

COMPLIANCE CHECKLIST

APPLICATION OF POOLED RETIREMENT FUNDS (“PRF”)

This Compliance Checklist should be used with effect from 9 February 2018 in support of any application for authorization of a PRF scheme / investment portfolio(s).

Name of Applicant : _____

Name of PRF : _____

Name of Investment Portfolio(s): _____

The compliance checklist is to assist applicants in preparing an application of a PRF (including a PRF scheme and/or its investment portfolio(s)). Applicants should provide information to the **relevant sections** of the checklist and submit to the Investment Products Division of the Securities and Futures Commission (the “Commission” or the “SFC”) together with the other documents required for an application.

The checklist comprises the following:

- Part I : Documents submitted to the SFC
- Part II : Information highlights
- Part III: Information to be disclosed in the Principal Brochure
- Part IV: Contents of the Constitutive Documents
- Part V: Confirmations from applicant
- Annexes
- Appendix

Note : Applicants are not required to fill in shaded area.



Part I DOCUMENTS SUBMITTED TO THE SFC

| | “√” if submitted, otherwise, please provide remark(s) to explain |
|--|---|
| 1. Duly completed and properly executed application form ¹ | |
| 2. Principal brochure (where applicable, marked up against the latest version filed with the SFC) | |
| 3. Constitutive document(s) ² (where applicable, marked up against the latest version filed with the SFC) | |
| 4. Material contracts (please specify) | |
| 5. Sales literature and proposed advertisements | |
| 6. Original undertaking(s) required by the SFC (please specify) | |
| 7. Copy of trustee’s written approval in respect of delegation of investment functions (<i>if applicable</i>) | |
| 8. Latest audited report and corporate information in respect of the applicant company, management company, trustee and other relevant parties, where applicable | |
| 9. Application fee (in the form of cheque payable to the “Securities and Futures Commission” for the correct amount of total application fee) | |

¹ Application form refers to the form for the “Application Form for Authorization of Mandatory Provident Fund Products or Pooled Retirement Funds under Part IV of the Securities and Futures Ordinance” duly completed and properly executed by / for and on behalf of the applicant.

² If the application involves a new PRF scheme, its constitutive documents are required to be submitted at the time of application. In the case of application of a new investment portfolio under an existing SFC-authorized PRF involving proposed changes to the constitutive documents from the latest version filed with the SFC, the applicant is required to submit the revised constitutive documents at the time of application as marked-up against the latest version filed with the SFC. Otherwise the constitutive documents are not required to be submitted at the time of application.

| | “√” if submitted, otherwise, please provide remark(s) to explain |
|---|---|
| <p>10. Information on management company and delegate(s) (if any) in respect of the PRF / investment portfolio(s) under application</p> <p>(a) Duly completed and properly executed confirmation(s) from the management company (see <u>Annex D</u>)</p> <p>(b) For PRF / investment portfolio(s) with new management company and/or new delegate(s) not currently managing any existing SFC-authorized collective investment schemes</p> <p>(i) Copy of valid certificate(s) showing their licensing/registration status; and</p> <p>(ii) Duly completed and properly executed confirmation from each of the new management company and/or new delegate(s) (see <u>Annex E</u>)</p> <p>(c) For PRF / investment portfolio(s) with non-acceptable inspection regime (“non-AIR”) delegation arrangement</p> <p>Duly completed and properly executed undertaking from the management company (see <u>Annex F</u>); and duly completed and properly executed undertaking from the non-AIR delegate(s) (see <u>Annex G</u>)</p> | |
| <p>11. For PRF / investment portfolio(s) with nomination of approved person</p> <p>Duly completed and properly executed nomination letter from the applicant nominating an individual as the approved person for the PRF / investment portfolio(s); and duly completed and properly executed confirmation from the nominated approved person (see <u>Annex C</u>)</p> | |
| <p>12. For PRF which is governed by a trust</p> <p>(a) Duly completed and properly executed confirmation from the trustee (see <u>Annex A</u>)</p> <p>(b) For new trustee not currently acting as a trustee of any existing SFC-authorized collective investment schemes</p> <p>(i) (A) Audit certificate³; or</p> <p>(B) Duly completed and properly executed undertaking regarding internal controls and systems (see <u>Annex A</u> paragraph (j))</p> | |

³ For trustees whose functions are mainly carried out in Hong Kong, an audit certificate will be required with respect to the trustee’s internal controls and systems in accordance with Appendix E of the PRF Code. Applicants should consult with the SFC in advance.

| | “√” if submitted, otherwise, please provide remark(s) to explain |
|--|---|
| <p>(ii) Certificate of incorporation/registration of the trustee</p> <p>(iii) Evidence to demonstrate compliance with 6.2 of the PRF Code (please tick where applicable) e.g.</p> <p><input type="checkbox"/> <i>(for a bank licensed under section 16 of the Banking Ordinance (Chapter 155 of Laws of Hong Kong) or a substantial financial institution in Hong Kong) licence issued by the relevant authority</i></p> <p><input type="checkbox"/> <i>(for a subsidiary of a licensed bank or a substantial financial institution or of an insurance company authorized in Hong Kong) documentation showing such relationship, such as its group organizational chart together with the licence of such bank or financial institution or insurance company issued by the relevant authority</i></p> <p><input type="checkbox"/> <i>(for a banking institution or trust company incorporated outside Hong Kong)</i></p> <p style="padding-left: 20px;">(a) the appropriate certificate issued by its primary supervisory authority; and</p> <p style="padding-left: 20px;">(b) <i>(where applicable)</i> other evidence to demonstrate compliance with 6.2(d) of the PRF Code (e.g. legal opinion to the effect that the new trustee is in substance subject to the duties (including fiduciary duties) imposed on trust companies under general law of trusts)</p> | |
| <p>13. For new PRF which is the subject of or regulated by an insurance arrangement</p> <p>Copy of valid certificate(s) showing the licencing/registration status from the new insurance company</p> | |
| <p>14. For non-Hong Kong based applicant</p> <p>Duly completed and properly executed undertaking from the Hong Kong Representative (see <u>Annex B</u>)</p> | |
| <p>15. <i>(if applicable)</i> Application for waiver from compliance with a provision of the Code on Pooled Retirement Funds (“PRF Code”)</p> | |

| | “√” if submitted, otherwise, please provide remark(s) to explain |
|---|---|
| 16. Duly completed and properly executed Chinese translation confirmation ⁴ (see <u>Annex H</u>) | N/A |
| 17. Duly completed and properly executed Confirmation of Fulfilment of Authorization Conditions (see <u>Annex I</u>) together with the required documents as stated in the authorization letter ⁴ | N/A |
| 18. Other documents (please specify) | |

⁴ The Chinese translation confirmation and the Confirmation of Fulfilment of Authorization Conditions are not required to be submitted upon the application. However, both confirmations must be executed and submitted before the authorization (if granted by the SFC) becoming effective.

| Details | Where Found (Doc/Pg/Para); otherwise, please provide remark(s) in 'Details' column to explain |
|---|--|
| Title | |
| Address | |
| Telephone Number | |
| Facsimile Number | |
| E-mail Address | |
| <i>Top Management of Insurance Company (for the PRF which is the subject of or regulated by an insurance arrangement)</i> | |
| Name (Contact person) | |
| Title | |
| Address | |
| Telephone Number | |
| Facsimile Number | |
| E-mail Address | |
| <i>Annual Fee Administrator</i> | |
| Name (Contact person) | |
| Title | |
| Company Name | |

| | Details | Where Found (Doc/Pg/Para); otherwise, please provide remark(s) in 'Details' column to explain |
|-----------------------------|----------------|---|
| Address | | |
| Telephone Number | | |
| Facsimile Number | | |
| E-mail Address | | |
| <i>Daily Contact Person</i> | | |
| Name | | |
| Title | | |
| Company Name | | |
| Address | | |
| Telephone Number | | |
| Facsimile Number | | |
| E-mail Address | | |

(ii) Investment Portfolio

** Please fill in the following information for EACH IP (i.e. one table for one IP).*

Basic Information

Name of IP

Management Company (if any)

Inspection regime of management company (if applicable)

Intended Investment
(Investment in Approved Pooled Investment Fund(s)
or Direct Investment – please specify)

Geographical Distribution

Valuation / Dealing Frequency

Pricing Policy (Forward / Historical)

Base Currency

| Details | Where Found (Doc/Pg/Para); otherwise, please provide remark(s) in 'Details' column to explain |
|---------|--|
| | |
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Fees

| Management Fee: | Current % |
|-----------------|-----------|
| | |

Maximum %

Trustee Fee: Current %

Maximum %

Custodian Fee: Current %

Maximum %

| Administration | Current % |
|----------------|-----------|
| Fee: | |

Maximum %

Other Fees (please specify):

Current %

Maximum %

Performance Fee charged to the IP, if any
(Y/N and please provide details)

Capital / Return Guarantee offered, if any
(Y/N and please provide details)

Discretionary Benefits offered, if any
(Y/N and please provide details)[illegible]

Part III INFORMATION TO BE DISCLOSED IN THE PRINCIPAL BROCHURE

1. *Name and Type of PRF*

The name and description of the PRF must not be misleading to potential investors and should be an accurate reflection of the type of PRF and its objectives.

2. *Parties involved*

The names and registered address of all parties involved in the operation of the PRF with a brief description of the applicant company.

3. *Investment Returns*

(a) Details of how the investment returns of the investment portfolios are determined;

(b) Except where the investment portfolios' investment returns are subject to a non-variable guarantee, a warning should be stated to the effect that investment involves risks; and

**See paragraphs (15) and (16) below for additional disclosure requirements for Guaranteed Funds*

(c) If the nature of the investment policy so dictates, a warning should be given that investment in the investment portfolios is subject to abnormal risks, together with a description of the risks involved.

4. *Fees and Charges*

Explanations of fees and charges may be abbreviated, but should be clearly identified to include:

- (a) the level of all fees and charges payable by investors;
- (b) the level of all fees and charges levied on the investment portfolios; and
- (c) details of whether charges are subject to change and the relevant notice period.

Where Found
(Pg/Para); otherwise,
please provide
remark(s) to explain

| | <p>Where Found (Pg/Para); otherwise, please provide remark(s) to explain</p> |
|---|---|
| <p>A summary of all fees and charges in tabular form should be provided to allow investors to have an overview of the fees structure at a glance. Where complex calculations are required to disclose fees and charges, illustrative examples should be given for clarity.</p> | |
| <p>5. <i>Investment Objectives and Restrictions</i></p> <p>Summary of investment objective and policy of the investment portfolios including, where applicable:</p> <ul style="list-style-type: none"> (a) the types of intended investments, and their relative proportions in the portfolio; (b) the geographical distribution of the intended investments; (c) the investment and borrowing restrictions; and (d) if the nature of the investment policy so dictates, a warning that the investment portfolio is subject to abnormal risks, and a description of the risks involved. | |
| <p>6. <i>Borrowing Powers</i></p> <p>The circumstances under which the investment portfolio may have outstanding borrowings and the purpose for which such outstanding borrowings were incurred.</p> | |
| <p>7. <i>Summary of Provisions in Constitutive Documents</i></p> <p>A summary of the provisions described in paragraphs (d), (f), (g) and (j) of Appendix B to the PRF Code with respect to:</p> <ul style="list-style-type: none"> (a) Valuation of Property and Pricing (b) Characteristics of Contributions (c) Benefits (d) Conditions of Termination | |
| <p>8. <i>Rebates</i></p> <p>Details of goods and services (soft dollars) allowed to be retained under the PRF Code (if any). <i>See 10.10 of the PRF Code.</i></p> | |

9. *Application and Withdrawal Procedures*

A summary of procedures for application and withdrawal.

10. *Governing Law*

The governing law of the PRF should be disclosed and an acknowledgment that the parties concerned have the right to bring legal action in a Hong Kong court as well as in any court elsewhere which has a relevant connection with the PRF.

11. *Taxation*

- (a) Where the likely tax benefits to be enjoyed by investors are described, the principal brochure should also briefly explain the applicant company's understanding of the tax implications for investors, based on expert advice received by the applicant company.
- (b) Investors should also be advised to seek professional advice regarding their own particular tax circumstances.

12. *Date of Publication of the Principal Brochure*

All facts and figures in the principal brochure should be as reasonably up-to-date as possible.

13. *Responsibility Statement*

A statement that the applicant company accepts responsibility for the accuracy of the information contained in the brochure.

14. *Authorization Statement*

Where PRF is described as having been authorized by the Commission, it must be stated that authorization does not imply official recommendation.

Where Found
(Pg/Para); otherwise,
please provide
remark(s) to explain

Additional Disclosure Requirements for Guaranteed Funds in the Principal Brochure

15. For Guaranteed Funds in general, the principal brochure must contain:
- (a) the name of the guarantor (if other than the insurance company which issues the policy);
 - (b) the terms of the guarantee;
 - (c) where applicable, a warning statement in relation to all material conditions which affect the scope or validity of the guarantee including, where relevant, the condition that the guarantee only applies to investors who hold their investment until the date specified in the guarantee and that termination or withdrawal before such date are fully exposed to fluctuations in the value of the assets comprising the PRF and/or subject to penalties; and
 - (d) an illustration or description to clearly demonstrate the guarantee mechanism.

Where Found
(Pg/Para); otherwise,
please provide
remark(s) to explain

Where Found
(Pg/Para); otherwise,
please provide
remark(s) to explain

16. For Guaranteed Funds with discretionary benefits in excess of the guaranteed amount (in relation to an insurance arrangement), the principal brochure must contain:

- (a) a statement to the effect that the [name of policy issuer], at its sole discretion, has the right to retain investment income of the [name of investment portfolio] in excess of that required to be set aside to meet the guaranteed benefits under the [name of investment portfolio];
- (b) a readily comprehensible description of the methods of determining the discretionary benefits, including the following information, to the extent applicable:
 - i. the reporting date; and
 - ii. **(1) for a participating product where the policy holder has a right to participate in profits from the long term fund of the policy issuer or any part of that fund:**
 - details of the fund or part fund to which the right relates;
 - the principles on which the distribution of profits among policy holders and shareholders is based and whether these principles are derived from the constitution of the policy issuer or otherwise;
 - the bonus rates declared immediately prior to the reporting date and for the four years previous; and
 - the proportion of total distributed profits that was distributed to shareholders immediately prior to the reporting date and for the four years previous;

- (2) for an investment-linked product:
- a description of the method which will be used to calculate unit prices from time to time; and
 - the percentage changes in unit prices for the five yearly intervals immediately preceding the reporting date;
- (3) for an investment account product:
- a description of the method which will be used to calculate the interest rate for each period; and
 - the rate of interest declared immediately prior to the reporting date and for the four years previous; and
- (c) a statement that past performance should not be taken as an indication of future performance.

Note: For investment portfolios with less than five years experience, figures for shorter periods may be shown, provided the date of commencement is shown.

Where Found
(Pg/Para); otherwise,
please provide
remark(s) to explain

Part IV CONTENTS OF THE CONSTITUTIVE DOCUMENTS

| | Where Found (Pg/Para); otherwise, please provide remark(s) to explain |
|--|--|
| 1. <i>Name and Type of PRF</i> | |
| 2. <i>Parties Involved</i> A statement to specify the parties involved in the operation of the PRF including, as applicable, the applicant company, the management company, the guarantor, the trustee and the auditor, giving full particulars of their functions, duties and obligations, as well as details relating to their retirement, removal and replacement. | |
| 3. <i>Investment Returns</i> A detailed description of how the investment returns of the investment portfolios are determined. | |
| 4. <i>Valuation of Property and Pricing</i> (a) For investment portfolios which are unitized: (i) the method of determining the value of the assets and liabilities of the investment portfolio; (ii) the method of calculating the issue and redemption prices; (iii) how frequently prices are established; (iv) the lead times for the allocation of contributions to units and the realization of units; and (v) the circumstances under which the above might change. (b) For investment portfolios which are not unitized: (i) how and when the non-unitized portfolio is valued; (ii) how and when the investment return is calculated and distributed amongst the investors; and (iii) the circumstances under which the above might change. | |

5. *Guarantee*

Whether investment performance or capital is guaranteed and if so, details of:

- (a) the rate or amount guaranteed;
- (b) the conditions under which the rate or amount may be altered or discontinued;
- (c) the nature of the guarantee, e.g. a flat guarantee, career average, year on year, or compounded;
- (d) how and when the guarantee is invoked or revoked;
- (e) any charges or consideration for the guarantee;
- (f) the date of expiry of the guarantee;
- (g) if the guarantor is an entity other than the policy issuer, the provisions for appointment, retirement or removal;
- (h) where applicable, the methods of determining the discretionary benefits to be paid to investors in excess of the guaranteed amount; and
- (i) where applicable, the extent to which, and the basis on which, the policy issuer may set up a reserve, by whatever name called, so as to smooth the progression of unit prices or rates of return.

6. *Contributions*

- (a) The amount to be paid.
- (b) The currency of payment.
- (c) To whom and where paid.
- (d) How paid and the options if any for payment.
- (e) The frequency, due dates and for what periods contributions must be paid.
- (f) If there are fixed due dates, the grace period and penalties if any for late payment.
- (g) The proportion or amount of the contributions made which will be applied for investment purposes.
- (h) The consequences and options if any should payment of contributions be discontinued at any time.

Where Found
(Pg/Para); otherwise,
please provide
remark(s) to explain

7. *Benefits*

- (a) The currency, dates and places of payment of benefits.
- (b) The benefits on retirement.
- (c) The methods of calculation of benefits.
- (d) Any notice periods for claiming benefits.
- (e) Other settlement options or rights.
- (f) The circumstances under which payment of benefits may be deferred or suspended.
- (g) The maximum interval between the receipt of a properly documented request for claiming benefits and the date of payment.
- (h) Whether interest is payable in respect of the period between the effective date of claim and the date of payment.

8. *Fees and Charges*

- (a) All specific fees and charges under the PRF whether calculated by way of an amount, percentage or otherwise.
- (b) All indeterminable fees and charges.
- (c) Information as to when and on what event the fees and charges will fall due.
- (d) Any taxes and expenses charged to the PRF or levied against investment portfolios on a basis deemed fair and reasonable by an actuary or other person of professional standing.
- (e) Any fees payable to, as applicable, the applicant company, management company, trustee, guarantor or any other party.

9. *Investment Strategy and Restrictions*

The investment strategy and restrictions (see 8.10 - 8.12 of the PRF Code) of the investment portfolios and the circumstances under which these could be changed or varied.

Where Found
(Pg/Para); otherwise,
please provide
remark(s) to explain

10. *Termination of the PRF*

The circumstances in which the PRF or an investment portfolio may be terminated and the relevant notice to be given to investors.

11. *Transfer and Withdrawal of Interests*

The conditions governing the withdrawal of an investor's interests or its transfer to or from other pooled or individual retirement funds.

12. *Governing Law*

The governing law of the PRF must be specified.

Where Found
(Pg/Para); otherwise,
please provide
remark(s) to explain

Part V CONFIRMATIONS FROM APPLICANT

The PRF / investment portfolio(s) under application: As stated on page 1 of this Compliance Checklist

We, in respect of this application and the PRF / investment portfolio(s) thereunder, hereby confirm and undertake that:

Regulatory status of the applicant

a) we are authorized

(please tick one of the following boxes)

(i) ☐ under the Insurance Companies Ordinance (“ICO”) to carry on the relevant class of insurance business in Hong Kong;

(ii) ☐ by or is subject to the requirements of a supervisory authority in Hong Kong; or

(please tick one of the following boxes)

☐ corporation licensed under the Securities and Futures Ordinance (“SFO”)

☐ authorized institution under the Banking Ordinance

☐ approved trustee under the Mandatory Provident Fund Schemes Ordinance

(iii) ☐ by or is subject to the requirements of any other supervisory authority which is acceptable to the Commission *(please provide registration information as below)*; and

| Name of supervisory authority | Registration status | Home regulator | Date of registration | Restriction attached to the registration (if any) or state Nil (if applicable) |
|-------------------------------|---------------------|----------------|----------------------|--|
| | | | | |

Management company (applicable only to applicant who is licensed by or registered with the SFC)

b) the management company is licensed or registered under Part V of the SFO to carry out Type 9 regulated activity; and

c) the management company and its delegate(s) (if applicable) have fulfilled and will at all times fulfil the requirements under 5.2 to 5.5 of the PRF Code; and

d) none of the management company and its delegate(s) (if applicable) is the subject of any disciplinary proceeding in respect of its license or registration to conduct any regulated activity, or subject to any action by an exchange, regulated market or self-regulatory organisation for breach of any applicable rules, which may materially affect its financial condition, status as a licensed or regulated entity, or ability to perform its licensed or regulated activity; and

Insurance company (applicable only to applicant who is an authorized insurer)

e) the insurance company is authorized under the ICO to carry on the relevant class of insurance business in Hong Kong as defined in Part 2 of Schedule 1 to the ICO; and

f) the insurance company is not the subject of any disciplinary proceeding in respect of its registration to conduct any insurance business in Hong Kong, or subject to any action by an exchange, regulated market or self-regulatory organisation for breach of any applicable rules, which may materially affect



its financial condition, status as an authorized insurer, or ability to carry on its insurance business in Hong Kong; and

- g) the insurance company has performed and will at all times perform the functions analogous to those of a management company and trustee, where applicable, pursuant to 5.11 of the PRF Code ; and
- h) *(please tick one of the following boxes)*
- ☐ we are currently an issuer of other existing SFC-authorized pooled retirement fund(s) which is/are the subject of or regulated by insurance arrangement(s);
 - ☐ we are not currently an issuer of other existing SFC-authorized pooled retirement fund(s) which is/are the subject of or regulated by insurance arrangement(s); *and*

Trust company (applicable only to applicant who is an approved trustee)

- i) the trustee is approved under the Mandatory Provident Fund Schemes Ordinance as an approved trustee; and
- j) the trustee has fulfilled and will at all times fulfil the requirements under 6.2 to 6.4 and 6.7 of the PRF Code; and
- k) the trustee is not the subject of any disciplinary proceeding in respect of its approval as approved trustee, or subject to any action by an exchange, regulated market or self-regulatory organisation for breach of any applicable rules, which may materially affect its financial condition, status as an approved trustee, or ability to perform its duties as an approved trustee; and

Hong Kong representative (for non-Hong Kong based applicant only)

- l) we [(please delete as appropriate) have appointed / will appoint] the following entity as the Hong Kong representative of the PRF and the Hong Kong representative agreement contains provisions in compliance with 7.2 of the PRF Code to cover the functions of a Hong Kong representative; and

| | |
|-----------------------------------|--|
| Name of Hong Kong representative: | |
|-----------------------------------|--|

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

Compliance with the PRF Code

- n) all documents required to be submitted to the SFC for the purposes of application for authorization of the PRF / investment portfolio(s) under the PRF Code have been submitted and are in compliance with the applicable provisions of the PRF Code; and

Constitutive documents⁵

- o) nothing in the constitutive documents⁵ of the PRF would in any way contradict or result in any breach of the applicable provisions of the PRF Code;

⁵ “Constitutive documents” means the documents which govern the existence and operation of a PRF and includes the policy document in the case of a PRF which is the subject of or regulated by an insurance arrangement and the trust deed in the case of a PRF governed by a trust.

- p) ☐ (please tick if applicable) there are no changes made or proposed to be made to the constitutive documents⁵ last filed with the SFC on (please specify the date)
(N.B. no constitutive documents of the PRF are required to be submitted at the outset of an application);

Approved person (please tick one of the following boxes)

- q) ☐ (please insert the name of the approved person)
_____ has been approved as the approved person of the PRF / investment portfolio(s) and the approval letter previously issued by the SFC is attached in separate sheet.
- r) ☐ the nomination of the approved person of the PRF / investment portfolio(s) and the corresponding duly completed and properly executed confirmation from the nominated approved person as set out in Annex C has been submitted.

General

We confirm that all information contained in this Compliance Checklist (including all confirmations and undertakings) and the documents submitted relating hereto are true and accurate; and unless otherwise specifically allowed for in this Compliance 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.

Signed for and on behalf of :

Name of the applicant :

Name of authorized signatory : ☐ (For applicant who is a management company licensed by or registered with the SFC)

(Insert name of at least one Responsible Officer (in respect of Type 9 regulated activity) of the management company)

: ☐ (For other applicants, including insurance company and trustee)

(Insert name of at least one executive director (or above) or person in a senior position of the applicant)

Signature :

Title / Position :

Date (date / month / year) :



ANNEX A: Confirmation from the trustee for a pooled retirement fund which is governed by a trust

Pooled retirement fund (“PRF”) / investment portfolio(s) under application:

- a) Name of the PRF : _____
- b) Name of the relevant investment portfolio(s) : _____

We, as the trustee of the PRF, confirm and undertake that:

- a) we consent to our appointment as trustee of the PRF listed above;
- b) we are independent or deemed to be independent of the management company of the PRF for the purpose of 6.5 or 6.6 of the Code on Pooled Retirement Funds (the “PRF Code”);
- c) we shall act independently of the management company of the PRF in our dealings with the PRF;
- d) we shall at all times comply with 6.2 to 6.4 of the PRF Code, in particular,
(*please tick one of the following boxes*)
- (i) ☐ we, based on the latest audited financial report (and if more recent, the latest semi-annual report) or an audit certificate (both at the entity level), comply with the financial resources requirement under 6.3 of the PRF Code;
- (ii) ☐ we have obtained a standing commitment or an undertaking from the holding company (which is attached in separate sheet) in compliance with 6.4 of the PRF Code;
- e) we shall at all times fulfil the requirements under 6.7 of the PRF Code;
- f) nothing should be drawn to the attention of the SFC which would affect our ability to act or perform as the trustee of SFC-authorized PRFs in compliance with Chapter 6 of the PRF Code;
- g) we are not the subject of any disciplinary proceedings or subject to any action for breach of any applicable rules, which may materially affect our financial condition, status as a trustee, or ability to perform our services;
- h) the constitutive documents⁶ of the PRF contain all the information listed in Appendix B to the PRF Code;

⁶ “Constitutive documents” means the documents which govern the existence and operation of a PRF and includes the policy document in the case of a PRF which is the subject of or regulated by an insurance arrangement and the trust deed in the case of a PRF governed by a trust.



- i) we shall ensure that the constitutive documents⁶ of the PRF will at all times contain and conform in substance with the representation set out in paragraph (h) above, and shall act at all times in compliance and in a manner consistent with the PRF Code (as may be modified by any applicable waivers or exemptions granted by the SFC);
- j) *(please tick one of the following boxes)*
- ☐ we are currently acting as trustee for other existing SFC-authorized collective investment schemes;
- ☐ we are not currently acting as trustee for any other existing SFC-authorized collective investment schemes; we further confirm and undertake that if the SFC is not satisfied that we are subject to ongoing regulatory supervision, an independent auditor would be appointed to periodically review our internal controls and systems on terms of reference agreed with the SFC and such report would be filed with the SFC; and
- k) *(for new trustee not currently acting as trustee for any other existing SFC-authorized collective investment schemes)* the information relating to the trustee below has been accurately completed:-

| | |
|---|--|
| Name and title of the contact person | |
| Address | |
| Telephone number | |
| Fax number | |
| Email address | |
| Principal place of operations of the trustee of the PRF | |
| Name of primary supervisory authority | |
| Financial year-end of the trustee | |



Signed for and on behalf of :
Name of trustee :
Name of authorized signatory :
*(Insert name of at least one executive director (or above)
or person in a senior position of the trustee)*
Signature :
Title / Position :
Date (date / month / year) :



ANNEX B: Undertaking from Hong Kong Representative

Pooled retirement fund (“PRF”) / investment portfolio(s) under application:

- a) Name of the PRF : _____
- b) Name of the relevant investment portfolio(s) : _____

We hereby confirm and undertake that, in respect of the PRF / investment portfolio(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 PRF / investment portfolio(s) (if granted by the SFC) becoming effective; and

(ii) we will perform the duties required of a Hong Kong representative under the PRF Code upon the authorization of the PRF / investment portfolio(s) becoming effective.

Signed for and on behalf of : _____

Name of the Hong Kong representative : _____

Name of authorized signatory : _____

Signature : _____

Title / Position : _____

Date (date / month / year) : _____



ANNEX C: Nomination of approved person

Part 1: Nomination letter from the applicant for the PRF / investment portfolio(s)

The PRF / investment portfolio(s) under application: As stated on page 1 of this Compliance Checklist

We hereby nominate the following individual as the approved person for (a) the PRF / investment portfolio(s) under application [*(please delete if not applicable)*] and the investment portfolio(s) of the PRF as authorized by the SFC from time to time] and (b) the issue of any related advertisement, invitation or document for the purpose of section 104(2) and section 105(2) respectively of the Securities and Futures Ordinance:

| | | |
|---------------|---|-------|
| Name | : | _____ |
| Employer | : | _____ |
| Position | : | _____ |
| Address | : | _____ |
| Telephone no. | : | _____ |
| Facsimile no. | : | _____ |
| Email address | : | _____ |

| | | |
|---|---|-------|
| Signed for and on behalf of | : | _____ |
| Name of the applicant for the PRF / investment portfolio(s) | : | _____ |
| Name of authorized signatory | : | _____ |
| Signature | : | _____ |
| Title / Position | : | _____ |
| Date (date / month / year) | : | _____ |



Part 2: Confirmation from the nominated approved person

The PRF / investment portfolio(s) under application: As stated on page 1 of this Compliance Checklist

I, as the nominated approved person for (a) the PRF / investment portfolio(s) under application [*please delete if not applicable*] and the investment portfolio(s) of the PRF as authorized by the SFC from time to time] and (b) the issue of any related advertisement, invitation or document for the purpose of section 104(2) and section 105(2) respectively of the Securities and Futures Ordinance, hereby confirm the following:

- (a) I have my ordinary residence in Hong Kong;
- (b) My contact details set out in Part 1 above are accurate and up-to-date;
- (c) I am capable of being contacted by the Commission by post, telephone, facsimile and electronic mail during business hours;
- (d) I will inform the Commission of any change in my contact details within 14 days after the change takes place; and
- (e) I will comply with any other requirements as the Commission considers appropriate.

I also confirm to the Commission 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 Commission of my Personal Data (as defined in the PICS) I have provided and may provide in the future, for the purposes described in the PICS.

| | | |
|---------------------------------------|---|--|
| Signed by | : | |
| Name of the nominated approved person | : | |
| Signature | : | |
| Date (date / month / year) | : | |



ANNEX D: Confirmation from the management company

Please submit this confirmation for **each** management company of the PRF / investment portfolio(s) under application.

Pooled retirement fund (“PRF”) / investment portfolio(s) under application:

- a) Name of the PRF : _____
- b) Name of the relevant investment portfolio(s) : _____

We, as the management company of the PRF / investment portfolio(s), hereby confirm and undertake that, in respect of the PRF / investment portfolio(s) under application mentioned above,

- (a) the management company (i) is licensed or registered under Part V of the Securities and Futures Ordinance to carry out Type 9 regulated activity; or (ii) has submitted application to the Commission in applying for the licensing / registration status required for managing investment funds / collective investment schemes in Hong Kong; and
- (b) the management company and its delegate(s) (if applicable) has/have fulfilled and will at all times fulfil the requirements under 5.2 to 5.5 of the Code on Pooled Retirement Funds (“PRF Code”); and
- (c) none of the management company and its delegate(s) (if applicable) is the subject of any disciplinary proceeding in respect of its license or registration to conduct any regulated activity, or subject to any action by an exchange, regulated market or self-regulatory organisation for breach of any applicable rules, which may materially affect its financial condition, status as a licensed or regulated entity, or ability to perform its licensed or regulated activity; and
- (d) *(please tick one of the following boxes)*
- ☐ we are currently managing other existing SFC-authorized collective investment schemes;
- ☐ we are not currently managing other existing SFC-authorized collective investment schemes and we have submitted the required confirmation and undertaking as set out in Annex E;
- (e) ☐ *(please tick if applicable)* the following delegate(s) is/are licensed or registered under Part V of the Securities and Futures Ordinance to carry out Type 9 regulated activity; or is/are subject to supervision in an overseas jurisdiction with an acceptable inspection regime (“AIR”) which includes Australia, France, Germany, Ireland, Hong Kong, Luxembourg, United Kingdom and United States of America; and

| Name(s) of AIR delegate(s) | Name(s) of relevant investment portfolio(s) under application |
|----------------------------|---|
| | |
| | |
| | |
| | |
| | |

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

- (f) ☐ (please tick if applicable) the following delegate(s) that is/are not based in an AIR (“non-AIR delegate(s)”) is/are affiliate(s) of the management company and is/are subject to a system of internal controls and compliance procedures similar to that of the management company and/or the corporate group to whom both the management company and the non-AIR delegate(s) belong, and we have submitted the required confirmation(s) and undertaking(s) from the management company and the non-AIR delegate(s) as set out in Annex F and Annex G respectively; and

| Name(s) of non-AIR delegate(s) | Name(s) of relevant investment portfolio(s) under application |
|--------------------------------|---|
| | |
| | |
| | |
| | |
| | |

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

- (g) (please tick one of the following boxes if applicable)

- ☐ all the delegate(s) (whether based in an AIR or non-AIR jurisdiction) is/are currently managing other existing SFC-authorized collective investment schemes;
- ☐ we have submitted the required confirmation(s) and undertaking(s) from the new delegate(s) listed below (whether based in an AIR or non-AIR jurisdiction) as set out in Annex E in respect of the appointment of the following delegate(s) which is/are *not* currently managing other existing SFC-authorized collective investment scheme(s); and other delegate(s) not listed below (if any) are currently managing other existing SFC-authorized collective investment schemes.

| Name(s) of new delegate(s) (whether based in an AIR or non-AIR jurisdiction) | Name(s) of relevant investment portfolio(s) under application |
|--|---|
| | |
| | |
| | |
| | |
| | |

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

- (h) *(applicable only to PRF which is governed by a trust)* we shall act independently of the trustee of the PRF in our dealings with the PRF and have also submitted the required confirmation(s) from the trustee as set out in Annex A; and
- (i) *(applicable only to investment portfolio(s) under application except for guaranteed funds)* we shall at all times ensure the investment portfolio(s) under application fulfil the requirements under 8.10 to 8.12 of the PRF Code.

Signed for and on behalf of :
Name of the management company :

Name of authorized signatory :

(Insert name of at least one Responsible Officer (in respect of Type 9 regulated activity) of the management company)

Signature :

Title / Position :

Date (date / month / year) :

ANNEX E: Confirmation from the new management company and/or new delegate(s) not currently managing any existing SFC-authorized collective investment schemes

Please submit this confirmation for **each** new management company and/or new delegate(s).

Pooled retirement fund (“PRF”) / investment portfolio(s) under application:

- a) Name of the PRF scheme : _____
- b) Name of the relevant investment portfolio(s) : _____

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

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

- ☐ the management company⁷ has submitted an application to the Commission in applying for the licensing/ registration status required for managing investment funds / collective investment schemes in Hong Kong;
- ☐ the management company⁷ is licensed by or registered with the Commission to carry out Type 9 regulated activities;
- ☐ *(applicable only to delegate subject to supervision in an acceptable inspection regime (“AIR”) jurisdiction) the delegate is subject to the supervision in an overseas jurisdiction with an AIR which includes Australia, France, Germany, Ireland, Hong Kong, Luxembourg, United Kingdom and United States of America);*
- ☐ *(applicable only to delegate not subject to supervision in an AIR jurisdiction) “Undertaking from non-AIR delegate(s)” (as set out in Annex G) has been submitted;*

(b) *(applicable to management company⁷ that is licensed/registered for managing investment funds / collective investment schemes)*

(i) the registration status of the management company⁷ to manage funds is as follows:

| Registration status | Home regulator | Date of registration | Restriction attached to the registration (if any) or state Nil (if applicable) |
|---------------------|----------------|----------------------|--|
| | | | |

⁷ For confirmation to be submitted from new delegate, references to the management company are deemed to be references to the new delegate.

- (ii) under its current registration, the management company⁷ is allowed to manage investment funds / collective investment schemes;
- (iii) *(Please tick one of the following boxes)*
- ☐ there is no disciplinary history of the management company⁷ in the past five years or since the date of registration if it has been registered for less than five years;
- ☐ the details of the disciplinary history of the management company⁷ in the past five years or since the date of registration if it has been registered for less than five years have been submitted under separate sheet(s); and such disciplinary matter(s) does/do not materially affect its financial condition, status as a licensed or regulated entity, or ability to perform its licensed or regulated activity and the justification is also attached;
- (iv) *(Please tick one of the following boxes)*
- ☐ there is no current or pending investigation/disciplinary matter(s) of the management company⁷;
- ☐ the details of the current or pending investigation/disciplinary matter(s) of the management company⁷ is attached to this confirmation in separate sheet(s); and none of the current or pending investigation/disciplinary matter(s) will materially affect its financial condition, status as a licensed or regulated entity, or ability to perform its licensed or regulated activity and the justification is also attached;
- (v) *(Please tick one of the following boxes)*
- ☐ there is no current or pending investigation/disciplinary matter(s) of the director(s) of the management company⁷;
- ☐ the details of the current or pending investigation/disciplinary matter(s) of the director(s) of the management company⁷ is attached to this confirmation in separate sheet(s); and none of the current or pending investigation/disciplinary matter(s) will materially affect the director(s)' ability in performing his/her/their roles/duties as director(s) of the management company⁷ and the justification is also attached;
- (c) the management company⁷ at all times fulfils the requirements under 5.2 to 5.5 of the PRF Code, in particular,
- (i) the management company⁷, based on its latest audited financial report (and if more recent, its latest semi-annual report) or an audit certificate (both at the entity level) complies with the financial resources requirements under 5.2(b) to (d) of the PRF Code;
- (ii) the management company⁷ has adequate internal controls and has put in place written procedures (including, if applicable, procedures for compliance with the Fund Manager Code of Conduct) in compliance of Chapter 5.5(d) of the PRF Code and, where applicable, 5.5(e) of the PRF Code;



(iii) the two key personnel are our dedicated full-time staff and possess at least five years investment experience managing PRFs or other public funds with reputable institutions in the same type of investments as those proposed for the investment portfolio(s) of the PRF seeking authorization;

(d) *(Applicable only to management company / investment delegate licensed with the SFC)* the following two key personnel are properly licensed or regulated in Hong Kong to carry out type 9 regulated activity under the Securities and Futures Ordinance:

| Name of the key personnel | CE No. |
|---------------------------|--------|
| | |
| | |

(e) *(Applicable only to delegate licensed with an overseas jurisdiction)* the two key personnel are:

- ☐ properly licensed or regulated in the overseas jurisdiction to carry out asset management activities.
- ☐ not required to be licensed or regulated in the overseas jurisdiction to carry out asset management activities.

Signed for and on behalf of :

Name of the new management company / new delegate :

Name of authorized signatory : ☐ *(For SFC-licensed management company / delegate)*

(Insert name of at least one Responsible Officer (in respect of Type 9 regulated activity) of the management company / delegate)

☐ *(For delegate which is not SFC-licensed)*

(Insert name of at least one executive director (or above) or person in a senior position of the delegate)

Signature :

Title / Position :

Date (date / month / year) :



ANNEX F: Undertaking from a management company in respect of delegation to non-AIR delegate(s)

Please submit this confirmation for ***each*** new management company who has delegated its investment management function to an entity / entities that is / are not based in an AIR.

- Pooled retirement fund (“PRF”) / investment portfolio(s) under application:
 - a) Name of the PRF scheme : _____
 - b) Name of the relevant investment portfolio(s) : _____
- Name of non-AIR delegate(s) : _____

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

- (a) the delegate(s) is / are an affiliate of the management company and is subject to a system of internal controls and compliance procedures similar to that of the management company and/or corporate group to whom both the management company and the delegate(s) belong;
- (b) the delegate(s) is / are properly licensed or registered by its / their home regulator to manage investment funds with good regulatory record; and
- (c) the delegate(s) is / are subject to proper ongoing supervision and regular monitoring by the management company in compliance with 5.5(e) of the Code on Pooled Retirement Funds; and
- (d) the management company remains responsible for the activities of the delegate(s) in respect of the delegated investment management functions of the PRF / investment portfolio(s); and
- (e) the management company will report, or procure the delegate(s) to report, to the SFC immediately upon the happening of any material breach, infringement of or non-compliance with any laws and regulations administered by the home / principal regulator whom the delegate(s) is licensed with (*Note: The management company should have the same reporting obligations where any such breach, infringement or non-compliance was committed by the management company itself*); and
- (f) the management company will make appropriate arrangements to make available the transaction records relating to the delegated activities of the PRF / investment portfolio(s) in Hong Kong for inspection by the SFC on request within a reasonable time; and



- (g) enquiries from the SFC relating to the transaction records relating to the delegated activities of the PRF / investment portfolio(s) will be answered and the SFC will have access to the relevant officers, directors and other personnel of the delegate(s) for answer to enquiries; and
- (h) the SFC may instruct accountants / auditors / any other person to carry out an inspection of the books and records of the PRF / investment portfolio(s) and such cost should be borne by the management company or the delegate(s) but not be charged to the PRF / investment portfolio(s); and
- (i) the management company will procure the delegate(s) to make appropriate arrangements to enable the management company to carry out its duties as stipulated in (d) to (h) above.

Signed for and on behalf of :
Name of the management company :

Name of authorized signatory :

(Insert name of at least one Responsible Officer (in respect of Type 9 regulated activity) of the management company)
Signature :
Title / Position :
Date (date / month / year) :



ANNEX G: Undertaking from non-AIR delegate(s)

Please submit this confirmation for **each** non-AIR delegate.

Pooled retirement fund (“PRF”) / investment portfolio(s) under application:

- a) Name of the PRF : _____
- b) Name of the relevant investment portfolio(s) : _____

We (the “delegate”) hereby undertake that, in respect of the PRF / investment portfolio(s) under application mentioned above, we will make the appropriate arrangements to enable the management company to carry out its duties as set out below:

- (a) report, or procure the delegate to report, to the SFC immediately upon the happening of any material breach, infringement of or non-compliance with any laws and regulations administered by the home/principal regulator whom the delegate is licensed with, i.e. (please state the name of the home/principal regulator) _____;
- (b) make appropriate arrangements to make available the transaction records relating to the delegated activities of the PRF / investment portfolio(s) in Hong Kong for inspection by the SFC on request within a reasonable time;
- (c) enquiries from the SFC relating to the transaction records relating to the delegated activities of the PRF / investment portfolio(s) will be answered and the SFC will have access to the relevant officers, directors and other personnel of the delegate for answer to the enquiries; and
- (d) the SFC may instruct accountants / auditors / any other persons to carry out an inspection of the books and records of the PRF / investment portfolio(s) and such cost should be borne by the management company or the delegate but not be charged to the PRF / investment portfolio(s).

Signed for and on behalf of: _____

Name of the delegate : _____

Name of authorized signatory : _____

*(Insert name of at least one executive director (or above)
or person in a senior position of the non-AIR delegate)*

Signature : _____

Title / Position : _____

Date (date / month / year) : _____



ANNEX H: Chinese translation confirmation

Option 1: One Confirmation to be Issued

Pooled retirement fund (“PRF”) / investment portfolio(s) under application:

- a) Name of the PRF : _____
- b) Name of the relevant investment portfolio(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 PRF, to review and ensure the truth and accuracy of the Relevant Chinese Document(s);

☐ I am fully conversant in 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 PRF, 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 confirmation⁸ : _____

Name of authorized signatory : _____

Title / Position of authorized signatory : _____

Signature : _____

Date (date / month / year) : _____

⁸ Please refer to the FAQ relating to PRF which can be downloaded at <http://www.sfc.hk/web/EN/faqs/product-authorization/pooled-retirement-funds.html>



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

First Confirmation

Pooled retirement fund (“PRF”) / investment portfolio(s) under application:

- a) Name of the PRF : _____
- b) Name of the relevant investment portfolio(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 PRF, to review and ensure the truth and accuracy of the Relevant Chinese Document(s).

Name of the party issuing confirmation⁹ : _____

Name of authorized signatory : _____

Title / Position of authorized signatory : _____

Signature : _____

Date (date / month / year) : _____

⁹ Please refer to the FAQ relating to PRF which can be downloaded at <http://www.sfc.hk/web/EN/faqs/product-authorization/pooled-retirement-funds.html>



Second Confirmation

Pooled retirement fund (“PRF”) / investment portfolio(s) under application:

- a) Name of the PRF : _____
- b) Name of the relevant investment portfolio(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 PRF;
- (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 translator¹⁰ : _____

Name of authorized signatory : _____

Position / Title of authorized signatory : _____

Signature : _____

Date (date / month / year) : _____

¹⁰ Please refer to the FAQ relating to PRF which can be downloaded at <http://www.sfc.hk/web/EN/faqs/product-authorization/pooled-retirement-funds.html>



ANNEX I: Confirmation of fulfilment of authorization conditions

Dated: _____ (Note)

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

Name of the pooled retirement fund (“PRF”) / investment portfolio(s) (“Investment Portfolio(s)”):

We refer to the letter from the Commission dated _____ (insert date) granting authorization of the PRF / Investment Portfolio(s) and its principal brochure (the “Authorization Letter”).

Confirmations/undertakings

We hereby confirm and undertake that all the conditions for the authorization of the PRF / Investment Portfolio(s) as set out in the Authorization Letter (“Authorization Conditions”) have been fulfilled and will be complied with in respect of the PRF / Investment Portfolio(s).

(Please tick if applicable) In particular:

- ☐ We confirm that the finalised draft of the principal brochure of the PRF has properly addressed all the comments of the SFC on the principal brochure as set out in the Authorization Letter.
 - ☐ (Applicable only to non-Hong Kong based applicant) We confirm that a Hong Kong representative has been duly appointed in respect of the PRF in accordance with Chapter 7 of the Code on Pooled Retirement Funds (the “PRF Code”).
 - ☐ 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)
- _____
- _____

Supporting documentation

We confirm that a copy of each of the documents as required to be submitted pursuant to the Authorization Letter is enclosed and listed below:

- ☐ A cheque in the total sum of _____ (insert amount) made payable to the “Securities and Futures Commission” in payment of the authorization fees and annual fees in respect of the PRF / Investment Portfolio(s)
- ☐ Finalised draft of the English principal brochure, with (i) changes (shown in mark-ups against previously submitted version) properly addressing all the guiding comments of the SFC (if any) as set out in the Authorization Letter and (ii) annotations against Appendix A of the PRF Code
- ☐ Chinese version of the principal brochure and the executed Chinese translation certificate



- ☐ (Where applicable and constitutive documents had been submitted at the time of application) Copy of duly executed constitutive documents
- ☐ 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 the applicant :

Name of authorized signatory : ☐ (For applicant who is a management company licensed by or registered with the SFC)

(Insert name of at least one Responsible Officer (in respect of Type 9 regulated activity) of the management company)

: ☐ (For other applicants, including insurance company and trustee)

(Insert name of at least one executive director (or above) or person in a senior position of the applicant)

Signature :

Title / Position :

Date (date / month / year) :

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 Data¹¹ 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 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 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 Commission;

¹¹ Personal Data means personal data as defined in the Personal Data (Privacy) Ordinance, Cap 486 (“**PDPO**”).

- 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.
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, and the Independent Commission Against Corruption), (iii) relevant courts, panels, tribunals and committees, (iv) overseas regulatory / government / judicial bodies as permitted or required under the law, or pursuant to any regulatory / supervisory / investigatory assistance arrangements between the SFC and other regulators (local / overseas), and/or (iv) persons engaged by the SFC to assist the SFC in the performance of its statutory functions.
5. Personal Data may be used by the SFC and/or disclosed by the SFC to the above organizations / bodies / persons in Hong Kong or elsewhere for the purposes of verifying / matching¹² 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.

¹² "matching procedure" is defined in section 2 of the PDPO.



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
35th Floor, Cheung Kong Center
2 Queen's Road Central
Hong Kong

A copy of the Privacy Policy Statement adopted by the SFC is available on the SFC's website at www.sfc.hk.

February 2018