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. :

6 May 2005

Circular Letter: SU/COT/2005/003

To: All employers (or representative employers of schemes with multiple employers) of MPF exempt ORSO defined benefit schemes

Dear Sirs,

**Occupational Retirement Schemes Ordinance ("the Ordinance")**
**Mandatory Provident Fund Schemes (Exemption) Regulation ("the Regulation")**
**Offer of option and Funding of schemes**

Being the employer of an MPF exempt ORSO registered scheme ("ORSO scheme"), you may be well aware that pursuant to section 15 of the Regulation, you are obliged to offer an option to the new eligible employees to elect between the MPF and ORSO scheme, not later than 10 days after the employees become such employees. The employees are required to notify the employers in writing about their choices not later than 30 days after they become new eligible employees.

In this regard, we would like to remind you that the information as specified in Part 2 of Schedule 1 to the Regulation has to be provided to the employees to enable them to have sufficient information to make the choice. The information includes, inter alia, the differences between the MPF and ORSO scheme in terms of the governing rules, the contribution rate, vesting scale, the rights and benefits entitled by the scheme members and illustrative examples to demonstrate the differences.

…/2

Particular attention from the employees should be drawn to the preservation and transferability requirements of Minimum MPF Benefits, if applicable. You are requested to observe the above statutory requirements and ensure the information is clearly passed to the employees in writing in the Chinese and English languages.

In addition, further to our letter to you on 26 February 2003, you are again reminded to comply with the requirements under section 31 of the Ordinance. According to the section, the actuary of a defined benefit scheme is required to undertake actuarial review once every 3 years to ascertain the solvency position of the scheme. Annual actuarial review is required if the last actuarial certificate reported that the financial position of the scheme was insolvent or was expected to be insolvent. In accordance with the written undertaking to the administrator of the scheme, an employer is required to fund the scheme in accordance with actuarial recommendations. Any shortfall as identified by the actuary must be made good within three years or a shorter period as agreed on between the relevant employer and the administrator of the scheme.

In view of the fluctuation of the economic situation, you are advised to assess the financial positions of your scheme regularly to assure obligations to the scheme members are met.

To ensure your compliance with the above statutory requirements, you are advised to consult the trustees, administrators or actuaries of your schemes for the detailed arrangement.

Yours faithfully,

(Hendena Yu)
Chief Operating Officer
(Compliance)

cc. Trustee of the scheme