Tel No. : 3919 3201 Fax No. : 2185 7845

### **MEMO**

To

CCS(1)4

From

CCS(2)1

Ref

CB2/PL/MP

Date

11 February 2015

# Proposal for the appointment of a joint subcommittee under the Panel on Manpower and Panel on Financial Affairs

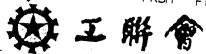
At its meeting on 10 February 2015, the Panel on Manpower discussed the proposal for the appointment of a subcommittee under the Panel on Manpower to review the arrangement of allowing employers to use the Mandatory Provident Fund ("MPF") benefits from their contribution to offset the severance payment and the long service payment. Members agreed that a subcommittee should be formed to study the subject matter.

2. In the course of discussion, members noted that when the MPF System was launched, both the Mandatory Provident Fund Schemes Ordinance ("MPFSO") and the Employment Ordinance ("EO") were amended to also allow the offsetting of MPF accrued benefits. According to the Administration, MPFSO is under the policy purview of the Financial Services and the Treasury Bureau and the Labour and Welfare Bureau is responsible for safeguarding employees' statutory entitlement for severance payment and long service payment under EO. As the subject matter straddles between the two bureaux and was previously discussed at a joint meeting of the Panel on Manpower and Panel on Financial Affairs on 18 March 2014, members considered that it would be more appropriate for the issue to be followed up by a joint subcommittee formed under the two Panels.

3. The Chairman of the Panel on Manpower has directed that the proposal be referred to the Panel on Financial Affairs for consideration. The proposed terms of reference and work plan of the subcommittee is attached for your ease of reference. I should be grateful if you would bring the matter to the attention of the Chairman of the Panel on Financial Affairs.

(Betty MA) CCS(2)1

Encl.



陳婉娟

拉图货

Clan Yuen Han Wong Kwok Kin Wong Kwak Hing Mak Mei Kuen

亚三姆

邵定形

Tang Ka Piu Kwak Wai Keung



立法官議員聯合辦事處 Joint Office of the HKFTU's Legislative Councillors

C100 (045 

香港特別行政區 立法會人力事務委員會黃國健干席 (煩請人力事務委員會秘書馬淑觀小姐轉交)

立法會CB(2)651/14-15(06)號文件

西 十 胎:

# 建構成立「檢討強強金累算權益推斷遭敗費及長期服務企革宜小組委員會」

現時!僱員如符合《僱僱條例》(第 57 章)有關獲得還散費及長期服務金的資 格,則在其離職後,隨主可使用其為該僱員向強積金計劃級付的僱主供款所產生 的累算權益,抵銷須向僱員支付的遣散置或長期服務金,即所謂的「強積金對沖 安排」·然而,此做法不但有透過數費及長期服務金的設定原常、而且剝削了不 少僱員的強積金,直接影響他們的退休保障。

有見及此。本人認為有必要檢討上述安排及改善條例中的不合理部分·以完 若現行政策,加強僱員權益的保障,故現建議人力事務委員會成立「檢討強稅金 累算權益抵銷連敖齊或長期服務金事宜小組委員會」,並按內務守則 20(k)(li)條, 提供擬論軟權範圍、工作計劃及工作時間沒、內容如下:

#### 超過點裡新聞

研究及檢討強積金對沖退散質及長期服務金的安排,以及其他相關政策事宜,並 **在有需要時提出建議**。

# **级进工作計劃**

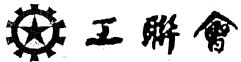
小紅委員會將集中研究及檢討以下各個範疇一

- 1. 本地區目的退休保障及獲取彈散費或長期服務金的規況;
- 2. 《虚儒條例》中·有關獲得迪散費及長期服務金的資格·以及款額的數定機制;
- 3. 谐散黄及長期服務金的支取來源和方式;
- 4. 強貧金對沖溫散皆及長期服務金對僱員的影響:
- 5. 取消強積金對沖進散費及長期服務命的安排;
- 就相關的研究及檢討作出建議·

舌港中部立法會提1號立法會結合大模1009-17114章 Rm. 1009-1014, the Legislative Coulid Complex, 1 Legislativa Cuuncil Road, Cantral, Hong Koriy 2014 2509 9092

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郭偉強

Tang Ka Piu Kwok Wai Keung

立法會議員聯合辦事處

Joint Office of the HKFTU's Legislative Councillors

## 摄滅工作時間表

小組委員會的工作時間表會根據《內務守則》第 26(c)條所訂明「小組委員會應在展 開工作起計 12 個月內完成工作·並向內務委員會或有關的事務委員會作出報告· 若小組委員會認為有需要在該 12 個月過後繼續工作,該小組委員會應(在由事務 委員會委任的情況下取得有關的事務委員會同意後)向内務委員會作出報告,並提 出充分理由。以便把12個月的期限延長。

本人證請主席批准,並代為安排,將上並建議納入 1 月 20 日事務委員會會 議的議程上·如有任何查詢·請與本人助理黃小姐聯絡(電話: 2537 9618)。

陳婉嫻

鄧家彪

人力事務委員會委員

郭億强

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2014年12月22日

