

L.N. 342 of 2000

Mandatory Provident Fund Schemes

(Compensation Claims) Rules

(Made under section 17B of the Mandatory Provident Fund Schemes Ordinance (Cap. 485)

by the Rules Committee

constituted under section 55 of the High

Court Ordinance (Cap. 4))

1. Commencement

These Rules shall come into operation on 1 December 2000.

2. Definition

In these Rules, "section 17B application" (第17B條申請) means an application mentioned in section 17B(1) of the Ordinance.

3. Rules of High Court apply to section 17B applications

The Rules of the High Court (Cap. 4 sub. leg.) apply to a section 17B application to the extent that those Rules are not inconsistent with these Rules.

4. Requirements as to making of section 17B applications

(1) A section 17B application must be made by originating summons.

(2) A section 17B application must be accompanied by---

(a) a report containing the information mentioned in section 185 of the Mandatory Provident Fund Schemes (General) Regulation (Cap. 485 sub. leg.); and

(b) an affidavit of a designated person as defined in section 6F(2) of the Ordinance.

(3) The affidavit referred to in subrule (2)(b) must---

(a) verify the contents of the report referred to in subrule (2)(a); and

(b) state the deponent's belief in the matters mentioned in section 17B(1)(a), (b) and (c) of the Ordinance.

(4) A section 17B application must also contain such information, and be accompanied by such other documents, as may be required by the Ordinance.

5. Authority to apply to Court for directions

As soon as practicable after issuing an originating summons for a section 17B application, the Authority must apply to the Court for directions as to---

(a) who should be added as a party to the proceedings; and

(b) who should receive notice of the proceedings.

Made this 22nd day of November 2000.

Andrew LI The Hon. Mr. Justice

The Hon. Chief Justice rogers, V.P.

The Hon. Madam Justice Mr. Robert G. KOTEWALL

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Mr. Michael BUNTING Mr. Nicholas HUNSWORTH

Mr. Michael LINTERN-SMITH Mr. Anthony WU Lang-meng

Mr. Jeremy S. C. POON

Secretary

Explanatory Note

These Rules make provisions in respect of applications by the Mandatory Provident Fund Schemes Authority to the Court of First Instance ("the Court") under section 17B of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) for determining matters relating to alleged losses of accrued benefits under registered schemes that are attributable to misfeasance or illegal conduct committed by persons concerned with the administration of those schemes.

2. Rule 2 sets out the definition of a "section 17B application".

3. Rule 3 provides that the Rules of the High Court (Cap. 4 sub. leg.) apply to a section 17B application unless inconsistent with these Rules.

4. Rule 4 specifies the mode of making a section 17B application and the required supporting documents.

5. Rule 5 specifies the matters on which the Authority must apply to the Court for directions.