

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

VI.3 Guidelines on Annual Returns to be Delivered by Registered Intermediaries

INTRODUCTION

Pursuant to section 34ZO(1) of the Mandatory Provident Fund Schemes Ordinance (the Ordinance), a person who is a registered intermediary must deliver to the Mandatory Provident Fund Schemes Authority (MPFA) for every reporting period a return in the specified form.

2. Pursuant to section 34ZO(6) of the Ordinance, the MPFA may specify a date on which the reporting period begins and must publish the date in any manner it considers appropriate.

3. Section 47A(1) of the Ordinance provides that the MPFA may specify or approve the form and contents of documents required for the purposes of the Ordinance.

4. Section 6KA(1) and (2) of the Ordinance provide that the MPFA may designate an electronic system that is established and operated by it or a wholly owned subsidiary for the purposes of the Ordinance (other than Part 3B).

5. Section 6KA(7) of the Ordinance provides, amongst other things, that the MPFA must, as soon as practicable after making a designation under section 6KA(1) of the Ordinance, publish information about the designation in any manner that the MPFA considers appropriate.

6. Section 6H of the Ordinance provides that the MPFA 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 MPFA hereby issues guidelines:

- (a) to set out the specified form of return pursuant to section 34ZO(1) of the Ordinance;
- (b) to set out matters regarding the designation of an electronic system under section 6KA(1) and (2) of the Ordinance for use for the purposes of section 34ZO(1) of the Ordinance;
- (c) to set out the specified date on which the reporting period begins pursuant to section 34ZO(6)(a) of the Ordinance; and
- (d) to provide guidance on the signature requirements and submission of the specified forms.

EFFECTIVE DATE

8. These revised Guidelines (Version 10 – April 2023) shall become effective on 24 April 2023. The previous version of these Guidelines (Version 9 – December 2021) shall be superseded on that day.

SPECIFIED FORMS

Annual Return for a Principal Intermediary

9. Both Annual Return – PI (Annex A) and eAnnual Return – PI (Annex B) are the specified forms of return to be delivered by a principal intermediary to the MPFA for every reporting period pursuant to section 34ZO(1) of the Ordinance. Principal intermediaries may choose to submit either the physical form (i.e. Annual Return – PI) or the electronic form (i.e. eAnnual

Return – PI) through the electronic system designated by the MPFA to fulfill the reporting requirements.

Annual Return for an Individual who is a Subsidiary Intermediary

10. Both Annual Return – SI (Annex C) and eAnnual Return – SI (Annex D) are the specified forms of return to be delivered by an individual who is a subsidiary intermediary to the MPFA for every reporting period pursuant to section 34ZO(1) of the Ordinance. Subsidiary intermediaries may choose to submit either the physical form (i.e. Annual Return – SI) or the electronic form (i.e. eAnnual Return – SI) through the electronic system designated by the MPFA to fulfill the reporting requirements.

DESIGNATION OF THE eService

11. The MPFA has designated the eService as an electronic system under section 6KA(1) and (2) of the Ordinance for use for the purposes of section 34ZO(1) of the Ordinance, the designation being effective from 23 December 2013. The MPFA also publishes information about the designation of the eService in these guidelines.

12. In these guidelines, eService means an electronic system for registered intermediaries to use the user identities (IDs) assigned by the MPFA when first registered as an MPF intermediary and their individual passwords as an authentication to enable them to submit returns pursuant to section 34ZO(1) through the MPFA website, as well as through mobile app version made available for installation by the MPFA from the relevant app stores. As a start, subsidiary intermediaries will be allowed to submit their annual returns through mobile app.

REPORTING PERIOD

13. 1 January 2013 is the date specified pursuant to section 34ZO(6)(a) of the Ordinance. Pursuant to section 34ZO(7), a reporting period in section 34ZO means a period of 12 months beginning on the date specified by the MPFA under section 34ZO(6)(a) or each successive period of 12 months. This means that 1 January 2013 is the start date of the first reporting period.

SIGNATURE REQUIREMENTS FOR THE SPECIFIED FORMS AND AUTHENTICATION OPTION

14. While the physical forms (Annexes A and C) require the signature of a person, there is no signature requirement for the electronic forms (Annexes B and D). Principal intermediaries must use the user IDs assigned by the MPFA upon registration and their individual passwords as an authentication to submit the electronic form (i.e. eAnnual Return – PI at Annex B) through the eService.

15. For submission of the electronic form (i.e. eAnnual Return – SI at Annex D) through the eService, subsidiary intermediaries must use the user IDs assigned by the MPFA upon registration and their individual passwords, or adopt the authentication mechanism provided in their “iAM Smart” accounts or “iAM Smart+” accounts (collectively “iAM Smart”¹), as an authentication to log in to the eService.

SUBMISSION OF ANNUAL RETURNS

16. Registered intermediaries may submit annual returns by electronic means through the eService or by hard copy.

¹ “iAM Smart” is one of the major Government initiatives supporting the smart city development of Hong Kong. It is a digital infrastructure that provides all Hong Kong Identity Card holders with a single digital identity and authentication to conduct government and commercial transactions online. After downloading the “iAM Smart” app and registering for the “iAM Smart” service, individual subsidiary intermediaries can make use of the biometrics functions (including facial recognition and fingerprint identification) provided by their personal mobile devices to authenticate their identities to log in to the eService.

17. Hard copy of the completed returns should be submitted to:
Mandatory Provident Fund Schemes Authority
Level 12, Tower 1, The Millennium
98 How Ming Street, Kwun Tong
Hong Kong

DEFINITION OF TERMS

18. 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.

WARNING

19. It is an offence under section 43E of the Ordinance if a person, in any document given to a prescribed person² 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.

² Prescribed person means (a) the MPFA; (b) a system operator of an electronic MPF system; (c) an approved trustee; (d) a trustee of a relevant scheme; or (e) an auditor of an approved trustee or of a registered scheme.