only to Mainland fund(s) that seek to be listed in Hong Kong (Note 1) and propose to appoint an overseas auditor*) Recognition application granted by the FRC to the Mainland 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 Mainland 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)*

Amended

Signed for and on behalf of:

Name of Applicant : \_\_\_\_\_  
*(Please state the name of the management firm of the Mainland fund(s))*

Name of authorized signatory : \_\_\_\_\_  
*(Insert name of at least one executive director<sup>a</sup> (or above) of the management firm of the Mainland fund(s))*

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

Title / Position : \_\_\_\_\_

Date (date / month / year) : \_\_\_\_\_

a. Equivalent 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 Mainland funds

1. The Hong Kong offering documents (“HKOD”) of a Mainland fund as annotated are required to be submitted to the SFC before the authorization of the Mainland 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 Mainland fund under application against the required disclosure requirements.
2. The management firm is obliged to disclose any information which may be necessary for investors to make an informed judgment.

<b>Circular</b>	
	<b><i>Hong Kong offering documents</i></b>
	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)
	<b>KFS</b>
	6.2A of the Code on Unit Trusts and Mutual Funds (the “UT Code”)
	<b><i>Enquiries and complaints handling</i></b>
	7.4 of OPS of SFC Handbook
	<b><i>Mention of SFC authorization</i></b>
	1.10 of OPS of SFC Handbook
	<b>Other disclosure</b>
	Clause 3(d) of Appendix C of the UT Code
	Clause 12 of Appendix C of the UT Code
	Clause 16 of Appendix C of the UT Code
	Clause 18 of Appendix C of the UT Code
	Clause 18A of Appendix C of the UT Code
	Clause 19(a) of Appendix C of the UT Code
	Clause 20 of Appendix C of the UT Code
	Clause 23 of Appendix C of the UT Code
	Disclosure on stock lending as per FAQ 21 in the Frequently Asked Questions on the Code on Unit Trusts and Mutual Funds or (in respect of physical index-tracking exchange traded funds) FAQ 7 in the Frequently Asked Questions on the Exchange Traded Funds and Listed Funds
	Other information which may have a significant impact on the investors in Hong Kong



## 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 Data<sup>31</sup> 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;

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<sup>31</sup> Personal Data means personal data as defined in the Personal Data (Privacy) Ordinance, Cap 486 (“**PDPO**”).



- other purposes directly relating to any of the above; and
  - 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 / matching<sup>32</sup> 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](http://www.sfc.hk).

October 2020

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<sup>32</sup> "matching procedure" is defined in section 2 of the PDPO.