

立法會
Legislative Council

LC Paper No. CB(1)111/01-02
(These minutes have been
seen by the Administration)

Ref: CB1/BC/10/00/2

**Bills Committee on
Mandatory Provident Fund Schemes (Amendment) Bill 2001**

**Meeting on
Wednesday, 19 September 2001, at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Ambrose LAU Hon-chuen, GBS, JP (Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, JP
Hon David CHU Yu-lin, JP
Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Hon Margaret NG
Hon Bernard CHAN
Hon SIN Chung-kai
Hon TAM Yiu-chung, GBS, JP
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP

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

Mr Raymond TAM
Executive Director (Policy and Development
Division), Mandatory Provident Fund Schemes
Authority

Mr Geoffrey FOX
Senior Assistant Law Draftsman

Ms Lonnie NG
Senior Government Counsel

Clerk in attendance : Miss Polly YEUNG
Chief Assistant Secretary (1)3

Staff in attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Ms Anita SIT
Senior Assistant Secretary (1)8

The Committee deliberated (Index of proceedings attached at **Annex A**).

2. The Administration was requested to provide information on the number of prosecutions taken out for non-compliance, including prosecutions against employers for failure to make mandatory contributions and the penalties imposed in convicted cases.

(Post-meeting note: The Administration's reply has been circulated to members vide LC Paper No. CB(1)29/01-02 dated 11 October 2001.)

3. The Chairman requested the Administration to take note of the concern of the business sector conveyed by Mr James TIEN that at present, it was up to employees to choose his investment portfolio under a registered mandatory provident fund scheme chosen by the employer. However, at times of unsatisfactory market performance, the employer had to top up the accrued benefits payable to the employee so as to meet the employee's long service payment or severance payment entitlement.

4. The Assistant Legal Adviser 3 was requested to examine whether the proposed amendments relating to the powers of the Mandatory Provident Fund Schemes Authority to amend existing conditions or impose new ones on approved trustees would have the effect of increasing the scope of powers of the Authority or would only serve to make explicit the powers which the Authority already possessed.

5. Members agreed that a notice should be put up on the Website of the Legislative Council to invite written submissions on the Bill and that the Clerk should draw up a list of organizations which the Committee would invite to provide views for the Bills Committee's consideration. It should be highlighted in such

invitations that views to be submitted should be relevant to the provisions in the Bill and should not cover wider aspects of the Mandatory Provident Fund System. The date of the next meeting would be scheduled in due course.

6. There being no other business, the meeting ended at 11:43 am.

Legislative Council Secretariat

2 November 2001

**Proceedings of the meeting of the Bills Committee on
Mandatory Provident Fund Schemes (Amendment) Bill 2001
on Wednesday, 19 September 2001, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000-0147	Chairman	Introductory remark	
0148-0927	Admin.	Objectives of the Bill	
0928-1010	Mr TAM Yiu-chung	Enforcement on failure to make contributions	
1011-1128	MPFA*	Enforcement on failure to make contributions	
1129-1331	Mr LEE Cheuk-yan	Enforcement on failure to make contributions	
1332-1703	Admin.	Enforcement on failure to make contributions	
1704-1735	Mr LEE Cheuk-yan	Enforcement on failure to make contributions	
1736-1810	Admin.	Enforcement on failure to make contributions	Admin to provide information on prosecution
1811-1840	Mr LEE Cheuk-yan	Enforcement on failure to make contributions	
1841-2155	MPFA	Enforcement on failure to make contributions	
2156-2423	Mr James TIEN	Existing arrangements regarding long service payment and severance payment entitlement under the Mandatory Provident Fund System (MPFS)	
2424-2542	Admin.	Existing arrangements regarding long service payment and severance payment entitlement under MPFS	
2543-2747	Mr James TIEN	Existing arrangements regarding long service payment and severance payment entitlement under MPFS	
2748-2855	Admin.	Existing arrangements regarding long service payment and severance payment entitlement under MPFS	
2856-2922	Mr James TIEN	Existing arrangements regarding long service payment and severance payment entitlement under MPFS	
2923-2930	Chairman	Existing arrangements regarding long service payment and severance payment entitlement under MPFS	Admin to take note of concern
2931-3234	Mr Bernard CHAN	Operation of the existing system	
3235-3338	Admin.	Operation of the existing system	
3339-3403	Mr Bernard CHAN	Operation of the existing system	
3404-3533	Mr James TIEN	Proposed amendments relating to the powers of the MPFA	
3533-3729	Admin.	Proposed amendments relating to the powers of the MPFA	

3730-3857	Mr James TIEN	Proposed amendments relating to the powers of the MPFA	
3858-4019	Admin./MPFA	Proposed amendments relating to the powers of the MPFA	
4020-4043	Mr James TIEN	Proposed amendments relating to the powers of the MPFA	
4044-4104	Admin.	Proposed amendments relating to the powers of the MPFA	
4105-4116	Chairman	Proposed amendments relating to the powers of the MPFA	
4246-4331	Mr James TIEN	Proposed amendments relating to the powers of the MPFA	
4332	Chairman	Proposed amendments relating to the powers of the MPFA	ALA3 to provide advice
0234-0300	Miss Margaret NG	Proposed amendments relating to the powers of the MPFA	
0301-0457	MPFA	Proposed amendments relating to the powers of the MPFA	
0458-0631	Mr Eric LI	Proposed amendments relating to the powers of the MPFA	
0632-0659	ALA3	Proposed amendments relating to the powers of the MPFA	
0700-0751	MPFA	Proposed amendments relating to the powers of the MPFA	
0752-1030	Chairman	To invite views from concerned parties and the public	
1031-1059	Mr TAM Yiu-chung	To invite views from concerned parties and the public	
1100-1123	Mr Bernard CHAN	To invite views from concerned parties and the public	
1124-1225	Chairman	To invite views from concerned parties and the public	Clerk to follow up

* *MPFA stands for representative of the Mandatory Provident Fund Schemes Authority*

Note: The audio records of the above proceedings are kept at the LegCo Library