

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

I.4 Guidelines on Eligible Insurers

INTRODUCTION

Section 8 of the Mandatory Provident Fund Schemes (General) Regulation (“the Regulation”) requires that insurance for registered schemes must be obtained from eligible insurers. An insurer is an eligible insurer if it is an authorized insurer, i.e. a person specified under section 6(1) of the Insurance Companies Ordinance (Cap. 41) or is considered by the Mandatory Provident Fund Schemes Authority (“the Authority”) as able to meet its liabilities.

2. Section 8(3) of the Regulation requires that in assessing an insurer’s ability to meet its liabilities, the Authority will take into account the credit rating of the insurer as determined by an approved credit rating agency and consult the Insurance Authority. Guidelines I.9 set out the names of approved credit rating agencies.

3. Section 6H of the Mandatory Provident Fund Schemes Ordinance (“the Ordinance”) provides that the Authority may issue guidelines for the guidance of approved trustees, service providers and other persons concerned with the Ordinance.

4. The Authority hereby issues guidelines to prescribe information required for assessing the eligible insurers’ ability to pay claims.

ELIGIBILITY AND DOCUMENTATION

Eligibility

5. In giving his advice to the Authority on the suitability of an insurer (other than an authorized insurer in Hong Kong) for the purpose of the Regulation, the Insurance Authority would consider whether the security offered by that insurer is at least comparable to that of an authorized insurer in Hong Kong, and more specifically :

- (a) whether the insurer is able to meet the solvency requirements of the Insurance Companies Ordinance;
- (b) whether it has the expertise in carrying out the type of insurance concerned; and
- (c) whether it is subject to a prudential supervisory regime comparable to that of Hong Kong.

Prescribed Form

6. A person, other than a person specified under section 6(1) of the Insurance Companies Ordinance, who wishes to become an eligible insurer should submit the information and documents to the Authority in the format as set out at the Annex (Form EI).

7. The prescribed format of the form in the Annex can be downloaded from the Authority's website at www.mpfahk.org.

Definition of Terms

8. Except where otherwise stated in the form, the terms common to the form, the Ordinance and the subsidiary legislation of the Ordinance carry the same meanings as defined in the Ordinance and the subsidiary legislation. The

insurer should make appropriate reference to the Ordinance and the subsidiary legislation, when necessary.

Submission of Documentation

9. The completed Form EI together with the prescribed documents should be forwarded to the trustee to which the insurance is proposed to be issued for onward transmission to the Authority. The trustee should submit the application in hard copies either when making an application for approval as trustee or when making an application for registration of a provident fund scheme.

Warning

10. If there is any change to the information or documents already submitted to the Authority, the insurer should inform the Authority as soon as practicable. It is an offence under section 43E of the Ordinance if a person, in any document given to the Authority, makes a statement that he knows to be false or misleading in a material respect, or recklessly makes a statement which is false or misleading in a material respect.