

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

III.9 Guidelines on Reserving Standards for Investment Guarantees

INTRODUCTION

Pursuant to section 46(1A)(wa) of the Mandatory Provident Fund Schemes Ordinance (the Ordinance), regulations may be made under section 46(1) of that Ordinance for the purpose of requiring the guarantor of an approved pooled investment fund (APIF), within the meaning of section 2 of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation), to maintain adequate reserves so as to provide investment guarantees.

2. Section 18 of Schedule 1 to the Regulation provides that the funds of a constituent fund may be invested in an APIF, which is either an authorized unit trust or an authorized mutual fund. If the APIF is a guaranteed fund, it must have a guarantor that is an authorized financial institution that satisfies the capital adequacy or reserve requirements in respect of investment guarantees imposed by the Monetary Authority (HKMA).

3. Section 19 of Schedule 1 to the Regulation provides that the funds of a constituent fund may be invested in an APIF that is an insurance policy. If the APIF is a guaranteed fund, it must be within Class G insurance business for the purposes of the Insurance Ordinance (Cap 41). An authorized financial institution may act as the guarantor of such policy if it satisfies the capital adequacy or reserve requirements in respect of investment guarantees imposed by the HKMA.

4. D2.13 of the Code on MPF Investment Funds provides that an insurer may not reinsure any part of the liabilities arising out of insurance policies to another insurer or other entity. An authorized financial institution may act as the guarantor for the investment guarantee given and this can be taken into account in the determination of reserving liabilities and provisions requirements.

5. According to B2.25 of the Code on MPF Investment Funds, a constituent fund itself can be a guaranteed fund if the fund has a guarantor that is an authorized financial institution. The guarantor is required to satisfy the capital adequacy or reserve requirements in respect of investment guarantees imposed by the HKMA.

6. Section 6H of the Ordinance provides that the Mandatory Provident Fund Schemes Authority may issue guidelines for the guidance of approved trustees, service providers, participating employers and their employees, self-employed persons, regulated persons and other persons concerned with the Ordinance.

7. The Mandatory Provident Fund Schemes Authority hereby issues guidelines to prescribe the framework of reserving for investment guarantees for constituent funds and APIFs offering investment guarantees (collectively referred to as “MPF guaranteed funds”).

EFFECTIVE DATE

8. These revised Guidelines (Version 4 – August 2024) shall become effective on 30 August 2024. The previous version of these Guidelines (Version 3 – October 2017) shall be superseded on that day.

RESERVING FRAMEWORK

Capital Adequacy Requirements for Authorized Financial Institutions

9. All locally incorporated authorized financial institutions acting as guarantors of MPF guaranteed funds should maintain adequate capital in accordance with the guidelines issued by the HKMA on “Capital Adequacy Requirements for Investment Guarantees under Mandatory Provident Fund Schemes” as amended from time to time.

Provisioning Requirements for Authorized Financial Institutions

10. All authorized financial institutions acting as guarantors of MPF guaranteed funds should set aside adequate provisions in accordance with the guidelines issued by the HKMA on “Provisioning Requirements for Investment Guarantees under Mandatory Provident Fund Schemes” as amended from time to time.

Reserving Requirements for Insurance Policies

11. All authorized insurers issuing APIFs that are Class G insurance policies and acting as the guarantors of such policies must observe the requirements set out in the Insurance (Valuation and Capital) Rules (Cap 41R).

12. On the other hand, where an authorized financial institution acts as the guarantor of an APIF that is a Class G insurance policy issued by an authorized insurer, the authorized financial institution must observe the requirements set out in paragraphs 9 and 10 above.

DEFINITION OF TERMS

13. Where a term used in the Guidelines is defined in the Ordinance or the subsidiary legislation then, except where specified in the Guidelines, that term carries the meaning as defined in the Ordinance or the subsidiary legislation.