



SECURITIES AND  
FUTURES COMMISSION  
證券及期貨事務監察委員會

## **Application Form for Revised Offering Documents that Incorporate Changes Falling within 8.2 of the SFC Code on MPF Products (MPF Code) that Require SFC's Prior Approval<sup>1</sup>**

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### **Application for Authorization under Part IV of the Securities and Futures Ordinance (SFO) for the Issue of Revised Document Pursuant to Section 105 of the SFO**

This Application Form should be used by applicant in support of any application submitted to the Securities and Futures Commission (the "Commission" or the "SFC") for authorization on or after 1 January 2019 under Part IV of the SFO for the issue of revised document pursuant to section 105 of the SFO that incorporate changes falling within 8.2 of the MPF Code that require the SFC's prior approval. The issuer/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 Commission 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 constitute an offence under either section 383(1), 384(1) and/or 384(3) of the SFO.

- **The SFC reserves the right to return forthwith, without processing, an incomplete or non-compliant application to the extent this Application Form and/or the accompanying documents are not properly or fully completed, and/or where negative responses in this Application Form 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 more information and/or documents and/or updated and duly completed and properly executed form(s), confirmation(s) or undertaking(s) before authorization of the revised offering documents pursuant to section 105 of the SFO.**
- If there are changes which do not fall within 8.2 of the MPF Code in the revised offering document(s), please also complete "Filing Form for Revised Offering Documents that Incorporate Changes Falling within 8.2B of the SFC Code on MPF Products (MPF Code) and Do Not Require SFC's Prior Approval".
- If there are changes in the revised offering document(s) which require the SFC's prior approval, please also complete the "Application Form for Scheme Change(s) in respect of MPF Products".
- The issuer/applicant is reminded to tick ALL boxes that are applicable in this Application Form.

On application, please submit soft copies of the revised offering document(s) with proper annotation(s) of the changes falling within 8.2 of the MPF Code in text-searchable format.

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<sup>1</sup> For funds which are also authorized under the Code on Unit Trusts and Mutual Funds, applicant may refer to the "Application Form for Revised Offering Documents that Incorporate Changes Falling within 11.1 of the Code on Unit Trusts and Mutual Funds (UT Code) that Require SFC's Prior Approval" in respect of items 2, 3, 4(a) and 5.



To: Investment Products Division  
Securities and Futures Commission  
Attention: [*name of officer (if applicable)*]

Dear Sirs,

1. We \_\_\_\_\_ (acting on the instructions of \_\_\_\_\_  
\_\_\_\_\_ [*state the name of MPF issuer*] (*please delete if the MPF issuer is making the application directly*)) hereby apply to the Commission for the authorization for the issue of the revised offering document(s) referred in paragraph 2 below pursuant to section 105 of the SFO.

2. The issue of the revised offering document(s) is related to the following scheme(s) authorized by the Commission:-

(a) Name of the MPF scheme/umbrella fund (for approved pooled investment funds (“APIFs”))

\_\_\_\_\_

(b) Name of the constituent fund(s) (for MPF scheme)/sub-fund(s) (for APIFs)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

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

(c) Name of the single fund(s) (for APIFs)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

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

(d) Offering document(s) revised

\_\_\_\_\_

3. (If applicable) We have instructed \_\_\_\_\_ [*Please 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: \_\_\_\_\_

4. We confirm that:-

- (a) The revised offering document(s) referred in paragraph 2 above has/have incorporated all changes that were approved by the Commission on \_\_\_\_\_;

Annotation(s) in the revised offering document(s) <sup>2</sup>	Nature/brief details of change(s)
8.2 - 1	
8.2 - 2	
8.2 - 3	
8.2 - 4	
8.2 - 5	

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

- (b) Apart from the changes as mentioned above, other changes (if any) in the revised offering document(s) referred in paragraph 2 above do not require the approval of the Commission under 8.2 of the MPF Code;
- (c) All documents required to be submitted to the SFC for the purposes of the application for authorization of the revised offering document(s) as referred in paragraph 2 above have been submitted and are in compliance with the applicable provisions of the MPF Code;
- (d) Nothing in any of the documents required to be submitted to the SFC for the purposes of the application for authorization of the revised offering document(s) as referred in paragraph 2 above would in any way contradict or result in any breach of the applicable provisions of the MPF Code;
- (e) Where the change(s) to the revised offering document(s) is/are attributable to change(s) in the constitutive document(s), all disclosures in the revised offering document(s) as referred in paragraph 2 above relating to the constitutive document(s) are consistent with the relevant provisions in the constitutive document(s);
- (f) The content of the revised offering document(s) as referred in paragraph 2 above is consistent with the constitutive document(s); and
- (g) 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.

<sup>2</sup> Please properly annotate the corresponding change(s) as set out in this table in the revised offering document(s).



5. We enclose with this Application Form the draft translation certificate for the revised Chinese [name of revised offering document(s)]<sup>3</sup>.
6. (*Applicable to APIFs offered to retail investors*) The applicant acknowledges that unless otherwise agreed by the Commission, this application will lapse if no approval-in-principle is granted within the applicable processing time period as indicated in the first requisition issued by the Commission (if issued).

Yours faithfully,

\_\_\_\_\_  
Name:  
Position:  
Duly authorized<sup>4</sup>  
For and on behalf of  
[Applicant's name]

Date: \_\_\_\_\_

<sup>3</sup> The Chinese translation certificate (together with the bilingual revised offering document(s) with proper annotation(s) indicating changes falling within 8.2 of the MPF Code for the English version) must be executed and submitted before the authorization (if granted by the SFC) becoming effective.

<sup>4</sup> The signatory is expected to be a senior-ranking executive of the MPF issuer (or an appropriate person designated by the senior-ranking executive of the MPF issuer) with overall responsibility for the application.