



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 AFRC 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 Accounting and Financial Reporting Council (“AFRC”) to carry out a PIE engagement (as defined under Part 1 of Schedule 1A of the Accounting and Financial Reporting Council Ordinance (“AFRCO”)) 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 AFRC 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)*

Amended

* 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
- 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 AFRC 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 AFRCO) 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)*

Amended



Signed for and on behalf of:

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

Name of authorized signatory : _____
(Insert name of at least one executive director^a (or above) of the management company 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.