

立法會
Legislative Council

LC Paper No. CB(1)2108/99-00

(These minutes have been seen
by the Administration and
cleared with the Chairman)

Ref : CB1/SS/3/99/1

**Subcommittee on subsidiary legislation
relating to Mandatory Provident Fund Schemes**

**Minutes of the fifth meeting
held on Monday, 29 May 2000, at 8:30 am
in the Chamber of the Legislative Council Building**

Members present : Hon Ronald ARCULLI, JP (Chairman)
Hon LEE Cheuk-yan
Hon NG Leung-sing
Hon CHAN Yuen-han
Hon CHAN Kam-lam
Hon SIN Chung-kai

Member attending : Hon LEE Kai-ming, SBS, JP

Members absent : Hon HO Sai-chu, SBS, JP
Hon Bernard CHAN
Hon Ambrose LAU Hon-chuen, JP
Hon Andrew CHENG Kar-foo
Hon FUNG Chi-kin

Public officers attending : **Financial Services Bureau**
Miss Susie HO
Deputy Secretary for Financial Services

Mandatory Provident Fund Schemes Authority

Mr Raymond TAM
Executive Director

Mr Gregory WILLIS
Legal Advisor

Department of Justice

Miss Shandy LIU
Senior Government Counsel

Clerk in attendance : Miss Salumi CHAN
Chief Assistant Secretary (1)5

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser

Mr Matthew LOO
Senior Assistant Secretary (1)7

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I. Meeting with the Administration on the Mandatory Provident Fund Schemes (General) (Amendment) Regulation 2000
(LC Paper No. CB(1)1681/99-00(01) — Administration's revised proposed amendments)

At the Chairman's invitation, Deputy Secretary for Financial Services (DSFS) briefed members that the Administration had made some minor and technical changes to the English version of its proposed amendments to the Mandatory Provident Fund Schemes (General)(Amendment) Regulation 2000 (the Amendment Regulation) and prepared the Chinese version of the proposed amendments.

2. Responding to the Chairman, Senior Assistant Legal Adviser confirmed that the Chinese and English versions of the proposed amendments were legally in order.

3. The Subcommittee supported the Administration's proposal to move a motion for the passage of the Amendment Regulation with amendments at the Council meeting on 21 June 2000. The Chairman would report the Subcommittee's deliberations to the House Committee on 2 June 2000.

- II. Meeting with the Administration on the Mandatory Provident Fund Schemes (Specification of Permitted Periods) Notice and Mandatory Provident Fund Schemes (Contributions for Casual Employees) Order**
- (LC Paper No. CB(1)1681/99-00(02) — Paper provided by the Administration
- LC Paper No. CB(1)1681/99-00(03) — Relevant legislative provisions
- LC Paper No. LS 142/99-00 — Legal Service Division's Report)

Mandatory Provident Fund Schemes (Specification of Permitted Periods) Notice

4. At the Chairman's invitation, DSFS briefed members on the Mandatory Provident Fund Schemes (Specification of Permitted Periods) Notice. She advised that the Notice specified the permitted periods within which an employer must arrange for a relevant employee to become a member of a registered scheme under the Mandatory Provident Fund Schemes Ordinance (MPFSO) (Cap. 485). The permitted period was 60 days in the case of a relevant employee who was not a casual employee, and 10 days in the case of a casual employee. The Notice also specified 60 days as the permitted period within which a self-employed person must become a member of a registered scheme under MPFSO.

5. Members supported the permitted periods specified in the Notice.

Mandatory Provident Fund Schemes (Contributions for Casual Employees) Order

6. DSFS advised that the Mandatory Provident Fund Schemes (Contributions for Casual Employees) Order prescribed the scales of amounts of contributions that an employer must make in respect of a casual employee who was a member of an industry scheme. It also prescribed the scales of amounts of contributions that the employer must deduct from the relevant income of the employee as a contribution by that employee to the scheme. DSFS also advised that the Mandatory Provident Fund Schemes Authority (MPFA) had consulted the catering and construction industries the representatives of which had accepted the proposed scales of amounts of contributions.

7. Members foresaw that the relevant employees, in particular the casual employees who might take up different jobs at different times, might have joined a number of schemes upon their retirement. To avoid confusion, members considered it necessary for MPFA to maintain a centralized information system to record the MPF schemes joined by individual relevant employees over the years. The relevant employees would be allowed access to their own record as and when necessary. Executive Director of MPFA (ED/MPFA) advised that the information system of MPFA was designed for the storage of the information in respect of employers and self-employed persons only. At the suggestion of members, DSFS and ED/MPFA undertook to review the need to expand the system to cover the relevant employees and report the findings of the review to the Legislative Council Panel on Financial Affairs

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by the end of 2000.

Way forward

8. As agreed by members, the Chairman would report the Subcommittee's deliberations on the Notice and the Order to the House Committee on 2 June 2000.

III. Any other business

9. There being no other business, the meeting ended at 9:30 am.

Legislative Council Secretariat

10 October 2000