

**Bills Committee on Mandatory Provident Fund Schemes
(Amendment) (No.2) Bill 2007**

8th meeting on 9 May 2008

List of follow-up actions

1. To address members' concern about the procedures and timeframe according to which the Mandatory Provident Fund Schemes Authority (MPFA) would take actions to apply for liquidation of the employer company that had persistently failed to settle the outstanding mandatory contributions, the Administration/the MPFA were requested to consider and respond to the following:
 - (a) Noting that MPFA would follow up the court judgment to ensure that the employer paid the arrears and surcharge to the MPFA, a member's suggestion that if the judgment debt was not settled before the expiry of a three-month period after the court judgment was made, the MPFA should proceed to serve a statutory demand on the defaulting employer, to be followed by a winding-up petition if the defaulting employer failed to settle the debt three weeks after the service of the statutory demand.
 - (b) Another member's view that the follow-up actions set out in paragraphs 4 and 5 of the MPFA's paper on recovery of arrears (LC Paper No. CB(1)1459/07-08(02)) would unduly lengthen the process of arrears recovery. Instead of taking these actions, the MPFA should proceed without delay to serve a statutory demand on the defaulting employer within a short timeframe of, say, two weeks after the court judgment if the employer still failed to settle the judgment debt, to be followed by a winding-up petition if the debt was not settled three weeks after the service of the statutory demand.
 - (c) The motion passed at the Bills Committee meeting (as per attached copy)
 - (d) Having regard to the views and suggestions in (a), (b) and (c) above, to consider incorporating the procedures and timeframe for the MPFA's follow-up actions in its internal guidelines on enforcement.
2. In relation to a member's concern about the difficulties in taking enforcement actions against employer companies (including those registered outside Hong Kong) whose directors were not domiciled in Hong Kong or whose directors were corporate directors, the Administration was requested to consider the matter in the context of the company law regime at a higher level of Government.

**《 2007 年強制性公積金計劃(修訂)(第 2 號)條例草案 》委員會
在 2008 年 5 月 9 日會議上通過的議案**

"本委員會促請政府及積金局就「積金局採取行動申請把僱主公司清盤的程序及時限」文件中的第 4 段和第 5 段的局方行動，定出明確的時限。"

動議人：王國興議員

和議人：李鳳英議員

(Translation)

**Motion passed by the Bills Committee on Mandatory Provident Fund Schemes
(Amendment) (No. 2) Bill 2007
at its meeting held on 9 May 2008**

"That this Committee urges the Government and the MPFA to set a definite timeframe for the Authority's actions set out in paragraphs 4 and 5 of the paper on "Procedures and timeframe under which the MPFA would take actions to apply for liquidation of an employer company"."

Moved by : Hon WONG Kwok-hing

Seconded by : Hon LI Fung-ying