

# MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)

## STATEMENT REQUIRED UNDER SECTION 7AB

*Section 7AB of the Mandatory Provident Fund Schemes Ordinance (Cap 485)*

### NOTES:

- (1) *The employer completing this statement required under section 7AB of the Mandatory Provident Fund Schemes Ordinance (the Ordinance) should read the Guidelines on Statement Required under Section 7AB of the Mandatory Provident Fund Schemes Ordinance.*
- (2) *Please read the Personal Information Collection Statement before completing this statement.*
- (3) *It is obligatory for you to supply all the information, including personal data, requested in this statement. If any item is not applicable, please write “N.A.”. Failure to provide the requested information, including personal data, may result in refusal of your statement by the Mandatory Provident Fund Schemes Authority (the Authority).*
- (4) *This statement should be completed by an employer who pays contributions under section 7AA of the Ordinance in respect of a relevant employee who is not a member of a registered scheme. The employer should send the duly completed statement together with the payment of contributions to the Authority.*
- (5) *The payment of contributions should be made by a crossed cheque or bank draft in Hong Kong dollar and made payable to “**Mandatory Provident Fund Schemes Authority – Benefits Protection Account**” and sent, together with the duly completed statement, to:*  
*Mandatory Provident Fund Schemes Authority*  
*Level 12, Tower 1, The Millennity*  
*98 How Ming Street, Kwun Tong*  
*Hong Kong*
- (Please do not send cash or cash cheque by mail)*
- (6) *After the Authority receives the duly completed statement and the contributions from the employer, the Authority shall pass them to the approved trustee of a registered scheme determined in accordance with section 7AC of the Ordinance for processing.*
- (7) *The employer is required to provide true and correct information in the statement. A person who, in a document given to a prescribed person which means, the Authority, a system operator of an electronic MPF system<sup>1</sup>, an approved trustee, a trustee of a relevant scheme, or an auditor of an approved trustee or of a registered scheme, in connection with the Ordinance, makes a statement that the person knows to be false or misleading in a material respect, or recklessly makes a statement which is false or misleading in a material respect, commits an offence under section 43E of the Ordinance.*

<sup>1</sup> Electronic MPF system means an electronic system designated under section 19I(1) of the Ordinance.

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Note: Payment of contributions made under section 7AA of the Mandatory Provident Fund Schemes Ordinance (the Ordinance), together with this statement, should be submitted to the Mandatory Provident Fund Schemes Authority.

Name of Nominated Registered Scheme (*Note 1*) :

Nominated Scheme Registration No. :

Employer Participation No. under Nominated Scheme (if any) :

**Employer**

Name :

Business Registration No. :

Address :

Telephone No. :

**Contact Person of Employer**

Name :

Means of Contact (*Note 2*) :

***For employees not registered as a scheme member (Note 3)***

No.	Name of Employee (Surname first)	HKID Card No./ Passport No. & Issuing Agency	Relevant Contribution Period	Relevant Income (\$)	(a)	(b)	(c)	(a) + (b) + (c)	Date of Commencement of Employment (DD/MM/YY)	Last Date of Employment (if applicable) (DD/MM/YY)	Reason for Termination (if applicable) (Note 6)	Amount of Long Service Payment/ Severance Payment Paid by Employer (if applicable) (Note 7)
					Employer's Mandatory Contributions (\$) (Note 4)	Employee's Mandatory Contributions (\$) (Note 4)	Surcharge (\$) (if applicable)	Total Mandatory Contributions and Surcharge (\$) (Note 5)				
1			To									
2			To									
3			To									
Sub-total :												
TOTAL :												

I/We\* declare that to the best of my/our\* knowledge and belief, the information given in this statement and its attachments, if any, is correct and complete. ✦

Date : \_\_\_\_\_

\_\_\_\_\_  
(Signature of the employer)

**Note (i) :** If the employer is not an individual, this statement must be signed by a duly authorized signatory.

**Note (ii):** In the absence of the employer's signature, this statement would be regarded as not properly completed and the employer concerned may be regarded as having failed to comply with section 7AB of the Ordinance.

\*delete whichever is not applicable

Notes :

- (1) Please nominate a registered scheme to which the contributions are to be paid and state the name of the nominated registered scheme.
- (2) Please state the means by which the person can be contacted (e.g. by telephone, facsimile, letter or email) with relevant numbers/ addresses provided.
- (3) Employers should state clearly in this statement for each employee:
  - (a) the relevant income for each of the relevant contribution periods included in this statement; and
  - (b) the respective employer's and employee's contributions for each of these periods.
 Employees who do not have any relevant income (such as those on no pay leave) should also be reported in this statement.
- (4) When determining new employees' mandatory contributions, employers should take into account the following employee contribution holiday, i.e.
  - (a) waiver of contributions for the first 30 days of employment and for the first incomplete payroll period immediately following these 30 days for employees with monthly or more frequent than monthly payroll; or
  - (b) waiver of contributions for the first 30 days of employment and for the incomplete calendar month immediately following these 30 days for employees with less frequent than monthly payroll.
- (5) Please make the payment by a crossed cheque or bank draft in Hong Kong dollar made payable to "**Mandatory Provident Fund Schemes Authority – Benefits Protection Account**".
- (6) Reason for termination:
 

01 - Resignation	04 - Total Incapacity	07 - Early Retirement	10 - Termination before 60 days of Employment for Non-casual Employee
02 - Layoff/Redundancy	05 - Death	08 - Intra-group Transfer	11 - Others (please specify)
03 - Summary Dismissal	06 - Retirement (reaches age 65)	09 - Expiration of Employment Contract	
- (7) Please submit to the approved trustee of the nominated scheme the original acknowledgment receipt of long service payment/severance payment signed by the employee concerned as evidence of payment.

✦ **Warning:** Section 43E of the Ordinance makes it an offence punishable with a maximum of one year's imprisonment and a fine of \$100,000 on the first occasion and two years' imprisonment and a fine of \$200,000 on each subsequent occasion for a person who, in a document given to a prescribed person which means, the Authority, a system operator of an electronic MPF system, an approved trustee, a trustee of a relevant scheme, or an auditor of an approved trustee or of a registered scheme, in connection with the Ordinance, makes a statement that the person knows to be false or misleading in a material respect, or recklessly makes a statement which is false or misleading in a material respect.

**MANDATORY PROVIDENT FUND SCHEMES AUTHORITY**  
**PERSONAL INFORMATION COLLECTION STATEMENT (PICS)**

This PICS is made by the Mandatory Provident Fund Schemes Authority (the Authority) in accordance with the Personal Data (Privacy) Ordinance (Cap 486) (PDPO). You are advised to read this PICS carefully as it sets out your rights and obligations in relation to personal data (as defined in the PDPO) of you and your employee(s) and the manner in which the Authority may collect, use or deal with the personal data for the purposes specified below.

**Purpose of Collection and Use**

1. The personal data provided in this Statement Required under Section 7AB will be used and held by the Authority for one or more of the following purposes:
  - (i) exercising and performing the Authority's functions under the Mandatory Provident Fund Schemes Ordinance (Cap 485) (the Ordinance) including but not limited to:
    - (a) exercising and performing functions related to section 7AC of the Ordinance such as paying any contribution that is paid to the Authority in respect of your employee(s) under section 7AA of the Ordinance to the approved trustee of a registered scheme determined in accordance with section 7AC of the Ordinance; and
    - (b) ensuring compliance with the Ordinance;
  - (ii) enabling or assisting the Authority and other regulatory bodies/law enforcement agencies/government departments to perform functions under the Ordinance or their respective regimes including without limitation monitoring, surveillance, inspection, investigation, taking supervisory and/or enforcement actions, overseeing the operation of an electronic MPF system<sup>1</sup>, and/or conducting any legal, disciplinary or appeal proceedings, provided that such enablement or assistance by the Authority is subject to the Ordinance;
  - (iii) research and statistical purposes; and
  - (iv) other purposes as permitted or required by law.
2. It is obligatory for you to supply personal data of you and your employee(s) as requested in this statement and in processing your statement and the related contributions. Failure to supply the requested personal data may result in refusal of your statement by the Authority and/or your non-compliance with section 7AB of the Ordinance, and, in some circumstances, hindering the Authority from processing the contributions received from you in accordance with section 7AC of the Ordinance.

**Transfer of Personal Data**

3. The Authority may disclose or transfer the personal data of you and your employee(s)

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<sup>1</sup> Electronic MPF system means an electronic system designated under section 19I(1) of the Ordinance.

held by the Authority to third parties including the bodies listed below for one or more of the purposes mentioned in paragraph 1 above or any directly related purposes, or in accordance with an order of a court or in accordance with a law or a requirement made under a law:

- (i) an approved trustee(s);
- (ii) the system operator of an electronic MPF system;
- (iii) the eMPF Platform Company Limited;
- (iv) the Chief Executive;
- (v) the Financial Secretary;
- (vi) the Secretary for Justice;
- (vii) the Registrar of Occupational Retirement Schemes;
- (viii) the Insurance Authority;
- (ix) the Hong Kong Monetary Authority;
- (x) the Securities and Futures Commission;
- (xi) the Commissioner of Inland Revenue;
- (xii) the Privacy Commissioner for Personal Data;
- (xiii) the Ombudsman;
- (xiv) the Registrar of Companies;
- (xv) the Accounting and Financial Reporting Council established under the Accounting and Financial Reporting Council Ordinance (Cap 588);
- (xvi) the Official Receiver appointed under the Bankruptcy Ordinance (Cap 6);
- (xvii) a liquidator appointed under the pre-amended Ordinance (as defined in the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap 32)) or the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap 32);
- (xviii) the Hong Kong Police Force;
- (xix) any relevant courts, panels, tribunals and committees; and
- (xx) other law enforcement agencies, government departments or regulatory bodies.

#### **Access to Personal Data**

4. You are entitled under the PDPO to ascertain whether the Authority holds any of your personal data, and to request access to and/or correction of them, in the manner and subject to the limitations as set out in the PDPO. Likewise, any of your employees whose personal data is supplied by you in this statement is also entitled under the PDPO to ascertain whether the Authority holds any of his or her personal data, and to request access to and/or correction of them, in the manner and subject to the limitations as set out in the PDPO. The Authority has the right to charge a fee as permitted under the PDPO for processing any data access request, which fee shall not be excessive. All enquiries should be directed to:

Personal Data Privacy Officer  
Mandatory Provident Fund Schemes Authority  
Level 12, Tower 1, The Millennity  
98 How Ming Street, Kwun Tong  
Hong Kong

5. The Authority's Privacy Policy Statement is available on the Authority's website at <https://www.mpfa.org.hk/en/privacy-policy>.