



立法會 LEGISLATIVE COUNCIL
鍾國斌 議員 Hon Felix CHUNG
紡織及製衣界 Textiles and Garment Sector

香港中區
立法會道 1 號
立法會

《2015 年強制性公積金計劃（修訂）條例草案》委員會主席
譚耀宗議員, GBS, JP

譚主席：

有關：提出修訂涉及成分基金管理費用總額的條文

就《2015 年強制性公積金計劃（修訂）條例草案》（下簡稱《條例草案》）規定，推出預設投資策略後，成分基金的管理費用總額不得高於每年管理資產的 0.75%。雖然，積金局預計長遠而言，收費水平將會進一步下降，但草擬規定的管理費用並不包括一些行政雜費，最後向市民收取的管理費用或會遠高於 0.75 的水平。

鑑於社會上一直有聲音批評強積金收費高、回報低，條例實在有需要釐清及訂明收費的準則。所以，本人現提出修訂建議，希望訂明成分基金的管理費用總額須包含一切行政雜費，例如印刷費、郵寄費、法律開支及核數費（審計費）等等。

隨附經修訂的建議修訂條文，詳情列於附件。如有查詢，請聯絡本人助理黎先生，電話：28136156。
謝謝！

立法會議員鍾國斌
2016 年 2 月 12 日

附件：建議修訂草擬文本
副本送：法案委員會秘書林蔭傑先生

《2015 年強制性公積金計劃（修訂）條例草案》

委員會審議階段

由鍾國斌議員動議的修正案

條次

建議修正案

- 8 在建議的第 34DA 條（釋義）中，按筆劃數目順序加入 —
- “**實付開支**（out-of-pocket expenses）指定期年度審計費、印刷開支及郵資、刊發基金價格的開支、銀行收費、政府費用及收費（包括但不限於印花稅、牌照費及其他稅項）、其他恰當地產生，並獲本條例及其規例，以及積金局核准的計劃信託契據所准許的收費及開支。”
- 8 在建議的第 34DC(4)條中，刪去“及(b)”而代以“至(c)”。
- 8 在建議的第 34DC(4)(b)條中，刪去句號而代以“；及”。
- 8 在建議的第 34DC(4)(b) 條後，加入 —
- “(c) 核准受託人就為要履行與提供關乎預設投資策略的服務有關的責任而招致的經常性實付開支，並據此向該計劃的預設投資策略成分基金、或投資於該基金的計劃成員所收取或施加付款的總額。”

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委員會審議階段

由鍾國斌議員動議的修正案

<u>條次</u>	<u>建議修正案</u>
8	在建議的第 34DA 條（釋義）中，按筆劃數目順序加入 — “ 實付開支 （out-of-pocket expenses）指定期年度審計費、印刷開支及郵資、刊發基金價格的開支、銀行收費、政府費用及收費（包括但不限於印花稅、牌照費及其他稅項）、其他恰當地產生，並獲本條例及其規例，以及積金局核准的計劃信託契據所准許的收費及開支。”
8	在建議的第 34DC(4)條中，在“附表 11”後加入“第一條”。
8	在建議的第 34DC(4)條後，加入 — (5) 有關核准受託人須確保(a)段所述的總額，如按預設投資策略成分基金的淨資產值的百分比計算，並不在一年內超逾附表 11 第二條所指明的百分比 — (a) 核准受託人就為要履行與提供關乎預設投資策略的服務有關的責任而招致的經常性實付開支，並據此向該計劃的預設投資策略成分基金、或投資於該基金的計劃成員所收取或施加付款的總額。
8	將建議的第 34DC(5)條重編為第 34DC(6)條。
11	在建議的附表 11 標題中，在“第 34DC(4)條”後加入“第 34DC(5)條”。
11	在建議的附表 11 第 1 條後，加入 — “2. 為施行第 34DC(5)條的百分比，是年淨資產值的 0.2%。”

《2015 年強制性公積金計劃(修訂)條例草案》

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條次

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8 在建議的第 34DC 條後，加入 —

34DCA 日落條款

- (1) 第 34DC 條會於 2021 年 12 月 31 日停止生效。
- (2) 管理局須在 2021 年 12 月 31 日前的 15 個月內，對本條例第 4AA 部的實施，進行全面和獨立的檢討和公眾諮詢，尤其是關乎有關服務對以下收費的影響 —
 - (a) 向該計劃的預設投資策略成分基金收取或施加的付款；或
 - (b) 向投資於該基金的計劃成員所收取或施加的付款。
- (3) 按第(2)款提述的管理局的報告須於 2021 年 12 月 31 日前的 10 個月內提交立法會審閱。

Mandatory Provident Fund Schemes (Amendment) Bill 2015

Committee Stage

Amendment to be moved by the Honourable Chung Kwok-pan

<u>Clause</u>	<u>Amendment Proposed</u>
8	<p>In the proposed section 34DA (Interpretation), by adding in alphabetical order —</p> <p>“<i>out-of-pocket expenses</i> (實付開支) means auditor’s fee for regular annual audit, printing and postage, fund price publication expenses, bank charges, governmental fees and charges (including, without limitation, stamp duty, licence fee and other duties), other charges and expenses properly incurred and permitted under this Ordinance and its Regulations and the trust deed of the scheme approved by the Authority;”</p>
8	<p>In the proposed section 34DC(4), by deleting “and (b)” and substituting “to (c)”.</p>
8.	<p>In the proposed section 34DC(4)(b), by deleting the full stop and substituting “; and”.</p>
8	<p>After the proposed section 34DC(4)(b), by adding —</p> <p>“(c) the total amount of all payments that are charged to or imposed on the fund, or a scheme member who invests in the fund, for out-of-pocket expenses incurred by the approved trustee on a recurrent basis in the discharge of his duties to provide services in relation to the DIS constituent fund.”</p>

Mandatory Provident Fund Schemes (Amendment) Bill 2015

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<u>Clause</u>	<u>Amendment Proposed</u>
8	<p>In the proposed section 34DA (Interpretation), by adding in alphabetical order —</p> <p><i>“out-of-pocket expenses</i> (實付開支) means auditor’s fee for regular annual audit, printing and postage, fund price publication expenses, bank charges, governmental fees and charges (including, without limitation, stamp duty, licence fee and other duties), other charges and expenses properly incurred and permitted under this Ordinance and its Regulations and the trust deed of the scheme approved by the Authority;”</p>
8	<p>In the proposed section 34DC(4), by adding “section 1 of” before “Schedule 11 —”.</p>
8	<p>After the proposed section 34DC(4), by adding—</p> <p>“(5) The approved trustee must ensure that the total amount mentioned in paragraph (a), when it is calculated as a percentage of the net asset value of the DIS constituent fund, does not, in a single year, exceed the percentage specified in section 2 of Schedule 11—</p> <p>(a) the total amount of all payments that are charged to or imposed on the fund, or a scheme member who invests in the fund, for out-of-pocket expenses incurred by the approved trustee on a recurrent basis in the discharge of his duties to provide services in relation to the DIS constituent fund.”</p>
8	<p>By renumbering the proposed section 34DC(5) as section 34DC(6).</p>

11 In the heading of the proposed Schedule 11, after “Section 34DC(4)”,
by adding “and Section 34DC(5)”.

11 After section 1 of the proposed Schedule 11, by adding –

“2. The percentage for the purposes of section 34DC(5) is 0.2% of
assets per annum.”

Mandatory Provident Fund Schemes (Amendment) Bill 2015

Committee Stage

Amendment to be moved by the Honourable Chung Kwok-pan

<u>Clause</u>	<u>Amendment Proposed</u>
8	<p>After the proposed section 34DC, by adding –</p> <p>“34DCA. Sunset</p> <p>(1) Section 34DC shall cease to have effect on 31 December 2021.</p> <p>(2) No later than 15 months prior to 31 December 2021, the Authority is to conduct a full and independent review and public consultation on the implementation of Part 4AA of this Ordinance, and in particular its effect on the payment for services charged to or imposed on—</p> <p>(a) a DIS constituent fund of the scheme; or</p> <p>(b) a scheme member who invests in the fund.</p> <p>(3) The Authority’s report referred to in subsection (2) must be laid on the table of the Legislative Council no later than 10 months prior to 31 December 2021.”</p>