



強制性公積金計劃管理局
MANDATORY PROVIDENT FUND
SCHEMES AUTHORITY

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14 March 2013

Circular Letter: SU/CCI/2013/002

To: All Principal Intermediaries

By Email

Dear Responsible Officer,

Implementation of the New MPF Intermediary Regulatory Regime

This circular letter is the eleventh in the current series which is concerned with implementation of the Mandatory Provident Fund Schemes (Amendment) Ordinance 2012 (Ordinance).

Registration Matters

In Forms INT-1, INT-2 and INT-3, under the section “Qualification(s) as a Type A/B Regulatee”, applicants are requested to tick **all** qualifications they **currently** possess. In other words, if the applicant concurrently holds more than one qualification (for example, an individual who is a technical representative of an authorized long term insurance broker and a licensed representative (Type 1 and/or Type 4) under SFO), they should put a tick in each of the boxes under the respective regimes. As we have received a number of enquiries on this issue, we wish to clarify how to complete the relevant section in the Forms.

Please be reminded again that every Principal Intermediary (PI) / Subsidiary Intermediary (SI) **MUST** notify the Authority in writing within 7 working days if they

- (a) acquire any qualification as a Type A/B regulatee;
- (b) cease to be a Type A/B regulatee of any industry regulator; or

- (c) have any qualification as a Type A/B regulatee of an industry regulator suspended.

This is a legal requirement under the Mandatory Provident Fund Schemes Ordinance (MPFSO).

Please also note that according to section 2 of the MPFSO, “working day” means “any day other than a public holiday or gale warning day or black rainstorm warning day within the meaning of section 71(2) of the Interpretation and General Clauses Ordinance”. Hence, unless the context otherwise requires, “working day” includes a “Saturday unless it is a public holiday or a gale warning day or black rainstorm warning day”.

Reporting of Non-Compliance to Frontline Regulator / Industry Regulator

PIs are reminded that they should have in place arrangements, procedures and controls to identify any failure by an intermediary to comply with the provisions in relation to regulated activities in the MPFSO or any subsidiary legislation under the MPFSO. According to paragraph III.60(s) of the Guidelines on Conduct Requirements for Registered Intermediaries (the Guidelines), PIs should report such failure to the frontline regulator and also the industry regulator (where the industry regulator is not the frontline regulator) **within 14 working days** of the PI identifying the failure. For those PIs who are authorized long term insurers / authorized long term insurance brokers, please note that your corporation should report the failure to your frontline regulator rather than the relevant self-regulatory organization.

Personal Account Checking by MPF Intermediaries

A scheme member may authorize another person (often an MPF intermediary) to check a scheme member’s personal account(s) by submitting a “Request for Personal Account Information Authorization Form” (PA-AP Form) to the Authority. MPF intermediaries are reminded that all information on the PA-AP Form must be correct and complete.

Recently, it has come to our attention that a number of SIs have put down their own contact phone number rather than the scheme member(s), on the PA-AP Form without the knowledge or consent of the scheme member(s) concerned, with the intention to bypass verification conducted by the Authority. MPF intermediaries must refrain from this practice since if any person who, in any document given to the Authority, 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, they may commit an offence under section 43E of the MPFSO. Offenders are liable upon conviction to a fine of HK\$100,000 and imprisonment for 12 months.

In addition, this action may also breach the performance requirement of acting honestly, fairly, in the best interests of the client and with integrity, under section 34ZL(1)(a) of the MPFSO and paragraph III.2 of the Guidelines. The Authority takes this matter seriously and will take enforcement action where necessary.

Should you have any questions about the contents of this letter, please do not hesitate to contact your case officer.

Thank you for your attention.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Robin Gill', with a horizontal line underneath the name.

(Robin Gill)
Head (Intermediaries)

c.c. Hong Kong Monetary Authority – Mr Kevin Sham
Securities and Futures Commission – Mr Sam Tung
Office of the Commissioner of Insurance – Ms Shirley To