



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

Application Form for Cancellation of Registration of an Open-ended Fund Company or Termination of a Sub-fund of an Open-ended Fund Company

This Application Form should be used by an applicant which applies for a termination of an open-ended fund company ("OFC") or sub-fund(s) of an OFC pursuant to Chapter 10 of the Code on Open-ended Fund Companies ("OFC Code") by making (i) an application for cancellation of registration of an OFC under section 112ZH of the Securities and Futures Ordinance ("SFO") and rule 194 of the Securities and Futures (Open-ended Fund Companies) Rules ("OFC Rules"); or (ii) an application for approval of termination of a sub-fund of an OFC under rule 160(3) of the OFC Rules. This Application Form is applicable to an application for both public OFCs and private OFCs as defined in the 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 SFO.

- Where the application 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 under the Code on Unit Trusts and Mutual Funds as applicable to SFC-authorized funds, in addition to the submission of this Application Form.

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

Dear Sirs,

Re: **Application for cancellation of registration of [state the name of the OFC] / Application for termination of sub-fund(s) of [state the name of the OFC]**
(please delete as appropriate)

*(Please tick if applicable)

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 the following:-

- * the cancellation of registration ("Cancellation") in respect of an OFC referred to in paragraph 2(a) below pursuant to section 112ZH of the SFO and rule 194 of the OFC Rules.



- an approval of the termination (“Sub-fund(s) Termination”) of sub-fund(s) of the umbrella OFC referred to in paragraph 2(b) below pursuant to rule 160(3) of the OFC Rules.

2. Basic description of our application is set out below:-

- (a) * (i) Name of the OFC which applies for the Cancellation:-

(ii) The OFC which applies for the Cancellation is a:

- * public OFC private OFC

(iii) Nature of the OFC which applies for the Cancellation:

- * single fund umbrella fund with sub-fund(s)

(iv) (*Applicable to an umbrella OFC*) Name(s) of the sub-fund(s) of the umbrella OFC which applies for the Cancellation:-

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

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

- (b) * Name of the sub-fund(s) of an umbrella OFC which applies for the Sub-fund(s) Termination and the name of the umbrella OFC:-

Name of the umbrella OFC:

Name of the sub-fund(s):

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

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



3. * (*Applicable to an application for Cancellation*) We confirm that we have complied with the applicable requirements to the Cancellation under the SFO, the OFC Rules, the OFC Code, the instrument of incorporation and offering documents of the OFC¹.

4. * (*Applicable to an application for a Sub-fund(s) Termination, including where it is made together with an application for a Cancellation*) We confirm that we have complied with the applicable requirements to the Sub-fund(s) Termination under the SFO, the OFC Rules, the OFC Code, the instrument of incorporation and offering documents of the OFC².

5. * Our primary contact in relation to this application is _____, whose details are as follows:-

Employer: _____

Position: _____

Telephone number: _____

Email: _____

Address: _____

6. * 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: _____

7. (*Applicable to private OFCs or privately offered sub-fund(s)*³) 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 Including section 112ZH of the SFO, rule 194 of the OFC Rules and Chapter 10 of the OFC Code (as applicable).

² Including section 112ZH of the SFO, rule 160(3) of the OFC Rules and Chapter 10 of the OFC Code (as applicable).

³ This refers to sub-fund(s) which have not obtained an authorization by the SFC under section 104 of the SFO.



8. The applicant acknowledges that unless otherwise agreed by the Commission:-
- (a) 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);
 - (b) 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
 - (c) *(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.
9. 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 authorized⁴
For and on behalf of
[Applicant's name]

Date:

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.