**Application Form for Approval of Change of Name
of an Open-ended Fund Company or Sub-fund of an
Open-ended Fund Company**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |
| --- |
| **This Application Form should be used by an applicant for an application for a change of name of any open-ended fund company (“OFC”) pursuant to rule 9 of the Securities and Futures (Open-ended Fund Companies) Rules (“OFC Rules”), or for a change of name of any sub-fund of any OFC pursuant to rule 161 of the OFC Rules. This Application Form is applicable to an application for both public OFCs and private OFCs as defined in the Code on Open-ended Fund Companies (“OFC Code”) and the sub-fund(s) thereof.** **The applicant should note that any representation in, or referred to in, this application, and any representation made from time to time in support of this application which is false or misleading in a material particular, the provision of any information to the Securities and Futures Commission (the “Commission” or the “SFC”) which is false or misleading in a material particular and the provision of any record or document which is false or misleading in a material particular may constitute an offence under either section 383(1), 384(1) and/or 384(3) of the Securities and Futures Ordinance (“SFO”).**  |

* Where the proposed change of name is in respect of a public OFC or publicly offered sub-fund(s) of an OFC, the applicant is reminded to observe the relevant requirements concerning scheme change and/or revision to offering documents as applicable to SFC-authorized funds, in addition to the submission of this Application Form.
* The applicant is reminded to tick ALL boxes that are applicable in this Application Form.

To: Investment Products Division

 Securities and Futures Commission

 Attention: [*name of officer (if applicable)*]

Dear Sirs,

**Re: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*state the subject of the application*]**

1. We (acting on the instructions of
 [*state the name of applicant*] (*please delete if the applicant is making the application directly*)) hereby apply to the Commission for approval of a change of name for the OFC referred in paragraph 2 below pursuant to rule 9 of the OFC Rules / sub-fund(s) of the OFC referred in paragraph 2 below pursuant to rule 161 of the OFC Rules (*please delete as appropriate*).

1. The change(s) is/are related to the following OFC / sub-fund(s) *(please delete as appropriate)*:-

□ Existing name of the umbrella OFC

 Proposed new name of the umbrella OFC

□ Change of name of the following sub-fund(s)

|  |  |
| --- | --- |
| Existing name of the sub-fund(s) | Proposed new name of the sub-fund(s)  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

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

□ Existing name of the single OFC

 Proposed new name of the single OFC

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

1. Reason for the proposed change[[1]](#footnote-2):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

1. □ We confirm that all notice(s) (if any) to and approval(s) (if any) required from shareholders for
 the proposed change of name have been served / obtained in accordance with the instrument
 of incorporation and offering documents of the OFC.
2. □ We undertake that all requirement(s) in the instrument of incorporation and offering
 documents of the OFC for notices (if any) to be served on shareholders for the change of
 name subsequent to such change will be duly complied with.
3. We confirm that the proposed change of name for the OFC / sub-fund(s) of the OFC *(please delete as appropriate)* is compliant with the requirements under the SFO, OFC Rules and OFC Code[[2]](#footnote-3).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Other key information in relation to the proposed change of name to which the applicant wishes to draw the Commission’s attention is as follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

1. □ We have instructed [*state name of law firm*] to
 act on our behalf in relation to this application. The contact details of the lawyer(s) handling
 the matter are as follows:-

 Name of lawyer-in-charge:

 Position:

 Telephone number:

 Email:

 Address:

1. *(Applicable to private OFCs or privately offered sub-fund(s)[[3]](#footnote-4))* A cheque numbered \_\_\_\_\_\_\_\_\_\_\_\_ [*Cheque number*] drawn on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*Bank*] for HK$\_\_\_\_\_\_\_\_\_\_ is enclosed being payment of the application fee, as prescribed under the Securities and Futures (Open-ended Fund Companies) (Fees) Regulation.

[*Please elaborate below if there is any submission regarding the fees chargeable under the Securities and Futures (Open-ended Fund Companies) (Fees) Regulation*]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. The applicant acknowledges that unless otherwise agreed by the Commission:-
2. this application will lapse if no approval is granted within the applicable processing time
 period as indicated in the first requisition issued by the Commission (if issued);

1. no fees paid to the Commission in respect of this application shall be repayable if this
 application is for any reason withdrawn, cancelled or rejected by the Commission or if it
 lapses under paragraph (a); and
2. *(Applicable to private OFCs or privately offered sub-fund(s))* if a new application is made for
 the OFC after an application is for any reason withdrawn, cancelled or rejected by the
 Commission or if it lapses under paragraph (a), further application fee will be payable in
 accordance with the provisions of the Securities and Futures (Open-ended Fund Companies)
 (Fees) Regulation.
3. The applicant confirms that unless otherwise specifically allowed for in this Application Form, no deletion, addition or amendment has been made to the standard template of the current prescribed application form as published on the SFC website.

Yours faithfully,

Name:

Position:

Duly authorized[[4]](#footnote-5)

For and on behalf of

[*Applicant’s name*]

Date:

1. Pursuant to 4.6 of the OFC Code, the proposed change must be supported with explanations having regard to
 the requirements in chapter 4 of the OFC Code. [↑](#footnote-ref-2)
2. Including section 112H of the SFO, rule 9 and/or rule 161 of the OFC Rules, and 4.4 and 4.5 of the OFC Code
 (as applicable). [↑](#footnote-ref-3)
3. This refers to sub-fund(s) which have not obtained an authorization by the SFC under section 104 of the SFO. [↑](#footnote-ref-4)
4. The signatory should be a director of the OFC or a senior-ranking executive of the investment manager of the OFC (or an
 appropriate person designated by the senior-ranking executive of the investment manager of the OFC), who is duly authorized
 by the board of directors of the OFC. [↑](#footnote-ref-5)