

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

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

INTRODUCTION

In accordance with section 6 of Schedule 2 to the Mandatory Provident Fund Schemes (Exemption) Regulation (“the Exemption Regulation”), the minimum MPF benefits of a new member may be withdrawn from an MPF exempted ORSO registered scheme under the circumstances and requirements prescribed therein.

2. Section 6H of the Mandatory Provident Fund Schemes Ordinance (“the Ordinance”) provides that the Mandatory Provident Fund Schemes Authority (“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.

3. 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.

4. The Authority hereby issues guidelines to:

- (a) set out the forms approved by the Authority for the purposes of Section 6 of Schedule 2 to the Exemption Regulation; and
- (b) provide guidance in relation to the processing of withdrawal of minimum MPF benefits.

CLAIM FORM

5. For the purposes of section 6 of Schedule 2 to the Exemption Regulation, the Authority has approved:

- (a) at Annex A, the *Claim Form for Withdrawal of Minimum MPF Benefits (“the Claim Form”) (Form MMB-W)* from an MPF exempted ORSO registered scheme;
- (b) at Annex B, the Medical Certificate (*Form MMB-W(M)*); and
- (c) at Annexes C and D, the Statutory Declaration Forms (*Form MMB-W(SD1) and Form MMB-W(SD2)*) to be used for the circumstances specified in the Exemption Regulation.

6. Lodgement of a claim for withdrawal of minimum MPF benefits from an MPF exempted ORSO registered scheme should be made in these approved forms. Those forms requiring a signature of the claimant must be signed by either the relevant member of an MPF exempted ORSO registered scheme, the personal representative of a deceased scheme member or a committee of estate (“committee”)/guardian appointed under the Mental Health Ordinance (Cap. 136) to lodge claim on behalf of a mentally incapacitated member. Additional relevant information may be requested by the trustee to be attached to the approved forms if the trustee finds it necessary for the processing of the claim. For those minimum MPF benefits which have been transferred to an MPF scheme, Guidelines IV.4 issued by the Authority will be applicable.

EVIDENCE FOR CLAIMS

7. Under section 6 of Schedule 2 to the Exemption Regulation, a claim for withdrawal of minimum MPF benefits must be accompanied by evidence satisfactory to the trustee that the claimant is eligible for the claim, or a relevant statutory declaration.

8. To facilitate trustees in processing claims for withdrawal, Section III of the Claim Form sets out the documents that a claimant is required to submit in lodging the claim and providing evidence satisfactory to the trustee. In vetting those documents, trustees should take note of the following:

- (a) *Date of birth in Hong Kong Identity (HKID) Card*: If the HKID card of a scheme member does not contain the month and/or day of birth of the scheme member, the scheme member may provide satisfactory evidence as to the month and/or day by using one of the following methods:
- (i) using the birth date as shown on an official document (e.g. a travel document or a statutory declaration of the member's date of birth) provided by the member; or
 - (ii) using the day and month of the issue date of the HKID card of the member.

If the member has not used either of the two methods above to provide evidence as to the month and day, then in the absence of any other evidence, the trustee should, where the HKID card shows only the year and month of birth (and not the day of birth), use the last day of the month, and where the HKID card shows only the year of birth (and neither the month nor day of birth), use the last day of the year as shown on the HKID card as the birth date of the scheme member.

- (b) *Documents to show the status of a personal representative of a deceased scheme member*: The name of the personal representative of a deceased person is printed on the Letter of Probate or Letter of Administration issued by the Probate Registry. The trustee of an MPF exempted ORSO registered scheme can verify the status of a personal representative by requesting a copy of the Letter of Probate or Letter of Administration from the personal

representative. In cases where the Official Administrator gets in and administers an estate of a deceased scheme member in a summary manner without a grant or other legal formality under section 15 of the Probate and Administration Ordinance (Cap. 10), the Official Administrator is a personal representative.

- (c) Medical certificate certifying total incapacity: If the claimant also claims long service payment on the ground of permanent unfitness for his/her present job under the Employment Ordinance (Cap. 57), he/she may use the form “Certificate of an employee’s permanent unfitness for a particular type of work” used for the purpose to substitute for the approved form for medical certificate, MMB-W(M), at Annex B to claim for withdrawal of minimum MPF benefits on the ground of total incapacity.
- (d) Documents to show the status of a committee/guardian: The trustees may verify the status of a committee/guardian by requesting a copy of the evidence of the appointment, i.e. the Court Order or the Guardianship Order issued by the Guardianship Board pursuant to the Mental Health Ordinance (Cap. 136). For example, the trustees should pay attention to the guardian’s name printed on the Guardianship Order issued by the Guardianship Board and the validity period under the Guardianship Order.
- (e) Forms of statutory declarations: To facilitate compliance by new members and trustees, forms are approved for making statutory declaration by claimants under different circumstances in claiming for withdrawal of minimum MPF benefits (Annexes C and D). The statutory declarations must be a valid statutory declaration in the place where it is made, whether in Hong Kong or a place other than Hong Kong.

9. In some special circumstances, where the above requirements do not seem appropriate, the trustees may alter the requirements to satisfy themselves that the claimant is eligible for the claim.

10. Where minimum MPF benefits are withdrawn on the ground of permanent departure from Hong Kong, the trustee shall report to the Authority for record purpose.

AVAILABILITY OF THE FORMS

11. The Claim Form, the Medical Certificate Form and the Statutory Declaration Forms can be downloaded from the Authority's website at www.mpfa.org.hk. Hard copies of the forms are also available at the office of the Authority. Trustees may consider allowing any user to download the forms from their websites by putting the forms online or providing hard copies of the forms upon request. To facilitate smooth processing of the payment of minimum MPF benefits, trustees may provide supplementary notes in addition to those in the explanatory notes of the Claim Form.

DEFINITION OF TERMS

12. 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.

FORM MMB - W

**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP. 485)
("the Ordinance")**

**WITHDRAWAL OF MINIMUM MPF BENEFITS FROM MPF EXEMPTED ORSO
REGISTERED SCHEME**

NOTES:

- (1) *This Form is to be completed by any person who wishes to claim for withdrawal of Minimum MPF Benefits from an MPF exempted ORSO registered scheme.*
- (2) *Please use BLOCK LETTERS for completion of this Form.*
- (3) *Please read the explanatory notes carefully before completing this Form.*
- (4) ** means delete whichever is inappropriate.*
- (5) *# means applicable only to a payment made by direct deposit to an overseas bank.*
- (6) *Please insert "N.A." if not applicable.*
- (7) *The information and data given in this Form can be used by the trustee of an MPF exempted ORSO registered scheme and the Mandatory Provident Fund Schemes Authority ("the Authority") in activities relating to the processing of the withdrawal and may be disclosed to other parties for such purposes.*
- (8) *All the forms related to withdrawal of Minimum MPF Benefits (i.e. Form MMB - W(M), MMB - W(SD1) and MMB - W(SD2)) can be downloaded from the Authority's website at www.mpfa.org.hk. Hard copies of the forms are also available at the office of the Authority. If necessary, you may seek assistance from the trustee of the scheme concerned or the Authority at:

*Level 16, International Commerce Centre
1 Austin Road West, Kowloon
Hong Kong*

*Hotline: 2918 0102**
- (9) *Upon completion of this Form, the claimant/scheme member should give this Form to the trustee of the scheme concerned.*

SECTION I – DETAILS OF THE CLAIMANT^{Note 1}/SCHEME MEMBER**(1) Claimant**

(i) Name: _____

(ii) Hong Kong Identity (HKID)
Card/Passport* number^{Note 2}: _____

(iii) Correspondence address

Flat/Room	Floor	Block	Name of building

Street no.	Name of street

	<i>Hong Kong/Kowloon/N.T.*</i>
Name of district	

(iv) (a) Telephone no.: _____

(b) Mobile/Pager no.: _____

(v) Facsimile no.: _____

(2) Scheme member (if different from claimant)

(i) Name: _____

(ii) Hong Kong Identity (HKID)
Card/Passport* number^{Note 2}: _____

SECTION II – DETAILS OF THE CLAIM

(1) Name of the MPF exempted ORSO registered scheme

Name of the scheme: _____

Name of the trustee: _____

(2) Ground for claiming minimum MPF benefits (*please ✓ one box*):

- Retirement^{Note 3}
- Early retirement^{Note 3}
- Total incapacity
- Death
- Permanent departure from Hong Kong

(3) Method of payment (*please ✓ the appropriate box*):

(i) by cheque

(ii) by depositing directly in my bank account*

or

by depositing directly in the bank account of the scheme member (if the claim is lodged by a committee/guardian on behalf of the scheme member)*

(applicable only to trustees who provide such services and charges, such as currency conversion fee or other bank charges, may be imposed for the transaction)

Account number: _____

Name of bank
account holder: _____

Name of bank: _____

Address of bank[#]: _____

Swift code[#]: _____

Currency[#]: _____

SECTION III – DOCUMENTS ENCLOSED

The following documents are enclosed by the claimant(s) in respect of the claim for withdrawal of minimum MPF benefits from an MPF exempted ORSO registered scheme on the ground of *(Please ✓ the appropriate box)* ^{Note 4} :

(A) Retirement

- a copy of your HKID card for verification of your identity card number if you do not wish to present the card in person for verification ^{Note 5}
- (only in cases where the HKID card does not contain the month and/or day of birth) ^{Note 3}
 - a copy of your passport or other travel document showing the month and/or day of birth; or
 - a statutory declaration of your date of birth; or
 - a copy of your HKID card with the day and month of the issue date of your HKID card circled or by other means to indicate that you wish to use the day and month of the issue date of your HKID card as the day and month of birth; or

If you have not used any of the above methods to provide evidence as to your date of birth, the trustee will use the last day of the month (where the HKID card shows only the year and month of birth) and the last day of the year (where the HKID card shows only the year of birth) as shown on the HKID card as your birth date.

(B) Early Retirement

- a copy of your HKID card for verification of your identity card number if you do not wish to present the card in person for verification ^{Note 5}
- (only in cases where the HKID card does not contain the month and/or day of birth) ^{Note 3}
 - a copy of your passport or other travel document showing the month and/or day of birth; or
 - a statutory declaration of your date of birth; or
 - a copy of your HKID card with the day and month of the issue date of your HKID card circled or by other means to indicate that you wish to use the day and month of the issue date of your HKID card as the day and month of birth; or

If you have not used any of the above methods to provide evidence as to your date of birth, the trustee will use the last day of the month (where the HKID card shows only the year and month of birth) and the last day of the year (where the HKID card shows only the year of birth) as shown on the HKID card as your birth date.

- the original copy of the statutory declaration form on early retirement (Form MMB - W(SD1)) ^{Note 6}

(C) Total Incapacity

- a copy of your HKID card (if the claim is made by the scheme member), or a copy each of the scheme member's and committee/guardian's HKID cards (if the claim is made by the committee/guardian on behalf of the scheme member) for verification of identity card number(s) if you do not wish to present the card in person for verification ^{Note 5}
- a copy of the medical certificate certifying total incapacity (Form MMB - W(M)) ^{Note 7}
- a copy of the letter from the employer (if any) certifying that the contract of employment for that particular kind of work has been or will be terminated
- a copy of the evidence for the status of the committee/guardian, i.e. the Court Order or the Guardianship Order issued by the Guardianship Board pursuant to the Mental Health Ordinance (Cap. 136) (if the claim is made by the committee/guardian on behalf of the scheme member)

(D) Death

- a copy of your HKID card for verification of your identity card number if you do not wish to present the card in person for verification ^{Note 5}
- a copy of the Letter of Probate or Letter of Administration granted by the Probate Registry or a letter requesting withdrawal of the benefits issued by the Official Administrator if the claim is made by the Official Administrator*

(E) Permanent Departure from Hong Kong

- a copy of your HKID card for verification of your identity card number if you do not wish to present the card in person for verification ^{Note 5}
- a copy of the immigration visa/foreign passport/Home Visit Permit/Entry Permit for Hong Kong and Macau Residents ^{Note 8}/others *, etc. _____ (please specify type of other documents) giving the member the permission to reside permanently or for an indefinite period in a place outside Hong Kong
- the original copy of the statutory declaration form on permanent departure (Form MMB - W(SD2)) ^{Note 6}
- a copy of the Letter of Release issued by the Inland Revenue Department, if applicable
- Information on overseas settlement
 - (i) Country where you are permitted to reside permanently or for an indefinite period: _____
 - (ii) Overseas contact details:

Address: _____

Telephone no.: _____ Fax no.: _____

E-mail address: _____

SECTION IV – DECLARATION

I/We* ^{Note 1} declare that to the best of my/our * knowledge and belief, the information given in this Form and its attachments is correct and complete. ✦

[Signature of the claimant(s)]

Date

✦ **Warning:** A person who knowingly or willfully makes a statutory declaration false in a material particular commits an offence under section 36 of the Crimes Ordinance (Cap. 200) and is liable on conviction to imprisonment for 2 years and to a fine.

***Explanatory Notes on
Claim Form for Withdrawal of Minimum MPF Benefits (Form MMB - W)***

- (1) For claims for withdrawal on the ground of death, the personal representative within the meaning of the Probate and Administration Ordinance (Cap. 10) or any other person specified in the governing rules of the scheme, may act on behalf of the deceased scheme member to claim for withdrawal of the member's minimum MPF benefits. If there is more than one personal representative or specified person and the personal representatives or specified persons have not authorized one of them to act on behalf of others to lodge the claim, all the personal representatives or specified persons should submit the Claim Form jointly. Please use additional blank sheet to provide details of the claimants under Section I. Under such circumstances, this Form needs to be signed by all of the personal representatives or specified persons. For claims for payment on the ground of total incapacity, either the member or the committee of estate/guardian appointed under the Mental Health Ordinance (Cap. 136) to act on behalf of the member may lodge the claim for payment of accrued benefits.
- (2) Claimants/scheme members should give their passport numbers **ONLY** when they do **NOT** possess HKID cards.
- (3) A scheme member who does not have the month and/or day of birth printed on the HKID card may provide evidence as to the month and/or day by using one of the following methods for the purpose of withdrawal of minimum MPF benefits on the ground of retirement/early retirement:
 - (i) using the birth date as shown on an official document (e.g. a travel document or a statutory declaration of the member's date of birth); or
 - (ii) using the day and month of the issue date of the HKID card of the member.

If the member has not used either of the two methods above to provide evidence as to the month and day, then in the absence of any other evidence, the trustee should, where the HKID card shows only the year and month of birth (and not the day of birth) use the last day of the month, and where the HKID card shows only the year of birth (and neither the month nor day of birth), use the last day of the year as shown on the HKID card as the birth date of the scheme member.
- (4) In processing a claim for withdrawal, the trustee of an MPF exempted ORSO registered scheme may request the claimant to produce the original copies of the documents for checking purpose, if necessary.
- (5) For a claimant/scheme member who does **NOT** possess a HKID card, a copy of the passport (only pages with personal particulars and passport number) should be given to the trustee concerned for verification of the passport number if the claimant/scheme member does not wish to present the passport in person for verification.

- (6) A claimant who is required to make a statutory declaration for a claim shall complete the relevant statutory declaration form and make a statutory declaration. The signed statutory declaration form shall be attached to Form MMB - W. The statutory declaration must be a valid statutory declaration in Hong Kong (e.g. made before and signed by a Commissioner for Oaths/Notary Public/Justice of 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.
- (7) Except for a claimant who also claims long service payment on the ground of permanent unfitness for his/her present job under the Employment Ordinance (Cap. 57), a claimant shall ask his/her medical practitioner to fill in Form MMB - W(M) and attach it to Form MMB - W. A medical practitioner who signs Form MMB - W(M) must be *either*
- (i) a registered medical practitioner who is registered under the Medical Registration Ordinance (Cap. 161), i.e.,
 - (a) a person who is duly registered as a medical practitioner with the Medical Council of Hong Kong; or
 - (b) a person who is deemed to be registered as a medical practitioner under the Medical Registration Ordinance (i.e. persons who are exempted from registration);
 - or*
 - (ii) a registered Chinese medicine practitioner, within the meaning assigned to it by section 2 of the Chinese Medicine Ordinance (Cap. 549).

For a claimant who also claims long service payment on the ground of permanent unfitness for his/her present job, he/she may use the form “Certificate of an employee’s permanent unfitness for a particular type of work” under the Employment Ordinance used for the purpose to substitute for the Form MMB - W(M) for the purpose of claiming withdrawal of minimum MPF benefits on the ground of total incapacity.

- (8) The “Entry Permit for Hong Kong and Macau Residents (港澳居民來往內地通行證)” is issued at the China Travel Service (Hong Kong) Limited on behalf of the Public Security Bureau of Guangdong, PRC.

FORM MMB - W(M)

**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP. 485)
("the Ordinance")**

MANDATORY PROVIDENT FUND SCHEMES (EXEMPTION) REGULATION

**CERTIFICATE OF A PERSON'S PERMANENT UNFITNESS
FOR A PARTICULAR KIND OF WORK**

Name of the patient: _____ Sex: _____ Age: _____

Hong Kong Identity Card/Passport* No.: _____

The above patient has been under the medical care of the undersigned since
_____ [dd/mm/yyyy]

Based on the findings as revealed in today's consultation, I certify that he/she* is permanently unfit for his/her* present job as a _____ [job title] for the following reason(s): _____

Signature of registered medical practitioner/
registered Chinese medicine practitioner*: _____

Name in block letters: _____

Address and telephone number: _____

Date: _____

Official seal (if any): _____

* Delete whichever is inappropriate

FORM MMB - W(SD1)

**MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP. 485)
("the Ordinance")**

MANDATORY PROVIDENT FUND SCHEMES (EXEMPTION) REGULATION

**STATUTORY DECLARATION FOR CLAIMS FOR WITHDRAWAL
OF MINIMUM MPF BENEFITS ON GROUNDS OF EARLY RETIREMENT**

I, _____ [name of the claimant], of _____
_____ [address
of the claimant], solemnly and sincerely declare that:

- (a) I have reached 60 years old on _____ [dd/mm/yyyy]; and
- (b) I have permanently ceased my employment with effect from
_____ [dd/mm/yyyy].

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance.

[Signature of the claimant]

Declared at _____, Hong Kong this _____ day of _____.

Before me,

Signature and company chop (if applicable) of
the person administering the statutory declaration: _____

Name in block letters: _____

Designation: _____

FORM MMB - W(SD2)

MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP. 485)

**STATUTORY DECLARATION FOR CLAIMS FOR WITHDRAWAL
OF MINIMUM MPF BENEFITS ON GROUND
OF PERMANENT DEPARTURE FROM HONG KONG**

✦ **WARNINGS:**

1. A person who **knowingly or willfully makes a statutory declaration false in a material particular commits an offence under section 36 of the Crimes Ordinance (Cap. 200) and is liable on conviction to imprisonment for 2 years and to a fine.**
2. A person who makes a false statement for early withdrawal of minimum MPF benefits on the ground of permanent departure from Hong Kong is liable to prosecution.
3. A scheme member is entitled to be paid minimum MPF benefits in an MPF exempted ORSO registered scheme or accrued benefits in an MPF scheme on the ground of permanent departure from Hong Kong **only once in a lifetime¹**. Any person who makes a false statement that he/she has not previously been paid minimum MPF benefits or accrued benefits on an earlier departure date is liable to prosecution.
4. The Mandatory Provident Fund Schemes Authority has kept a register of all claimants to verify if anyone has previously been paid minimum MPF benefits or accrued benefits on the same ground using an earlier departure date.

1. I have read the above warnings and fully understand that:
 - (a) I am entitled to be paid minimum MPF benefits or accrued benefits on the ground of permanent departure from Hong Kong only once in a lifetime¹; and
 - (b) making a false statement for early withdrawal of minimum MPF benefits on the ground of permanent departure from Hong Kong is liable to prosecution.

¹ Section 6(7) of Schedule 2 to the Mandatory Provident Fund Schemes (Exemption) Regulation provides that a new member of a relevant scheme (i.e. an MPF exempted ORSO registered scheme) who has been paid accrued benefits from an MPF scheme or minimum MPF benefits from a relevant scheme on the ground that, on a specified date, the member departed, or was about to depart, from Hong Kong permanently is not entitled to be paid the members' accrued benefits from another MPF scheme or minimum MPF benefits from another relevant scheme on the ground that, on a later date, the person purports to have departed, or to be about to depart, from Hong Kong permanently.

2. I, _____ [name of the claimant], of _____
_____ [address of the claimant],

solemnly and sincerely declare that:

- (a) I have departed/will depart* from Hong Kong permanently on _____ [dd/mm/yyyy] to reside elsewhere with no intention of returning to reside in Hong Kong;
- (b) I am permitted to reside in _____ [country for settlement];
- (c) I have not previously been paid any minimum MPF benefits in any MPF exempted ORSO registered scheme on the ground of permanent departure from Hong Kong on an earlier departure date; and
- (d) I have not previously been paid any accrued benefits in any MPF scheme on the ground of permanent departure from Hong Kong on an earlier departure date.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap. 11).

[Signature of the claimant]

Declared at _____, Hong Kong this _____ day of _____.

Before me,

Signature and company chop (if applicable) of
the person administering the statutory declaration: _____

Name in block letters: _____

Designation: _____

** Delete whichever is inappropriate*