

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

***This Information Checklist should be used with effect from 9 February 2018 in support of any application for authorization of a French fund and its Hong Kong offering document(s).***

### A. Introduction

An applicant seeking authorization of a UCITS fund<sup>1</sup> domiciled in France which are authorized by the Autorité des Marchés Financiers (“AMF”) for offering, marketing and distribution to retail investors in France under Article L. 214-3 of the French Monetary and Financial Code and Article 411-3 of the General Regulation of the AMF and its Hong Kong offering document(s) under the Mutual Recognition of Funds between France and Hong Kong (“MRF”) arrangement and pursuant to sections 104 and 105 of the Securities and Futures Ordinance (“SFO”) respectively must complete this Information Checklist and submit it to the Investment Products Division of the Securities and Futures Commission (the “Commission” or the “SFC”), together with relevant documents provided hereunder that are required for an application. The SFC reserves the right to request for more information and/or documents in reviewing and considering each application.

**The SFC reserves the right to return forthwith, without processing, an incomplete or non-compliant application to the extent the application form<sup>2</sup>, this Information Checklist and/or the accompanying documents are not properly or fully completed, and/or where negative responses in this Information Checklist are not properly explained, and/or such application is accompanied by documents that do not meet the applicable requirements, not in good order or otherwise not suitable for clearance. The SFC reserves the right to request the applicant to submit updated and duly completed and properly executed checklist(s), confirmation(s) or undertaking(s) before authorization of a French fund.**

This is a standard form document. Unless otherwise specified, when completing this Information Checklist, please do not make any deletion, addition or amendment to the forms or headings. The applicant is reminded to tick ALL boxes that are applicable to its application(s) in this Information Checklist.

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

: As stated under 3(a)(i) of the application form<sup>2</sup>

**French fund(s) under application**

: Name(s) of the French fund(s) under application which is/are stated under 3(a)(ii), (iv) and (v) of the application form<sup>2</sup> is/are repeated below (or such other name(s) as may be approved by the SFC)<sup>3</sup>:

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<sup>1</sup> A UCITS fund means an undertaking for collective investment in transferrable securities authorized in accordance with Article 5 of Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferrable securities, as may be amended, supplemented or otherwise modified from time to time.

<sup>2</sup> Application form refers to the Application Form for Unit Trusts and Mutual Funds, Investment-Linked Assurance Schemes and Unlisted Structured Investment Products duly completed and executed by / for and on behalf of the applicant. References to the scheme(s) in the application form refer to the French fund(s) under application in this Information Checklist.

<sup>3</sup> Please also provide the Chinese name of the French fund(s) under application in the application form.



## B. Confirmation from the applicant

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

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

### Hong Kong representative

- a) we [(*please delete as appropriate*)] have appointed / will appoint] the following entity as the Hong Kong representative of the French fund(s) and the requirements set out in Chapter 9 of the Code on Unit Trusts and Mutual Funds (“UT Code”) in respect of the appointment of the Hong Kong representative [(*please delete as appropriate*)] have been fulfilled / will be fulfilled before the authorization of the French fund(s) (if granted by the SFC) becomes effective]; and

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

### Compliance with the Circular and the related guidance

- c) all documents required to be submitted to the SFC for the purposes of application for authorization of the French fund(s) have been submitted and are in compliance with the SFC Circular on “Mutual Recognition of Funds (MRF) between France and Hong Kong” dated 10 July 2017 (the “Circular”) as amended from time to time and the related guidance as may be issued by the SFC from time to time; and
- d) all requirements in the Circular as amended from time to time and the related guidance as may be issued by the SFC from time to time applicable to this application and the French fund(s) under this application have been and will be complied with in respect of the French fund(s) under this application; and

### Hong Kong offering document(s)<sup>4</sup>

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

### Approved person

- g) (*please tick one of the following*):
- (*please insert the name of the approved person*) \_\_\_\_\_ has been approved as the approved person of the French fund(s) and the approval letter previously issued by the SFC is attached in separate sheet;
- the nomination of the approved person of the French fund(s) and the corresponding duly completed and properly executed confirmation from the nominated approved person as set out in Annex B has been submitted; and

### General

We confirm that all information contained in this Information Checklist (including all confirmations and undertakings) and the documents submitted relating thereto are true and accurate; and unless otherwise

<sup>4</sup> References to Hong Kong offering document(s) in this Information Checklist refer to offering document(s) of the French fund(s) seeking SFC authorization under the MRF arrangement and pursuant to section 105 of the SFO, which generally consist(s) of (i) the latest offering document(s) of the French fund(s) which is/are made available to French investors and has/have obtained the necessary approval from/completed the required notification to/filing with the AMF; (ii) a Hong Kong covering document complementing the French offering document(s) (“Hong Kong Covering Document(s)”); and (iii) the KFS.



specifically allowed for in this Information Checklist, no deletion, addition or amendment has been made to the standard templates of these current prescribed documents as published on the SFC's website.

We further undertake to notify the SFC immediately if there are any changes to the information and/or confirmations provided to the SFC from time to time in connection with the application or where we have become aware of any matters or changes in circumstance that may affect the SFC's assessment of this application.

We consent that the SFC may, during the application process and/or on an ongoing basis, share information concerning the French fund(s) and the management company<sup>5</sup> with the AMF.

Signed for and on behalf of:  
*(please tick relevant box(es))*

Applicant :  *(For self-managed French fund(s) only)*  
The board of directors of the French fund(s)  
 *(For French fund(s) which is/are not self-managed French fund(s))*  
*(Please insert below the name of the management company of the French fund(s))*

Name of authorized signatory :  *(For self-managed French fund(s) only)*  

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*(Insert name of at least one executive director<sup>6</sup> (or above) of the French fund(s))*

:  *(For French fund(s) which is/are not self-managed French fund(s))*  

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*(Insert name of at least one executive director<sup>6</sup> (or above) of the management company of the French fund(s))*

Signature :

Title / Position :

Date (date / month / year) :

<sup>5</sup> For a self-managed French fund, references to the management company are deemed to be references to the investment manager of the French fund.

<sup>6</sup> Equivalents include, for example, CEO, managing director, etc. Essentially, the signatory is expected to be a senior-ranking executive with overall responsibility over the new fund application.



## C. Basic documents required to be submitted to the SFC

The list below is not exhaustive. The SFC may require additional information. On application, please provide soft copies of the following documents (except for the application fee) in text-searchable format.

### I. Mandatory documents

- 1) Duly completed and properly executed application form<sup>2</sup>
- 2) Application fee<sup>7</sup> (*in the form of cheque payable to the “Securities and Futures Commission” for the correct amount of total application fee*)
- 3) Eligibility certificate for the French fund(s) issued by the AMF
- 4) Duly and properly completed Information Checklist, including the duly completed and properly executed confirmation from the applicant under Section B of the Information Checklist
- 5) English version of the latest offering document(s) of the French fund(s)<sup>8</sup>
- 6) Advanced draft of the English Hong Kong Covering Document(s) of the French fund(s)
- 7) Advanced draft of the English KFS of the French fund(s)
- 8) Constitutive documents<sup>9</sup> of the French fund(s)
- 9) Latest audited financial report (if any) and if more recent, the latest unaudited financial report of the French fund(s)<sup>10</sup>
- 10) Duly completed and properly executed letters from the management company and the approved person regarding non-fulfilment of authorization condition(s) (*see Annex E*)
- 11) Duly completed and properly executed Chinese translation confirmation<sup>11</sup> (*see Annex F*)

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

- 12) For French fund(s) with appointment of Hong Kong Representative  
Duly completed and properly executed undertaking from the Hong Kong Representative (*see Annex A*)
- 13) For French fund(s) with approved person previously approved by the SFC  
A copy of the letter of approval on the approved person issued by the SFC
- 14) For French fund(s) with nomination of approved person  
Duly completed and properly executed nomination letter from the management company nominating an individual as the approved person for the French fund(s); and the duly completed and properly executed confirmation from the nominated approved person (*see Annex B*)
- 15) For French fund(s) constituted in corporate form  
Application for one-off authorization of advertisements of the French fund(s) (*see Annex C*)
- 16) Leverage information  
Information on leverage level of the French fund(s) (*see Annex D*)

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

<sup>7</sup> Please refer to the latest fee schedule posted on the SFC website.

<sup>8</sup> The latest offering document(s) of the French fund(s) refer(s) to the latest offering document(s) which is/are currently made available to French investors and has/have obtained the necessary approval from/completed the required notification to/filing with the AMF.

<sup>9</sup> “Constitutive documents” means the principal documents governing the formation of a French fund, and includes the articles of association of an open-ended investment company with variable capital (SICAV) or a common fund (FCP). The constitutive documents should be submitted and made available to Hong Kong investors in either Chinese or English. The constitutive documents should be the latest version that have been submitted to/filed with the AMF.

<sup>10</sup> The financial report(s) should be submitted and made available to Hong Kong investors in either Chinese or English.

<sup>11</sup> The Chinese translation confirmation(s) is/are not required to be submitted upon the application. However, the Chinese translation confirmation(s) (together with the Hong Kong offering document(s) of the French fund(s) in Chinese and English with proper annotations against Annex H of this Information Checklist for the English version) must be executed and submitted before the authorization (if granted by the SFC) becomes effective.



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

Name of French fund(s) under application:

- a) Name (for umbrella fund only, or such other name as may be approved by the SFC) of the umbrella/single fund(s) \_\_\_\_\_
- b) Name (or such other name as may be approved by the SFC) of the relevant sub-fund(s) \_\_\_\_\_

We hereby confirm and undertake that, in respect of the French fund(s) under application mentioned above,

(i) *(please tick one of the following boxes)*

- we have been appointed as the Hong Kong representative;
- we agree to be appointed as the Hong Kong representative before the authorization of the French fund(s) (if granted by the SFC) becomes effective;

(ii) we will perform the duties required of a Hong Kong representative under the Code on Unit Trusts and Mutual Funds ("UT Code") upon the authorization of the French fund(s) becoming effective.

We also confirm that:

(iii) *(applicable only to Hong Kong representative which is a trust company)* we are an affiliate of an authorized financial institution defined under the Securities and Futures Ordinance ("SFO"); and

(iv) *(please tick where applicable)*

- we have obtained the licensing or registration status under the SFO required for compliance with 9.4 of the UT Code.
- we are in the process of applying for the licensing or registration status under the SFO required for compliance with 9.4 of the UT Code.

Signed for and on behalf of:

Name of the Hong Kong representative : \_\_\_\_\_

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

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

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

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



## **ANNEX B: Nomination of approved person**

### **Part 1: Nomination letter from the management company**

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

We hereby nominate the following individual as the approved person for (a) the French fund(s) under application [*please delete if not applicable*] and the sub-funds of the umbrella fund as authorized by the SFC from time to time] 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 management company : \_\_\_\_\_  
Name of authorized signatory : \_\_\_\_\_  
Signature : \_\_\_\_\_  
Title / Position : \_\_\_\_\_  
Date (date / month / year) : \_\_\_\_\_



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

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

I, as the nominated approved person for (a) the French fund(s) under application [(*please delete if not applicable*)] and the sub-funds of the umbrella fund as authorized by the SFC from time to time] 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.

Added

Signed by:

Name of the nominated approved person : \_\_\_\_\_  
Signature : \_\_\_\_\_  
Date (date / month / year) : \_\_\_\_\_



## **ANNEX C: Application for one-off authorization of the advertisements of the French fund**

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

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

I/We confirm that:

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

Signed for and on behalf of:

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

Name of authorized signatory :

Signature :

Title / Position :

Date (date / month/ year) :

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## **ANNEX D: Information on leverage level of the French fund(s)**

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

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

(please tick one of the following boxes)

- The French fund does not use financial derivative instruments (“FDIs”) for any purpose at all.
- The expected maximum commitment level of the French fund is no more than 50% of the fund’s net asset value<sup>12</sup>. The French fund has disclosed in its Hong Kong offering document(s) (including the KFS) that the French fund will not use FDIs extensively or primarily for investment purposes.
- The expected maximum commitment level of the French fund is more than 50% and up to 100% of the fund’s net asset value<sup>12</sup>. The French fund has disclosed in its Hong Kong offering document(s) (including the KFS) that the French fund may use FDIs extensively or primarily for investment purposes and has complied with other relevant disclosure requirements<sup>13</sup>.

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<sup>12</sup> Calculated under the UCITS commitment approach provided by Article 42 of the Directive 2010/43/EU.

<sup>13</sup> These include (i) the FDI strategy including type of FDI to be used; (ii) the key risks relating to investments in FDI; and (iii) the expected or maximum leverage level.



## **ANNEX E: Letters from the management company and the approved person regarding non-fulfilment of authorization condition(s)**

(Note: Both Part A and Part B must be completed and submitted to the SFC at the time of application of the French fund(s).)

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

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

Name (or such other name as may be approved by the SFC) of French fund(s)<sup>14</sup>:  
[insert name of all French fund(s) under application]

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

In connection with the application for authorization (“Authorization Application”) of the French Fund(s) and the related Hong Kong offering document(s) (“Hong Kong Offering Document(s)”), we understand that under section 104(1) and section 105(1) of the Securities and Futures Ordinance (“SFO”), the SFC may, where it considers appropriate, authorize the French Fund(s) and the issue of the Hong Kong Offering Document(s) respectively, subject to such conditions as the SFC considers appropriate.

We acknowledge that for the authorization (if granted by the SFC) of the French Fund(s) and its/their Hong Kong Offering Document(s) (“Authorization”) to become effective, all relevant conditions (“Relevant Conditions”) imposed by the SFC as set out in the letter of authorization (“Authorization Letter”) are generally required to be fulfilled within 2 months from the date of the Authorization Letter (as may be extended by the SFC upon the submission of proper justifications by the applicant) (“Time Limit”). A confirmation for fulfilment is required to be submitted to the SFC<sup>15</sup> within the Time Limit.

In this connection, we hereby authorize [insert name of the approved person / nominated approved person] (“Approved Person”) in his/her capacity as the approved person (upon approval by the SFC) to submit the Withdrawal Application (as defined and set out in Part B below) herewith which is to take effect upon occurrence of the events set out therein.

We further agree and undertake to procure the Approved Person or his/her successor to do all such other acts and execute such other documents to give effect to the Withdrawal Application as and when required by the SFC.

Signed for and on behalf of:

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

<sup>14</sup>As stated under 3(a)(ii), (iv) and (v) of the Application Form for Unit Trusts and Mutual Funds, Investment-Linked Assurance Schemes and Unlisted Structured Investment Products and in Section A of the Information Checklist for Application for Authorization of French Funds under the Mutual Recognition of Funds Arrangement and the Revamped Process submitted to the SFC in respect of the application for seeking SFC’s authorization of the French fund(s) and its/their Hong Kong offering document(s).

<sup>15</sup>For the Authorization to become effective, the applicant must submit to the SFC a duly completed and properly executed “Confirmation of fulfilment of authorization conditions”, as set out in Annex G of this Information Checklist as may be updated by the SFC from time to time.



**Part B – Application for withdrawal of authorization (in the event of non-fulfilment of all conditions required for an authorization to become effective) by the approved person of the French fund(s)**

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

Name (or such other name as may be approved by the SFC) of French fund(s)<sup>16</sup>:  
[insert name of all French fund(s) under application]

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

I, [insert name], in my capacity as the approved person (upon approval by the SFC) (“Approved Person”) of the French Fund(s) for the purpose of section 104(2) and section 105(2) of the Securities and Futures Ordinance (“SFO”), write to submit that this letter be served as an application for withdrawal of authorization (if granted by the SFC) of the French Fund(s) and its/their Hong Kong offering document(s) pursuant to section 106(2) of the SFO (“Withdrawal Application”) upon occurrence of the events set out below.

In respect to each French Fund, this Withdrawal Application shall become effective in the event that: (i) authorization has been granted by the SFC under section 104(1) and section 105(1) of the SFO (“Authorization”); and (ii) if any of the conditions imposed by the SFC for the Authorization to become effective (“Relevant Conditions”) as stated in the letter of authorization letter issued by the SFC (“Authorization Letter”) has not been fulfilled and complied with within the prescribed time limit as stated in the Authorization Letter (as may be extended in writing by the SFC).

The Withdrawal Application herein will cease to have any effect and be lapsed with regard to each French Fund once the respective Authorization (if granted by the SFC) has become effective in accordance with terms as stipulated under the Authorization Letter.

Name of the approved person of the French fund(s) : \_\_\_\_\_  
Signature : \_\_\_\_\_  
Title / Position : \_\_\_\_\_  
Date (date / month/ year) : \_\_\_\_\_

<sup>16</sup>As stated under 3(a)(ii), (iv) and (v) of the Application Form for Unit Trusts and Mutual Funds, Investment-Linked Assurance Schemes and Unlisted Structured Investment Products and in Section A of the Information Checklist for Application for Authorization of French Funds under the Mutual Recognition of Funds Arrangement and the Revamped Process submitted to the SFC in respect of the application for seeking SFC’s authorization of the French fund(s) and its/their Hong Kong offering document(s).



## **ANNEX F: Chinese translation confirmation**

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

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

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

b) Name of the relevant sub-fund(s) : \_\_\_\_\_

I hereby certify and confirm that:

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

I have appointed *(please insert the name of the person)* \_\_\_\_\_, who is fully conversant in the Chinese language and competent to review and ensure the truth and accuracy of the Chinese translation of *(please insert the name of relevant document(s))* \_\_\_\_\_ (the “Relevant Chinese Document(s)”) in respect of the French Fund, to review and ensure the truth and accuracy of the Relevant Chinese Document(s);

I am fully conversant in the Chinese language and competent to review and ensure the truth and accuracy of the Chinese translation of *(please insert the name of relevant document(s))* \_\_\_\_\_ (the “Relevant Chinese Document(s)”) in respect of the French Fund, and have reviewed and ensured the truth and accuracy of the Relevant Chinese Document(s); and

(b) the Relevant Chinese Document(s) is/are the true and accurate translation of the English version(s) of the same documentation.

Name of the party issuing confirmation<sup>17</sup> : \_\_\_\_\_

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

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

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

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

<sup>17</sup> Please refer to the SFC’s circular regarding streamlining of authorization process (30 December 2005) which can be downloaded at: <http://www.sfc.hk/edistributionWeb/gateway/EN/circular/openFile?refNo=H480>



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

**First Confirmation**

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

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

b) Name of the relevant sub-fund(s) : \_\_\_\_\_

I hereby certify and confirm that I have appointed (please insert the name of the translation company) \_\_\_\_\_, a company with qualified personnel who are fully conversant in the Chinese language and competent to review and ensure the truth and accuracy of the Chinese translation of (please insert the name of relevant document(s)) \_\_\_\_\_ (the “Relevant Chinese Document(s)”) in respect of the French Fund, to review and ensure the truth and accuracy of the Relevant Chinese Document(s). .

Name of the party issuing confirmation<sup>18</sup> : \_\_\_\_\_

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

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

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

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

<sup>18</sup> Please refer to the SFC’s circular regarding streamlining of authorization process (30 December 2005) which can be downloaded at: <http://www.sfc.hk/edistributionWeb/gateway/EN/circular/openFile?refNo=H480>



## Second Confirmation

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

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

b) Name of the relevant sub-fund(s) : \_\_\_\_\_

I hereby certify and confirm that:

- (i) *(please insert the name of the translation company)* \_\_\_\_\_  
has been appointed by *(please insert the name of the appointing party)* \_\_\_\_\_  
to review the Chinese translation of *(please insert the name of relevant document(s))* \_\_\_\_\_  
(the “Relevant Chinese Document(s)”) in respect of the French Fund;
- (ii) *(please insert the name of the translator)* \_\_\_\_\_  
of this office is fully conversant in the Chinese language and competent to review and ensure the truth and accuracy of the Relevant Chinese Document(s); and
- (iii) the Relevant Chinese Document(s) is/are the true and accurate translation of the English version(s) of the same documentation.

Name of the translator<sup>19</sup> : \_\_\_\_\_

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

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

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

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

<sup>19</sup>Please refer to the SFC’s circular regarding streamlining of authorization process (30 December 2005) which can be downloaded at: <http://www.sfc.hk/edistributionWeb/gateway/EN/circular/openFile?refNo=H480>



## **Annex G: Confirmation of fulfilment of authorization conditions**

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

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

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

We refer to the letter from the Commission dated \_\_\_\_\_ (insert date) granting authorization of the French Fund(s) and its/their Hong Kong offering document(s) (the "Authorization Letter").

### **Confirmations/undertakings**

We hereby confirm our agreement to all the conditions for the authorization of the French Fund(s) as set out in the Authorization Letter ("Authorization Conditions"). We further confirm and undertake that the Authorization Conditions have been fulfilled and will be complied with in respect of the French Fund(s).

*(Please tick if applicable)* In particular:

- (Applicable only to French fund(s) whose HKOD are subject to comments of the SFC)* We confirm that the finalised draft of the Hong Kong offering document(s) of the French Fund(s) ("HKOD") has/have properly addressed all the comments of the SFC on the HKOD as set out in the Authorization Letter.
- We confirm that the finalised draft of the HKOD is consistent with the latest offering document(s) which is/are currently made available to French investors and has/have obtained the necessary approval from/completed the required notification to/filing with the Autorité des Marchés Financiers.
- We confirm that a Hong Kong representative which complies with 9.4 of the Code on Unit Trusts and Mutual Funds (the "UT Code") has been duly appointed in respect of the French Fund(s) in accordance with Chapter 9 of the UT 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 soft copy of all the documents (except for the cheque) 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 French Fund(s)
- Finalised draft of the English HKOD, with (i) changes (shown in mark-ups against previously submitted version) properly addressing all the comments of the SFC on the HKOD (if any) as set out in the Authorization Letter and (ii) annotations against Annex H to the Information Checklist for Application for Authorization of French Funds under the Mutual Recognition of Funds Arrangement and the Revamped Process

\_\_\_\_\_  
\* Please refer to "Chapter 7 – Documentation requirements following SFC authorization and prior to the authorization becoming effective" of the Guide on Practices and Procedures for Application for Authorization of Unit Trusts and Mutual Funds, including the timeframe within which the applicant is required to submit this confirmation to the Commission.



- Chinese version of the HKOD and the executed Chinese translation confirmation(s)
- 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)*

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Signed for and on behalf of:  
(please tick relevant box(es))

- Applicant :  *(For self-managed French fund(s) only)*  
The board of directors of the French fund(s)
- (For French fund(s) which is/are not self-managed French fund(s))*  
*(Please insert below the name of the management company of the French fund(s))*

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- Name of authorized signatory :  *(For self-managed French fund(s) only)*
- (Insert name of at least one executive director<sup>20</sup> (or above) of the French fund(s))*
- :  *(For French fund(s) which is/are not self-managed French fund(s))*

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*(Insert name of at least one executive director<sup>20</sup> (or above) of the management company of the French fund(s))*

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

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

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

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<sup>20</sup> Equivalents include, for example, CEO, managing director, etc. Essentially, the signatory is expected to be a senior-ranking executive with overall responsibility over the new fund application.





## **Annex H: Reference on annotations for the Hong Kong offering documents of French funds**

1. The Hong Kong offering documents (“HKOD”) of a French fund as annotated are required to be submitted to the Commission before the authorization of the French fund may become effective. This document aims to assist applicants of new fund applications in annotating the finalised English draft of the HKOD of a French fund under application against the required disclosure requirements.
2. The management company is obliged to disclose any information which may be necessary for investors to make an informed judgment.

### **SFC Circular on “Mutual Recognition of Funds (MRF) between France and Hong Kong” dated 10 July 2017**

**TABLE 1 – Basic disclosure requirements**

<b><i>Hong Kong offering documents</i></b>
5.6 of Overarching Principles Section (“OPS”) of SFC Handbook for Unit Trusts and Mutual Funds, Investment-Linked Assurance Schemes and Unlisted Structured Investment Products (“SFC Handbook”)
Fee arrangement on distribution fees and advertising or promotional expenses (if any)
8.9(j)(ii) of the Code on Unit Trusts and Mutual Funds (the “UT Code”)
8.9(j)(iii) of the UT Code
<b>KFS</b>
6.5 of the OPS of the SFC Handbook
6.6 of the OPS of the SFC Handbook
6.7 of the OPS of the SFC Handbook
6.8 of the OPS of the SFC Handbook
6.2A of the UT Code
<b><i>Enquiries and complaints handling</i></b>
7.4 of OPS of the SFC Handbook
<b><i>Mention of SFC authorization</i></b>
1.10 of OPS of the SFC Handbook
<b>Other disclosure</b>
Clause 3(c) of Appendix C of the UT Code
Clause 3(d) of Appendix C of the UT Code
Clause 3(e) of Appendix C of the UT Code
Clause 3(g) of Appendix C of the UT Code
Clause 6 of Appendix C of the UT Code
Clause 8 of Appendix C of the UT Code
Clause 10 of Appendix C of the UT Code
Clause 11 of Appendix C of the UT Code
Clause 12 of Appendix C of the UT Code
Clause 14(c) of Appendix C of the UT Code
Clause 16 of Appendix C of the UT Code



**SFC Circular on “Mutual Recognition of Funds (MRF) between France and Hong Kong” dated 10 July 2017**

**TABLE 1 – Basic disclosure requirements**

Clause 18 of Appendix C of the UT Code
Clause 18A of Appendix C of the UT Code
Clause 19 of Appendix C of the UT Code
Clause 19A of Appendix C of the UT Code
Clause 20 of Appendix C of the UT Code
Clause 23 of Appendix C of the UT Code
Clause 24 of Appendix C of the UT Code
Paragraph 32 of the Circular
Paragraph 41 of the Circular
Disclosure on stock lending, repo and similar over-the-counter transactions as per FAQ 21 in the Frequently Asked Questions on the Code on Unit Trusts and Mutual Funds
Disclosure on information of share class as per FAQ 27B in the Frequently Asked Questions on the UT Code
Disclosure to indicate the non-SFC-authorized funds as per FAQ 9 in the Frequently Asked Questions on SFC Authorization of UCITS III Funds
Disclosure on the fund’s distribution policy as per FAQ 34 – 34(C) in the Frequently Asked Questions on the UT Code
Disclosure on information to investors regarding US Foreign Account Tax Compliance Act as per FAQ 35 in the Frequently Asked Questions on the UT Code and the Circular to issuers of SFC-authorized investment products concerning the US Foreign Account Tax Compliance Act
Other information which may have a significant impact on the investors in Hong Kong



## APPENDIX

Added

### Personal Information Collection Statement

1. This Personal Information Collection Statement (“**PICS**”) is made in accordance with the guidelines issued by the Office of the Privacy Commissioner for Personal Data. The PICS sets out the policies and practices of the Securities and Futures Commission (“**SFC**”) with regard to your Personal Data<sup>21</sup> and what you are agreeing to with respect to the SFC’s use of your Personal Data for the purposes identified below.

#### Purpose of Collection

2. The Personal Data provided in any application, filing, submission (including any related form, checklist, confirmation, documentation or correspondence), enquiry, survey or any other form of request for information (as the case may be) will be used by the SFC for one or more of the following purposes:

- to administer the Securities and Futures Ordinance (“**SFO**”) and other relevant Ordinances (including the Companies (Winding Up and Miscellaneous Provisions) Ordinance, the Companies Ordinance, the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance, Financial Institutions (Resolution) Ordinance), rules, regulations, codes and guidelines made or promulgated pursuant to the powers vested in the SFC as in force at the relevant time, including:
  - *SFC Handbook for Unit Trusts and Mutual Funds, Investment-Linked Assurance Schemes and Unlisted Structured Investment Products and the various Product Codes therein;*
  - *Code on Real Estate Investment Trusts;*
  - *SFC Code on MPF Products;*
  - *Code on 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;
- 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.

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<sup>21</sup> 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, 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 / matching<sup>22</sup> those data. You consent to the use of your Personal Data for carrying out a matching procedure (as defined in the PDPO).
6. Your Personal Data may be transferred to place(s) outside of Hong Kong for the purposes stated herein (such places may or may not offer the same or a similar level of personal data protection as in Hong Kong).

#### **Access to Data**

7. You have the right to request access to and correction of your Personal Data held by the SFC about you in accordance with the provisions of the PDPO. Your right of access includes the right to request a copy of your Personal Data held by the SFC. The SFC has the right to charge a fee for processing of any data access request.

#### **Enquiries**

8. Any enquiries regarding the Personal Data provided, or requests for access to Personal Data or correction of Personal Data, should be addressed in writing to:

The Data Privacy Officer  
Securities and Futures Commission  
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](http://www.sfc.hk).

February 2018

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<sup>22</sup> "matching procedure" is defined in section 2 of the PDPO.