



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

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

This Information Checklist should be used with effect from 22 December 2023 in support of any application for authorization of a Swiss fund and its Hong Kong offering document(s).

A. Introduction

An applicant seeking authorization of a publicly offered securities fund approved by the Swiss Financial Market Supervisory Authority (“FINMA”) under the Swiss Federal Act on Collective Investment Schemes (CISA) and its Hong Kong offering document(s) under the Mutual Recognition of Funds between Switzerland and Hong Kong (“MRF”) arrangement and pursuant to sections 104 and 105 of the Securities and Futures Ordinance (“SFO”) respectively 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 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 Swiss 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 Swiss fund(s)

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

Swiss fund(s) under application

: Name(s) of the Swiss 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):

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 Swiss fund(s) under application in this Information Checklist.



B. Basic information relating to the Swiss 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 "Swiss 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 Swiss fund managed by a management firm currently managing other existing SFC-authorized fund(s)?
 Yes No

- 2) Please tick if the Swiss 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

 - b) Please tick if all investment delegate(s) is/are based in an acceptable inspection regime ("AIR"), a list of which is published on the SFC's website, and proceed to Q3.

- 3) Please indicate the fund type of the Swiss fund by ticking one or more than one of the following boxes:
 - General equity funds, bond funds, mixed funds and funds that invest in other schemes falling under Chapter 7 of the Code on Unit Trusts and Mutual Funds ("UT Code")² (Please also tick if the scheme is a feeder fund under 7.12 of the UT Code)
 - Money market fund (MMF) under 8.2 of the UT Code
 - Unlisted index fund under 8.6 of the UT Code
 - Index-tracking exchange traded fund (Passive ETF) under 8.6 of the UT Code
 - Structured fund under 8.8 of the UT Code
 - Funds that invest extensively in financial derivative instruments (derivatives) under 8.9 of the UT Code

² UT Code in this Information Checklist refers to the Code on Unit Trusts and Mutual Funds effective on 1 January 2019 ("Effective Date").



- 4) Please tick if the Swiss fund is not an unlisted index fund or Passive ETF. Otherwise, please answer the following questions:
- a) Is the Swiss fund using physical replication?
 Yes
 No
- b) Is the Swiss fund a futures based unlisted index fund or Passive ETF?
 Yes
 No
- c) Please tick if the unlisted index fund or Passive ETF is tracking an index which is currently adopted by other existing SFC-authorized unlisted index fund(s) or Passive ETF(s). Otherwise, please answer the following question:
Is the Swiss fund tracking a plain vanilla index³? Yes No
- 5) Please indicate the use of derivatives / investment in derivatives of the Swiss fund by ticking one of the following boxes :
 the net derivative exposure⁴ of the Swiss fund is not more than 50% of the fund's net asset value.
 the net derivative exposure⁴ of the Swiss fund is more than 50% and up to 100% of the fund's net asset value.
- 6) Please tick if the Swiss fund may not invest in debt instruments with loss-absorption features ("LAP")⁵. Otherwise, please answer the following questions:
- a) Will the Swiss 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
- 7) Please tick if the Swiss fund is a Passive ETF seeking to be listed in Hong Kong. If so, please also answer the following questions:
- a) Does the Swiss fund propose to appoint an overseas auditor to carry out a PIE engagement⁶ (e.g. an auditor's report on the scheme'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 Swiss fund?

³ Plain vanilla index will generally include free float market capitalization weighted equities index and will generally **exclude** strategy index, smart-beta / value-based index, equal weighted equities index, equities index with covered call and/or hedging elements, etc.

⁴ The term "net derivative exposure" shall have the meaning as defined in 7.26 of the UT Code.

⁵ 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.

⁶ 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> for further details.



- 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.



C. Confirmation from the applicant

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

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

Eligibility under the MRF arrangement

- a) the Swiss fund(s) is/are established, domiciled and managed in accordance with the Swiss laws and regulations and its/their constitutive documents; and
- b) the Swiss fund(s) is/are defined and approved by FINMA as securities fund(s) (Swiss Securities Fund(s)) in accordance with Articles 25 and 53 of CISA for public offering ; and
- c) the Swiss fund(s) falls/fall within one or more than one of the eligible types of funds under the MRF arrangement; and

Management firm and investment delegates

- d) the management firm and the investment delegate(s) (if applicable) has/have fulfilled and will at all times fulfil the requirements under paragraphs 11 to 13 of the SFC Circular on “Mutual Recognition of Funds between Switzerland and Hong Kong ” dated 2 December 2016 (the “Circular”) as amended from time to time and the related guidance as may be issued by the SFC from time to time; and
- e) (please tick if applicable) the details of the regulatory or supervisory action(s)/proceeding(s) by the FINMA 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)

- f) (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 regimes (AIR) published on the SFC’s website; and

Name(s) of AIR delegate(s)	Name(s) of relevant Swiss 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)



- g) (please tick if applicable) the requirements set out in Chapter 4 of the Guide⁷ in respect of the appointment of the following investment delegate(s) based in an AIR jurisdiction which is/are *not* currently managing other existing SFC-authorized fund(s) have been and will be fulfilled, and we have submitted the required confirmation(s) and undertaking(s) from the investment delegate(s) as set out in Annex D; and

Name(s) of new investment delegate(s)

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

Custodian

- h) the custodian qualifies to act as custodian for Swiss Securities Funds pursuant to Swiss laws and regulations; and
- i) (please tick one of the following):
- the custodian of the Swiss fund(s) is currently acting as custodian of other existing SFC-authorized fund(s);
 - the custodian of the Swiss fund(s) 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

- j) we [(please delete as appropriate) have appointed / will appoint] the following entity as the Hong Kong representative of the Swiss fund(s) and the requirements set out in Chapter 4 of the Guide⁷ 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 Swiss fund(s) (if granted by the SFC) becomes effective]; and

Name of Hong Kong representative	
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- k) 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

- l) 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 Swiss fund(s) under this application; and

⁷ 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>.



Waivers / Special Requirements / Conditions granted by FINMA

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

- there are no waivers granted or special requirements and/or conditions imposed on the Swiss fund(s) by the FINMA;
- there is/are waiver(s) granted or special requirement(s) and/or condition(s) imposed on the Swiss fund(s) by the FINMA; and the details are set out below; and

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

Material breach/investigation/disciplinary matters

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

- there is no material breach of the Swiss laws and regulations and/or its/their constitutive documents by the Swiss fund(s);
- there is/are material breach(es) of the Swiss laws and regulations and/or its/their constitutive documents by the Swiss fund(s); and the details are set out below;

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

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

- there is no current or pending investigation/disciplinary matter(s) against the Swiss fund(s);
- there is current or pending investigation/disciplinary matter(s) against the Swiss 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

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



Hong Kong offering document(s)⁸

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

Constitutive documents⁹

- u) the constitutive documents of the Swiss fund(s) have complied with all applicable Swiss laws and regulations, the FINMA’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 FINMA; and

Tax-related

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

Approved person for the Swiss 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]

Amended

y) (please tick one of the following):

(please insert the name of the approved person) _____

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

the nomination of the approved person of the Swiss fund(s) has been set out in the application form¹; and

Amended

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.

⁸ References to Hong Kong offering document(s) in this Information Checklist refer to offering document(s) of the Swiss 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 Swiss fund(s) which is/are made available to Swiss investors and has/have obtained the necessary approval from/completed the required notification to/filing with the FINMA; (ii) a Hong Kong covering document complementing the Swiss offering document(s) (“Hong Kong Covering Document(s)"); and (iii) the KFS.

⁹ “Constitutive documents” means the principal documents governing the formation of a Swiss fund, and includes the fund contract in the case of a contractual fund and the articles of association in the case of an investment company with variable capital (SICAV).



Signed for and on behalf of:

Applicant : _____
(Please state the name of the management firm of the Swiss fund(s))

Name of authorized signatory : _____
(Insert name of at least one executive director¹⁰ (or above) of the management firm of the Swiss fund(s))

Signature : _____

Title / Position : _____

Date (date / month / year) : _____

¹⁰ 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. 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 fee¹¹ (*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) Duly and properly completed information sheet on the use of derivatives / investment in derivatives of the Swiss fund (see Annex E)
- 5) (i) For Swiss fund(s) with approved person previously approved by the SFC, a copy of the letter of approval on the approved person previously issued by the SFC
- 6) Duly completed and properly executed undertaking from the Hong Kong Representative (See Annex A)
- 7) English version of the latest offering document(s) of the Swiss fund(s)¹²
- 8) Advanced draft of the English Hong Kong Covering Document(s) of the Swiss fund(s)
- 9) Advanced draft of the English KFS of the Swiss fund(s)
- 10) Constitutive documents¹³ of the Swiss fund(s)
- 11) Latest audited financial report (if any) and if more recent, the latest unaudited financial report of the Swiss fund(s)¹⁴
- 12) Duly completed and properly executed letters from the management firm and the approved person regarding non-fulfilment of authorization condition(s) (see Annex F)
- 13) Duly completed and properly executed Chinese translation confirmation¹⁵ (see Annex G)

Amended

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

- 14) For Swiss 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 D)

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

¹¹ Please refer to the latest fee schedule posted on the SFC website.

¹² The latest offering document(s) of the Swiss fund(s) refer(s) to the latest offering document(s) which is/are currently made available to Swiss investors and has/have obtained the necessary approval from/completed the required notification to/filing with the FINMA.

¹³ “Constitutive documents” means the principal documents governing the formation of a Swiss fund, and includes the fund contract in the case of a contractual fund and the articles of association in the case of an investment company with variable capital (SICAV). The constitutive documents should be submitted in English. All constitutive documents of a Swiss fund should be made available to Hong Kong investors in either Chinese or English.

¹⁴ The financial report(s) should be submitted in English. Financial report(s) of a Swiss fund should be made available to Hong Kong investors in either Chinese or English.

¹⁵ 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 Swiss fund(s) in Chinese and English with proper annotations against Annex I of this Information Checklist for the English version) must be executed and submitted before the authorization (if granted by the SFC) becomes effective.



- 15) For Swiss fund(s) constituted in corporate form
 - (i) Application for one-off authorization of advertisements of the Swiss fund(s) (see Annex C)
 - (ii) (applicable only to Swiss Passive ETF(s)) Application for exemption under section 309(2) of the SFO

- 16) For unlisted index Swiss 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))

- 17) For Swiss Passive ETF(s) that is seeking 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)⁶ for the Swiss Passive ETF(s) (if available)



E. Additional 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.

1) For Swiss structured fund(s), including futures-based Passive ETF(s)

(i) Detailed contingency plans regarding credit events like significant downgrading of credit and the collapse of the issuer of the derivatives and where applicable indicate whether such plans have previously been adopted by other SFC-authorized structured funds managed by the management company.

(ii) *(applicable only to Swiss structured fund(s) which is/are linked to one or more indices)*

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

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

b) For index which is bespoke / provided for the use of the Swiss structured fund(s) only

Justification to address questions as to the propriety of the fund seeking exposure to such index *(see 8.8(a) Note (2) of the UT Code)*

c) For Swiss structured fund(s) with index provider not being an independent person

A brief description of the connected relationship and demonstrate that the index provider is functionally and operationally independent from the swap counterparty in terms of personnel and reporting line

(iii) For a Swiss fund which is a mutual fund company

Evidence that the majority of the board of directors of the Swiss fund are independent directors in compliance with 8.8(b) of the UT Code

(iv) Executed self-declarations by the management company and each of the investment delegate(s) in respect of its independence from the issuer(s) of the derivatives in accordance with 8.8(a) of the UT Code

Applicable? <i>(please tick)</i>	
Yes (and submitted)	No



ANNEX A: Undertaking from Hong Kong Representative

Name of Swiss 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 Swiss 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 Swiss 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 Swiss 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: Deleted



ANNEX C: Application for one-off authorization of the advertisements of the Swiss fund

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

I/We, as [(please delete if not applicable) management company / product issuer / approved person] of the Swiss fund(s) under application, write to apply for an one-off authorization of the issue of advertisements of the Swiss fund(s) under application from time to time pursuant to section 105(1) of the Securities and Futures Ordinance (the “SFO”).

I/We confirm that:

- (a) the Swiss fund(s) is/are constituted in corporate form;
- (b) (please insert the name of approved person)
is the approved person for the advertisements of [each of] the Swiss fund(s) for the purpose of section 105(2)(a) of the SFO;
- (c) the advertisements of the Swiss fund(s) will at all times be issued by an intermediary licensed or registered for Types 1, 4 or 6 regulated activity as contemplated under section 103(2)(a) of the SFO; and
- (d) each advertisement will be in compliance with the advertising guidelines applicable to the Swiss fund(s) and any such regulations, rules and requirements issued from time to time by the SFC at the time when the advertisement is issued.

Signed for and on behalf of:

Name of [(please delete if not applicable) the management company / the product issuer / the approved person of the Swiss fund(s)] :

Name of authorized signatory :

Signature :

Title / Position :

Date (date / month/ year) :



ANNEX D: 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).

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

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

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

a) Name (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 this application:

(a) the management firm¹⁶ is authorised by the FINMA to manage publicly offered securities funds pursuant to Swiss laws and regulations and in accordance with Article 28 Collective Investment Schemes Act;

(b) the management firm¹³ has not been subject to any major regulatory or supervisory action(s) by the FINMA in the past three years or since the date of establishment if it has been established for less than three years;

(c) (please tick if applicable) the management firm¹³ is subject to the supervision in an overseas jurisdiction with an inspection regime under the list of acceptable inspection regimes ("AIR") as published in the SFC's website;

(d) (please tick if applicable) the details of the regulatory or supervisory action(s)/proceeding(s) by the FINMA concerning the management firm¹³ 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;

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

¹⁶ For confirmation to be submitted from new investment delegate, references to the management firm are deemed to be references to the new investment delegate.



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

- there is no restriction attached to the management firm's licence¹³;
- the details of the restriction(s) attached to the management firm's licence¹³ are attached to this confirmation in separate sheet(s);

Signed for and on behalf of:

Name of the new management firm / new investment delegate : _____

Name of authorized signatory : _____
(Insert name of at least one executive director⁷ (or above) of the management firm / investment delegate)

Signature : _____

Title / Position : _____

Date (date / month / year) : _____



ANNEX E: Information on use of derivatives / investment in derivatives of the Swiss fund(s)

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

Name (or such other name as may be approved :
by the SFC) of single fund / sub-fund _____

Part 1 (Applicable to all single fund(s) / sub-fund(s) under application)

We, in respect of the Swiss fund(s), hereby confirm, represent and undertake that:

1. (please tick if the Swiss fund(s) will not use derivatives for any purposes) the Swiss fund(s) will not use derivatives for any purposes;
2. (please tick if the Swiss fund(s) may use derivatives for hedging and/or investment purposes (i.e. non-hedging purposes), except for schemes falling under 8.8 of the UT Code)
 - (i) the net derivative exposure^{Error! Bookmark not defined.} of the Swiss fund(s) calculated in accordance with the Derivative Guide¹⁷ (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 Swiss fund(s) may use derivatives under the following circumstance(s) (please tick all the applicable boxes) and the net derivative exposure^{Error! Bookmark not defined.} stated in (2)(i) above and disclosed in the KFS has been calculated excluding these usage in accordance with the Derivative Guide¹⁷:
 - Netting, hedging or risk mitigation
 - Cash flow management
 - Market access or exposure replication (without incremental leverage at portfolio level of the Swiss fund(s))
 - Investment in conventional convertible bonds
 - (iii) (please tick if the Swiss fund(s) will use derivatives not referenced to the same underlying assets for hedging or risk mitigation purposes) the use of derivatives by the Swiss 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 Guide¹⁷;
3. (please tick if the Swiss fund(s) fall(s) under 8.8 of the UT Code) the Swiss fund(s) is/are fund(s) falling under 8.8 of the UT Code with net derivative exposure⁴ (calculated in accordance with the Derivative Guide¹⁷) of [more than 50% and up to 100% / more than 100% (please delete where appropriate)] of the NAV of the Swiss fund(s);
4. the Swiss fund(s) [is/are][is/are not] (please delete where appropriate) derivative fund(s):

¹⁷ 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.



5. all requirements and conditions set out in the Derivative Guide¹⁷, as amended from time to time, have been and will be complied with by the Swiss fund(s); and
6. 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 (4) of Part 1 of this Annex E in connection with the use of derivatives by the Swiss fund(s).

Part 2 (Applicable only to (i) Swiss fund(s) with net derivative exposure⁴ of more than 50% of its NAV as disclosed in the KFS); or (ii) Swiss fund(s) falling under 8.8 and 8.9 of the UT Code)

1. We hereby confirm and undertake that, in respect of this application,
 - a) 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 Swiss fund(s) to monitor, measure, and manage all the relevant risks in relation to the Swiss fund(s); and
 - b) the home regulator of the management company has either approved the risk management policy ("RMP") or has no comments on the RMP as duly filed.

2. Please fill in the information below:

Information as of _____ : _____ (Insert reference date¹⁸)

Asset Class	Derivatives used	Notional Exposure (Maximum Level)	Netting / Hedging	Other Adjustments (e.g. Delta)	Net Derivative Exposure ⁴ (Maximum Level)
	Total				

¹⁸ 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 scheme 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%



Part 3 - General

We confirm that all information contained in this confirmation are 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's website to indicate whether the Swiss 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 Swiss fund(s) for any particular investor or class of investors.

Signed for and on behalf of:

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



ANNEX F: 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 Swiss 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 Swiss fund(s)¹⁹:
[insert name of all Swiss fund(s) under application]

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

In connection with the application for authorization (“Authorization Application”) of the Swiss 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 Swiss 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 Swiss 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 SFC²⁰ 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.

¹⁹ 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 Swiss 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 Swiss fund(s) and its/their Hong Kong offering document(s).

²⁰ 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 H of this Information Checklist as may be updated by the SFC from time to time.



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) : _____



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 Swiss fund(s)

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

Name (or such other name as may be approved by the SFC) of Swiss fund(s)²¹:
[insert name of all Swiss fund(s) under application]

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

I, [insert name], in my capacity as the approved person (upon approval by the SFC) (“Approved Person”) of the Swiss 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 Swiss 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 Swiss 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 Swiss 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 Swiss fund(s) : _____
Signature : _____
Title / Position : _____
Date (date / month/ year) : _____

²¹As 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 Swiss 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 Swiss fund(s) and its/their Hong Kong offering document(s).



ANNEX G: Chinese translation confirmation

Option 1: One Confirmation to be Issued

Name of Swiss fund(s) under application (the "Swiss 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 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 Swiss 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 Swiss 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 confirmation²² :

Name of authorized signatory :

Title / Position of authorized signatory :

Signature :

Date (date / month/ year) :

²² 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 Swiss fund(s) under application (the “Swiss 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 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 Swiss Fund, to review and ensure the truth and accuracy of the Relevant Chinese Document(s). .

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>



Second Confirmation

Name of Swiss fund(s) under application (the "Swiss 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 the Chinese translation of (please insert the name of relevant document(s)) _____
(the "Relevant Chinese Document(s)") in respect of the Swiss 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 translator²⁴ : _____

Name of authorized signatory : _____

Position / Title 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>



Annex H: Confirmation of fulfilment of authorization conditions

Dated: _____ (Note*)

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

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

We refer to the letter from the SFC dated _____ (insert date) granting authorization of the Swiss Fund(s) 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 Swiss 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 Swiss Fund(s).

(Please tick if applicable) In particular:

- (Applicable only to Swiss 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 Swiss Fund(s) (“HKOD”) has/have properly addressed all the comments of the SFC on the HKOD as set out in the Authorization Letter.
- We confirm that the finalised draft of the HKOD is consistent with the latest offering document(s) which is/are currently made available to Swiss investors and has/have obtained the necessary approval from/completed the required notification to/filing with the Swiss Financial Market Supervisory Authority.
- 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 Swiss Fund(s) in accordance with Chapter 9 of the UT Code.
- (Applicable only to Swiss Passive ETF(s) that seek 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 Swiss 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 Swiss fund(s) on [date].] We [further] confirm that we shall inform the SFC promptly if (1) the recognition of the overseas auditor of the Swiss 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 Swiss 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 Swiss Fund(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 I to the Information Checklist for Application for Authorization of Swiss Funds under the Mutual Recognition of Funds Arrangement and the Revamped Process
- Chinese version of the HKOD and the executed Chinese translation certificate(s)
- Copy of duly executed constitutive documents
- (*Applicable only to Swiss Passive ETFs*) Listing approval granted to the Swiss Fund(s) by The Stock Exchange of Hong Kong Limited
- (*Applicable only to Swiss Passive ETFs that seek to be listed in Hong Kong and propose to appoint an overseas auditor*) Recognition application granted by the FRC to the Swiss 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 Swiss 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:

Name of Applicant : _____
(Please state the name of the management firm of the Swiss fund(s))

Name of authorized signatory : _____
(Insert name of at least one executive director^a (or above) of the management firm of the Swiss 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 I: Reference on annotations for the Hong Kong offering documents of Swiss funds

1. The Hong Kong offering documents (“HKOD”) of a Swiss fund as annotated are required to be submitted to the Commission before the authorization of the Swiss 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 Swiss 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.

SFC Circular on “Mutual Recognition of Funds (MRF) between Switzerland and Hong Kong” dated 2 December 2016, as amended from time to time	
TABLE 1 – Basic disclosure requirements	
	<i>Hong Kong offering documents</i>
	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)
	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 Code on Unit Trusts and Mutual Funds (the “UT Code”)
	<i>Enquiries and complaints handling</i>
	7.4 of OPS of the SFC Handbook
	<i>Mention of SFC authorization</i>
	1.10 of OPS of the SFC Handbook
	Other disclosure
	Clause 2 of Appendix C of the UT Code
	Clause 2A of Appendix C of the UT Code
	Clause 2C of Appendix C of the UT Code
	Clause 3(c) of Appendix C of the UT Code
	Clause 3(d) of Appendix C of the UT Code
	Clause 3(e) of Appendix C of the UT Code
	Clause 3(g) of Appendix C of the UT Code
	Clause 8 of Appendix C of the UT Code
	Clause 10 of Appendix C of the UT Code
	Clause 11 of Appendix C of the UT Code
	Clause 12 of Appendix C of the UT Code

SFC Circular on “Mutual Recognition of Funds (MRF) between Switzerland and Hong Kong” dated 2 December 2016, as amended from time to time

TABLE 1 – Basic disclosure requirements

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 of Appendix C of the UT Code
Clause 19A 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
Clause 25 of Appendix C of the UT Code
Disclosure on securities financing transactions as per FAQ 21 in the Frequently Asked Questions on the Code on Unit Trusts and Mutual Funds (in respect of unlisted funds) and FAQ 7 in the Frequently Asked Questions on the Exchange Traded Funds and Listed Funds (in respect of physical index-tracking exchange traded funds)
Disclosure on information to investors regarding US Foreign Account Tax Compliance Act as per FAQ 35 in the Frequently Asked Questions on the Code on Unit Trusts and Mutual Funds and the Circular to issuers of SFC-authorized investment products concerning the US Foreign Account Tax Compliance Act
Other information which may have a significant impact on the investors in Hong Kong

TABLE 2 – Additional disclosure requirements for each specific type of Swiss funds

<i>Applicable only to feeder funds</i>	
	UT Code – 7.12(b)
<i>Applicable only to money market</i>	
	UT Code – 8.2(b)
<i>Applicable only to unlisted index funds</i>	
	UT Code – 8.6(j)
<i>Applicable only to exchange-traded funds</i>	
	UT Code – 8.6(j)
	UT Code – 8.6(u)
	UT Code – 8.6(v)
	UT Code – 8.6(w)
	UT Code – 8.6(x)
<i>Applicable only to structured funds (including index funds that adopt a synthetic replication strategy)</i>	
	UT Code – 8.8(h)