

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

IV.10 Guidelines on Enrolment and Contribution Arrangements for Self-employed Persons

INTRODUCTION

Section 7C of the Mandatory Provident Fund Schemes Ordinance (“the Ordinance”), sections 125 and 131 of the Mandatory Provident Fund Schemes (General) Regulation, and section 2 of the Mandatory Provident Fund Schemes (Specification of Permitted Periods) Notice provide for the enrolment of self-employed persons (“SEPs”) in registered schemes and the making of mandatory contributions.

2. Section 47A of the Ordinance empowers the Mandatory Provident Fund Schemes Authority (“the Authority”) to specify or approve the form and contents of documents required for the purposes of the Ordinance.

3. Section 6H of the Ordinance provides that the 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.

4. The Authority hereby issues guidelines setting out the enrolment and contribution arrangements in relation to SEPs who participate in registered schemes.

EFFECTIVE DATE

5. These revised Guidelines (Version 4 – June 2015) shall become effective on the date of commencement of operation of sections 21(1), 34 and 55 of the Mandatory Provident Fund Schemes (Amendment) Ordinance 2015 (i.e. 1 August 2015) (“the Date of Operation”). The previous version of these Guidelines (Version 3 – July 2008) shall be superseded on that day.

ENROLMENT AND CONTRIBUTION ARRANGEMENTS

6. The enrolment and contribution arrangements for SEPs are specified below. Examples which illustrate the arrangements are set out in the Annex.

Enrolment Arrangements for an SEP

7. An SEP has to become a member of a registered scheme within a period, that is, 60 days from the day he becomes self-employed (“permitted period”). If the 60th day of self-employment of an SEP is –

- (i) a Saturday;
- (ii) a public holiday; or
- (iii) a gale warning day or black rainstorm warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap.1) (“G/BR warning day”),

the permitted period is extended to end on the next following day which is not a Saturday, a public holiday, or a G/BR warning day. For an SEP who commenced self-employment before the Date of Operation, if the 60th day of self-employment of the SEP is a public holiday or a G/BR warning day, the permitted period is extended to end on the next following day which is not a public holiday or a G/BR warning day.

8. In enrolling himself into a registered scheme, an SEP is required to confirm the accuracy and completeness of the enrolment information by signing in such area(s) as designated in the enrolment form or in such manner or form as the approved trustee may reasonably require.

9. An enrolment form is not properly completed for the purpose of section 47A of the Ordinance if it is not completed in accordance with paragraph 8. In such circumstances, the approved trustee should follow up with the SEP on the application for enrolment of the concerned SEP.

Contribution Arrangements for an SEP

10. An SEP must ensure that contributions required to be made are paid to the approved trustee of the registered scheme (of which the SEP is a member) on or before the contribution day of each contribution period. The contribution day means the last day of the relevant contribution period. If the contribution day falls on a Saturday, a public holiday, or a G/BR warning day, the contribution day is extended to the next following day which is not a Saturday, a public holiday, or a G/BR warning day.

11. For an SEP who becomes a member of a registered scheme within the first 60 days of his self-employment, the first payment of mandatory contribution should be made on or before the last day of the contribution period in which the SEP becomes a member of the registered scheme.

DEFINITION OF TERMS

12. 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.