

## **MANDATORY PROVIDENT FUND SCHEMES AUTHORITY**

### **IV.4 Guidelines on Payment of Accrued Benefits – Documents to be Submitted to Approved Trustees**

#### **INTRODUCTION**

In accordance with section 15 of the Mandatory Provident Fund Schemes Ordinance (the Ordinance), the accrued benefits of a scheme member may be withdrawn under the circumstances prescribed therein. Part 13 of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation) further specifies the requirements and procedures regarding claims for payment of accrued benefits.

2. Section 6H of the Ordinance provides that the Mandatory Provident Fund Schemes Authority (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.
3. Section 47A of the Ordinance empowers the Authority to specify or approve the form and contents of documents required for the purposes of this Ordinance.
4. The Authority hereby issues guidelines to:
  - (a) set out the forms approved by the Authority for the purposes of Division 1 of Part 13 of the Regulation; and
  - (b) provide guidance in relation to the processing of claims for payment of accrued benefits.

## **EFFECTIVE DATE**

5. These revised Guidelines (Version 14 – March 2019) shall become effective on 1 April 2019. The previous version of these Guidelines (Version 13 – March 2017) shall be superseded on that day.

## **CLAIM FORM**

6. For the purposes of Division 1 of Part 13 of the Regulation, the Authority has approved:

- (a) the claim forms for payment of accrued benefits (collectively the “Claim Form”)
  - (i) at Annex A1, the Claim Form to be used for payment of MPF accrued benefits on the grounds of attaining the retirement age of 65 or early retirement<sup>1</sup> (Form MPF(S) – W(R));
  - (ii) at Annex A2, the Claim Form to be used for payment of MPF accrued benefits on the grounds of permanent departure from Hong Kong, total incapacity, terminal illness, small balance or death (Form MPF(S) – W(O));
- (b) at Annex B, the medical certificate for payment of accrued benefits on the grounds of total incapacity (Form MPF(S) - W(M));
- (c) at Annexes C to F, the statutory declaration forms (Form MPF(S) - W(SD1), Form MPF(S) - W(SD2), Form MPF(S) - W(SD3) and Form MPF(S) - W(SD4)) to be used for the circumstances specified in the Regulation; and
- (d) at Annex G, the medical certificate for payment of accrued benefits on the grounds of terminal illness (Form MPF(S)-W(T)).

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<sup>1</sup> For a claim made on the grounds of early retirement, the scheme member must reach the age of 60 and have permanently ceased all employment and self-employment with no intention of becoming employed or self-employed again.

7. Lodgement of a claim for payment of accrued benefits must be made in these approved forms. Those forms requiring a signature of the claimant must be signed either by the relevant scheme member of a registered scheme, the personal representative of a deceased scheme member, or the committee of the estate of a mentally incapacitated person appointed under the Mental Health Ordinance (Cap 136) (the committee of the estate) who lodges a claim on behalf of a mentally incapacitated scheme member.

8. A claimant is only required to fill in one Claim Form if the claim is in respect of one or more accounts in one single registered scheme. However, if the claim is in respect of accounts in more than one registered scheme, the claimant is required to fill in one Claim Form for each registered scheme.

9. The medical certificate for the purpose of certifying a terminal illness of a scheme member (i.e. Form MPF(S) – W(T)) can be used for claiming benefits from both a registered scheme and an MPF exempted ORSO registered scheme<sup>2</sup>. If a scheme member has benefits held in an account in a registered scheme and an account in an MPF exempted ORSO registered scheme, the scheme member only needs to ask a registered medical practitioner or a registered Chinese medicine practitioner to fill in and sign one medical certificate.

## **EVIDENCE FOR CLAIMS**

10. Under Part 13 of the Regulation, a claim for payment of accrued benefits must be accompanied by evidence satisfactory to the approved trustee that the claimant is eligible for the claim, or a relevant statutory declaration.

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<sup>2</sup> An MPF exempted ORSO registered scheme means a scheme in respect of which an exemption certificate has been issued under section 16 of the Mandatory Provident Fund Schemes (Exemption) Regulation.

11. To facilitate approved trustees in processing claims for payment, Section II(2) of the Claim Form sets out the documents that a claimant is required to submit in lodging the claim and providing evidence satisfactory to the approved trustee. In vetting those documents, approved 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 month and/or day of birth of the scheme member, the scheme member may provide satisfactory evidence as to the month and/or day by using one of the following methods:
- (i) using the birth date as shown on an official document (e.g. a travel document or a statutory declaration of the scheme member's date of birth) provided by the scheme member; or
  - (ii) using the day and month of the issue date of the HKID card of the scheme member.

If the scheme member has not used either of the two methods above to provide evidence as to the month and day, then in the absence of any other evidence, the approved trustee should, where the HKID card shows only the year and month of birth (and not the day of birth), use the last day of the month, and where the HKID card shows only the year of birth (and neither the month nor day of birth), use the last day of the year as shown on the HKID card as the birth date of the scheme member.

- (b) *Documents to show the status of a personal representative of a deceased scheme member*: In cases where a Letter of Probate or Letters of Administration is issued by the Probate Registry, the name of the personal representative of a deceased person is printed on that document. The approved trustee of the scheme can verify the status of a personal representative by requesting a copy of the Letter

of Probate or Letters of Administration from the personal representative. In cases where the Official Administrator gets in and administers an estate of a deceased scheme member in a summary manner without a grant or other legal formality under section 15 of the Probate and Administration Ordinance (Cap 10), the Official Administrator is a personal representative.

- (c) Medical certificate certifying total incapacity: If the claimant also claims long service payment on the grounds of permanent unfitness for his present job under the Employment Ordinance (Cap 57), he may use the form “Certificate of an employee’s permanent unfitness for a particular type of work” used for the purpose for his claim under the Employment Ordinance (Cap 57) to substitute for the approved form for medical certificate, MPF(S) – W(M), at Annex B to claim for payment of MPF accrued benefits on the grounds of total incapacity.
- (d) Documents to show the status of the committee of the estate: The approved trustee may verify the status of the committee of the estate by requesting a copy of the evidence of the appointment, i.e. the Court Order issued pursuant to the Mental Health Ordinance (Cap 136).
- (e) Forms of statutory declarations: To facilitate compliance by scheme members, claimants and approved trustees, forms are approved for making a statutory declaration by claimants under different circumstances in claiming for payment of accrued benefits (Annexes C to F). The statutory declaration must be a valid statutory declaration in the place where the declaration is made (e.g. in Hong Kong, the statutory declaration should be made before and signed by a Commissioner for Oaths (e.g. at a Public Enquiry Service Centre of the Home Affairs Department) or a Notary Public or a Justice of

the Peace). A statutory declaration made in a place other than Hong Kong is also acceptable provided that it is made before and signed by a Notary Public or a person authorized under the law of that place to administer an oath or take a statutory declaration.

12. In some special circumstances, when the requirements set out in paragraphs 7, 8, 10 and 11 above are not practically achievable, the approved trustees may, where permitted by law, alter the requirements to satisfy themselves that the claimant is eligible for the claim.

### **AVAILABILITY OF THE FORMS**

13. The Claim Form, the medical certificates and the statutory declaration forms can be downloaded from the Authority's website at [www.mpfa.org.hk](http://www.mpfa.org.hk). Hard copies of the forms are also available at the office of the Authority. Approved 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 claim for payment of accrued benefits, approved trustees may provide supplementary notes in addition to those in the explanatory notes of the Claim Form.

### **DEFINITION OF TERMS**

14. 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.