

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

V.1 Guidelines on MPF Exempted ORSO Schemes - Application for Exemption of ORSO Exempted Schemes

INTRODUCTION

Section 5(1) of the Mandatory Provident Fund Schemes Ordinance (“the Ordinance”) provides for the exemption of the members and their employers of occupational retirement schemes from the operation of all or any specified provisions of the Ordinance.

2. Section 5 of the Mandatory Provident Fund Schemes (Exemption) Regulation (“the Exemption Regulation”) sets out the detailed requirements with respect to the application for exemption of ORSO exempted schemes.

3. The Authority hereby issues guidelines relating to the application for exemption of ORSO exempted schemes under the Ordinance and the Exemption Regulation.

APPLICATION FOR APPROVAL

Eligibility

4. According to section 2 of the Exemption Regulation, an ORSO exempted scheme means -

- (a) an exempted scheme within the meaning of section 2 of the Occupational Retirement Schemes Ordinance (Cap. 426) (“the ORS Ordinance”); or
- (b) an occupational retirement scheme within the meaning of the ORS Ordinance where the employer of the scheme is the government of a place outside Hong Kong or an agency or undertaking of or by such a government which is not operated for the purpose of gain.

The Applicant

5. The applicant making an application for exemption of an ORSO exempted scheme must be the relevant employer (as defined under section 2 of the ORS Ordinance) of the Scheme. In case the Scheme is a group scheme under section 67 of the ORS Ordinance, the application can be made by one of the relevant employers of the Scheme and the application shall be deemed to be made by each relevant employer of the Scheme under section 25(a) of the Exemption Regulation.

Prescribed forms

6. In making an application to the Authority for exemption of an ORSO exempted scheme, the applicant must:
- (a) make the application in the prescribed format as set out in Annex (Form EE);
 - (b) pay the application fee prescribed of such amount as may be prescribed by the regulations; and
 - (c) make the application before the specified date, i.e. a date specified by the Authority by notice in the Gazette.

7. The prescribed format of the form in the Annex can be downloaded from the Authority's website at:

(address to be inserted when available)

Definition of Terms

8. Except where otherwise stated in the form, the terms common to the form in the Annex, the Ordinance and the subsidiary legislation of the Ordinance carry the same meanings as defined in the Ordinance and the subsidiary legislation. The applicant should make appropriate reference to the Ordinance and the subsidiary legislation, when necessary.

Signing Requirements

9. The application for exemption of an ORSO exempted scheme must be signed:

- (a) if the applicant is a sole proprietor or a partnership; by the sole proprietor or at least 2 partners of the partnership, as appropriate;
- (b) if the applicant is a company, by at least 2 of the directors of the company.

Submission of Application

10. Completed application form and the relevant documents, if any, should be submitted in hard copies and sent, together with the application fees, to:

Mandatory Provident Fund Schemes Authority,
Suites 1407-09, One Pacific Place,
88 Queensway,
Hong Kong.

Warning

11. If there is any change to the application information or documents after an application is submitted to the Authority, the applicant should inform the Authority as soon as reasonably practicable. It is an offence under section 43E of the Ordinance if a person, in any document given to the Authority, makes a statement that he knows to be false or misleading in a material respect, or recklessly makes a statement which is false or misleading in a material respect.

FORM EE

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

APPLICATION FOR EXEMPTION OF ORSO EXEMPTED SCHEME

NOTES:

- (1) *The applicant making an application for exemption of ORSO exempted schemes should read the "Guidelines on MPF Exempted ORSO Schemes - Application for Exemption of ORSO Exempted Schemes" before submitting the application.*
 - (2) *Please read the Notes on Personal Information Collection before completing this Form.*
 - (3) *All questions must be answered. If any question is not applicable, please write "N.A."*
 - (4) *If boxes are provided, please tick whichever is appropriate.*
 - (5) ** means delete whichever is inappropriate.*
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FOR OFFICIAL USE ONLY

Application no.:	_____	Date application received:	_____
Fee receipt no.:	_____	Subject officer:	_____
Date of fee receipt:	_____	Input officer:	_____
Date of letter of acknowledgement:	_____	Verification officer:	_____

(6) Is membership to the Scheme compelled by an enactment of a place outside Hong Kong? Yes No

(7) If the answer to (6) is Yes, please state the place of enactment and the relevant name of the enactment

Place: _____

Name of relevant enactment: _____

SECTION II - DECLARATION

(For relevant employer who is a sole proprietor or a partner) I certify that I have read the Notes on Personal Information Collection and understand my rights and obligations in relation to the supply of personal data to the Mandatory Provident Fund Schemes Authority (“the Authority”) and the manner in which the Authority may use or deal with the data.

I/we* declare that to the best of my/our* knowledge and belief the information given in this application form is correct and complete. ✦

I/we* undertake to notify the Authority of any matter which affects the validity of any information given in support of our application.

After the application is approved, I/we* undertake to notify the Authority of any material changes to, or affecting the completeness or accuracy of, the information provided in this Form as soon as possible.

Name of applicant: _____

Signature and company chop
(to be signed by two directors if the applicant is a company): _____

Name of person(s) signing: _____

Title or position of person(s) signing: _____

Date: _____

✦ **Warning** : Section 43E of the Ordinance makes it an offence punishable with a maximum of 1 year imprisonment for the first occasion and 2 years imprisonment on each subsequent occasion for a person who makes a false or misleading statement in a material aspect.

Name and telephone no. of the contact person for the Authority's enquiries in connection with this application –

Name: _____

Telephone no.: _____