

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

IV.4 Guidelines on Payment of Accrued Benefits - Documents to be Submitted to Approved Trustees

INTRODUCTION

In accordance with section 15 of the Mandatory Provident Fund Schemes Ordinance (“the Ordinance”), the accrued benefits of a scheme member may be withdrawn under the circumstances prescribed therein. Part XIII of the Mandatory Provident Fund Schemes (General) Regulation (“the Regulation”) further specifies the requirements and procedures regarding claims for payment of accrued benefits.

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

3. Section 47A of the Ordinance empowers the Authority to specify or approve the form and contents of documents required for the purposes of this Ordinance.

4. The Authority hereby issues guidelines to:

- (a) approve forms for the purposes of Division 1 of Part XIII of the Regulation; and
- (b) provide guidance in relation to the processing of claims for payment of accrued benefits.

CLAIM FORM

5. For the purposes of Division 1 of Part XIII of the Regulation, the Authority hereby approves:

- (a) at Annex A, the *Claim Form for Payment of Accrued Benefits* (“*the Claim Form*”) (*Form MPF(S) - W*);
- (b) at Annex B, the Medical Certificate (*Form MPF(S) - W(M)*); and
- (c) at Annexes C to G, the Statutory Declaration Forms (*Form MPF(S) - W(SD1)*, *Form MPF(S) - W(SD2)*, *Form MPF(S) - W(SD3)*, *Form MPF(S) - W(SD4)* and *Form MPF(S) - W(SD5)*) to be used for the circumstances specified in the Regulation.

6. Lodgement of a claim for payment of accrued benefits must be made in these approved forms. Those forms requiring a signature of the claimant must be signed either by the relevant member of a registered scheme, the personal representative of a deceased scheme member, or a committee of estate (“committee”)/guardian appointed under the Mental Health Ordinance (Cap. 136) who lodges a claim on behalf of a mentally incapacitated member.

7. A claimant is only required to fill in one Claim Form if the claim is in respect of one or more accounts in one single registered scheme. However, if the claim is in respect of accounts in more than one registered scheme, the claimant is required to fill in one Claim Form for each registered scheme.

EVIDENCE FOR CLAIMS

8. Under Part XIII of the Regulation, a claim for payment of accrued benefits must be accompanied by evidence satisfactory to the trustee that the claimant is eligible for the claim, or a relevant statutory declaration.

9. To facilitate trustees in processing claims for payment, Section III of the Claim Form sets out the documents that a claimant is required to submit in lodging the claim. In vetting those documents, trustees should take note of the following:

- (a) *Date of birth in Hong Kong Identity (HKID) Card*: If the HKID card of a scheme member does not contain the exact date of birth of the scheme member, the trustee may determine the age of the scheme member by reference to the last day of the month or the last day of the year as shown on the HKID card in processing claims on grounds of retirement or early retirement. For instance, if the scheme member is recorded as born in 1945, he/she will be entitled to be paid his/her accrued benefits starting from 31 December 2010, which is the 65th year after his/her birth.
- (b) *Documents to show the status of a personal representative of a deceased scheme member*: In cases where a Letter of Probate or Letter of Administration is issued by the Probate Registry, the name of the personal representative of a deceased person is printed on that Letter. The trustee of the scheme can verify the status of a personal representative by requesting a copy of the Letter of Probate or Letter of Administration from the personal representative. In cases where the Official Administrator gets in and administers an estate of a deceased scheme member in a summary manner without a grant or other legal formality under section 15 of the Probate and Administration Ordinance (Cap. 10), the Official Administrator is a personal representative.
- (c) *Medical certificate certifying total incapacity*: If the claimant also claims long service payment on grounds of permanent unfitness for his/her present job under the Employment Ordinance (Cap. 57),

he/she may use the form “Certificate of an employee’s permanent unfitness for a particular type of work” used for the purpose to substitute for the approved form for medical certificate, MPF(S) - W(M), at Annex B to claim for payment of MPF accrued benefits on grounds of total incapacity.

- (d) Documents to show the status of a committee/guardian: The trustees may verify the status of a committee/guardian by requesting a copy of the evidence of the appointment, i.e. the Court Order or the Guardianship Order issued by the Guardianship Board pursuant to the Mental Health Ordinance (Cap. 136). For example, the trustees should pay attention to the guardian’s name printed on the Guardianship Order issued by the Guardianship Board and the validity period under the Guardianship Order.
- (e) Forms of statutory declarations: To facilitate compliance by scheme members and trustees, forms are approved for making statutory declaration by claimants under different circumstances in claiming for payment of accrued benefits (Annexes C to G). The statutory declaration must be a valid statutory declaration in the place where the declaration is made (e.g. in Hong Kong, the statutory declaration should be made before and signed by a Commissioner for Oaths at a Public Enquiry Service Centre of the Home Affairs Department/a Notary Public/a Justice of the Peace). A statutory declaration made in a place other than Hong Kong is also acceptable provided that it is made before and signed by a Notary Public or a person authorized under the law of that place to administer an oath or take a statutory declaration.

10. In some special circumstances, when the above requirements do not seem appropriate, the trustees may alter the requirements to satisfy themselves that the claimant is eligible for the claim.

AVAILABILITY OF THE FORMS

11. The Claim Form, Form MPF(S) - W(M) and the Statutory Declaration Forms can be downloaded by any user from the internet at the Authority's website at [<http://www.mpfa.org.hk>]. Hard copies of the forms are also available at the office of the Authority. Approved trustees may consider allowing any user to download the forms from their websites by putting the forms online or providing hard copies of the forms upon request. To facilitate smooth processing of the payment of accrued benefits, approved trustees may provide supplementary notes in addition to those in the explanatory notes of the Claim Form.