



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

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來函檔號 Your Ref. :

7 February 2014

**Circular Letter: SU/COT/2014/001**

**To: All representative / relevant employers of ORSO schemes and administrators  
of ORSO registered schemes**

Dear Sir/Madam,

**Occupational Retirement Schemes Ordinance (the Ordinance)  
Mandatory Provident Fund Schemes (Exemption) Regulation  
(the Exemption Regulation)  
Matters relating to ORSO Scheme Administration**

It has recently come to the Authority's attention that some MPF exempted ORSO scheme administrators do not observe the statutory requirements in relation to minimum MPF benefits. The opportunity is also taken to clarify an issue regarding the legal entity of relevant employer under schemes covering groups of companies; to inform you of a revised ORSO guideline concerning the preparation of the Employer's Auditor's statement and three revised MPF Guidelines with regard to minimum MPF benefits; and to provide you with an updated leaflet on our performance pledges for ORSO Schemes.

**Minimum MPF Benefits (MMB) (applicable to MPF exempted ORSO registered schemes only)**

Trustees are reminded to observe the following:

- Section 4 of Schedule 2 of the Exemption Regulation does not permit the

trustee to pay out the MMB to any new member of the scheme other than in accordance with the provisions of the Exemption Regulation.

- Section 5 of Schedule 2 of the Exemption Regulation also requires the trustee to transfer the MMB of a new member as soon as reasonably practicable to the member's new employer's MPF scheme or one nominated by the member in accordance with the governing rules of the scheme.
- According to para. 10 of "V.11 Guidelines on MPF Exempted ORSO Schemes – Withdrawal of Minimum MPF Benefits", the trustee must report to the Authority when the MMB is withdrawn on the grounds of permanent departure from Hong Kong. Trustees are advised to use the enclosed template for reporting this to the Authority.

### **Relevant Employer**

- Pursuant to section 2 of the Ordinance, "relevant employer" means in relation to an occupational retirement scheme, the employer who provides the employment which entitles or enables the employee to be a member of the scheme.
- Furthermore, the requirements for the relevant employers in respect of an ORSO scheme covering a group of companies is stated in section 67 of the Ordinance, with the term "group of companies" defined in sub-section (1C). Reference may also be drawn to the definition of the term "company" in section 2 of the Companies Ordinance.
- We require each relevant employer registered under the ORSO scheme to be a separate legal entity. We have noticed that the relevant employers of some schemes covering groups of companies appear to have some confusion on this point. For instance, under a group ORSO scheme, there are two relevant employers, with one bearing the name "ABC Company Limited" and the other "ABC Company Limited – Hong Kong Branch". After confirmation, the two relevant employers actually refer to the same legal entity, i.e. "ABC Company Limited". As such, only "ABC Company Limited" should be regarded as a relevant employer under the scheme.
- Please ensure each relevant employer who participates in an ORSO scheme covering groups of companies is a separate legal entity. If in doubt, please consult your legal adviser or administrator.

### **Guidelines on the Statement of the Employer's Auditor**

Please note that an amendment has been made to the ORSO guideline for the preparation of the employer's auditor's statement. Please visit our website ([www.mpfa.org.hk](http://www.mpfa.org.hk)) under "ORSO", "Basic Requirements for ORSO Schemes", "Basic Requirements for Registered Scheme" - "Part e. Annual Return/Actuarial Certificate" for the latest version.

**Guidelines on MPF Exempted ORSO Schemes - Preservation of Benefits (Guidelines V.4)**

**Guidelines on MPF Exempted ORSO Schemes - Illustrative Examples (Guidelines V.5)**

On 17 July 2013, the Legislative Council amended the applicable monthly maximum relevant income level for the purpose of determining a scheme member's average monthly relevant income in the final year of service, from \$25,000 to \$30,000, effective **1 June 2014**. Please visit the MPFA website ([www.mpfa.org.hk](http://www.mpfa.org.hk)) to access the latest versions of Guidelines V.4 and Guidelines V.5 which have been revised to take account of this change. Please update the administrative arrangements including the programme / system for calculating the MMB and ensure that the MMB of scheme member(s) is calculated according to the new maximum level of relevant income, for periods commencing on or after **1 June 2014**.

**Guidelines on MPF Exempted ORSO Schemes – Withdrawal of Minimum MPF Benefits (Guidelines V.11)**

According to the previous Guidelines, for a claimant whose Hong Kong Identity (“HKID”) card does not contain the exact birth date, the trustee will determine the age of the claimant by reference to the last day of the month (if the HKID card only shows the year and month of birth) or the last day of the year (if the HKID card only shows the year) as shown on the HKID card in processing the claim for payment on the grounds of retirement or early retirement. To allow scheme members some flexibility in these cases, the Guidelines have been amended to enable a trustee to accept other evidential proof of a member's date of birth, when processing claims for withdrawal.

In respect of a claim for payment of benefits on the grounds of death, the previous Guidelines require the claimant to provide a copy of the death certificate of the deceased scheme member and a copy of the Letter of Probate or Letter of Administration (collectively the “Grant”) granted by the Probate Registry or a letter requesting withdrawal of benefits issued by the Official Administrator if the claim is made by the Official Administrator. Given that the Probate Registry will not issue a Grant and the Official Administrator will not issue a letter requesting withdrawal of benefits without the death certificate, the Guidelines have been amended to remove the requirement to provide the death certificate as long as the claimant can provide the Grant or a letter requesting withdrawal of benefits issued by the Official Administrator, to the trustee concerned.

Please visit the MPFA website ([www.mpfa.org.hk](http://www.mpfa.org.hk)) to access the latest versions of Guidelines V.11.

**Performance Pledge**

The opportunity is also taken to inform you of changes to two service standards in relation to applications for a successor scheme and change of trustee or director of trustee. Please find attached a copy of the new leaflet on our service standard pledges which replaces the January 2011 version.

If you have any questions about the contents of this letter, please contact the Authority's hotline on 2918 0102 or your case officer.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Robin Gill', with a small horizontal dash below the final 'i'.

(Robin Gill)  
Head (Intermediaries/ORSO Schemes)

Encl. - Sample template for reporting an MMB claim  
- Performance Pledge leaflet



因永久性離開香港而提取最低強積金利益的申索報告

Report on Withdrawal of Minimum MPF Benefits on the grounds of permanent departure from Hong Kong

項目 Item No.	計劃名稱 ORSO Scheme Name	註冊編號 ORSO Registration Number	申索人的姓氏 Surname of claimant	申索人的名字 Other names of claimant	中文姓名 (如有) Chinese Name (if given)	申索人的香港身份證號碼 HKID card no. of claimant	申索人的護照號碼 Passport Number of claimant	收到申索表格的日期 (日/月/年) Date Received of Claim Form (DD/MM/YY)	離港日期 (日/月/年) Date of departure from Hong Kong (DD/MM/YY)	離港目的地 Destination for the Departure	付款日期 (日/月/年) Payment Date (DD/MM/YY)
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## PERFORMANCE PLEDGES FOR ORSO SCHEMES

We pledge at least 95% achievement of the service standards listed in the following table.

	Service	Service Standard	Applicable Schemes
( 1 )	Process applications by trustees/administrators or employers for registration/exemption of ORSO schemes	Complete processing of applications within 20 working days after receipt of all required information and documents.	Both MPF - exempt and non MPF - exempt
( 2 )	Process applications by the public for search on the register of ORSO registered/exempted schemes	<ul style="list-style-type: none"> <li>Provide copy of an entry in the register within 1 service hour upon receipt of application.(Note)</li> <li>Provide certified copy of an entry in the register within 1 service hour upon receipt of application.(Note)</li> </ul>	Both MPF - exempt and non MPF - exempt
( 3 )	Process applications by trustees/administrators or employers for cessation of application of pooling agreements to ORSO registered schemes	Complete processing of applications within 10 working days after receipt of a written confirmation from trustee/administrators on date of cessation.	Both MPF - exempt and non MPF - exempt
( 4 )	Process applications by trustees for MPF exemption of relevant ORSO Registered Schemes (S.14 and 16 of the MPFS (Exemption) Regulation)	Complete processing of applications within 12 working days after registration of ORSO scheme and receipt of all required information and documents.	Only MPF - exempt
( 5 )	Process applications by trustees or employers for change of trustee or director of trustee	Complete processing of applications within 10 working days after receipt of all required information and documents (including vetting results).	Only MPF - exempt
( 6 )	Process applications by employers for withdrawal of MPF exemption certificates	Complete processing of applications within 10 working days after receipt of all required information and documents.	Only MPF - exempt
( 7 )	Process notifications of changes by trustees/administrators or employers on names and addresses of employers, administrators, designated persons or trustees	Complete processing of notifications within 10 working days after receipt of all required information and documents.	Both MPF - exempt and non MPF - exempt
( 8 )	Issue Payment Advice to remind employers on periodic fee payment	Issue payment advice 1 month before the periodic fee due date.	Both MPF - exempt and non MPF - exempt
( 9 )	Issue Official Receipt to acknowledge receipt of periodic fee payment by employers	Issue official receipt within 8 working days after clearance of cheques received.	Both MPF - exempt and non MPF - exempt

*Note: Service hour is Monday to Friday from 8:45 am to 1pm and 2pm to 5:45pm.*

ORSO Schemes Department  
February 2014