

## **MANDATORY PROVIDENT FUND SCHEMES AUTHORITY**

### **V.11 Guidelines on MPF Exempted ORSO Schemes – Withdrawal of Minimum MPF Benefits**

#### **INTRODUCTION**

In accordance with section 6 of Schedule 2 to the Mandatory Provident Fund Schemes (Exemption) Regulation (“the Exemption Regulation”), the minimum MPF benefits of a new member may be withdrawn from an MPF Exempted ORSO registered scheme under the circumstances and requirements prescribed therein.

2. Section 6H of the Mandatory Provident Fund Schemes Ordinance (“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 the Ordinance.

4. The Authority hereby issues guidelines to:

- (a) approve forms for the purposes of Section 6 of Schedule 2 to the Exemption Regulation; and
- (b) provide guidance in relation to the processing of withdrawal of minimum MPF benefits.

## **CLAIM FORM**

5. For the purposes of section 6 of Schedule 2 to the Exemption Regulation, the Authority hereby approves:

- (a) at Annex A, the Claim Form for Withdrawal of Minimum MPF Benefits (“the Claim Form”) (*Form MMB-W*) from an MPF exempted ORSO registered scheme;
- (b) at Annex B, the Medical Certificate (*Form MMB-W(M)*); and
- (c) at Annexes C and D, the Statutory Declaration Forms (*Form MMB-W(SD1) and Form MMB-W(SD2)*) to be used for the circumstances specified in the Exemption Regulation.

6. Lodgement of a claim for withdrawal of minimum MPF benefits from an MPF exempted ORSO registered scheme should be made in these approved forms. Those forms requiring a signature of the claimant must be signed by either 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) to lodge claim on behalf of a mentally incapacitated member. Additional relevant information may be requested by the trustee to be attached to the approved forms if the trustee finds it necessary for the processing of the claim. For those minimum MPF benefits which have been transferred to an MPF scheme, Guidelines IV.4 issued by the Authority will be applicable.

## **EVIDENCE FOR CLAIMS**

7. Under section 6 of Schedule 2 to the Exemption Regulation, a claim for withdrawal of minimum MPF benefits must be accompanied by evidence satisfactory to the trustee that the claimant is eligible for the claim, or a relevant statutory declaration.

8. To facilitate trustees in processing claims for withdrawal, 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 minimum MPF benefits starting from 31 December 2010, which is the 65<sup>th</sup> year after his/her birth year.
- (b) *Documents to show the status of a personal representative of a deceased scheme member*: The name of the personal representative of a deceased person is printed on the Letter of Probate or Letter of Administration issued by the Probate Registry. The trustee of an MPF exempted ORSO registered 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.
- (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,

MMB-W(M), at Annex B to claim for withdrawal of minimum MPF 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 new members and trustees, forms are approved for making statutory declaration by claimants under different circumstances in claiming for withdrawal of minimum MPF benefits (Annexes C and D). The statutory declarations must be a valid statutory declaration in the place where it is made, whether in Hong Kong or a place other than Hong Kong.

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

10. Where minimum MPF benefits are withdrawn on the grounds of permanent departure from Hong Kong, the trustee shall report to the Authority for record purpose.

## **AVAILABILITY OF THE FORMS**

11. The Claim Form, the Medical Certificate Form and the Statutory Declaration Forms can be downloaded from the Authority's website at [<http://www.mpfa.org.hk>]. Hard copies of the forms are also available at the office of the Authority. 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 minimum MPF benefits, trustees may provide supplementary notes in addition to those in the explanatory notes of the Claim Form.

### **Definition of Terms**

12. Except where otherwise stated in the forms, the terms common to the forms in the Annexes, the Ordinance and the subsidiary legislation of the Ordinance carry the same meanings as defined in the Ordinance and the subsidiary legislation. The claimant should make appropriate reference to the Ordinance and the subsidiary legislation, when necessary.