

**Bills Committee on
Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2011**

**List of follow-up actions arising from the discussion
at the meeting on 15 March 2012**

The Administration and the Mandatory Provident Fund Schemes Authority ("MPFA") are requested to:

1. confirm that the three frontline regulators ("FRs") will rely on the powers conferred on them under the Mandatory Provident Fund Schemes Ordinance (Cap. 485) ("MPFSO"), to be amended by the Bill, to investigate into cases concerning Mandatory Provident Fund ("MPF") intermediaries' sales and marketing activities in relation to MPF schemes, and hence that the Hong Kong Monetary Authority may not use other legislation (such as section 120 on "official secrecy" of the Banking Ordinance (Cap. 155)) to withhold their investigation findings from MPFA;
2. confirm whether MPFA will disclose details of an investigation to the complainant concerned in a non-substantiated complaint case;
3. provide information on the supervisory and investigation arrangements, including any performance pledge, agreed between MPFA and the FRs (e.g. the supervisory tools mentioned in paragraph 1(g) and (h) of Annex to the Administration's letter dated 12 March 2012), and advise whether application of such arrangements would be ensured through, for example, a Memorandum of Understanding;
4. provide examples of the legislation of other jurisdictions, if any, in which a regulator is empowered to order a person subject to its regulation to make compensation to an aggrieved party;
5. in respect of certain definitions under proposed section 34E, align the order of the items referring to the banking, insurance and securities industries and the respective industry regulators;
6. refine the drafting of proposed section 34F(5);
7. provide the rationale for the penalty level specified under proposed section 34N(1)(a);
8. consider rephrasing proposed section 34R using the term "Internet" ("互聯網") instead of "on-line record" ("聯機紀錄"); and
9. consider whether any guideline issued under section 6H of MPFSO is subsidiary legislation and whether there is a need to add a provision in the Bill to clarify this.