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17 June 2002

Ms Connie Fung
Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Ms Fung,

Mandatory Provident Fund Schemes (Amendment) Bill 2002

Thank you for your letter dated 13 June 2002 on the above subject.

On proposed section 43B(3) and (4), we agree with your suggestions set out under item (d) and the second last paragraph in your letter. In this connection, draft Committee Stage Amendments (CSAs) have been prepared. A copy of the draft is attached. The draft CSAs also cover items which are set out in our letter of 8 June 2002. A copy of the attached document has also been sent to the Clerk to the Committee for circulation to Members.

Yours sincerely,

(Miss Patricia So)
for Secretary for Financial Services

Clause

Amendment Proposed

4(a)

By deleting the proposed section 7A(7) and substituting -

“(7) 如僱員(臨時僱員除外)的工資期 —

- (a) 不多於 1 個月，則就在有關時間之後受僱工作的第 30 日當日或之前開始的工資期而言，僱主不得根據第(2)(b)款，就該僱員在該工資期所賺取的有關入息作出扣除；
- (b) 多於 1 個月，則就由有關時間至有關時間之後受僱工作的第 30 日所在的公曆月的最後一日為止的期間而言，僱主不得根據第(2)(b)款，就該僱員在該期間所賺取的有關入息作出扣除。”.

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By deleting the proposed section 43B(3) and (4) and substituting -

“(3) An employer who is convicted of an offence against this section is liable -

- (a) to a fine at level 6 and to imprisonment for 6 months on the first occasion on which the

person is convicted of the offence; and

- (b) to a fine of \$200,000 and to imprisonment for 12 months on each subsequent occasion on which the person is convicted of the offence and, in the case of an offence consisting of a failure by the employer to comply with the requirement imposed on the employer by section 7(1A), a daily penalty of \$500 for each day on which the offence is continued.

(4) Notwithstanding section 26 of the Magistrates Ordinance (Cap. 227), proceedings may be instigated for an offence against this section within 6 months after the offence is discovered by, or comes to the notice of, the Authority."

New

By adding -

**"12A. Decisions which may
be the subject of
an appeal**

Schedule 6 is amended by repealing items 10 and 11 and substituting -

"10. A decision of the Authority to reject an application for its consent to the restructuring of one or more registered schemes."."

- Schedule
- (a) In section 16, in the proposed section 150A(b) -
 - (i) by adding "within the permitted period" after "scheme";
 - (ii) by deleting "(a)段所述" and substituting "上述註冊".
 - (b) In section 17, in the proposed section 164(5)(c), by deleting "在該成員失業的情況下—".
 - (c) In section 20(b), in the proposed section 2(3), by adding "of this Schedule" after "section 6(b)(i), (ii) or (iii)".
 - (d) In section 21, by deleting "repealing "any" and substituting "direct"" and substituting "adding "direct" after "any"".
 - (e) In section 26, in the proposed section 4(3)(b) and (c), by deleting "或" and substituting "及".