

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

**Mandatory Provident Fund Schemes Rules**

To facilitate the Subcommittee's consideration of the Mandatory Provident Fund Schemes Rules, the following relevant legislative provisions are attached:

**Mandatory Provident Fund Schemes Ordinance**

- Section 12 (Contributions to vest in scheme member as accrued benefits)
- Section 34B (Power to merge registered schemes)
- Section 34C (Power to divide registered scheme)
- Section 47 (Rules)

**Mandatory Provident Fund Schemes (General) Regulation**

- Section 78 (Separate account for each scheme member)

Legislative Council Secretariat  
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~~(3) 有關僱員向註冊計劃支付的供款，可超過根據第 7A(1)(b) 或 (2)(b) 條而可就該僱員扣除的供款款額。~~

~~(4) 僱主就其僱用的有關僱員向註冊計劃支付的供款，可超過第 7A(1)(a) 或 (2)(a) 條規定須就該僱員而支付的供款款額，但他並無責任如此支付供款，即使該僱員繼續向該計劃支付供款亦然。~~

~~(5) 自僱人士向註冊計劃支付的供款，可超過根據第 7C 條而須就自僱人士支付的供款款額。~~

~~(6) 有關入息低於附表 2 所指明的最低有關入息水平的有關僱員或自僱人士，亦可向註冊計劃作出供款。~~

~~(7) 任何按本條的規定而向註冊計劃支付的供款，均屬自願性質，但須受該計劃的管限規則所規限。~~

~~(8) 本條例的條文 (第 12、13、14 及 15(1) 至 (3) 條除外) 及註冊計劃的管限規則 (只限於在該等規則與本條例無抵觸的範圍內)，適用於向註冊計劃支付的自願性供款所產生的累算權益，一如其適用於強制性供款所產生的累算權益。~~

~~(9) 《規例》可就以下所有或任何事宜，訂定條文——~~

- ~~(a) 自願性供款歸屬有關的計劃成員；~~
- ~~(b) 保存自願性供款所產生的累算權益；~~
- ~~(c) 將自願性供款所產生的累算權益由一個註冊計劃轉移至另一註冊計劃，或由某一註冊計劃中的一個帳戶轉移至同一計劃中的另一帳戶；~~
- ~~(d) 向計劃成員支付或就計劃成員而支付自願性供款所產生的累算權益。~~

~~(由 1998 年第 4 號第 2 條代替)~~

~~(3) A relevant employee may pay contributions to a registered scheme exceeding the amount of contribution deductible in respect of the employee under section 7A(1)(b) or (2)(b).~~

~~(4) An employer may pay contributions to a registered scheme in respect of a relevant employee employed by the employer exceeding the amount of contribution required by section 7A(1)(a) or (2)(a) to be paid in respect of the employee, but is not obliged to do so, even if the employee continues to pay contributions to the scheme.~~

~~(5) A self-employed person may pay contributions to a registered scheme exceeding the amount of contribution payable in respect of the person under section 7C.~~

~~(6) A relevant employee or a self-employed person whose relevant income is less than the minimum level of relevant income specified in Schedule 2 may nevertheless contribute to a registered scheme.~~

~~(7) Any contributions paid to a registered scheme as provided by this section are voluntary, but are subject to the governing rules of the scheme.~~

~~(8) The provisions of this Ordinance (sections 12, 13, 14 and 15(1) to (3) excepted), and the governing rules of the scheme (in so far as those rules are not inconsistent with this Ordinance), apply to accrued benefits derived from voluntary contributions paid to a registered scheme in the same way as they apply to accrued benefits that are derived from mandatory contributions.~~

~~(9) The regulations may provide for all or any of the following matters—~~

- ~~(a) the vesting of voluntary contributions in the scheme member concerned;~~
- ~~(b) the preservation of accrued benefits derived from voluntary contributions;~~
- ~~(c) the transfer from one registered scheme to another or from one account within a registered scheme to another account within the same scheme of accrued benefits derived from voluntary contributions;~~
- ~~(d) the payment to or in respect of a scheme member of accrued benefits derived from voluntary contributions.~~

~~(Replaced 4 of 1998 s. 2)~~

## 12. 供款作為累算權益而歸屬計劃成員

(1) 除第 12A 條另有規定外，就某項註冊計劃的成員而作出的供款一經支付予該計劃的核准受託人，即作為累算權益而歸屬該成員。

## 12. Contributions to vest in scheme member as accrued benefits

(1) Subject to section 12A, a contribution in respect of a member of a registered scheme vests in the member as accrued benefits as soon as it is paid to the approved trustee of the scheme.

(2) 除第 12A 條另有規定外，由某項註冊計劃的核准受託人或代該受託人將該計劃的某名成員的累算權益投資而產生的收入或利潤(該等投資的損失已計算在內)，一經交付該受託人，即作為累算權益而歸屬該成員。

(3) 不時歸屬計劃成員的累算權益的總額，須按照《規則》的規定計算。

(由 1998 年第 4 號第 2 條代替)

(2) Subject to section 12A, income or profits derived from the investment of the accrued benefits of a member of a registered scheme by or on behalf of the approved trustee of the scheme also (after taking into account any loss arising from any such investment) vest in the member as accrued benefits as soon as they are received by that trustee.

(3) The total amount of accrued benefits vested in a scheme member from time to time is to be calculated as provided by the rules.

(Replaced 4 of 1998 s. 2)

**12A. 某些與遣散費或長期服務金有關的款項須從累算權益中支付**

(1) 如——

- (a) 僱主已按照《僱傭條例》(第 57 章)向某僱員支付或就某僱員而支付遣散費或長期服務金，或支付部分遣散費或長期服務金；及
- (b) 在某註冊計劃中有累算權益就該僱員而被持有；及
- (c) 該等權益的某部分是可歸因於僱主按照本條例支付予該計劃的供款的，

則僱主可向該計劃的核准受託人提出書面申請，要求支付第(2)款所指款項。

(2) 在接獲根據第(1)款提出的申請後，有關註冊計劃的核准受託人如信納僱主具有獲付本款所指款項的權利——

- (a) 而支付予僱員的遣散費或長期服務金，不多於該僱員的累算權益中可歸因於該僱主的供款的部分的款額，則該核准受託人必須在切實可行範圍內盡快將一筆相等於該遣散費或長期服務金款額的款項從該等權益中支付予該僱主；或

- (b) 而支付予僱員的遣散費或長期服務金，多於該僱員的累算權益中可歸因於該僱主的供款的部分的款額，則該核准受託人必須在切實可行範圍內盡快將一筆相等於該部分的款額的款項從該等權益中支付予該僱主。

本款受第(5)款規限。

**12A. Certain amounts relating to severance payments and long service payments to be paid from accrued benefits**

(1) If—

- (a) an employer has paid to or in respect of an employee a severance payment or long service payment in accordance with the Employment Ordinance (Cap. 57), or a part of such a payment; and

- (b) accrued benefits are held in a registered scheme in respect of the employee, and

(c) a part of those benefits is attributable to contributions paid to the scheme by the employer in accordance with this Ordinance, the employer may make an application in writing to the approved trustee of the scheme for payment of an amount under subsection (2).

(2) As soon as practicable after receiving an application under subsection (1), the approved trustee of the registered scheme concerned must, on being satisfied as to the employer's entitlement to a payment under this subsection—

- (a) if the severance payment or long service payment paid to the employee is not more than the amount of the part of the employee's accrued benefits that is attributable to the employer's contributions, pay to the employer from those benefits an amount equal to the amount of that severance payment or long service payment; or

- (b) if that severance payment or long service payment is more than the amount of the part of the employee's accrued benefits that is attributable to the employer's contributions, pay to the employer from those benefits an amount equal to the amount of that part.

This subsection is subject to subsection (5).

(3) 原訟法庭可委任清盤人以對註冊計劃進行清盤，並可在符合《規例》的規定下，指明該清盤人須就該清盤的進行而執行的職責。原訟法庭如認為有需要，可根據本款委任多於一名清盤人。

(4) 根據第 (3) 款獲委任的清盤人必須具備《規例》所指明的資格。

(5) 根據第 (3) 款作出的清盤人的委任，須按該項委任所指明的條款及條件(包括須支付予清盤人的費用)作出。

(6) 凡註冊計劃根據本條清盤，該項清盤須循按照第 (7) 款訂立的清盤規則進行。該等規則可包括就與該計劃的清盤有關的法律程序而繳付費用的條文，並可指明該等費用由何人繳付和繳付予何人以及繳付該等費用的方式。

(7) 第 (6) 款所提述的清盤規則，須由根據《高等法院條例》(第 4 章) 第 55 條組成的規則委員會訂立，並可由該委員會在有需要時按需要而修訂。(由 1999 年第 31 號第 3 條修訂)

(8) 為施行本條而訂立的清盤規則，須獲司法認知。

(9) 管理局在信納某項註冊計劃的清盤已按照本條完成後，必須取消該計劃的註冊。

(10) 在本條中，“清盤人”(liquidator) 包括臨時清盤人。

(由 1998 年第 4 號第 2 條增補)

(3) The Court may appoint a liquidator to conduct the winding up of a registered scheme and, subject to the regulations, may specify the duties to be performed by the liquidator in relation to the conduct of the winding up. More than one liquidator may be appointed under this subsection if the Court thinks it necessary.

(4) A liquidator appointed under subsection (3) must have such qualifications as are specified in the regulations.

(5) The appointment of a liquidator under subsection (3) is to be on such terms and conditions as are specified in the appointment, including the fees that are to be payable to the liquidator.

(6) The winding up of a registered scheme under this section is to be conducted in accordance with winding up rules made in accordance with subsection (7). Those rules may include provision for the payment of fees with respect to the proceedings relating to the winding up of such a scheme and may specify by whom and to whom those fees are to be paid and the manner in which they are to be paid.

(7) The winding up rules referred to in subsection (6) are to be made by the Rules Committee constituted under section 55 of the High Court Ordinance (Cap. 4) and may be amended by that Committee as and when necessary. (Amended 31 of 1999 s. 3)

(8) Winding up rules made for the purposes of this section are to be judicially noticed.

(9) On being satisfied that the winding up of a registered scheme has been completed in accordance with this section, the Authority must cancel the registration of the scheme.

(10) In this section, “liquidator” (清盤人) includes a provisional liquidator. (Added 4 of 1998 s. 2)

#### 34B. 將註冊計劃合併的權力

(1) 2 項或多於 2 項屬僱主營辦計劃或集成信託計劃的註冊計劃的核准受託人，可向管理局申請同意，將該等計劃合併為單一項新的同類計劃。

(2) 多於 2 項屬僱主營辦計劃或集成信託計劃的註冊計劃的核准受託人，可向管理局申請同意，將該等計劃合併為數目較小的多於一項新的同類計劃。

#### 34B. Power to merge registered schemes

(1) The approved trustees of 2 or more registered schemes that are employer sponsored schemes or master trust schemes may apply to the Authority to consent to the merger of those schemes into a single new scheme of the same kind.

(2) The approved trustees of a number of registered schemes exceeding 2 (being employer sponsored schemes or master trust schemes) may apply to the Authority to consent to the merger of those schemes into a smaller number of new schemes of the same kind.

- (3) 申請必須——
- (a) 符合管理局所批准的格式；及
  - (b) 載有《規則》所訂明的資料，並附有《規則》所訂明的文件；及
  - (c) 附有經如此訂明的款額的申請費用。
- (4) 管理局可藉書面通知，要求申請人提供為使管理局能夠就其申請作出決定而合理地需要的進一步資料及文件。如該項要求在該通知所指定的合理時間內未獲遵從，則管理局可拒絕該項申請。
- (5) 管理局在接獲要求同意將註冊計劃合併的申請後，必須在切實可行範圍內盡快考慮該項申請。管理局只有在信納有以下情況時，方可同意該項申請——
- (a) 該等計劃的成員的利益會受到充分保障，而該合併如獲同意，該等成員的累積權益會轉移至新的計劃；及
  - (b) 新的計劃會受香港法律管限；及
  - (c) 新的計劃符合第 21C 條提述的規例所訂明的規定及標準；或如該合併獲同意，則新的計劃會符合該等規定及標準。
- (6) 如管理局沒有給予申請人機會就管理局為何應同意有關計劃的合併而作出申述（不論是口頭或書面或口頭兼書面的申述），該局不得拒絕根據本條提出的申請。
- (7) 管理局如拒絕根據本條提出的申請，則必須給予申請人拒絕其申請的書面通知，並必須在該通知內包括一項陳述，列出拒絕的理由。
- (8) 管理局將某項自合併現有計劃而產生的計劃註冊時，必須向新的計劃的核准受託人發出註冊證明書，並將已被合併的計劃的註冊取消。證明書必須指明該計劃屬僱主營辦計劃或屬集成信託計劃（視情況所需而定）。

(由 1998 年第 4 號第 2 條增補)

- (3) An application must—
- (a) be in a form approved by the Authority; and
  - (b) contain such information, and be accompanied by such documents, as are prescribed by the rules; and
  - (c) be accompanied by an application fee of such amount as is so prescribed.
- (4) The Authority may, by written notice, require an applicant to provide such additional information and documents as are reasonably necessary to enable it to determine the application. If such a requirement is not complied with within a reasonable time specified in the notice, the Authority may reject the application.
- (5) As soon as practicable after receiving an application to consent to the merger of registered schemes, the Authority must consider the application. The Authority may consent to the merger only if satisfied—
- (a) that the interests of the members of those schemes will be adequately protected and that, if the merger is approved, their accrued benefits will be transferred to the new scheme; and
  - (b) that the new scheme will be governed by the law of Hong Kong; and
  - (c) that the new scheme complies with, or will if the merger is consented to, comply with, such requirements and standards as are prescribed by the regulations referred to in section 21C.
- (6) The Authority must not reject an application under this section without giving the applicants an opportunity to make representations (either orally or in writing or both) as to why the Authority should consent to the merger of the schemes.
- (7) If the Authority rejects an application made under this section, it must give written notice of the rejection to the applicants and must include in the notice a statement setting out the reasons for the rejection.
- (8) On registering a scheme derived from the merger of existing schemes, the Authority must issue to the approved trustee of the new scheme a certificate of registration and cancel the registration of the merged schemes. The certificate must specify that the scheme is an employer sponsored scheme or a master trust scheme, as the case requires.

(Added 4 of 1998 s. 2)

## 34C. 將註冊計劃分拆的權力

- (1) 屬僱主營辦計劃或集成信託計劃的註冊計劃的核准受託人，可向管理局申請同意，將該計劃分拆為 2 項或多於 2 項新的同類計劃。
- (2) 申請必須——
- 符合管理局所批准的格式；及
  - 載有《規則》所訂明的資料，並附有《規則》所訂明的文件；及
  - 附有經如此訂明的款額的申請費用。
- (3) 管理局可藉書面通知，要求申請人提供為使管理局能夠就其申請作出決定而合理地需要的進一步資料及文件。如該項要求在該通知所指明的合理時間內未獲遵從，則管理局可拒絕該項申請。
- (4) 管理局在接獲要求同意將註冊計劃分拆的申請後，必須在切實可行範圍內盡快考慮該項申請。管理局只有在信納有以下情況時，方可同意該項申請——
- 該計劃的成員的利益會受到充分保障，而該分拆如獲同意，該等成員的累算權益會轉移至其中一項新的計劃；及
  - 該等新的計劃會受香港法律管轄；及
  - 該等新的計劃符合第 21C 條提述的規例所訂明的規定及標準；或如該分拆獲同意，則該等新的計劃會符合該等規定及標準。
- (5) 管理局如沒有給予申請人機會就其申請為何不應被拒絕而作出申述（不論是口頭或書面或口頭兼書面的申述），該局不得拒絕根據本條提出的申請。
- (6) 管理局如拒絕根據本條提出的申請，則必須給予申請人拒絕其申請的書面通知，並必須在該通知內包括一項陳述，列出拒絕的理由。
- (7) 管理局將該等新的計劃註冊時，必須向該等計劃的核准受託人發出註冊證明書，並將已被分拆的計劃的註冊取消。註冊證明書必須指明該等新的計劃屬僱主營辦計劃或屬集成信託計劃。

(由 1998 年第 4 號第 2 條增補)

## 34C. Power to divide registered scheme

- (1) The approved trustee of a registered scheme that is an employer sponsored scheme or a master trust scheme may apply to the Authority to consent to the division of the scheme into 2 or more new schemes of the same kind.
- (2) An application must—
- be in a form approved by the Authority; and
  - contain such information, and be accompanied by such documents, as are prescribed by the rules; and
  - be accompanied by an application fee of such amount as is so prescribed.
- (3) The Authority may, by written notice, require an applicant to provide such additional information and documents as are reasonably necessary to enable it to determine the application. If such a requirement is not complied with within a reasonable time specified in the notice, the Authority may reject the application.
- (4) As soon as practicable after receiving an application to consent to the division of a registered scheme, the Authority must consider the application. The Authority may consent to the division of the scheme only if satisfied—
- that the interests of the members of the scheme will be adequately protected and that, if the division is approved, their accrued benefits will be transferred to one of the new schemes; and
  - that the new schemes will be governed by the law of Hong Kong; and
  - that the new schemes comply with, or will if the division is approved, comply with, such requirements and standards as are prescribed by the regulations referred to in section 21C.
- (5) The Authority must not reject an application under this section without giving the applicant an opportunity to make representations (either orally or in writing or both) as to why the application should not be rejected.
- (6) If the Authority rejects an application made under this section, it must give written notice of the rejection to the applicant and must include in the notice a statement setting out the reasons for the rejection.
- (7) On registering the new schemes, the Authority must issue to the approved trustee of those schemes certificates of registration and cancel the registration of the divided scheme. The certificates of registration must specify whether the new schemes are employer sponsored schemes or master trust schemes.

(Added 4 of 1998 s.2)

(1C) 根據本條訂立的規例，可應用、採納或以提述方式收納(可加以變通或不加以變通)任何刊物(包括條例或附屬法例)，並可以該刊物在出版時有效的版本或以該刊物不時有效的版本為準。(由 1998 年第 4 號第 2 條增補)

(2) 根據本條訂立的任何規例，可就違反該等規例訂明罪行，並可為此訂定不超過第 6 級的罰款及監禁不超過 1 年的刑罰。

(3) 根據本條訂立的規例須經立法會批准。

(由 1998 年第 4 號第 2 條修訂)

(1C) A regulation under this section may apply, adopt or incorporate by reference, with or without modifications, any publication (including an Ordinance or subsidiary legislation), either in force at the time of publication or as in force from time to time. (Added 4 of 1998 s. 2)

(2) Any regulations made under this section may prescribe offences in respect of contraventions of the regulations, and may provide for the imposition of a fine not exceeding level 6 and of imprisonment for a period not exceeding 1 year.

(3) Regulations made under this section shall be subject to the approval of the Legislative Council.

#### 47. 規則

(1) 管理局可為本條例所規定或准許由規則訂明的任何事宜以及就該等事宜訂立與本條例或《規例》無抵觸的規則。(由 1998 年第 4 號第 2 條代替)

(1A) 管理局亦可根據第(1)款為以下所有或任何目的而訂立規則——

(a) 就與註冊計劃的管理有關的事宜作出規定；

(b) 訂明向註冊計劃的核准受託人支付強制性供款所必須採用或可以採用的方法；

(c) 訂明參與僱主、有關僱員及自僱人士為確保第 7、7A 及 7C 條獲得遵守而須採取的措施。(由 1998 年第 4 號第 2 條增補)

(2) 以下所有或任何規定均適用於根據本條訂立的規則——

(a) 該等規則可一般地適用或參照指明的例外情況或因素而對其適用範圍加以限制；

(b) 該等規則可按照指明類別的不同因素而有區別地適用；

(c) 該等規則可授權將任何事宜或事情交由任何指明的人決定、應用或規管；

(d) 該等規則可為施行該等規則而訂明各項費用。(由 1998 年第 4 號第 2 條代替)

(3) 根據本條訂立的規則，可就違反規則訂明罪行，並可為此訂定不超過第 4 級的罰款及監禁不超過 6 個月的刑罰。

(4) 根據本條訂立的規則須經立法會批准。(由 1998 年第 4 號第 2 條修訂)

#### 47. Rules

(1) The Authority may make rules, not inconsistent with this Ordinance or the regulations, for or with respect to any matter that by this Ordinance is required or permitted to be prescribed by the rules. (Replaced 4 of 1998 s. 2)

(1A) Rules may also be made under subsection (1) for all or any of the following purposes—

(a) providing for matters relating to the administration of registered schemes;

(b) prescribing methods by which mandatory contributions must or may be paid to approved trustees of registered schemes;

(c) prescribing the measures to be taken by participating employers, relevant employees and self-employed persons in order to ensure that sections 7, 7A and 7C are complied with. (Added 4 of 1998 s. 2)

(2) Rules under this section may do all or any of the following—

(a) apply generally or be limited in their application by reference to specified exceptions or factors;

(b) apply differently according to different factors of a specified kind;

(c) authorize any matter or thing to be determined, applied or regulated by any specified person;

(d) prescribe fees for the purposes of those rules. (Replaced 4 of 1998 s. 2)

(3) Any rules made under this section may prescribe offences in respect of contraventions of the rules, and may provide for the imposition of a fine not exceeding level 4 and of imprisonment for a period not exceeding 6 months.

(4) Rules made under this section shall be subject to the approval of the Legislative Council.

[附屬法例]

[Subsidiary]

## 第 VII 部

## PART VII

## 會計及其他紀錄

## ACCOUNTING AND OTHER RECORDS

~~77. 須備存妥當的會計紀錄~~

- (1) 註冊計劃的核准受託人必須確保——
- (a) 備存正確地記錄並解釋與計劃有關的所有交易以及計劃的財務狀況的會計紀錄；及
- (b) 備存該等紀錄，使——
- (i) 真實而中肯地反映每一個財政期內計劃的財務交易的財務報表，以及真實而中肯地反映每一個財政期終結時計劃的資產及債務的處置的財務報表，能夠不時擬備；及
- (ii) 該等財務報表能夠按照本規例方便和妥當地審計。
- (2) 註冊計劃的核准受託人必須確保計劃的會計紀錄是以書面形式以中文或英文備存，如該等紀錄既非以中文亦非以英文備存，則是以可使該等會計紀錄能輕易地被取用和輕易地轉為中文或英文的書面紀錄的形式備存。
- (3) 為使管理局能夠不時執行其職責，註冊計劃的核准受託人必須確保計劃的會計紀錄備存於一個或多於一個地方，以便該等紀錄能在香港輕易地被取用。
- (4) 註冊計劃的核准受託人必須確保藉書面形式以中文或英文備存，或以可輕易地轉為中文或英文的書面紀錄的形式備存的該計劃的會計紀錄，在所有合理時間均可供管理局免費查閱。

~~77. Proper accounting records to be kept~~

- (1) The approved trustee of a registered scheme must ensure that——
- (a) such accounting records are kept so as to correctly record and explain all transactions concerning the scheme and the financial position of the scheme; and
- (b) those records are so kept that——
- (i) financial statements showing a true and fair view of the financial transactions of the scheme during each financial period and of the disposition of its assets and liabilities at the end of each financial period can be prepared from time to time; and
- (ii) those financial statements can be conveniently and properly audited in accordance with this Regulation.
- (2) The approved trustee of a registered scheme must ensure that the accounting records of the scheme are kept in writing in either the Chinese language or the English language or, if not kept in either of those languages, in a form that is readily accessible and readily convertible to writing in either of those languages.
- (3) The approved trustee of a registered scheme must ensure that the accounting records of the scheme are kept at a place or places so that those records can be readily accessible in Hong Kong for the purpose of enabling the Authority to discharge its duties from time to time.
- (4) The approved trustee of a registered scheme must ensure that, at all reasonable times and without charge, the accounting records of the scheme are made available for inspection by the Authority, either in writing in the Chinese language or the English language or in a form readily convertible to writing in either of those languages.

## 78. 每名計劃成員須有獨立帳戶

- (1) 註冊計劃的核准受託人必須確保為每名計劃成員設立和維持一個獨立帳戶，以作為該計劃的會計紀錄的一部分，該獨立帳戶並須指明該成員的累算權益。
- (2) 受託人必須確保任何計劃成員帳戶內所指明的有關成員的累算權益反映下述兩者的差額——
- (a) 第(3)款列出的所有項目的總額；及
- (b) 第(4)款列出的所有項目的總額。
- (3) 第(2)(a)款所提及的項目如下——

## 78. Separate account for each scheme member

- (1) An approved trustee of a registered scheme must ensure that, as part of its accounting records, a separate account is established and maintained for each scheme member specifying the member's accrued benefits.
- (2) The trustee must ensure that a scheme member's accrued benefits specified in the member's account reflect the difference between——
- (a) the aggregate amount of all the items listed in subsection (3); and
- (b) the aggregate amount of all the items listed in subsection (4).
- (3) The items referred to in subsection (2)(a) are as follows——



## [附屬法例]

- (a) (如計劃成員是有關僱員) 該成員的僱主就該成員向該計劃支付的所有供款;
- (b) 該成員向該計劃支付的所有供款;
- (c) 按照第 XII 部轉移至該帳戶的任何款額;
- (d) 可歸因於該成員的累算權益的任何投資收入;
- (e) 計劃的各項投資的價值中可歸因於該成員的累算權益的款額的增值額;
- (f) 根據本條例須支付予該帳戶的任何其他款項。
- (4) 第(2)(b)款所提述的項目如下——
- (a) 已支付予該成員或已就該成員而支付的累算權益;
- (b) 受託人根據本規例從該帳戶內扣除的或可從該帳戶內扣除的用於行政開支的費用;
- (c) 按照第 XII 部從該帳戶轉移的款額;
- (d) 根據本條例須由該帳戶支付的任何其他款額;
- (e) 計劃的各項投資的價值中可歸因於該成員的累算權益的款額的貶值額。
- (5) 受託人必須確保每名成員的帳戶的備存方式, 可使任何成員的累算權益的市值能每月確定至少一次。
- (6) 如計劃成員屬僱主的有關僱員, 則受託人必須安排將該成員的供款帳戶分為下述的分帳戶——
- (a) 一個分帳戶, 指明該成員的現任僱主根據本條例第 7A(1)(a) 或 (2)(a) 條就該成員支付的供款、該等供款所產生的累算權益, 以及在該僱員的有關入息少於每月的最低有關入息水平而又沒有 (b) 段所提述的分帳戶的情況下該成員的僱主就欠款支付的任何供款附加費;
- (b) 一個分帳戶, 指明該成員的現任僱主根據本條例第 7A(1)(b) 或 (2)(b) 條扣除的該成員的供款、該等供款所產生的累算權益, 以及在該僱員的有關入息高於每月的最低有關入息水平的情况下該成員的僱主就欠款支付的任何供款附加費;

## [Subsidiary]

- (a) in the case of a scheme member who is a relevant employee, all contributions paid by the member's employer to the scheme in respect of the member;
- (b) all contributions paid to the scheme by the member;
- (c) any amount transferred to the account in accordance with Part XII;
- (d) any investment income of the scheme that is attributable to the member's accrued benefits;
- (e) any amount by which the value of the scheme investments attributable to the member's accrued benefits has appreciated;
- (f) any other sums payable to the account under the Ordinance.
- (4) The items referred to in subsection (2)(b) are as follows—
- (a) accrued benefits that have been paid to or in respect of the member;
- (b) fees for administrative expenses deducted or deductible by the trustee from the account under this Regulation unless those expenses are waived by the trustee;
- (c) any amounts transferred from the account in accordance with Part XII;
- (d) any other amounts payable under the Ordinance from the account;
- (e) any amount by which the value of the scheme investments attributable to the member's accrued benefits has depreciated.
- (5) The trustee must ensure that each member's account is kept in such a manner that the market value of the accrued benefits of a member can be ascertained at least once each month.
- (6) In the case of a scheme member who is a relevant employee of a participating employer, the trustee must arrange for the member's contribution account to be divided into the following sub-accounts—
- (a) a sub-account specifying the contributions paid in respect of the member by the member's current employer under section 7A(1)(a) or (2)(a) of the Ordinance, the accrued benefits derived from those contributions, and any contribution surcharge paid by the member's employer on arrears if the relevant income of the employee is less than the minimum level of relevant income per month and there is not a sub-account as referred to in paragraph (b);
- (b) a sub-account specifying the member's contributions deducted by the member's current employer under section 7A(1)(b) or (2)(b) of the Ordinance, the accrued benefits derived from those contributions, and any contribution surcharge paid by the member's employer on arrears if the relevant income of the employee is above the minimum level of relevant income per month;

## [附屬法例]

- (c) 一個分帳戶，指明在該成員由前任僱主僱用或自僱時，由該成員支付或就該成員支付的全部強制性供款所產生的，並已按照第 XII 部轉移至該成員的供款帳戶的屬該成員的累算權益；
- (d) 一個分帳戶，指明由該成員的現任僱主就該成員支付的自願性供款 (如有的話) 以及該等供款所產生的累算權益；
- (e) 一個分帳戶，指明在該成員由現任僱主僱用時由該成員支付的自願性供款 (如有的話) 以及該等供款所產生的累算權益；
- (f) 一個分帳戶，指明在該成員由前任僱主僱用或自僱時，由該成員支付或就該成員支付的全部自願性供款所產生的，並已按照第 XII 部轉移至該成員的供款帳戶的屬該成員的累算權益。
- (7) 如計劃成員屬自僱人士，則受託人必須安排將該成員的供款帳戶分為下述的分帳戶——
- (a) 一個分帳戶，指明該成員根據本條例第 7C 條所作的供款、該等供款所產生的累算權益，以及該成員就欠款支付的任何供款附加費；
- (b) 一個分帳戶，指明該成員在自僱前，由該成員支付或就該成員支付的全部強制性供款所產生的，並已按照第 XII 部轉移至該成員的供款帳戶的屬該成員的累算權益；
- (c) 一個分帳戶，指明在該成員自僱時，由該成員支付的自願性供款 (如有的話) 以及該等供款所產生的累算權益；
- (d) 一個分帳戶，指明在該成員成為自僱前，由該成員支付或就該成員支付的全部自願性供款所產生的，並已按照第 XII 部轉移至該成員的供款帳戶的屬該成員的累算權益。
- (8) 如計劃成員在計劃中持有一個保留帳戶，則受託人必須安排將該成員的保留帳戶分為下述的分帳戶——
- (a) 一個分帳戶，指明以往由該成員支付或就該成員支付的強制性供款以及該等供款所產生的累算權益；

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- (c) a sub-account specifying the member's accrued benefits derived from all mandatory contributions paid by or in respect of the member while employed by a former employer or while self-employed, and transferred to the member's contribution account in accordance with Part XII;
- (d) a sub-account specifying the voluntary contributions (if any) paid in respect of the member by the member's current employer and the accrued benefits derived from those contributions;
- (e) a sub-account specifying the voluntary contributions (if any) paid by the member while employed by the member's current employer and the accrued benefits derived from those contributions;
- (f) a sub-account specifying the member's accrued benefits derived from all voluntary contributions paid by or in respect of the member while employed by a former employer, or while self-employed, and transferred to the member's contribution account in accordance with Part XII.
- (7) In the case of a scheme member who is a self-employed person, the trustee must arrange for the member's contribution account to be divided into the following sub-accounts—
- (a) a sub-account specifying the member's contributions under section 7C of the Ordinance, the accrued benefits derived from those contributions, and any contribution surcharge paid by the member on arrears;
- (b) a sub-account specifying the member's accrued benefits derived from all mandatory contributions paid by or in respect of the member preceding the member's self-employment and transferred to the member's contribution account in accordance with Part XII;
- (c) a sub-account specifying the voluntary contributions (if any) paid by the member while self-employed and the accrued benefits derived from those contributions;
- (d) a sub-account specifying the member's accrued benefits derived from all voluntary contributions paid by or in respect of the member before the member became self-employed and transferred to the member's contribution account in accordance with Part XII.
- (8) In the case of a scheme member who holds a preserved account in the scheme, the trustee must arrange for the member's preserved account to be divided into the following sub-accounts—
- (a) a sub-account specifying the mandatory contributions previously paid by or in respect of the member and the accrued benefits derived from those contributions;

## [附屬法例]

- (b) 一個分帳戶，指明由該成員支付或就該成員支付的自願性供款以及該等供款所產生的累算權益。
- (9) 受託人必須確保每名成員的帳戶的備存方式，均使與計劃成員的帳戶有關的款額記錄在該帳戶的適當分帳戶內。

## 79. 註冊計劃的財政期

- (1) 除第(2)款另有規定外，註冊計劃的核准受託人必須確保該計劃的首個財政期自該計劃根據本條例第 21 或 21A 條註冊的日期當日開始，直至該受託人所決定的日期為止。如此決定的日期，必須是在自該計劃註冊的日期起計的 12 個月內。
- (2) 如任何計劃在緊接其根據本條例成為註冊計劃前，屬根據《職業退休計劃條例》(第 426 章)註冊的職業退休計劃，則——
- (a) 該計劃的首個財政期的首日須由核准受託人決定，但該日期不得在該計劃根據本條例成為註冊計劃當日之後；及
- (b) 該計劃的首個財政期的最後一日須由核准受託人決定，但該日期必須是在自該財政期的首日起計的 12 個月內。
- (3) 受託人必須確保——
- (a) 該計劃的每一個其後的財政期，為一段在根據第(1)或(2)(b)款(視屬何情況而定)決定的日期的每個周年日終結的期間；或
- (b) 在財政期於另一不同的日期終結一事根據第(4)款獲批准的情況下，該計劃的每一個其後的財政期，為一段在該另一不同的日期終結的期間，而其後則為一段在該日期的每個周年日終結的期間。
- (4) 註冊計劃的核准受託人可在管理局事先批准下，決定以另一不同的日期作為該計劃的財政期的終結日。

## 80. 核准受託人須擬備會計政策陳述書

- (1) 核准受託人在成為註冊計劃的受託人後，必須在切實可行範圍內盡快擬備會計政策陳述書，指明根據第 81 條就該計劃擬備財務報表時會遵循的會計政策。

## [Subsidiary]

- (b) a sub-account specifying the voluntary contributions paid by or in respect of the member and the accrued benefits derived from those contributions.
- (9) The trustee must ensure that each member's account is kept in such a manner that the amounts relating to a scheme member's account are recorded in the appropriate sub-accounts of that account.

## 79. Financial period of registered scheme

- (1) Except as provided by subsection (2), the approved trustee of a registered scheme must ensure that the first financial period of the scheme is the period beginning with the date on which the scheme was registered under section 21 or 21A of the Ordinance and ending on a date determined by the trustee. The date so determined must be a date not more than 12 months from the date of registration of the scheme.
- (2) If the scheme was, immediately before it became registered under the Ordinance, an occupational retirement scheme registered under the Occupational Retirement Schemes Ordinance (Cap. 426)—
- (a) the first day of the first financial period of the scheme is to be determined by the approved trustee but that day must not be a date later than the day on which the scheme became registered under the Ordinance; and
- (b) the last day of the first financial period of the scheme is to be determined by the approved trustee but that day must be a date not more than 12 months from the first day of that period.
- (3) The trustee must ensure that every subsequent financial period of the scheme is to be—
- (a) the period ending on each anniversary of the date determined under subsection (1) or (2)(b), as the case may be; or
- (b) if a different date for the end of a financial period is approved under subsection (4), the period ending on that date and then on each anniversary of that date.
- (4) The approved trustee of a registered scheme may, with the prior approval of the Authority, determine a different date for the end of the financial period of the scheme.

## 80. Approved trustee to prepare statement of accounting policies

- (1) As soon as practicable after becoming the approved trustee of a registered scheme, the trustee must prepare a statement of accounting policies specifying the accounting policies to be followed in preparing financial statements for the scheme under section 81.