



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

A. Introduction

An applicant¹ seeking registration of a non-Hong Kong fund corporation as a re-domiciled OFC pursuant to section 112ZJB of the SFO must complete this Information Checklist and submit it to the Investment Products Division of the Securities and Futures Commission (the "SFC"), together with relevant documents provided hereunder that are required for an application. The SFC reserves the right to request for more information and/or documents in reviewing and considering each application.

Registration of a non-Hong Kong fund corporation as a re-domiciled private OFC
reference to section 112ZJB of the SFO;

Registration Information Checklist

(2) a reference to "proposed private OFC" in the Registration Information Checklist is to be read as a reference to "proposed re-domiciled OFC" in the Registration Information Checklist as defined in the Securities and Futures Ordinance ("SFO") as a re-domiciled OFC. This Information Checklist is applicable to an application for registration as both a re-domiciled public OFC and a re-domiciled private OFC (the terms "public OFC" and "private OFC" are as defined in the Code on Open-ended Fund Companies ("OFC Code")).



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

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

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

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



1. Information of the Non-Hong Kong Fund Corporation: As stated under 2(a) of the application form²
2. Information of the Proposed Re-domiciled OFC:
 - (i) The nature of the Proposed Re-domiciled OFC:
 ☐ single fund ☐ umbrella fund with sub-fund(s)
 - (ii) The name of the single Proposed Re-domiciled OFC / the umbrella Proposed Re-domiciled OFC (please delete as appropriate) is:



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

Instrument of Incorporation

- c) with regards to the instrument of incorporation of the Proposed Re-domiciled OFC, we undertake that the instrument of incorporation will be in compliance with the provisions of the SFO, OFC Rules and OFC Code (except for section 112ZJE of the SFO) and are in compliance with the applicable provisions therein;



D. Basic documents required to be submitted to the SFC

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

The list below is not exhaustive. The SFC may require additional information.

On application, please submit soft copies of the following documents in text-searchable format.

I. Mandatory documents

- 1) Duly completed and properly executed application form ("Application Form for Registration of a Non-Hong Kong Fund Corporation as a Re-domiciled Open-ended Fund Company")
- 2) Duly and properly completed Information Checklist, including the duly completed and properly executed confirmation from the applicant under Section C of this Information Checklist
- 3) Copy of the instrument of incorporation of the Proposed Re-domiciled OFC signed by each of the proposed directors⁶
- 4) Certified and authenticated copy of the certificate of incorporation or registration issued to the Non-Hong Kong Fund Corporation under the law of its place of incorporation⁷
- 5) Certified and authenticated copy of the instrument of incorporation or equivalent constitutive document of the Non-Hong Kong Fund Corporation
- 6) Certificate issued by the Non-Hong Kong Fund Corporation's board of directors covering the particulars of certification required under rule 8A(2)(e) and (f) of the OFC Rules and complying with the requirements under rule 8A(4) of the OFC Rules (see Annex A)
- 7) Statement of assets and liabilities (including contingent liabilities) of the Non-Hong Kong Fund Corporation or the Non-Hong Kong Fund Corporation and each of its sub-fund(s) by the end of the financial year (the "Statement")



- 9) For an application for registration as a re-domiciled public OFC of a non-Hong Kong fund corporation not currently authorized rtoft(e)-12.3 SF t



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

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

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



ANNEX B: Confirmation from each of the proposed directors

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

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

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

- (a) I have attained the age of 18 years;
- (b) I am not an undischarged bankrupt;
- (c) I am not subject to any disqualification order from acting in the capacity of a director of a corporation pursuant to any applicable laws and regulations of Hong Kong;
- (d) (please tick one of the following boxes)

☐ I have not (nor has any business with which I have been involved) been (i) held by any court or competent authority to have breached any company, securities or financial markets laws and regulations, or held for fraud or other misfeasance; or (ii) disciplined by, or disqualified from, any professional body ((i) and (ii) above are collectively referred to as the "Relevant Breaches");

☐ details of the Relevant Breaches are attached to this confirmation in separate sheet(s); and none of the Relevant Breaches will materially affect my ability in performing my roles/duties as director of the



- (f) I am of good repute, appropriately qualified, experienced and proper for the purpose of carrying out the business of the Proposed Re-domiciled Public OFC.

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



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.