

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

IV.8 Guidelines on Enrolment and Contribution Arrangements for Relevant Employees Other Than Casual Employees

INTRODUCTION

Sections 7, 7A and 7B of the Mandatory Provident Fund Schemes Ordinance (“the Ordinance”) provide for the enrolment of relevant employees in registered schemes and the making of mandatory contributions. The amount of mandatory contributions required to be contributed is subject to the minimum and maximum levels of relevant income specified in Schedule 2 and Schedule 3 to the Ordinance respectively¹.

2. Section 47A of the Ordinance empowers the Mandatory Provident Fund Schemes Authority (“the Authority”) to specify or approve the form and contents of documents required for the purposes of the Ordinance.

3. Section 6H of 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.

4. The Authority hereby issues guidelines setting out the enrolment and contribution arrangements in relation to relevant employees other than casual employees (“Non-casual Employees”) who participate in registered schemes, and specifying an employer’s signature requirement of the enrolment form to be used by participating employers.

¹ The minimum and maximum levels of relevant income may be adjusted from time to time. Past and current levels of relevant income are set out in the website of the Authority www.mpfa.org.hk.

ENROLMENT AND CONTRIBUTION ARRANGEMENTS

5. The enrolment and contribution arrangements for Non-casual Employees are specified below.

6. An employer has to enrol an employee, who is employed by the employer for not less than 60 days, into a registered scheme within the first 60 days of his employment. If an employee remains in the same employment for not less than 60 days, for the contribution period with the last day of the contribution period falling on or after 1 February 2003, the contribution day means the tenth day after the last day of:

- (i) a calendar month within which the relevant contribution period ends;
 - or
 - (ii) the month during which the 60-day permitted period ends,
- whichever is the later.

For a contribution day which falls on or after 1 December 2008, if the contribution day is a Saturday, a public holiday, a gale warning day or a black rainstorm warning day, then it means the next following day which is not a Saturday, a public holiday, a gale warning day or a black rainstorm warning day.

7. An employer may enrol an employee before the end of the 60-day period. Mandatory contributions may also be made before the end of the 60-day period provided that the amounts have been ascertained. In the event that the employee ceases employment before the end of the 60-day period, both the employer and the employee would be exempted from making mandatory contributions.

8. Examples on the contribution arrangements in respect of a Non-casual Employee employed on or after 1 February 2003 are shown in the Annex.

EMPLOYER'S SIGNATURE REQUIREMENT FOR SUBMISSION OF ENROLMENT FORM ON BEHALF OF NON-CASUAL EMPLOYEE TO THE TRUSTEE

9. In enrolling a Non-casual Employee, an employer is required to confirm the accuracy and completeness of the enrolment information by signing in such area(s) as designated in the enrolment form or by submitting the enrolment form in such manner as the approved trustee may reasonably require. If an employer is not an individual, the enrolment form has to be signed by a duly authorized signatory.

10. An enrolment form is not properly completed for the purpose of section 47A of the Ordinance if it is not completed in accordance with paragraph 9. In the circumstances, trustees should follow up with employers on the application for enrolment of the concerned Non-casual Employee(s).

VOLUNTARY CONTRIBUTIONS

11. For the avoidance of doubt, subject to the governing rules of the scheme concerned, an employer may make voluntary contributions for and on behalf of a relevant employee during the 60-day permitted period.

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.

Illustrations: Contribution Arrangements
for a Non-casual Employee Employed On or After 1 February 2003

I. Monthly Payroll which runs from the first day to the last day of the month

Date of employment	:	15 October 2013
30 th day of employment	:	13 November 2013
60 th day of employment	:	13 December 2013
Date of commencement of employer contribution	:	15 October 2013
Date of commencement of employee contribution	:	1 December 2013
Deadline for remittance of first employer/employee contribution	:	10 January 2014
Contribution periods covered by the first payment of employer's mandatory contribution	:	1) 15 October 2013 – 31 October 2013 AND 2) 1 November 2013 – 30 November 2013 AND 3) 1 December 2013 – 31 December 2013
Contribution period covered by the first payment of employee's mandatory contribution	:	1 December 2013 – 31 December 2013

**Illustrations: Contribution Arrangements
for a Non-casual Employee Employed On or After 1 February 2003**

II. Monthly Payroll which runs from the 15th day of the month to the 14th day of the following month

Date of employment	:	21 October 2013
30 th day of employment	:	19 November 2013
60 th day of employment	:	19 December 2013
Date of commencement of employer contribution	:	21 October 2013
Date of commencement of employee contribution	:	15 December 2013
Deadline for remittance of first employer contribution	:	10 January 2014
Contribution periods covered by the first payment of employer's mandatory contribution	:	1) 21 October 2013 – 14 November 2013 AND 2) 15 November 2013 – 14 December 2013
Deadline for remittance of second employer and first employee contribution	:	10 February 2014
Contribution period covered by the second payment of employer's mandatory contribution	:	15 December 2013 – 14 January 2014
Contribution period covered by the first payment of employee's mandatory contribution	:	15 December 2013 – 14 January 2014