



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

電話號碼 Tel No. :  
傳真號碼 Fax No. :  
本局檔號 Our Ref. : MPFA/S/IO/58/1  
來函檔號 Your Ref. :

31 August 2004

Circular Letter: SU/COT/2004/002

To: All Corporate and Individual trustees/administrators of ORSO schemes

Dear Sirs,

**Occupational Retirement Schemes Ordinance (“the Ordinance”)  
Guidelines on MPF exempted ORSO schemes (“the Guidelines”)  
Matters relating to the changes of ORSO schemes administration**

With a view to achieve more effective monitoring and administration of the ORSO schemes and to facilitate the submission of the statutory documents from you or the employers, we have recently conducted a review of our regulatory measures and procedures in respect of the ORSO schemes. In this connection, we would like to inform you of the following changes. Please note that some of the changes will take effect in the near future. In this regard, you are reminded to make any pre-arrangement, if required.

1) The Authority’s issuance of reminders

1.1 Reminders to the employers on the submission of the following documents required under the Ordinance:

- (a) Compliance Certificate and Membership Statement for ORSO exempted scheme (section 10);
- (b) Annual Return for non-pooling scheme (section 30); and
- (c) Actuarial Certificate for defined benefit scheme (section 31).

- **Change** - The number of reminders will be reduced from 2 to 1.
  - After the change, the reminders will be issued to employers approximately one month before the due dates of submission. Please note that the Authority may further review the need to issue such reminders and discontinue issuing any reminder in a few years.
  - **Effective date of Change: 1 November 2004**
- 1.2 Reminders to employers for payment of periodic fees (sections 9 and 28 of the Ordinance): -
- **Change** – The number of reminders will be reduced from 3 to 2.
  - After the change, the employers will receive the first reminders approximately one month after the due dates of the outstanding periodic fees. Second reminders will be sent to the employers approximately two months after the due dates of the outstanding periodic fees.
  - **Effective date of Change: 1 November 2004**
- 2) Revision of notices (please refer to Annexes A, B and C)
- 2.1 Payment Advice for periodic fee – Annex A (sections 9 and 28 of the Ordinance)
- **Change** - A reminder will be included in the Payment Advice reminding employers to report address change via Form ORS-8 or ORS-12.
  - **Effective date of Change: 1 November 2004**
- 2.2 Payment Notice for default contribution – Annex B (section 24A of the Ordinance)
- **Change** – Remarks are added on the Notice to :-
    - remind employers to check with the designated persons should they have any query regarding the default amount; and
    - specify that the outstanding amount excludes contribution surcharge.
  - **Effective date of Change: 1 November 2004**
- 2.3 Notice of Termination/Winding Up of Registered Scheme – Annex C (section 29 of the Ordinance)
- **Change** – To make the notice more comprehensible by changing it to a bilingual format, simplifying the layout and presentation of the form and questions. You may download the notice from the MPFA web site or obtain a copy through the fax-on-demand of the MPFA hotline. Please provide the employers with the revised notices for their completion.
  - **Effective date of Change: 1 November 2004**

The proposed changes set forth in paragraphs 3 and 4 below are to be

introduced in the longer term to facilitate the completion and submission of the forms. Since the proposed changes may affect your operation processes or the future development of your systems, the Authority will conduct thorough consultations with the industry. Meanwhile, any comments on the proposed changes are welcome.

3) Revision of prescribed forms

- It is proposed that the following forms are to be amended such as simplifying the layout or rewording the questions. The timetable of the amendments is subject to the consultation with the relevant parties, including the industry, and the possible timeframe of legislative amendment. You may wish to note that the amendments may require change to your systems, in particular, the Annual Return form of MPF exempted ORSO registered schemes.
  - Applications and Changes of ORSO schemes (Form ORS-1 to ORS-12 under the rules of the Ordinance);
  - Filing of Annual Report of MPF exempted ORSO schemes (Form MPF(ORSO)-AR under V.10 of the Guidelines);
  - Applications for Approval of Appointment of Individual and Corporate Trustee (Form OI-TI and Form OI-TC under V.6 of Guidelines); and
  - Applications for Withdrawal of MPF Exemption Certificate of ORSO exempted and ORSO registered schemes (Form WD-EE and Form WD-ER under V.8 and V.9 of Guidelines).

4) Electronic submission of Annual Return Forms for MPF exempted ORSO schemes (“the Forms”) and Notices on default contributions (“the Notices”)

- The Authority is studying the feasibility of electronic submission of the Forms and Notices by the designated persons to the Authority (sections 30 and 24A of the Ordinance respectively). The likely arrangement will be downloading your system data into a formatted file which is then sent to us via electronic mail. Another electronic means of submission such as a diskette is also under consideration.

Should you have any question regarding the above, please contact Mr. Craig So at 2292 1127 or Ms. Zana Lau at 2292 1172.

Yours sincerely,

(Hendena Yu)  
Chief Operating Officer (Compliance)

Encl.



定期費用通知書  
PERIODIC FEE PAYMENT ADVICE


Annex A

註冊或豁免編號  
Registration/Exemption No.

日期  
Date

有關僱主/僱主代表名稱及地址  
Name and address of relevant/representative employer

註冊或豁免計劃名稱  
Name of registered/exempted scheme

上述計劃的定期費用 Periodic fee of the above scheme	到期日 Due date	港幣款額 Amount in HK\$
		
如下述日期仍未繳付定期費用，須繳欠款及附加費總額(附註二) If the periodic fee is not paid by the date shown below, total amount payable including surcharge (Note 2)		
定期費用 Periodic Fee	附加費 Surcharge	港幣總額 Total Amount in HK\$
	+	=

職業退休計劃註冊處處長  
Registrar of Occupational Retirement Schemes

請將下此部份連同劃線支票或銀行匯票一併寄回  
Please detach and return this portion together with your crossed cheque or bank draft

註冊或豁免編號  
Registration/Exemption No.

匯款通知  
Remittance Advice

上述計劃的定期費用 Periodic fee of the above scheme	到期日 Due date	港幣款額 Amount in HK\$
如下述日期仍未繳付定期費用，須繳欠款及附加費總額(附註二) If the periodic fee is not paid by the date shown below, total amount payable including surcharge (Note 2)		
定期費用 Periodic Fee	附加費 Surcharge	港幣總額 Total Amount in HK\$
	+	=

詳情請參閱背頁之付款方法  
Please turn overleaf for details of payment method

\*\*\* Should there be any change of address, please report to the Registrar by sending us Form ORS-8 or ORS-12 which can be downloaded from <http://www.mpfaq.org>

地址如有更改，請以表格 ORS-8 或 ORS-12 通知處長。該表格可於 <http://www.mpfaq.org> 下載。

## 附註

- 一、按職業退休計劃條例規定，每個註冊或獲豁免計劃的僱主須每年向處長繳交定期費用。該項費用須於計劃註冊日期或豁免證明書發出日期之周年日起計的1個月內繳交。
- 二、如該定期費用未有在上述到期日後1個月內繳交，則僱主須另繳交一筆相等於該定期費用的附加費。該附加費與未繳的定期費用須在上述到期日後2個月內一併向處長繳交。
- 三、繳款辦法：  
付款請用港幣劃線支票或銀行匯票，抬頭註明「強制性公積金計劃管理局行政帳戶」，郵寄：  
香港中環港景街一號  
國際金融中心一期21樓  
財務控制部收  
請在支票或銀行匯票後面寫上本局檔號。期票恕不接受。(請勿郵寄現金/現金支票)
- 四、如有任何查詢，請致電本局(號碼：2918 0102)或使用圖文傳真(號碼：2259 8808)。

## Notes

- 1 Under the Occupational Retirement Schemes Ordinance, the relevant employer of a registered/exempted scheme shall pay to the Registrar a periodic fee annually. Such fee shall be paid within 1 month after the first and any subsequent anniversary of the scheme's registration or of the date of exemption certificate.
- 2 If the periodic fee is not paid within 1 month after the above due date, a surcharge equal to the amount of the periodic fee will be imposed. Such surcharge together with the unpaid periodic fee shall be paid to the Registrar not later than 2 months after the above due date.
- 3 Payment Instructions :  
Please send a crossed cheque or bank draft in HK dollar made payable to "MPFA Administration Account" to  
21/F, One International Finance Centre,  
1 Harbour View Street,  
Central, Hong Kong.  
Attn: Financial Control Department  
Our reference shall be written on the back of the cheque or bank draft. Post-dated cheques will not be accepted.  
(Cash/cash cheque should not be sent by mail)
- 4 For enquiries, please call us at 2918 0102; or fax to us at 2259 8808.



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

強制性公積金計劃管理局

香港中環港景街1號  
國際金融中心一期21及22樓  
熱線：2918 0102  
傳真：2259 8808  
網址：http://www.mpfahk.org

Mandatory Provident Fund Schemes Authority

21/F & 22/F One International Finance Centre  
1 Harbour View Street, Central, Hong Kong  
Hotline: 2918 0102  
Fax: 2259 8808  
Web site: http://www.mpfahk.org

本局檔號：  
Our Reference: RXXXXXX (X) / ORXXXXXX

僱主姓名及  
通訊地址：  
Employer's Name  
and  
Correspondence  
Address: ABC COMPANY  
FLAT A, 2/F  
ABC BUILDING  
ABC STREET  
KOWLOON

發出日期：  
Date of Issue: 2002年X月X日  
DD MM 2002

來函請註明本局檔號  
In any communication, please quote our  
reference number.

第二張付款通知書  
Second Payment Notice

本局聯絡人： 陳大文先生  
電話號碼： 2292 XXXX  
Telephone No.: 2292 XXXX

職業退休計劃拖欠供款及供款附加費通知書

Payment Notice for Outstanding Contribution and Contribution Surcharge of Occupational Retirement Scheme

根據該計劃的指定人士向職業退休計劃註冊處處長(簡稱「處長」)提交的資料顯示，貴公司仍未就下列有關期間為僱員作出供款。處長現根據《職業退休計劃條例》第24A(2)條及《職業退休計劃(追討欠款)規則》，通知貴公司必須在下列指定限期日或之前，向該計劃的指定人士支付所有供款及供款附加費。供款附加費應就拖欠供款，以15%的年利率計算，由下述有關到期日翌日起累算，直至下述指定限期日。如對計算供款附加費有任何疑問，該計劃的指定人士可為貴公司提供協助。

According to records provided by the designated person of the Scheme, you have not yet paid contributions for your employee(s) for the relevant period(s) mentioned below. Pursuant to section 24A(2) of the Occupational Retirement Schemes Ordinance and the Occupational Retirement Schemes (Recovery of Arrears) Rules, the Registrar of Occupational Retirement Schemes now requires you to pay to the designated person of the Scheme, on or before the specified date stated below, the contribution in arrears and a contribution surcharge. The contribution surcharge is calculated at 15% per annum on the contribution in arrears accruing from the day following the relevant due date to the specified date stated below. The Scheme's designated person will be able to help you if you have any questions on the calculation of the contribution surcharge.

計劃名稱： Name of Scheme:	ABC Company Provident Fund ("the Scheme" 簡稱「該計劃」)	
指定人士名稱： Name of Designated Person:	大大信託有限公司 ABC Trustee Company Limited	
拖欠供款： Default Contribution:	有關期間： Relevant Period(s):	200X年X月至X月份 MM to MM 200X
	有關到期日： Relevant Due Date:	200X年X月至X月份 MM to MM 200X
	拖欠供款額： Outstanding Contribution Amount:	△ 港幣 1,000.00 HK\$ 1,000.00
	繳付拖欠供款及供款附加費的指定限期日： Specified date for Payment of Outstanding Contribution and Contribution Surcharge:	200X年XX月XX日 DD MM 200X

\*隨函附上計算供款附加費的例子，以茲說明。

\*Examples of calculation of the contribution surcharge are enclosed for your reference.

△ 數額不包括供款附加費  
The amount **excludes** contribution surcharge

副本送：上述指定人士  
c.c. the above mentioned designated person

註：  
Note:  
如 貴公司已繳付上述拖欠供款，或對拖欠供款數額有疑問，請向上述指定人士查核  
If you have paid the above-mentioned default contribution or have any query regarding the amount of outstanding contribution, please check with the above designated person

請參閱背頁重要資料  
Please see important information overleaf.

職業退休計劃處 ORSO Schemes Department

## A. 職業退休計劃條例(第426章)(簡稱「該條例」) 職業退休計劃(追討欠款)規則(簡稱「該規則」)

- 1 第5條規則 - 職業退休計劃註冊處處長(簡稱「處長」)在收到指定人士的書面通知後，須向有關僱主發出首張付款通知書，要求他在該付款通知書指定的限期內向指定人士支付有關欠款。
- 2 第6條規則 - 如有關僱主沒有在處長發出的首張付款通知書指明的限期內支付欠款，處長在收到指定人士的書面通知後，須向有關僱主發出第二張付款通知書，要求他在該付款通知書指定的限期內：
  - (a) 向指定人士支付欠款及供款附加費(如有的話)；及
  - (b) 向處長支付罰款(如有的話)。
- 3 第7條規則 - 如有關僱主沒有在處長發出的第二張付款通知書指明的限期內支付欠款，處長在收到指定人士的書面通知後，須向有關僱主發出第三張付款通知書，要求他在該付款通知書指定的限期內：
  - (a) 向指定人士支付欠款及供款附加費(如有的話)；及
  - (b) 向處長支付罰款(如有的話)。
- 4 第8條規則 - 如有關僱主沒有在處長發出的第三張付款通知書指明的限期內支付欠款，處長在收到指定人士的書面通知後，可酌情向有關僱主發出第四張或其後的付款通知書，要求他在該付款通知書指定的限期內：
  - (a) 向指定人士支付欠款及供款附加費(如有的話)；及
  - (b) 向處長支付罰款(如有的話)。
- 5 如僱主未能根據計劃條款就僱員向計劃的指定人士作出供款，處長可根據該條例第24A(3)向該僱主展開法律程序。

## B. 供款附加費

第10條規則 - 凡任何有關僱主沒有按處長的首張付款通知書要求在該付款通知書指定的限期內支付欠款，處長可：

- (a) 在他發出的第二張付款通知書內，要求該僱主支付供款附加費，款額按累算期間計每年為欠款的百分之十五，由到期日翌日起累算，直至該第二張付款通知書指定的限期最後一日為止；
- (b) 在他發出的第三張或其後的付款通知書內，要求該僱主支付供款附加費，款額按累算期間計每年為欠款的百分之二十，由到期日翌日起累算，直至該第三張或其後的付款通知書指定的限期最後一日為止。

所收回的供款附加費須分配予各受影響成員，猶如供款附加費是有關供款的投資收益一樣。

## C. 罰款

如僱主沒有按處長發出的首張付款通知書於指定日期或之前作出供款，處長可循《該條例》賦予的權力，向僱主徵收罰款\$5,000 或欠款的10%(兩者以款額較大者為準)。

## D. 付款方法

為方便該計劃的指定人士有充裕的時間處理你的付款，請在指定限期日之前向指定人士支付供款及供款附加費(如有的話)。

## E. 查詢

如對本通知書有任何疑問，請與積金局聯絡人(見前頁)或計劃的指定人士聯絡。

## A. Occupational Retirement Schemes Ordinance (Cap. 426) ("the Ordinance") Occupational Retirement Schemes (Recovery of Arrears) Rules ("the Rules")

- 1 Section 5 of the Rules - The Registrar of Occupational Retirement Schemes ("the Registrar") shall, on receipt of designated person's written notice, give a first payment notice to the relevant employer, requiring the relevant employer to pay to the designated person the arrears within a period specified in that payment notice.
- 2 Section 6 of the Rules - If the relevant employer fails to pay the arrears within the period specified for payment in the Registrar's first payment notice, the Registrar shall, on receipt of designated person's written notice, issue a second payment notice to the relevant employer, requiring the relevant employer to pay within a period as specified in that payment notice:
  - (a) the arrears and any contribution surcharge to the designated person; and
  - (b) any financial penalty to the Registrar.
- 3 Section 7 of the Rules - If the relevant employer fails to pay the arrears within the period specified for payment in the Registrar's second payment notice, the Registrar shall, on receipt of designated person's written notice, issue a third payment notice to the relevant employer, requiring the relevant employer to pay within a period as specified in that payment notice:
  - (a) the arrears and any contribution surcharge to the designated person; and
  - (b) any financial penalty to the Registrar.
- 4 Section 8 of the Rules - If the relevant employer fails to pay the arrears within the period specified for payment in the Registrar's third payment notice, the Registrar may, on receipt of designated person's written notice, in his discretion issue a fourth or subsequent payment notice to the relevant employer, requiring the relevant employer to pay within a period as specified in that payment notice:
  - (a) the arrears and any contribution surcharge to the designated person; and
  - (b) any financial penalty to the Registrar.
- 5 If the employer fails to make contributions to designated person of the scheme in accordance with the governing rules for his / her employees, the Registrar may institute legal proceedings against the employer in accordance with section 24A(3) of the Ordinance.

## B. Contribution Surcharge

Section 10 of the Rules - Where a relevant employer has failed to pay the arrears as required in the Registrar's first payment notice within the period specified for payment in that first notice, the Registrar may:

- (a) in his second payment notice, require the relevant employer to pay a contribution surcharge at a rate of 15 per cent per annum on the amount of the arrears, accruing from the day following the due date until the last day of the period specified for payment in that second payment notice;
- (b) in his third or any subsequent payment notice, require the relevant employer to pay a contribution surcharge at a rate of 20 per cent per annum on the amount of the arrears, accruing from the day following the due date until the last day of the period specified for payment in that third or subsequent payment notice.

Contribution surcharge collected shall be distributed among the affected members as if they were investment returns earned on the contribution concerned.

## C. Financial Penalty

The Registrar is empowered under the Ordinance to impose a financial penalty of \$5,000 or 10% of the arrears (whichever is the greater) on an employer who fails to make contributions for his/her employees on or before the specified date as required in the Registrar's first payment notice.

## D. Payment Method

In order to make sure your designated person of the scheme has sufficient time to process your payment, you are advised to **pay the arrears and any contribution surcharge to the designated person** before the specified date.

## E. Enquiry

If you have any questions in respect of this payment notice, please contact the MPFA's contact person (see front page) or the designated person of the scheme.

職業退休計劃條例(第426章)  
註冊計劃終止或清盤通知書

**Occupational Retirement Schemes Ordinance (Cap. 426)**  
**Notice of Termination/Winding Up of a Registered Scheme**

致： 職業退休計劃註冊處處長  
To: The Registrar of Occupational Retirement Schemes

註冊編號：

Registration number : R \_\_\_\_\_ ( )

計劃名稱：

Name of Scheme : \_\_\_\_\_  
\_\_\_\_\_ (該計劃) (“the Scheme”)

我/我們作為該計劃的

- I am/We are
- 僱主代表 (見說明1);  
the representative employer (see note 1);
- 有關僱主;  
the relevant employer;
- 指定人士(見說明2).  
the designated person (see note 2).

現在根據職業退休計劃條例第29(1)條正式通知職業退休計劃註冊處處長，有關該計劃的清盤/終止的程序已經開始。

of the Scheme and hereby notify you, in pursuance of section 29(1) of the Occupational Retirement Schemes Ordinance, the commencement of the winding up/termination process of the Scheme.

我/我們並提供以下資料:-

In connection with the above, I/We would also like to provide you with the following information :-

- (1) 該計劃的終止或清盤生效日期為：

The effective date of termination or winding up of the Scheme : \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
dd (日) mm (月) yy (年)

- (2) 該計劃的終止或清盤理由為：

The reasons/circumstances for termination or winding up : \_\_\_\_\_  
\_\_\_\_\_

- (3) 該計劃

The Scheme

- 將會  已經  
will be has been  
根據其條款及規則終止/清盤;

terminated or wound up in accordance with the terms and rules of the Scheme;

- (4)  該計劃的所有成員已被書面通知有關該計劃的終止或清盤事宜 /

All members have been informed in writing of the termination or winding up of the Scheme/

- 我/我們並沒有通知該計劃的成員有關該計劃的終止或清盤事宜，原因為：

No member has been informed of the termination or winding up because:

\_\_\_\_\_ ;及/and



- (5)  該計劃所有成員的既有利益  
all the members' vested benefits  
 將會  已經  
will be have been  
全數支付給該計劃內的每一位成員。  
paid in full to each member of the Scheme.

或 /OR/

- 該計劃所有成員的權益及其對應資產，  
the rights of the members and the assets of the Scheme corresponding to such rights,  
 將會  已經  
will be have been  
轉移至另一已註冊的計劃或獲豁免的計劃或強積金計劃，此計劃名稱為：  
transferred to another registered/exempted scheme or an MPF registered scheme with  
scheme name:

其註冊編號為；或  
and registration number; or           R / E          ( )          

強積金計劃註冊證明書編號為：  
MPF scheme registration number :           MT          

僱主的商業登記編號為：  
Business Registration of the employer :           BR          

僱主代表/有關僱主/指定人士簽署及公司印章 :  
**Signature and Company Chop** of the  
representative/relevant employer/ designated person

僱主代表/有關僱主/指定人士名稱 :  
Name of the representative/relevant employer/  
designated person

簽署人姓名 Name of person signing

職銜或職位 Title or position

日期 Date

聯絡人士：電話：  
Contact person: \_\_\_\_\_ Telephone number: \_\_\_\_\_

說明：

Notes:

1. 如為集團計劃，只需由僱主代表遞交計劃的終止或清盤通知書。  
*For group scheme, only the representative employer is required to submit the notice of termination/winding up.*
  2. 如計劃內多過一名指定人士，每名指定人士均需遞交計劃的終止或清盤通知書。  
*For scheme with more than 1 designated person, each designated person should submit a notice of termination/winding up.*
- 請在適當的空格內加上✓號  
*Please tick the appropriate box*