



Information Checklist for Application for Registration of a Non-Hong Kong Fund Corporation as a Re-domiciled Open-ended Fund Company

This Information Checklist should be used with effect from 1 November 2021 in support of any application (“Application”) for a registration of a non-Hong Kong fund corporation as defined in the Securities and Futures Ordinance (“SFO”) as a re-domiciled OFC. This Information Checklist is applicable to an application for registration as both a re-domiciled public OFC and a re-domiciled private OFC (the terms “public OFC” and “private OFC” are as defined in the Code on Open-ended Fund Companies (“OFC Code”).

A. Introduction

An applicant¹ seeking registration of a non-Hong Kong fund corporation as a re-domiciled OFC pursuant to section 112ZJB of the SFO 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.

Registration of a non-Hong Kong fund corporation as a re-domiciled private OFC

- The applicant must submit the “Information Checklist for Application for Registration of a Private Open-ended Fund Company or Establishment of a Privately offered Sub-fund of an Open-ended Fund Company” (“Registration Information Checklist”) together with this Information Checklist.
- For the purpose of this application:
 - (1) a reference to section 112D of the SFO in the Registration Information Checklist is to be read as a reference to section 112ZJB of the SFO;
 - (2) a reference to “proposed private OFC” in the Registration Information Checklist is to be read as a reference to “proposed re-domiciled private OFC”;
 - (3) a reference to “registration of a proposed private OFC” in the Registration Information Checklist is to be read as a reference to “registration of a non-Hong Kong fund corporation as a re-domiciled private OFC”;
 - (4) a reference to rule 3(2)(a) in the Registration Information Checklist is to be read as a reference to rule 8A(2)(a); and
 - (5) submission of the “Application Form for Registration of a Private Open-ended Fund Company or Establishment of a Privately Offered Sub-fund of an Open-ended Fund Company” as required under the Registration Information Checklist will not be required.
- Information provided by the applicant in the Registration Information Checklist will be reviewed in conjunction with the information in this Information Checklist as part of the application for registration of a non-Hong Kong fund corporation as a re-domiciled private OFC.

Registration as a re-domiciled public OFC of a non-Hong Kong fund corporation not currently authorized under Part IV of the SFO by the SFC

- The applicant must submit the “Information Checklist for Application for Authorization of Unit Trusts and Mutual Funds under the Revamped Process” (“Authorization Information Checklist”) (including the

¹ The applicant is the non-Hong Kong fund corporation.

“Information Checklist for Application for Registration of a Public Open-ended Fund Company or Establishment of a Publicly Offered Sub-fund of an Open-ended Fund Company” in the Schedule to the Authorization Information Checklist) together with this Information Checklist.

- *For the purpose of this application:*
 - (1) *a reference to section 112D of the SFO in the Authorization Information Checklist is to be read as a reference to section 112ZJB of the SFO;*
 - (2) *a reference to “proposed public OFC” in the Authorization Information Checklist is to be read as a reference to “proposed re-domiciled public OFC”;*
 - (3) *a reference to “registration of a proposed public OFC” in the Authorization Information Checklist is to be read as a reference to “registration of a non-Hong Kong fund corporation as a re-domiciled public OFC”;*
 - (4) *a reference to rule 3(2)(a) in the Authorization Information Checklist is to be read as a reference to rule 8A(2)(a); and*
 - (5) *submission of the “Application Form for Registration of a Public Open-ended Fund Company or Establishment of a Publicly Offered Sub-fund of an Open-ended Fund Company” as required under the Authorization Information Checklist will not be required.*
- *Information provided by the applicant in the Authorization Information Checklist will be reviewed in conjunction with the information in this Information Checklist as part of the application for registration of a non-Hong Kong fund corporation as a re-domiciled public OFC.*

Registration as a re-domiciled public OFC of a non-Hong Kong fund corporation that is currently authorized under Part IV of the SFO by the SFC

- *The applicant must have obtained the SFC’s approval of the scheme change(s) required for its re-domiciliation before submitting this Information Checklist.*

The SFC reserves the right to return forthwith, without processing, an incomplete or non-compliant application to the extent the application form², this Information Checklist and the Registration Information Checklist or Authorization Information Checklist (as the case may be) and/or the accompanying documents are not properly or fully completed, and/or where negative responses in this Information Checklist and the Registration Information Checklist or Authorization Information Checklist (as the case may be) 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 registration of a re-domiciled OFC.

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. For ALL asterisked (*) parts, please delete as appropriate.

B. Basic information of the non-Hong Kong fund corporation and the proposed re-domiciled OFC

Please fill in this sheet for the non-Hong Kong fund corporation and the proposed re-domiciled OFC (please use separate sheet(s), if necessary).

The application concerns a registration of a non-Hong Kong fund corporation (“Non-Hong Kong Fund Corporation”) as a re-domiciled OFC (“Proposed Re-domiciled OFC”).

² Application form refers to the Application Form for Registration of a Non-Hong Kong Fund Corporation as a Re-domiciled Open-ended Fund Company duly completed and executed for and on behalf of the applicant.



1. Information of the Non-Hong Kong Fund Corporation: As stated under 2(a) of the application form²

2. Information of the Proposed Re-domiciled OFC:

(i) The nature of the Proposed Re-domiciled OFC:

single fund umbrella fund with sub-fund(s)

(ii) The name of the single Proposed Re-domiciled OFC / the umbrella Proposed Re-domiciled OFC (*please delete as appropriate*) is:

_____ (in English)

_____ (in Chinese)

(iii) (*Applicable where the proposed re-domiciled OFC is an umbrella fund*) The name(s) of the sub-fund(s) of the Proposed Re-domiciled OFC:

Name (in English)	Name (in Chinese)
1.	
2.	
3.	
4.	
5.	

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

3. (*Applicable where the applicant is an existing SFC-authorized fund*) Is/ are the proposed director(s) currently managing other existing SFC-registered OFC(s)?

Yes No

Name of proposed director(s) who is/ are serving as a director of existing SFC-registered OFC(s):

1. _____

2. _____

3. _____

4. _____

5. _____

(*please use separate sheets if necessary*)

C. Confirmation from the applicant

In respect of an application for registration of the Non-Hong Kong Fund Corporation as the Proposed Re-domiciled OFC:

The applicant, in respect of this application, hereby confirms and undertakes that:

Compliance with applicable laws and regulatory requirements

a) all requirements set out in the SFO, the Securities and Futures (Open-ended Fund Companies) Rules (“OFC Rules”) and the OFC Code, as amended from time to time, have been and will be complied with in respect of the Non-Hong Kong Fund Corporation and the re-domiciled OFC which it will become under this Application;



- b) all documents required to be submitted to the SFC for the purposes of application for registration of the Non-Hong Kong Fund Corporation as the Proposed Re-domiciled OFC under the SFO, OFC Rules and OFC Code (except for section 112ZJE of the SFO) have been submitted and are in compliance with the applicable provisions therein;

Instrument of Incorporation

- c) with regards to the instrument of incorporation of the Proposed Re-domiciled OFC, we undertake that the instrument of incorporation will not be amended before the date on which the certificate of re-domiciliation is issued by the Companies Registry (“Re-domiciliation Date”) without the prior approval of the SFC;

Documents required under rule 8A(2)(b) to (f) of the OFC Rules

- d) the documents required under rule 8A(2)(b) to (f) of the OFC Rules are compliant with the requirements under the OFC Rules;

Deregistration

- e) as soon as practicable after the Re-domiciliation Date, the Non-Hong Kong Fund Corporation will take all reasonable steps to procure its deregistration in its place of incorporation³; and
- f) within 60 days after the Re-domiciliation Date, the Non-Hong Kong Fund Corporation:
- (i) will be deregistered in its place of incorporation; and
 - (ii) will submit to the SFC a document evidencing the deregistration to the satisfaction of the SFC.

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.

Name of authorized signatory :
Signature :
Title / Position⁴ :
Duly authorized :
For and on behalf of⁵
Date (date / month / year) :

³ If the non-Hong Kong fund corporation has transferred its domicile after its incorporation, it must be deregistered in its place of domicile. If the non-Hong Kong fund corporation has not transferred its domicile after its incorporation, it must be deregistered in its place of incorporation.

⁴ The signatory should be a proposed director of the proposed re-domiciled OFC, who is duly authorized by the applicant.

⁵ State the name of the applicant.

D. Basic documents required to be submitted to the SFC

(For all asterisked (*) parts, please delete as appropriate)

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 form (“Application Form for Registration of a Non-Hong Kong Fund Corporation as a Re-domiciled Open-ended Fund Company”)
- 2) Duly and properly completed Information Checklist, including the duly completed and properly executed confirmation from the applicant under Section C of this Information Checklist
- 3) Instrument of incorporation of the Proposed Re-domiciled OFC (marked-up against the indicative template instrument of incorporation for public OFC / private OFC* published on the SFC website)⁶
- 4) Certified and authenticated copy of the certificate of incorporation or registration issued to the Non-Hong Kong Fund Corporation under the law of its place of incorporation⁷
- 5) Certified and authenticated copy of the instrument of incorporation or equivalent constitutive document of the Non-Hong Kong Fund Corporation
- 6) Certificate issued by the Non-Hong Kong Fund Corporation's board of directors covering the particulars of certification required under rule 8A(2)(e) and (f) of the OFC Rules and complying with the requirements under rule 8A(4) of the OFC Rules (see *Annex A*)
- 7) Statement of assets and liabilities (including contingent liabilities) of the Non-Hong Kong Fund Corporation or the Non-Hong Kong Fund Corporation and each of its sub-fund(s) (as the case may be) complying with the requirements under rule 8A(2)(f) of the OFC Rules⁸

II. Additional document(s) (to the extent applicable)

- 8) For an application for registration of a non-Hong Kong fund corporation as a re-domiciled private OFC
 - (i) Duly and properly completed “Information Checklist for Application for Registration of a Private Open-ended Fund Company or Establishment of a Privately offered Sub-fund of an Open-ended Fund Company”
 - (ii) Application fee (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 applications if they are in good order and the application fee is the only outstanding matter)

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

⁶ The submission of the instrument of incorporation of the proposed re-domiciled OFC will also satisfy the requirement to submit a marked-up version of the instrument of incorporation under the “Information Checklist for Application for Registration of a Public Open-ended Fund Company or Establishment of a Publicly Offered Sub-fund of an Open-ended Fund Company” or the “Information Checklist for Application for Registration of a Private Open-ended Fund Company or Establishment of a Privately offered Sub-fund of an Open-ended Fund Company” (as the case may be).

⁷ If the non-Hong Kong fund corporation has transferred its domicile after its incorporation, the place of incorporation is its place of domicile at the time of this application. If the non-Hong Kong fund corporation has not transferred its domicile after its incorporation, the place of incorporation is the place where it is incorporated.

⁸ The statement of assets and liabilities (including contingent liabilities) of the non-Hong Kong fund corporation or the non-Hong Kong fund corporation and each of its sub-funds(s) (as the case may be) should be as at the latest practicable date and must be within 3 months before the date of the certificate as referred to and submitted under 6) above.

- 9) For an application for registration as a re-domiciled public OFC of a non-Hong Kong fund corporation not currently authorized under Part IV of the SFO by the SFC
- Duly and properly completed “Information Checklist for Application for Authorization of Unit Trusts and Mutual Funds under the Revamped Process” (including the “Information Checklist for Application for Registration of a Public Open-ended Fund Company or Establishment of a Publicly Offered Sub-fund of an Open-ended Fund Company” in the Schedule)
- 10) For an application for registration as a re-domiciled public OFC of a non-Hong Kong fund corporation currently authorized under Part IV of the SFO by the SFC
- (i) Duly completed and properly executed confirmation from each of the proposed directors (see Annex B)
 - (ii) *(In the case of a proposed director who is not currently a director of other existing SFC-registered OFC(s))* Duly completed and properly executed Vetting Authorization Form from each of the proposed directors (see Annex C)⁹
 - (iii) Duly completed and properly executed confirmation from the proposed custodian (see Annex D)
- 11) *(Applicable where a non-Hong Kong fund corporation has one or more sub-fund(s))* Certified and authenticated copy of the certificate of registration of each of the sub-fund(s) issued under the law of the Non-Hong Kong Fund Corporation’s place of incorporation, or any other document evidencing the establishment of each of the sub-fund(s) under the law of that place acceptable to the SFC
- 12) *(Applicable where any document(s) mentioned in (4), (5), (7) and (11) above is/are not in English or Chinese)* Certified translation of the document(s) in English

⁹ The hard copy of the original Vetting Authorization Form should be submitted to the SFC as soon as practicable following submission of the application.



ANNEX A: Certificate issued by the Non-Hong Kong Fund Corporation's board of directors pursuant to rule 8A(2)(e) and (f) of the OFC Rules

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

Name of the non-Hong Kong fund corporation ("Non-Hong Kong Fund Corporation") under application:
[insert name of the non-Hong Kong fund corporation]

We, as the board of directors of the Non-Hong Kong Fund Corporation, hereby certify and confirm for the purpose of rule 8A(2)(e) of the Securities and Futures (Open-ended Fund Companies) Rules ("OFC Rules") that as at the date of this certificate:

- (a) the Non-Hong Kong Fund Corporation:
 - (i) has only 1 place of incorporation¹⁰;
 - (ii) has a registration relating to its incorporation or domicile under the law of its place of incorporation;
and
 - (iii) does not have such a registration under the law of any other jurisdiction;
- (b) *(please delete as appropriate) (applicable to a non-Hong Kong fund corporation that has one or more non-Hong Kong sub-fund(s) as defined in the OFC Rules ("Non-Hong Kong Sub-Fund(s)"))* the Non-Hong Kong Sub-fund or each of the Non-Hong Kong Sub-funds (as the case may be) is registered or established in the Non-Hong Kong Fund Corporation's place of incorporation;
- (c) no petition or other similar proceedings to wind up or liquidate the Non-Hong Kong Fund Corporation and/or any of the Non-Hong Kong Sub-fund(s) (as the case may be) have been notified to the Non-Hong Kong Fund Corporation and/or any of the Non-Hong Kong Sub-fund(s) (as the case may be) and remain outstanding in any place;
- (d) no order has been notified to the Non-Hong Kong Fund Corporation and/or any of the Non-Hong Kong Sub-fund(s) (as the case may be), and no resolution has been passed, to wind up or liquidate the Non-Hong Kong Fund Corporation and/or any of the Non-Hong Kong Sub-fund(s) (as the case may be) in any place;
- (e) no appointment of a receiver, liquidator or person acting in a similar capacity has been notified to the Non-Hong Kong Fund Corporation and/or any of the Non-Hong Kong Sub-fund(s) (as the case may be), and no person is acting as such a receiver, liquidator or person in any place with respect to the Non-Hong Kong Fund Corporation and/or any of the Non-Hong Kong Sub-fund(s) (as the case may be) or any part of the property of the Non-Hong Kong Fund Corporation and/or any of the Non-Hong Kong Sub-fund(s) (as the case may be);
- (f) the Non-Hong Kong Fund Corporation and/or any of the Non-Hong Kong Sub-fund(s) (as the case may be) is/are not operating or carrying on business under any scheme, order, compromise or other similar arrangement relating to the insolvency of the Non-Hong Kong Fund Corporation and/or any of the Non-Hong Kong Sub-fund(s) (as the case may be) entered into or made by the Non-Hong Kong Fund Corporation and/or any of the Non-Hong Kong Sub-fund(s) (as the case may be) with any person in any place;
- (g) the Non-Hong Kong Fund Corporation has served notice of its proposal to become a re-domiciled OFC ("Proposed Re-domiciliation") on all of its creditors;

¹⁰ If the non-Hong Kong fund corporation has transferred its domicile after its incorporation, the place of incorporation is its place of domicile at the time of this application. If the non-Hong Kong fund corporation has not transferred its domicile after its incorporation, the place of incorporation is the place where it is incorporated.



- (h) any consent to or approval for the Proposed Re-domiciliation required by any contract entered into or undertaking given by the Non-Hong Kong Fund Corporation has been obtained or waived;
- (i) the Proposed Re-domiciliation is not prohibited by, and has been approved in accordance with, the instrument of incorporation or equivalent constitutive document of the Non-Hong Kong Fund Corporation;
- (j) any consent to or approval for the intended deregistration of the Non-Hong Kong Fund Corporation in its place of incorporation required by any contract entered into or undertaking given by the Non-Hong Kong Fund Corporation has been obtained or waived; and
- (k) the intended deregistration of the Non-Hong Kong Fund Corporation in its place of incorporation is not prohibited under the law of that place or by the instrument of incorporation or equivalent constitutive document of the Non-Hong Kong Fund Corporation.

We also certify and confirm for the purpose of rule 8A(2)(f) of the OFC Rules that:

- (a) we have made a full inquiry into the affairs of the Non-Hong Kong Fund Corporation / the Non-Hong Kong Fund Corporation and each of the Non-Hong Kong Sub-Fund(s) (*please delete as appropriate*);
- (b) we have formed an opinion that the Non-Hong Kong Fund Corporation / the Non-Hong Kong Fund Corporation and each of the Non-Hong Kong Sub-fund(s) (*please delete as appropriate*) will be able to pay its debts in full within 12 months beginning on the date of submission of this application; and
- (c) a statement of assets and liabilities (including contingent liabilities) of the Non-Hong Kong Fund Corporation / the Non-Hong Kong Fund Corporation and each of the Non-Hong Kong Sub-fund(s) (*please delete as appropriate*) as at the latest practicable date, which must be within 3 months before the date of this certificate, has been submitted.

Signed for and on behalf of the board of directors of the Non-Hong Kong Fund Corporation, who also certifies that this certificate has been approved by resolution of the board of directors of the Non-Hong Kong Fund Corporation:

Name of director : _____

Signature : _____

Title / Position¹¹ : Director of [*insert name of the non-Hong Kong fund corporation*]

Date (date / month / year)¹² : _____

¹¹ The signatory should be a director of the non-Hong Kong fund corporation, who is duly authorized by the board of directors of the non-Hong Kong fund corporation to sign this certificate.

¹² The date should be within 5 weeks before the date of submission of this application.

ANNEX B: Confirmation from each of the proposed directors

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

Name (or such other name as may be approved by the SFC) of the proposed re-domiciled public OFC:
[insert name of the proposed re-domiciled public OFC under application] (hereinafter the “Proposed Re-domiciled Public OFC”)

I *[insert name of the proposed director]* confirm for the purposes of sections 112W and 112X of the Securities and Futures Ordinance (“SFO”) and 5.1 of the Code on Open-ended Fund Companies (“OFC Code”) that:

- (a) I have attained the age of 18 years;
- (b) I am not an undischarged bankrupt;
- (c) I am not subject to any disqualification order from acting in the capacity of a director of a corporation pursuant to any applicable laws and regulations of Hong Kong;
- (d) *(please tick one of the following boxes)*
 - I have not (nor has any business with which I have been involved) been (i) held by any court or competent authority to have breached any company, securities or financial markets laws and regulations, or held for fraud or other misfeasance; or (ii) disciplined by, or disqualified from, any professional body ((i) and (ii) above are collectively referred to as the “Relevant Breaches”);
 - details of the Relevant Breaches are attached to this confirmation in separate sheet(s); and none of the Relevant Breaches will materially affect my ability in performing my roles/duties as director of the Proposed Re-domiciled Public OFC and compliance with the SFO, the Securities and Futures (Open-ended Fund Companies) Rules (“OFC Rules”) and the OFC Code. The justification is also attached;
- (e) to demonstrate fulfilment of the eligibility criteria in the SFO, OFC Rules and the OFC Code¹³ *(please tick one of the following boxes)*:
 - (applicable to a proposed director who is not currently a director of other existing SFC-registered OFC(s))* my profile is attached to this confirmation in separate sheet(s); and
 - (applicable to a proposed director who is currently a director of other existing SFC-registered OFC(s) and there has/have been change(s) to his/ her profile last submitted to the SFC which should be drawn to the attention of the SFC)* my updated profile (marked-up against the latest version submitted to the SFC) is attached to this confirmation in separate sheet(s); and
 - (applicable to a proposed director who is currently a director of other existing SFC-registered OFC(s) and there has been no change to his/ her profile last submitted to the SFC which should be drawn to the attention of the SFC)* there has been no change to my profile last submitted to the SFC which should be drawn to the attention of the SFC; and
- (f) I am of good repute, appropriately qualified, experienced and proper for the purpose of carrying out the business of the Proposed Re-domiciled Public OFC.

¹³ If the proposed director is licensed for or registered with the SFC for Type 9 regulated activity, please provide information on such licence/ registration, which would be considered for the purpose of determining whether the proposed director meets the eligibility requirements under the SFO, OFC Rules and OFC Code.



(*Applicable to a proposed director who will serve as an independent director of the proposed re-domiciled public OFC*) I confirm that I will be serving as an independent director of the Proposed Re-domiciled Public OFC, and confirm that I am compliant with and undertake that I will remain duly compliant with the requirements applicable to an independent director under the OFC Code (including 5.2 of the OFC Code).

(*Applicable to a proposed director who will be a non-resident director as defined in the OFC Rules*) I confirm that as a non-resident director of the Proposed Re-domiciled Public OFC, for the purpose of rule 102 of the OFC Rules, a process agent meeting the requirements in rule 2 of the OFC Rules has been appointed and I undertake that I will give notice to the Proposed Re-domiciled Public OFC of any matters relating to the process agent that are required for the record kept by the Proposed Re-domiciled Public OFC in accordance with rule 102(7) of the OFC Rules.

I undertake that I shall, and shall ensure that the Proposed Re-domiciled Public OFC will, at all times be compliant with the applicable laws and regulations to the Proposed Re-domiciled Public OFC (including the SFO, the OFC Rules, the OFC Code and the SFC Handbook for Unit Trusts and Mutual Funds, Investment-Linked Assurance Schemes and Unlisted Structured Investment Products).

I confirm nothing should be drawn to the attention of the SFC which would affect my ability to act or perform as the director of the Proposed Re-domiciled Public OFC in compliance with the applicable laws and regulations, and undertake to bring to the SFC's attention as soon as practicable on any matter which may affect my abovementioned status or any of the above confirmations or undertakings.

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 proposed director:

Signature:

Date (date/ month/ year):



ANNEX C: (in the case of a proposed director who is not currently a director of other existing SFC-registered OFC(s)) Vetting Authorization Form from each of the proposed directors

I, _____ hereby authorize the Commissioner of Police/Commissioner of Customs and Excise/any local or overseas criminal investigatory body or regulatory authority, or their representatives, to release full particulars of any pertinent information and materials including all criminal convictions recorded against me to the Securities and Futures Commission. My personal particulars are as follows:

Name _____

Date of birth (dd/mm/yyyy) _____

HKID number _____

Chinese Commercial Code _____ / _____ / _____ / _____

PRC ID number (if applicable) _____

Passport number* _____

Country of issue* _____

Place of birth _____

(Signature of applicant) _____ *Date*

Witness by** _____
(Signature of witness)

Name of witness _____

Designation _____

Company name _____

Notary Public number (where applicable) _____

HKID / Passport number* _____

Country of issue* _____



- * Only applicable where the person does not possess a Hong Kong Identity Card.
- ** The witness must be one of the following persons:
 - (i) a practicing solicitor, notary public or Justice of the Peace; or
 - (ii) a director or responsible officer of the licensed corporation/corporation applying for a licence.



ANNEX D: Confirmation from the proposed custodian

- *For asterisked parts (*), please delete as appropriate*

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

Name (or such other name as may be approved by the SFC) of the proposed re-domiciled public OFC and its sub-fund(s) under application:

a) Name (or such other name as :
may be approved by the SFC)
of the single/umbrella*
proposed re-domiciled public
OFC ("Proposed Re-domiciled
Public OFC")

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

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

We, as the custodian of the Proposed Re-domiciled Public OFC, confirm and undertake that:

- (a) nothing should be drawn to the attention of the SFC which would affect our ability to act or perform as the custodian of SFC-registered OFC in compliance with Chapter 7 of the OFC Code[; and]
- (b) *[(please delete as appropriate) (applicable to non-Hong Kong custodian¹⁴ as defined in the Securities and Futures (Open-ended Fund Companies) Rules ("OFC Rules")) for the purpose of rule 115(1) of the OFC Rules, a process agent meeting the requirements in rule 2 of the OFC Rules has been appointed. We undertake to give notice to the Proposed Re-domiciled Public OFC of any matters relating to the process agent that are required for the record kept by the Proposed Re-domiciled Public OFC in accordance with rule 115(6) of the OFC Rules].*

Signed for and on behalf of:

Name of custodian : _____

Name of authorized signatory : _____

Signature : _____

Title / Position : _____

Date (date / month / year) : _____

¹⁴ This does not apply to a non-Hong Kong custodian that is a registered non-Hong Kong company (as defined in section 2(1) of the Companies Ordinance (Cap. 622)).

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 Data¹⁵ and what you are agreeing to with respect to the SFC’s use of your Personal Data for the purposes identified below.

Purpose of Collection

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

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

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

¹⁵ Personal Data means personal data as defined in the Personal Data (Privacy) Ordinance, Cap 486 (“**PDPO**”).

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 (v) 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 / matching¹⁶ 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.

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¹⁶ "matching procedure" is defined in section 2 of the PDPO.