

To: The Registrar of Occupational Retirement Schemes
Level 12, Tower 1
The Millennity
98 How Ming Street
Kwun Tong, Hong Kong

OCCUPATIONAL RETIREMENT SCHEMES ORDINANCE

ANNUAL STATEMENT ON MEMBERSHIP FOR REGISTERED SCHEME

Name of Scheme : _____

ORSO Registration No: _____

Financial year covered (the Financial Year): From: _____ to _____

(1) Pursuant to section 30(2) or 67(2)(gab) of the Occupational Retirement Schemes Ordinance (Ordinance), I/we confirm that at all times during the Financial Year—

(a) the Scheme by its terms limits membership of the scheme to eligible persons as defined in section 2A of the Ordinance (*see note 1 below*);

Confirmed Not confirmed (★)

and

(b) all members of the Scheme are eligible persons.

Confirmed Not confirmed (★)

Note 1: Section 2A. Meaning of eligible person

(1) *An eligible person, in relation to an occupational retirement scheme, is an individual who is entitled or prospectively entitled to benefits under the scheme by virtue of—*

(a) the individual's employment (whether past or present) by the relevant employer of the scheme; or

(b) an agreement (transfer agreement)—

(i) made between—

(A) the relevant employer of the scheme; and

(B) the relevant employer of another occupational retirement scheme (original scheme) of which the individual was a member,

whether or not the individual is a party to the agreement; and

(ii) made as a result of any company amalgamation, restructuring, joint venture, or any other business transaction of a similar nature, conducted in good faith between the two employers.

(2) *However, for an individual to be an eligible person because of an entitlement by virtue of a transfer agreement, the individual must have been a member of the original scheme by virtue of being an individual described in subsection (1) or (3) in relation to the original scheme.*

(3) *Also, an eligible person is an individual having an interest in the estate of a deceased individual described in subsection (1).*

★ **Warning:**

Section 20B of the Ordinance provides that if, without reasonable excuse, a person other than an eligible person is allowed to be a member of a registered scheme, the relevant employer of the scheme commits an offence and is liable—

(a) on summary conviction—to a fine at level 6 and, in the case of a continuing offence, to a further fine of \$5,000 for every day during which the offence continues; or

(b) on conviction on indictment—to a fine of \$500,000 and to imprisonment for 2 years and, in the case of a continuing offence, to a further fine of \$10,000 for every day during which the offence continues.

Section 33A(2) of the Ordinance provides that if the relevant employer or administrator of a registered scheme becomes aware of a reportable event that occurs on or after the date on which the Occupational Retirement Schemes (Amendment) Ordinance 2019 comes into operation, e.g. **any term of the scheme allows a person other than an eligible person to be a member of the scheme; or not all members of the scheme are eligible persons**, the relevant employer or administrator must not later than the **seventh working day** after becoming aware of the event, give written notice to the Registrar setting out the particulars of the event. A person who, without reasonable excuse, contravenes subsection (2) commits an offence and is liable on summary conviction to a fine at level 6.

However, if the relevant employer becomes aware of this event, please provide in writing by separate report with details of the particulars, and address to the Registrar of Occupational Retirement Schemes.

Section 42 of the Ordinance provides, where in relation to a registered scheme it appears to the Registrar that - any term of the scheme allows a person other than an eligible person to be a member of the scheme; or not all members of the scheme are eligible persons, the Registrar may issue a proposal to cancel registration of the scheme.

Signature and company chop of the relevant employer / representative employer (see note 2 below) : _____

Name of the relevant employer / representative Employer (in English) : _____

Name of authorized signatory (in English) : _____

Title or position : _____

Date : _____

★ **Warning:** Every care must be taken to ensure that correct information is provided in the statement. It is an offence under section 79 of the Ordinance for any person to provide information which is false in a material particular and which he knows to be false or he has no reasonable ground to believe to be true in such particular.

Name of the person, telephone no. or email address for the Registrar's enquiries in connection with this statement:

Name : _____

Telephone no. or email address: _____

Note 2: This statement should be made by the relevant employer or, if more than one relevant employer participates in the Scheme, the representative employer.