



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

電話號碼 Tel No. :2292 1123  
傳真號碼 Fax No. :2259 8810  
本局檔號 Our Ref. : MPFA/E/MP/96/8  
來函檔號 Your Ref. :

15 May 2003

Circular Letter: EF/CTR/2003/005

To: All approved trustees of registered MPF schemes

### **Personal Representatives of Deceased MPF Member**

As you are aware, under Section 15(4) of the Mandatory Provident Fund Schemes Ordinance (“the Ordinance”), when a member of a registered scheme has died, the approved trustee of the scheme must pay the whole of the member’s accrued benefits as a lump sum:

- (a) to the member’s personal representatives; or
- (b) if there are no personal representatives of the member’s estate or if they are unwilling to act, to such person, or to a person of such class, as is specified in the regulations.

No person or class of person has yet been specified in the regulations to the Ordinance as persons to whom accrued benefits are payable, as referred to in (b) above.

In accordance with Section 15 of the Probate and Administration Ordinance (Cap. 10), the Registrar of the High Court in the capacity of the Official Administrator (“the Official Administrator”) may, where the whole of an estate does not exceed \$150,000 in value, without any legal formality, get in and administer the same in a summary manner, for the benefit of the persons he may deem interested therein, without a grant or other legal formality. We understand that the Official Administrator is currently handling a number of cases in respect of deceased members’ estates of not more than \$150,000, and is of the view that he is actually administering the estates on behalf of the persons who are entitled to the estate and therefore he is the deceased’s personal representative.

The Official Administrator recently applied for direction from the High Court (Ref No.: HCAG3138/2003) as to whether the Official Administrator is regarded as a member's personal representative in accordance with the Probate and Administration Ordinance. The estate involved is in the sum of \$7,762, which sum is stated to be "a refund or refurbishment of the member's entitlement under the Mandatory Provident Fund Scheme".

The case was heard before Hon. Yam J on 11 April 2003, who declared that the Official Administrator is one of the member's personal representatives of a deceased member under section 15(4) of the Ordinance.

A sample letter to be used by the Official Administrator to collect the accrued benefits of a MPF account is enclosed at Annex for your reference.

Should you have any queries, please contact your case officer.

Yours sincerely

(Ms Henden Yu)  
Chief Operating Officer (Compliance)

香港高等法院  
遺產承辦處  
香港金鐘道38號

PROBATE REGISTRY  
HIGH COURT  
38 Queensway  
Hong Kong

本處檢號 Our Ref.: ( ) in HCAG  
來函編號 Your Ref.:  
電話號碼 Tel. No.:  
傳真號碼 Fax No.:

## SAMPLE LETTER

Dear Sir/Madam,

Re: \_\_\_\_\_, deceased  
HKIC No.:  
MPF Member A/C No.:  
MPF Scheme Name:  
\_\_\_\_\_

The abovenamed deceased died intestate in Hong Kong on day of month 2003. The Official Administrator is taking possession of his estate under the provisions contained in Section 10 of the Probate and Administration Ordinance, Cap.10 for the purpose of administering his estate under Section 15 of the aforesaid Probate and Administration Ordinance.

I have been informed that the deceased was the holder of the above-mentioned MPF member account in your company. I shall be grateful if you will remit to me all the money due and payable on the said account. Please note that your cheque should be made payable to the "Official Administrator" and crossed.

Yours faithfully,

( )  
for Official Administrator