

FDRS Application Form (Small Enterprises)

Financial Dispute Resolution Centre (FDRC) Financial Dispute Resolution Scheme (FDRS) Application Form (For Small Enterprises (SE))

Our Ref: _____
Date Received:
(For FDRC's Official Use Only)

Please put a "√" in where appropriate.

I. Date of Application: _____ (dd/mm/yyyy)

II. Particulars of Applicant

1	Business Name [See Note (1)]		
2	Business Registration No. [See Note (1)]		
3	Form of Business [See Note (1)]	<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Company
4	Please indicate if it is within a group	<input type="checkbox"/> Yes, it is	
		<input type="checkbox"/> Subsidiary of a group <input type="checkbox"/> Parent company of a group	
		<input type="checkbox"/> No	
<i>See Note (1) at the end of this Application Form</i>			
5	Contact Details	Telephone No. :	
		Fax No. :	
		Email Address :	
6	Name of the Contact Person (* Delete where appropriate)	*Mr/Ms/Mrs/Miss	
7	Title of the Contact Person		
8	Correspondence Address		

III. Particulars of the Financial Institution (FI)

1	Name of FI		
2	Contact Person		
3	Telephone No. of the Contact Person		
4	Address		

IV. Details of the Dispute

1	Nature of the financial service from which the dispute arises (e.g. financial product, service or advice about a financial product or service provided by or via an FI)	
2	Name of the financial product(s) involved	
3	Reference or Account No.	
4	Date of purchase of the financial product or rendering of the service/advice <i>[See Note (2)]</i>	
5	Date of knowledge about monetary loss <i>[See Note (2)]</i>	
6	Amount claimed <i>[See Note (2)]</i>	<input type="checkbox"/> HK\$
		<input type="checkbox"/> Other currencies:
<p><i>[Note (2): The FDRC may reject the Application if the claim is made more than 24 months from the date of purchase of the financial product / service or first knowledge of loss and/or the amount exceeds HK\$1 million (including any interest on any amount alleged to be a loss) or the foreign currency equivalent, unless both Parties agree to submit Application for the consideration of FDRC under Intake Criteria for Extended Eligible Dispute.]</i></p>		

V. Actions taken in respect of the Dispute

1	Have you lodged a written complaint with the FI? <i>[See Note (3)]</i>	<input type="checkbox"/> Yes. The date: Please describe the complaint you have lodged:
		<input type="checkbox"/> No
<p><i>[Note (3): FDRC does not have jurisdiction to deal with a claim which has not been first handled by the relevant FI.]</i></p>		
2	Has the FI responded to your complaint in writing?	<input type="checkbox"/> Yes. The date:
		<input type="checkbox"/> No
3	Has the FI offered any settlement / redress?	<input type="checkbox"/> Yes. The details:
		<input type="checkbox"/> No

4	Any court action has been taken? [See Note (4)]	<input type="checkbox"/> Yes. The court file ref.:
		<input type="checkbox"/> Stay of the court proceedings <input type="checkbox"/> Proper notification to the court <input type="checkbox"/> Decided judgment
		<input type="checkbox"/> No
[Note (4): FDRC does not have jurisdiction to handle a claim where there has been a decided judgment in court proceedings; or the court has not ordered a stay of the proceedings or has not been provided with proper notification.]		
5	Have you lodged a complaint with the Insurance Complaints Bureau (ICB)? [See Note (5)]	<input type="checkbox"/> Yes. The file ref.:
		<input type="checkbox"/> No
[Note (5): FDRC does not have jurisdiction to handle a claim which is currently under the ICB's consideration.]		
6	Have you lodged a complaint with the Hong Kong Monetary Authority (HKMA) / Securities and Futures Commission (SFC)?	<input type="checkbox"/> Yes. The complaint file ref.:
		<input type="checkbox"/> No

VI. Supporting Documents
(copy only)

<input type="checkbox"/> Yes (_____ set of documents, _____ pages)	<input type="checkbox"/> No
Note (6): Please refer to Note (1) at the end of this Application Form and provide the relevant documents for FDRC to verify the SE qualification.	

VII. Language Preferences

1	Written communication	<input type="checkbox"/> Chinese	<input type="checkbox"/> English
2	Mediation	<input type="checkbox"/> Cantonese	<input type="checkbox"/> English <input type="checkbox"/> Putonghua

VIII. Application Fee

HK\$200.- (Non-refundable)	<input type="checkbox"/> By cash
	<input type="checkbox"/> By cheque payable to "Financial Dispute Resolution Centre"
	<input type="checkbox"/> By Bank Transfer/Telegraphic Transfer (all bank charges are to be borne by the remitting party) Account No: 848-218731-838 Name: Financial Dispute Resolution Centre Bank: The Hongkong and Shanghai Banking Corporation Ltd, 1 Queen's Road Central, Hong Kong Swift Code: HSBC HK HHH KH Please notify us once payment has been made with proof of transfer / remittance by email fdrc@fdrc.org.hk or by fax +852 2565 8662.

IX. Notice to the Gathering of Personal Data

The personal data provided by the Applicant and its representatives (collectively known as “We” in the **Declaration** below) under this Form is for the purpose of processing the dispute in the procedures as prescribed in the Terms of Reference of the FDRC. The personal data so provided will be handled by or revealed to the personnel of the FDRC.

X. Declaration

1.	<input type="checkbox"/> We agree <input type="checkbox"/> We do not agree to give consent to the FDRC to provide the information in this Form to the FI.
2.	We know that the application fee (HK\$200.-) is non-refundable even if our Application is not successful.
3.	We declare that we are a Small Enterprise as defined under the Terms of Reference of the FDRC. We authorise FDRC to verify with the relevant FI for our Small Enterprise qualification and also authorise the FI to provide information to the FDRC with or without request by the FDRC as to our Small Enterprise qualifications. We agree that the decision by the FDRC as to whether we are a Small Enterprise is final and conclusive and the FDRC does not need to provide explanation.
4.	We acknowledge that the FDRC reserves the right at its full discretion, to discontinue considering the Application or the FDRC procedures with immediate effect if it comes to the knowledge of the FDRC anytime that the Applicant or Eligible Claimant is not a Small Enterprise as defined under the Terms of Reference of the FDRC.
5.	We agree to cooperate with the personnel of the FDRC by providing all relevant documents and information, when requested, including information that may be personal data, for the FDRC to assess whether the Application may be accepted under the FDRS administered by the FDRC. The consequence of not providing some or all of the requested personal data may be that FDRC is unable to process our Application.
6.	We agree that the information and personal data we have voluntarily provided in this Form is for the purpose of processing our Application under the Terms of Reference of the FDRC. The information and personal data provided will be handled by or revealed to the personnel of the FDRC and may be used for research, evaluation and educational purposes, provided that the FDRC shall not use information which reveals, or is likely to reveal, directly or indirectly, our identities.
7.	We are aware that we have the right to request access to and correction of our personal data submitted for this Application and for processing the dispute under the FDRS. Formal requests under the Personal Data (Privacy) Ordinance should be submitted in writing to the Data Protection Officer at the FDRC at Room 408-409, 4/F, West Wing, Justice Place, 11 Ice House Street, Central, Hong Kong. Such personal data will be retained until the end of the following calendar year after our Application is rejected or until the end of the 6th calendar year after the dispute has been processed by FDRC through Mediation, Arbitration or otherwise.
8.	We agree to inform the FDRC if, after this Application has been made, a claim against the FI has been lodged with the ICB and/or legal proceedings against the FI have been commenced.
9.	We agree to abide by the Terms of Reference of the FDRC.
10.	We confirm that the information provided in this Application Form is true, complete and accurate.

XI. Consent to disclosure by FI

To: FI
We agree that the FI may provide information relating to our entity or persons connected to our entity to the FDRC in relation to this Application (including, without limitation, our Small Enterprise qualifications) and the FDRC dispute resolution.

(Please provide the name and title of the person who signs in Block Letters)	_____	_____
	(Name and Title)	(Name and Title)
Signature(s) for and on behalf of the Applicant (stamped with company chop)	_____	
	(Signature)	(Signature)

[Note (1):- 'SE' means a Small Enterprise, being a limited company or a partnership, whose status are as follows according to its latest financial year end statement:

- (i) an annual turnover not exceeding HK\$50 million;
- (ii) gross assets not exceeding HK\$50 million; and
- (iii) not more than 50 employees in Hong Kong.

If a limited company is a subsidiary company or a holding company (in accordance with the definitions used in the Companies Ordinance (Cap. 622)) within a group, the group's consolidated figures will be used.

Group means any 2 or more bodies corporate one of which is the holding company of the other or others. (Cap. 622 Companies Ordinance)

For limited companies, please provide the following:

- (i) certified true copy of Business Registration Certificate and NAR1 form of the Company Registry;
- (ii) certified true copy of MPF or employee insurance statement;
- (iii) audited financial statement; and
- (iv) other information as deemed appropriate by the Applicant.

For partnerships, please also provide:

- (i) certified true copy of Business Registration Certificate and Business Registration Form of the Inland Revenue Department;
- (ii) certified true copy of MPF or employee insurance statement;
- (iii) audited or certified financial statement; and
- (iv) other information as deemed appropriate by the Applicant.

For overseas companies and other variations, documents of equivalent effect and/or professional certifications to prove the meeting of the criteria are required to be submitted.]