

## **MANDATORY PROVIDENT FUND SCHEMES AUTHORITY**

### **IV.3 Guidelines on Election for Transfer of Accrued Benefits**

#### **INTRODUCTION**

Sections 145, 146, 147, 148, 148A, 148B, 149, 149A, 149B, 150 and 150A of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation) provide for the transfer of accrued benefits of scheme members under the following scenarios:

- (a) from the contribution accounts of employees upon their cessation of employment;
- (b) from the contribution accounts of self-employed persons at any time;
- (c) from the contribution accounts of employees during their employment;
- (d) from the personal accounts of any person at any time;
- (e) from the tax deductible voluntary contribution (TVC) accounts of any person at any time; and
- (f) from the contribution accounts of employees arranged by employer.

2. Section 151 of the Regulation provides that an election for transfer of accrued benefits must be in a form specified or approved by the Mandatory Provident Fund Schemes Authority (the Authority).

3. Sections 145 and 146 of the Regulation provide that on cessation of employment of an employee, the former employer must notify the approved trustee concerning the employee's cessation of employment and the date on which the employment ceased. To comply with this requirement, the former employer can give a written notice or include such information in the remittance statement lodged with the approved trustee. In cases where the former employer

fails to comply with this requirement and the approved trustee concerned is satisfied that the former employer cannot be located or refuses to notify the trustee about the cessation of employment of its employee, the approved trustee may accept a written notice given by the employee concerned as evidence of the employee's cessation of employment and the date of cessation. The notice given by the employee must be given by way of a statutory declaration in a form approved by the Authority as provided in section 145(7C) and section 146(9C) respectively of the Regulation.

4. Section 6H of the Mandatory Provident Fund Schemes Ordinance (the Ordinance) provides that the Authority may issue guidelines for the guidance of approved trustees, service providers, participating employers and their employees, self-employed persons, regulated persons and other persons concerned with the Ordinance.

5. Section 47A of the Ordinance empowers the Authority to specify or approve the form and contents of documents required for the purposes of the Ordinance.

6. The Authority hereby issues guidelines to:

- (a) set out the election forms approved by the Authority to be used by a scheme member (in Annexes A, B, C and F) and a participating employer (in Annex D) (collectively "the Election Forms") respectively for making an election to transfer accrued benefits pursuant to sections 145, 146, 147, 148, 148A, 148B, 149, 149A, 149B, 150 and 150A of the Regulation;
- (b) set out the form of notice approved by the Authority pursuant to section 145(7C) and section 146(9C) respectively of the Regulation to be given by an employee as evidence of the employee's cessation

of employment and the date of cessation (in Annex E) in cases where the former employer cannot be located or refuses to notify the trustee about the cessation of employment of the employee; and

- (c) provide guidance on the information to be provided by the transferor trustee on giving a copy of the transfer statement to the transferee trustee pursuant to section 154(2) of the Regulation.

## EFFECTIVE DATE

7. These revised Guidelines (Version 8.3 – October 2020) shall become effective on 22 October 2020. The previous version of these Guidelines (Version 8.2 – July 2019) shall be superseded on that day.

## ELECTION FORMS FOR TRANSFER OF ACCRUED BENEFITS

### Election by Scheme Members

8. A scheme member may make an election to transfer the accrued benefits in an account to another account of the same registered scheme or to another registered scheme. The possible transfer scenarios and the relevant Election Forms are set out below:

| <b>Provisions in the Regulation</b> | <b>Transfer Scenarios</b>   | <b>Relevant Transfer Election Form</b> |
|-------------------------------------|---|--|
| Sections 145, 146, 147              | From the contribution account of an employee scheme member upon his cessation of employment | MPF(S) – P(M) in Annex A               |
| Section 148                         | From the contribution account of a self-employed person at any time                         | MPF(S) – P(M) in Annex A               |
| Sections 148A, 148B                 | From the contribution account of an employee scheme member during his employment            | MPF(S) – P(P) in Annex B               |

| <b>Provisions in the Regulation</b> | <b>Transfer Scenarios</b>   | <b>Relevant Transfer Election Form</b>               |
|-------------------------------------|---|--|
| Section 149                         | (a) From the personal account of a scheme member at any time<br>(b) From multiple personal accounts to a single account and the scheme member wishes to complete one single form for the election | MPF(S) – P(M) in Annex A<br>MPF(S) – P(C) in Annex C |
| Sections 149A, 149B                 | From the TVC account of a scheme member to another TVC account at any time  | MPF(S) – P(T) in Annex F                             |

*Special Arrangement for Transfers under Sections 145, 146 and 147 of the Regulation*

9. For transfer of accrued benefits upon cessation of employment, in case the transferor trustee cannot locate the former employer of the scheme member, or the former employer refuses to give written notice to the trustee about the cessation of employment of the scheme member, the trustee may accept a “Statutory Declaration on Cessation of Employment” (Form MPF(S) – C(SD) (the Declaration Notice) (in Annex E) given by the scheme member as evidence of the employee’s cessation of employment and the date of cessation so that the trustee shall then effect the transfer election.

10. A scheme member who wishes to make a statutory declaration for transfer of accrued benefits on cessation of employment shall complete the Declaration Notice and make a statutory declaration. The statutory declaration must be a valid statutory declaration in the place where the declaration is made (e.g. in Hong Kong, the statutory declaration should be made before and signed by a Commissioner for Oaths at a Public Enquiry Service Centre of the Home Affairs Department or a Notary Public or a Justice of the Peace). A statutory declaration made in a place other than Hong Kong is also acceptable provided

that it is made before and signed by a Notary Public or a person authorized under the law of that place to administer an oath or take a statutory declaration.

*Special Arrangement for Transfers under Sections 148A and 148B of the Regulation*

11. A “Guide to Transfer of MPF Accrued Benefits (Benefits) under Employee Choice Arrangement (ECA)” (the Guide) (in Annex B) is prepared to facilitate scheme members to understand their right under sections 148A and 148B of the Regulation. Upon giving the “Employee Choice Arrangement (ECA) – Transfer Election Form” (Form MPF(S) – P(P)) (in Annex B) to scheme members, the approved trustees should provide the Guide together with the Form.

*Special Arrangement for Transfers from Multiple Personal Accounts to an Account under Section 149 of the Regulation*

12. If a scheme member wishes to transfer the accrued benefits from multiple personal accounts to a single account in an MPF scheme by means of a single election form, he may submit a single “Scheme Member’s Request for Account Consolidation Form” (Form MPF(S) – P(C)) (in Annex C) to the transferee trustee. Otherwise, the member has to submit a “Scheme Member’s Request for Fund Transfer Form” (Form MPF(S) – P(M)) (in Annex A) to the transferee trustee for each personal account from which benefits are to be transferred.

**Election by Employers**

13. When making an election to transfer the accrued benefits in respect of its employees in a registered scheme to another registered scheme pursuant to section 150 or 150A of the Regulation, the employer must submit to the transferee trustee an “Employer’s Request for Fund Transfer Form” (Form MPF(S) – P(E)) (in Annex D).

## **AVAILABILITY OF THE FORMS**

14. The Election Forms and the Declaration Notice can be obtained from the approved trustees or the Authority.

## **INFORMATION TO BE PROVIDED BY TRANSFEROR TRUSTEES TO TRANSFEREE TRUSTEES**

15. In giving the transferee trustee, as soon as practicable after giving a transfer statement to the scheme member concerned, a copy of the transfer statement pursuant to section 154(2) of the Regulation, the transferor trustee should also provide the following information to the transferee trustee:

- (a) Hong Kong Identity Card number of the scheme member, or other number agreed between the transferor trustee and the transferee trustee to identify the scheme member;
- (b) indication of election form type (i.e. Form MPF(S) – P(M), MPF(S) – P(P), MPF(S) – P(E) or MPF(S) – P(T)); and
- (c) nature of transfer: original transfer (i.e. transfer of the benefits upon processing a transfer request), transfer of subsequent payment (i.e. transfer of subsequently recovered contributions and surcharges), or adjustment to the amounts of benefits previously transferred.

16. The information to be provided by the transferor trustee is to facilitate the transferee trustee to allocate the accrued benefits into the scheme member's account and for the trustees concerned to compile statistics.

## **DEFINITION OF TERMS**

17. Where a term used in the Guidelines is defined in the Ordinance or the subsidiary legislation then, except where specified in the Guidelines, that term carries the meaning as defined in the Ordinance or the subsidiary legislation.