

Complaint Form
In relation to MPF Intermediaries and/or
persons suspected of carrying on regulated activities without MPF Intermediary Registration

Important Notes

Before you submit a complaint, please read our leaflet “**Learn More About MPF Intermediaries**”.

You are also advised to read the attached “Personal Information Collection Statement for Complaints” regarding your rights and obligations in relation to personal data and the manner in which the MPFA may use or deal with such data.

If you want to lodge a complaint against (1) an MPF intermediary for non-compliance with the performance requirements and/or (2) a person for carrying on regulated activities¹ without MPF Intermediary Registration, please complete this Complaint Form by providing the relevant information and signing it. The Complaint Form and supporting documents (if any) can be submitted by:

- ◆ Post: Level 8, Tower 1, Kowloon Commerce Centre, 51 Kwai Cheong Road, Kwai Chung, New Territories #
- ◆ E-mail: mpfa@mpfa.org.hk
- ◆ Fax: 2259 8806
- ◆ In person: MPFA offices

Please note that the MPFA –

- Does not have the power to order compensation ;
- Cannot intervene the commercial decisions of MPF intermediaries ; and
- Cannot handle service quality or attitude issues of MPF intermediaries falling outside the regulatory scope of the Mandatory Provident Fund Schemes Ordinance and having no disciplinary or enforcement implications.

Please complete this form (total 7 pages) to the best of your knowledge.

The MPFA will not accept underpaid mail which will be returned to the sender or disposed of by the Hongkong Post. Please affix sufficient postage.

I. Your personal details

Last name:	(Mr./Mrs./Ms.*)		First name:	
Correspondence address:			HKID no. / Passport no.:	
Telephone no.:	Office:	Mobile:	E-mail address:	

*Please delete as appropriate

II. The principal intermediary² involved in the complaint (if known)

Name of Principal Intermediary:	
Name of Trustee (if known):	
Relevant MPF Scheme (if known):	
Relevant Constituent Fund(s) (if known):	
Relevant MPF account no. (if known):	

¹ A person carries on regulated activity if the person invites or induces, or attempts to invite or induce, another person to make a material decision or gives regulated advice.

² Principal intermediaries are corporations registered with the MPFA as an intermediary to carry on regulated activities.

III. The subsidiary intermediary³ involved in the complaint

Full name:	(Mr./Mrs./Ms.*)		
Job title (if known):		MPF Intermediary Registration No. (if known):	

IV. Carrying on regulated activities without MPF Intermediary Registration (if applicable)

If you suspect the company or person that you are dealing with is not registered with the MPFA, please provide the following information.

Name of the company:			
Address:			
Telephone no.:		Email address:	
Company website:			
Name of person who contacted you and his/her contact details:	(Mr./Mrs./Ms.*)		
	Office No.:		Mobile No.:
	Email address:		

V. Details of the complaint and relevant events

Please give full details of your allegations and the relevant events with dates, places, and persons involved in chronological order.

If you need more space, please continue on a separate piece of paper and attach it to this form.

³ Subsidiary intermediaries refer to persons who are registered with the MPFA and employed or engaged by principal intermediaries to carry on regulated activities for them.

VI. List of documents in support of your complaint (if any)

1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

VII. Actions you have taken

1. Have you lodged a complaint with the company or principal intermediary involved?

Yes, please specify:

Date of complaint:		
Name of contact person:	Phone no.:	

No

2. Have you reported the complaint to another organization?

(e.g. the Hong Kong Monetary Authority, the Securities and Futures Commission, the Insurance Authority, MPF trustee, MPF scheme administrator, etc.)

Yes, please specify:

Date of complaint:		
Name of the regulator / organization:		
Name of contact person(if any):	Phone no.:	

No

VIII. Consent/authorization to disclose personal data and other information

I, _____ (name of the complainant), hereby

1. confirm that I have read the Personal Information Collection Statement for Complaints (“PICS”) attached. I understand my rights and obligations in relation to personal data collected or held by the Mandatory Provident Fund Schemes Authority (“MPFA”). I agree to the manner in which the MPFA may use, disclose, transfer or deal with the data as set out in the PICS and also give consent to the MPFA to use, disclose, transfer or deal with all other information relating to my complaint collected or held by the MPFA in similar manner. In particular, I understand that the MPFA may contact the target company or person concerned, the frontline/industry regulators concerned, i.e. the Insurance Authority (“IA”), the Monetary Authority (“MA”) or the Securities and Futures Commission (“SFC”), or other organization with which I have lodged a similar or related complaint to collect further information, and I authorize the MPFA to disclose my personal data and all other information relating to my complaint to these parties.
2. understand the MPFA may refer my complaint to the frontline/industry regulator concerned (i.e. the IA, MA or SFC) for supervision or investigation, or where appropriate, nominate an industry regulator to assist the MPFA in the investigation, and agree to the MPFA making such referral or nomination.
3. understand it is voluntary for me to supply to the MPFA and/or the frontline/industry regulator concerned the relevant information and personal data. If the information or personal data provided are not accurate or complete, the MPFA, the frontline/industry regulator concerned and the law enforcement agencies or government departments concerned may be unable to fully investigate my complaint and the conduct or outcome of the investigation and any enforcement or disciplinary action, prosecution or review may be affected.
4. give consent to the company or principal intermediary or organization(s) to which I have reported a similar or related complaint to disclose or release any information (including my personal data) relating to the complaint to the MPFA or the frontline/industry regulator concerned and hereby authorize the MPFA or the frontline/industry regulator concerned to request such disclosure or release.

5. give consent to the frontline/industry regulator concerned to disclose or release any information (including my personal data) relating to my complaint (including those provided by me or collected by them during inspection or investigation) to the MPFA for the purpose of performing or exercising the MPFA's functions (including taking enforcement or disciplinary actions) and hereby authorize the MPFA to request such disclosure or release.

6. give consent to the MPFA disclosing or transferring any information (including my personal data) relating to my complaint to any panel or committee established by the Chief Executive or the Financial Secretary for the purpose of reviewing or advising on procedural or policy matters in relation to the performance or exercising of the MPFA's functions.

Signature of Complainant*

Name of Complainant

Date

**We may not be able to process your complaint without your signature to indicate your consent to release your personal data and other information.*

Further Important Note on Disclosure of Information

Under certain statutory circumstances, for example, if the MPFA is of the opinion that disclosure of information to the IA, MA or SFC (as the case may be) will assist the regulator concerned to perform its functions under the Mandatory Provident Fund Schemes Ordinance ("MPFSO"), the MPFA shall not be prevented to make such disclosure under the MPFSO, whether or not a complainant gives consent. Where personal data is used, disclosed or transferred for certain purposes relating to law enforcement and regulation, and the application of data protection principle 3 or 6 (use of personal data or access to personal data) of the Personal Data (Privacy) Ordinance ("PDPO") will likely prejudice any of those purposes, the MPFA is exempted from the application of data protection principle 3 or 6 by virtue of section 58 of the PDPO. Personal data can be used for such purposes, whether or not the data subject concerned gives consent. Such purposes include the prevention or detection of crime; the apprehension, prosecution or detention of offenders; the prevention, preclusion or remedying (including punishment) of unlawful or seriously improper conduct, or dishonesty or malpractice; ascertaining whether the character or activities of the data subject are likely to have a significantly adverse impact on anything to which the discharge of statutory functions by the data user relates; etc.

MPFA Telephone Enquiry Hotline: 2918 0102

Mandatory Provident Fund Schemes Authority (September 2016)

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

Personal Information Collection Statement for Complaints

This Personal Information Collection Statement for Complaints (PICS) is made by the Mandatory Provident Fund Schemes Authority (MPFA) in accordance with the Personal Data (Privacy) Ordinance (PDPO). You are advised to read this PICS regarding your rights and obligations in relation to providing your personal data (as defined in the PDPO) and the manner in which the MPFA may use or deal with such data for the purposes specified below.

Use of personal data

Personal data provided in making a complaint to the MPFA are for the purposes of investigating your complaint, supervising and monitoring compliance of the Mandatory Provident Fund Schemes Ordinance, taking enforcement and disciplinary actions, and exercising the MPFA's and the frontline/industry regulators' statutory functions.

Production or provision of proof of identity to the MPFA

You must produce or submit proof of identity, such as a copy of your Hong Kong Identity Card or passport, to the MPFA to facilitate the verification of your identity. If you are unable to produce or provide relevant documents, the MPFA will not discuss with or disclose to you the case's progress and the outcome of any follow-up actions, and such follow-up actions may also be affected.

Disclosure or transfer of personal data to third parties

Your personal data will be used, disclosed or transferred to third parties for purposes related to the complaint, or in accordance with an order of a court, a law or a requirement made under a law, or pursuant to any regulatory or investigatory assistance arrangements between the MPFA and other regulators or law enforcement agents, or where permitted by law. The classes of persons and parties to whom your personal data may be transferred may include:

Complainees	Personal Data May be Transferred To
Employer (MPF)	Your employer, the MPF trustee and service provider concerned and government departments such as the Labour Department.
Employer (ORSO)	Your employer, the ORSO administrator concerned and government departments such as the Labour Department.
MPF trustee	The MPF trustee and service provider concerned.
ORSO administrator	Your employer and the ORSO administrator concerned.
MPF intermediary	The MPF principal and subsidiary intermediaries concerned, the MPF trustee and service provider concerned, the frontline/industry regulators concerned including the Insurance Authority, the Monetary Authority and the Securities and Futures Commission.
Person carrying on regulated activities without MPF Intermediary Registration or holding himself/herself/itself out as carrying on regulated activities without registration or taking or using certain titles	The person being complained against, his/her/its employer/principal/related companies, the MPF trustee and service provider concerned, the ORSO administrator concerned, the industry regulators concerned (including the Insurance Authority, the Monetary Authority and the Securities and Futures Commission), and any of the professional bodies concerned (including the Law Society of Hong Kong, the Hong Kong Bar Association, and the Hong Kong Institute of Certified Public Accountants).

The personal data provided may also be disclosed or transferred to the company or organization(s) with which you have lodged a similar or related complaint, the Mandatory Provident Fund Scheme Appeal Board, relevant courts, panels, tribunals and committees, law enforcement agencies, government departments (such as the Police and the Department of Justice), or regulatory bodies who are authorized to receive information relating to law enforcement, prosecution or review of decisions.

If you are unable to provide the requisite personal data or if the data provided is inaccurate or incomplete, the MPFA, the frontline/industry regulator concerned and the law enforcement agencies or government departments or regulatory bodies concerned may be unable to fully investigate your complaint and the conduct or outcome of the investigation and any enforcement or disciplinary action, prosecution or review may be affected.

Disclosure of the complainant's identity to the employer (if applicable)

If you lodge a complaint against your employer, you must indicate to the MPFA whether you agree to the disclosure of your identity as the complainant to your employer by the MPFA when following up the case and taking enforcement actions. If you do not agree to the disclosure of your identity, the MPFA will still follow up the case, but the follow-up actions or the progress of the case may be affected.

Criminal prosecution against non-compliant employers (if applicable)

As stipulated by the law, if there are MPF scheme-related contraventions that should be brought to criminal prosecution, the MPFA must do so within six months upon receiving the complaint or information, or within six months after the occurrence of the contravention (a time limit applicable to most contraventions). To ensure that the MPFA has sufficient time to conduct investigation, collect evidence, seek legal advice and refer the case to the Police for prosecution, the complainants must submit all relevant information (such as employment contracts, proof of income, tax returns and recent contribution records) as early as possible, so that the case could be processed and followed up on a timely basis. Otherwise, the MPFA may not be able to bring the case to prosecution within the time limit. Please note that the decision on whether or not to prosecute depends on the circumstances of each case, sufficiency of evidence and whether it is in public interest to prosecute.

Access to personal data

You are entitled under the PDPO to ascertain whether the MPFA holds personal data relating to you, and to request access to or the correction of any personal data relating to you held by the MPFA, in the manner and subject to the limitations prescribed therein. All enquiries should be directed in writing to the Personal Data Privacy Officer of the Mandatory Provident Fund Schemes Authority at Level 8, Tower 1, Kowloon Commerce Centre, 51 Kwai Cheong Road, Kwai Chung, New Territories, Hong Kong.

Mandatory Provident Fund Schemes Authority
February 2018