

MEMO# 32265

March 5, 2020

AMAC Circular on Facilitating Applications by Private Fund Managers

[32265]

March 5, 2020 TO: ICI Global Members

ICI Global Pacific Chapter

ICI Global Regulated Funds Committee SUBJECTS: International/Global

Operations RE: AMAC Circular on Facilitating Applications by Private Fund Managers

The Asset Management Association of China (“AMAC”) issued a circular^[1] on 28 February 2020 on facilitating applications by private fund managers (“PFM”) for registration. AMAC aims to enhance the transparency of the PFM application process and assist institutions in preparing application materials. In the circular, AMAC published two checklists setting out the materials/documents required for securities and non-securities private fund registration. According to AMAC, these requirements are all based on existing regulations, guidelines and past practices, *i.e.*, AMAC is not introducing any new changes to the current regime. AMAC also announced that it will provide online public access to the progress and current status of all PFM registration applications.

This memo gives a brief description of the checklists and the AMAC interface for online access.

1. Checklists for Application Materials

AMAC advised that the checklists have consolidated existing requirements stipulated in the current law, regulations, self-regulatory rules, past practices and the *Guidance on Private Fund Managers Registration*, and that there are no new requirements in the checklists. Going forward, AMAC will update the checklists to take in experience from regulatory implementation and as regulatory changes and industry practices evolve. AMAC also specified that registered PFMs shall refer to and comply with the checklists when preparing materials/documents for any major changes concerning controlling shareholders/actual controllers.

The checklists identify nine categories of materials that are required of an applicant. These include:

- Basic information about the institution
- Internal control policies
- Licenses held by the institution and information concerning its affiliates
- Disciplinary record

- Financial information
- Investor information
- Actual controller/ largest shareholder of the institution
- Senior management personnel
- Legal opinion on PFM registration

Details regarding the content, file type of uploaded documents, signatures and seals for documents under each category are also specified.

Starting from 1 March 2020, new applications shall be submitted along with materials prepared in accordance with the checklists. AMAC will process applications whose accompanying materials are prepared in line with the prescribed requirements. AMAC will review and make further enquiries only on items required in the checklists. No enquiries will be made on items that are not in the checklists. Should the materials submitted fail to comply with the requirements in the checklists, AMAC will return the materials through the Asset Management Business Electronic Registration System (“AMBERS”) within five working days. AMAC will suspend reviewing an application, as stipulated in the *Guidelines for Private Fund Manager Registration*, if the applicant fails to fulfil the requirements in its re-submission.

AMAC has provided transition guidance for applications submitted before 1 March 2020. If the applicant received feedback from AMAC but did not submit supplementary materials before 29 February 2020, the applicant must re-submit application materials in accordance with the checklists. If an applicant has submitted materials/documents (including first submission of application materials and submission of supplementary materials) during the period from 1 September 2019 to 29 February 2020, AMAC will continue to process the application without reference to the requirements in the checklists, *i.e.*, the applicant is not required to re-submit its application with materials prepared according to the checklists. If such an application is not approved by 1 September 2020, the applicant will be required to re-submit application materials that comply with the requirements in the checklists.

2. Online Access to PFM Registration Application Status

Commencing 1 March 2020, members of the public can access a new AMAC interface^[2] called “Private Fund Manager Registration Process Information” which contains information about each pending application. This includes basic information about an applicant, processing status and specifics about its service providers, *e.g.*, handling law firms and lawyers in-charge. Applicants can also use this interface and AMBERS to check the current status of their application.

3. Additional Information on PFMs Available to the Public

As a tool for public scrutiny and to enhance public understanding of the industry and its development, as of 1 March 2020, AMAC began publishing on its website additional information about each registered PFM including:

- Name of the actual controller of the registered PFM
- Name, position, and working experience of senior management personnel of the PFM filed with AMAC
- Name and business type of any affiliated PFM which is controlled by the same actual controller

AMAC anticipates that information about the shareholders of registered PFMs and their law firms will be available in the future.

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endnotes

[1] The circular (available in Chinese) is available at:
http://www.amac.org.cn/aboutassociation/gyxh_xhdt/xhdt_xhyw/202002/t20200228_6692.html

[2] The interface (available in Chinese) is available at:
<http://gs.amac.org.cn/amac-infodisc/res/pof/registerflow/registerFlowList.html>

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