MANDATORY PROVIDENT FUND SCHEMES (AMENDMENT) BILL 2002

COMMITTEE STAGE

Amendments to be moved by the Secretary for Financial Services and the Treasury

<u>Clause</u>	<u>Amendment Proposed</u>
1(3)	By adding "and the Treasury" after "Services"
4 (a)	By deleting the proposed section 7A(7) and

substituting -

- "(7) 如僱員(臨時僱員除外)的工資期 一
 - (a) 不多於 1 個月,則就在有關時間之後受僱工作的第 30 日當日或之前開始的工資期而言,僱主不得根據 第(2)(b)款,就該僱員在該工資期所賺取的有關入息 作出扣除;
 - (b) 多於 1 個月,則就由有關時間至有關時間之後受僱工作的第 30 日所在的公曆月的最後一日爲止的期間而言,僱主不得根據第(2)(b)款,就該僱員在該期間所賺取的有關入息作出扣除。".

By deleting the proposed section 43B(3) and (4) and substituting -

- "(3) An employer who is convicted of an
 offence against this section is liable -
 - (a) to a fine at level 6 and to imprisonment for 6 months on the first occasion on which the person is convicted of the offence; and
 - (b) to a fine of \$200,000 and to imprisonment for 12 months on each subsequent occasion on which the person is convicted of the offence and, in the case of an offence consisting of a failure by the employer to comply with the requirement imposed on the employer by section 7(1A), a daily penalty of \$500 for each day on which the offence is continued.
- (4) Notwithstanding section 26 of the Magistrates Ordinance (Cap. 227), proceedings may be instigated for an offence against this section within 6 months after the offence is discovered by, or comes to the notice of, the Authority.".

New By adding -

be the subject of an appeal

Schedule 6 is amended by repealing items 10 and 11 and substituting -

"10. A decision of the Authority to reject an application for its consent to the restructuring of one or more registered schemes.".".

Schedule

- (a) In section 13(c), in the proposed section 145(7A)(a), by adding "in respect of the contribution period that ends" after "concerned".
- (b) In section 14(c), in the proposed section 146(9A)(a), by adding "in respect of the contribution period that ends" after "concerned".
- (c) In section 16, in the proposed section 150A(b) -
 - (i) by adding "within the permitted period" after "scheme";
 - (ii) by deleting "(a) 段所述" and substituting "上述註冊".
- (d) In section 17, in the proposed section 164(5)(c), by deleting "在該成員失業的情況下 -".
- (e) In section 20 -
 - (i) in paragraph (b), in the proposed
 section 2(3), by adding "of this
 Schedule" after "section 6(b)(i), (ii)
 or (iii)";

- (ii) in paragraph (f), in the proposed section 8(1) -
 - (A) in paragraph (a), by adding "a"
 after "on";
 - (B) in paragraph (b), by adding "approved by the Authority for the purposes of section 6A of this Schedule" after "scheme".
- (f) In section 21, by deleting "repealing "any" and substituting "direct"" and substituting "adding "direct" after "any"".
- (g) In section 26, in the proposed section 4(3)(b) and(c), by deleting "或" and substituting "及".