

## **MANDATORY PROVIDENT FUND SCHEMES AUTHORITY**

### **V.8 Guidelines on MPF Exempted ORSO Schemes – Application for Withdrawal of Exemption Certificate of an ORSO Exempted Scheme**

#### **INTRODUCTION**

Section 8(1) of the Mandatory Provident Fund Schemes (Exemption) Regulation (“the Exemption Regulation”) provides that the Mandatory Provident Fund Schemes Authority (“the Authority”) may on an application in writing withdraw an exemption certificate of an ORSO exempted scheme where the Authority is satisfied that:-

- (a) the grounds for withdrawal warrant the withdrawal; and
- (b) if the certificate is withdrawn, the relevant employer of the ORSO exempted scheme to which the certificate relates will not thereby be in breach of the provisions of the Mandatory Provident Fund Schemes Ordinance (“the Ordinance”).

2. Section 8(2) of the Exemption Regulation stipulates that an application for withdrawal of exemption certificate of an ORSO exempted scheme shall:-

- (a) be made by the relevant employer; where the scheme is a group scheme under section 67 of the Occupational Retirement Schemes Ordinance, the application shall be made by the representative employer according to section 25(b) of the Exemption Regulation;
- (b) state the grounds for making the application;
- (c) be made in such form as may be specified by the Authority; and
- (d) be accompanied by such information or documents (including statutory declarations) as may be specified by the Authority.

3. The Authority hereby issues guidelines to specify the form for withdrawal of exemption certificate of an ORSO exempted scheme under section 8 of the Exemption Regulation and prescribe the information and documents to be submitted together with the form.

## **APPLICATION FOR WITHDRAWAL OF EXEMPTION CERTIFICATE OF AN ORSO EXEMPTED SCHEME**

### **Employee's Option**

4. According to section 4 of the Exemption Regulation, it is a statutory requirement that employers shall offer an option to their existing members and new eligible employees, as defined under section 2 of the Exemption Regulation, to choose between the MPF exempted ORSO exempted scheme and an MPF scheme within the specified time period.

5. In the event that such option was offered and any such members or employees have given notice of choosing the MPF exempted ORSO exempted scheme, *employers are strongly advised to communicate full details of their intentions to these members or employees* before making the application.

### **Prescribed Form**

6. Application shall be made by the relevant/representative employer in the prescribed format as set out in Annex (Form WD-EE). The prescribed format of the form can be downloaded from the Authority's website at:

**<http://www.mpfa.org.hk>**

### **Definition of Terms**

7. 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.

### **Signing Requirements**

8. The application for the withdrawal of exemption certificate of an ORSO exempted scheme must be signed:

- (a) if the applicant is a sole proprietor or a partnership; by the sole proprietor or at least 2 partners of the partnership, as appropriate;
- (b) if the applicant is a company, at least 2 of the directors of the company.

### **Submission of Application**

9. Completed application form and the relevant application documents should be submitted in hard copies to:

Mandatory Provident Fund Schemes Authority  
Level 8, Tower 1, Kowloon Commerce Centre  
51 Kwai Cheong Road, Kwai Chung  
Hong Kong

### **Warning**

10. If there is any change to the application information or documents after an application is submitted to the Authority, the applicant should inform the Authority as soon as reasonably practicable. It is an offence under section 43E of the Ordinance if a person, in any document given to the Authority, makes a statement that he knows to be false or misleading in a material respect, or recklessly makes a statement which is false or misleading in a material respect.