財經事務及庫務局局長

香港雪廠街 中區政府合署

離 話 TEL.:

2810 2280

圖文傳真 FAX:

2537 1736

本函檔號 OUR REF.:

來函檔號 YOUR REF.:



SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

Central Government Offices, Ice House Street, Hong Kong

14 June 2011

The Honourable Jasper Tsang Yok-sing, GBS, JP President, Legislative Council Legislative Council Building 8 Jackson Road Central Hong Kong

Dear President,

Notice of Motion by the Administration Revision of Minimum Relevant Income ("Min RI") and
Maximum Relevant Income ("Max RI") Levels for
Mandatory Provident Fund ("MPF") Contribution

I am writing to advise you of the Administration's plan to move two resolutions to increase the Min RI and Max RI specified respectively in Schedules 2 and 3 in the Mandatory Provident Fund Schemes Ordinance ("MPFSO") at the Legislative Council Meeting on 22 June 2011, and to seek your agreement to dispense with the 12-day notice requirement under Rule 29(1) of the Legislative Council Rules of Procedures.

The MPFSO provides that unless exempted, an employer and employee must each contribute 5% of the employee's relevant income to an MPF scheme as mandatory contribution, while a self-employed person ("SEPs") must similarly contribute 5% of his relevant income. However, if the relevant income of the employee concerned is less than the Min RI, he is not required to make MPF contribution himself, although his employer still has to make MPF contribution for him. For a relevant employee whose relevant income is above the Max RI, both he and his employer are not required to make mandatory contribution in respect of the excess relevant income. The same applies to an SEP. The current Min RI and Max RI are \$5,000 and \$20,000

respectively. The MPFSO also requires the Mandatory Provident Fund Schemes Authority ("MPFA") to conduct a review of the Min RI and Max RI at least once in every four years.

In the course of the recent review of the Min RI and Max RI, the Administration and MPFA considered that a credible Min RI should take into account the Statutory Minimum Wage ("SMW"). Since enactment of the SMW rate in January 2011 and subsequent consultation with the Legislature on MPFA's review result, including a public hearing organized by the Panel on Financial Affairs on 20 April 2011, the Administration has pressed ahead with the legislative amendments to increase the Min RI and Max RI. confirmation of the revised levels of Relevant Income would provide the requisite certainty for trustees and employers to start the necessary implementation work, including adjustments to their systems in one go. With the implementation of SMW on 1 May 2011, our consensus view with the Panel on Financial Affairs is that there is an urgent need to increase the Min RI as soon as possible such that the lower-income group who may earn more due to SMW can continue to be spared of making MPF contributions. I therefore intend to move the resolutions at the Legislative Council Meeting on 22 June 2011. It would enable the implementation date of the revised Min RI to be advanced by one month to 1November 2011.

I have written separately to the Chairman of the House Committee of the Legislative Council informing her of the plan above. The duly signed notice forms, the text of the resolutions and the speeches to be made when moving the motion are attached. I look forward to your favourable consideration of my request to waive the notice requirement.

Yours sincerely,

K.c.ch

(Professor K C Chan)

Secretary for Financial Services and the Treasury

c.c. The Houourable Miriam Lau, GBS, JP, Chairman of the House Committee Ms Pauline NG, Secretary General Director of Administration

立法會 Legislative Council

致 : 立法會秘書

(傳真號碼 Fax No : 2810 1691)

To : Clerk to the Legislative Council

政府當局作出議案預告 Notice of Motion by the Administration

謹按照《議事規則》第29(1)條作出預告,本人擬在<u>2011</u>年<u>6</u>月 22 日舉行的立法會會議上,動議附錄1所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in Appendix 1 at the Legislative Council meeting of 22 June 2011.

2. 本人在提出動議時的發言稿載於附錄2。 A copy of the speech which I will make when moving the motion is in Appendix 2.

簽署 Signature:	1/c.c.d
姓名 Name:	Professor K C Chan
職位名稱 Post title:	Secretary for Financial Services and the Treasury
聯絡人姓名及電話號碼 Name and tel. no. of contact person:	Frederick Yu 2527 1181
日期 Date:	14 June 2011

Mandatory Provident Fund Schemes Ordinance Resolution of the Legislative Council

Resolution made and passed by the Legislative Council under section 48 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) on 2011.

Resolved that the Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 2) Notice 2011, made by the Chief Executive in Council on 2011, be approved.

Clerk to the Legislative Council

2011

Mandatory Provident Fund Schemes Ordinance

Resolution

(Under section 48 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485))

Resolved that the Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 2) Notice 2011, made by the Chief Executive in Council on 2011, be approved.

《強制性公積金計劃條例》

立法會決議

立法會於 2011 年 月 日根據《強制性公積金計劃條例》(第 485 章)第 48 條提出和通過的決議。

議決批准行政長官會同行政會議於 2011 年 月 日訂立的《2011 年 強制性公積金計劃條例(修訂附表 2)公告》。

立法會秘書

2011年 月 日

《強制性公積金計劃條例》

決議

(根據《強制性公積金計劃條例》(第 485 章)第 48 條)

議決批准行政長官會同行政會議於 2011 年 月 日訂立的《2011 年 強制性公積金計劃條例(修訂附表 2)公告》。

Section 1

1

Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 2) Notice 2011

(Made by the Chief Executive in Council under section 48 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) subject to the approval of the Legislative Council)

1. Commencement

This Notice comes into operation on 1 November 2011.

2. Mandatory Provident Fund Schemes Ordinance amended

The Mandatory Provident Fund Schemes Ordinance (Cap. 485) is amended as set out in section 3.

3. Schedule 2 amended (Minimum level of relevant income per contribution period)

(1) Schedule 2, section 1(a)—

Repeal

"\$5,000"

Substitute

"\$6,500".

(2) Schedule 2, section 1(b)—

Repeal

"\$160"

Substitute

"\$250".

(3) Schedule 2, section 1(c)—

Repeal

"\$5,000"

Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 2) Notice 2011

Section 4

2

Substitute

"\$6,500".

(4) Schedule 2, section 2—

Repeal

"\$160"

Substitute

"\$250".

(5) Schedule 2, section 3—

Repeal

"\$5,000"

Substitute

"\$6,500".

(6) Schedule 2, section 3—

Repeal

"\$60,000"

Substitute

"\$78,000".

4. Application of Schedule 2 as amended

Schedule 2 to the Mandatory Provident Fund Schemes Ordinance (Cap. 485) as amended by section 3 applies in relation to a contribution period that begins on or after the commencement date of that section.

Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 2) Notice 2011

3

Clerk to the Executive Council

COUNCIL CHAMBER

14 June 2011

Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 2) Notice 2011

Explanatory Note Paragraph 1

4

Explanatory Note

The purpose of this Notice is to amend Schedule 2 to the Mandatory Provident Fund Schemes Ordinance (Cap. 485) so as to adjust the minimum level of relevant income for contribution purposes under that Ordinance.

《2011年強制性公積金計劃條例(修訂附表 2)公告》

(由行政長官會同行政會議根據《強制性公積金計劃條例》(第 485 章)第 48 條在須經立法會批准的規限下訂立)

1. 生效日期

本公告自2011年11月1日起實施。

2. 修訂《強制性公積金計劃條例》

《強制性公積金計劃條例》(第 485 章)現予修訂,修訂方式列於第 3 條。

- 3. 修訂附表 2(每一供款期的最低有關入息水平)
 - (1) 附表 2,第1(a)條 —

廢除

"\$5,000"

代以

"\$6,500" °

(2) 附表 2,第1(b)條一

廢除

"\$160"

代以

"\$250" ·

(3) 附表 2, 第 1(c)條 --

廢除

第4條

"\$5,000"

代以

"\$6,500" ·

(4) 附表 2, 第2條 —

廢除

"\$160"

代以

"\$250"。

(5) 附表 2, 第3條 —

廢除

"\$5,000"

代以

"\$6,500" ·

(6) 附表 2, 第3條 —

廢除

"\$60,000"

代以

"\$78,000" ·

4. 經修訂的附表 2 的適用情況

經第 3 條修訂的《強制性公積金計劃條例》(第 485 章)附表 2,就 於該條的生效日期當日或之後開始的供款期而適用。

作许定

行政會議秘書

行政會議廳

2011年 6月 (4日

註釋

第1段

註釋

本公告的目的是修訂《強制性公積金計劃條例》(第 485 章)附表 2,以調整該條例所訂的須作供款的最低有關入息水平。

Δ

2011年6月22日立法會會議

財經事務及庫務局局長 根據《強制性公積金計劃條例》就批准 《2011年強制性公積金計劃條例(修訂附表 2)公告》 而動議的決議案致辭全文

主席:

我動議通過印載於議程內的議案。

議案修訂載列於《強制性公積金計劃條例》(下稱"《強積金條例》")附表2的各個最低有關入息水平項目。

《強積金條例》規定,除獲豁免,僱主及僱員雙方均須按僱員有關入息的 5%向強制性公積金(下稱"強積金")計劃作強制性供款。僱員的有關入息如低於最低有關入息水平,僱員則無須供款,但僱主仍須為僱員作出供款。僱員的有關入息如高於最高有關入息水平,則僱主和僱員均無須就超逾該水平的入息作強制性供款。有關規定亦適用於自僱人士。《強積金條例》第10A條規定,積金局須至少每四年就有關入息水平進行檢討。

主席,訂定最低有關入息水平的目的,是減輕強積金供款對較低收入僱員及自僱人士構成的財政負擔。《強積金條例》規定積金局的檢討須考慮在檢討時屬現行、由政府統計處進行的綜合住戶統計調查所得出的每日就業收入中位數的百分之五十之數。積金局亦可考慮其他相關因素。上述指標的水平為5,500元。儘管如此,因應法定最低工資的實施,政府及積金局均認同在調整

最低有關入息水平時,應同時考慮法定最低工資水平, 讓低收入人士能繼續免作強積金供款。

我們在最低工資水平於二零一一年一月透過立法程序落實後,隨即於二月就積金局的檢討結果諮詢財經事務委員會,並透過委員會在二零一一年四月二十日舉行的公聽會,更廣泛地聽取意見。

在釐定具體水平時,我們的起步點是以法定最低工資的時薪水平及每月工作 26 天為基本假設,並按不同工時的假設,推算每月最低有關入息的參考水平。過程中,我們亦廣泛吸納了社會各界的意見。議案提出的水平,即由目前的 5,000 元提高至 6,500 元,是考慮了上述的參考水平,亦符合社會上的大致共識,當中包括立法會議員、政黨和工會在內的主流意見。

下一步,因應落實法定最低工資會對就業人口的 入息帶來根本性的影響,尤其是低收入人士,積金局計 劃在法定最低工資對就業人口入息的實際影響能夠反映 在數據時,全面檢討《強積金條例》下對最低有關入息 水平的法定調整機制,以確保日後的檢討有一個較清晰 及明確的基準。

除以每月計算的最低有關入息水平外,《強積金條例》也為行業計劃下的臨時僱員,及糧期短於一個月的僱員,訂明以每日計算的最低有關入息水平。議案同時提出對以每日計算的最低有關入息水平作出相應修訂,即由目前的 160 元,調高至 250 元,當中同樣採用了每月工作 26 天的假定。至於為自僱人士設定以每年計算的最低有關入息水平,議案則將之相應由目前的 60,000元,調高至 78,000元。

根據二零一零年第四季的數據,如將以每月計算

的最低有關入息水平調高至 6,500 元,會有額外 180 900 名僱員和自僱人士,即合共 337 300 名就業人士無須作 強制性供款。不過,由於這是最低工資實施前所收集的 數據,我預期實際人數應會較低。

配合是次對最低有關入息水平的調整,積金局會在短期內修訂《強公積金計劃(臨時僱員供款)令》,以訂出在最新的最低有關入息水平下,適用行業計劃內不同入息組別成員的供款額,方便僱主及僱員符合規定。同時,積金局亦會因應最高有關入息水平的調整就附屬法例作出相應修訂。這些修訂會於稍後呈交立法會。

在生效時間方面,我們會在切實可行的時間內, 盡快調高最低有關入息水平,讓低收入人士能免作強積 金供款。顧及需給予受託人和全港超過二十四萬參與強 積金計劃的僱主合理時間,進行調整系統準備工作,政 府因應積金局的建議,定於在二零一一年十一月一日實 施新的最低有關入息水平。

最後,藉此機會我想感謝主席同意免卻議案作出 預告的要求,以及各位議員同意加快處理議案。我謹動 議通過議案,修訂《強積金條例》附表 2,謝謝。

財經事務及庫務局 財經事務科 二零一一年六月十四日

立法會 Legislative Council

致 : 立法會秘書

(傳真號碼 Fax No : 2810 1691)

To : Clerk to the Legislative Council

政府當局作出議案預告 Notice of Motion by the Administration

謹按照《議事規則》第29(1)條作出預告,本人擬在<u>2011</u>年<u>6</u>月 22 日舉行的立法會會議上,動議附錄1所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in Appendix 1 at the Legislative Council meeting of 22 June 2011.

2. 本人在提出動議時的發言稿載於附錄2。 A copy of the speech which I will make when moving the motion is in Appendix 2.

簽署 Signature:	/Kca
姓名 Name:	Professor K C Chan
職位名稱 Post title:	Secretary for Financial Services and the Treasury
聯絡人姓名及電話號碼 Name and tel. no. of contact person:	Frederick Yu 2527 1181
日期 Date:	14 June 2011

Mandatory Provident Fund Schemes Ordinance Resolution of the Legislative Council

Resolution made and passed by the Legislative Council under section 48 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) on 2011.

Resolved that the Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 3) Notice 2011, made by the Chief Executive in Council on 2011, be approved.

Clerk to the Legislative Council

2011

Mandatory Provident Fund Schemes Ordinance

Resolution

(Under section 48 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485))

Resolved that the Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 3) Notice 2011, made by the Chief Executive in Council on 2011, be approved.

《強制性公積金計劃條例》

立法會決議

立法會於 2011 年 月 日根據《強制性公積金計劃條例》(第 485 章)第 48 條提出和通過的決議。

議決批准行政長官會同行政會議於 2011 年 月 日訂立的《2011 年 強制性公積金計劃條例(修訂附表 3)公告》。

立法會秘書

2011年 月 日

《強制性公積金計劃條例》

決議

(根據《強制性公積金計劃條例》(第 485 章)第 48 條)

議決批准行政長官會同行政會議於 2011 年 月 日訂立的《2011 年 強制性公積金計劃條例(修訂附表 3)公告》。

Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 3) Notice 2011

(Made by the Chief Executive in Council under section 48 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) subject to the approval of the Legislative Council)

1. Commencement

This Notice comes into operation on 1 June 2012.

2. Mandatory Provident Fund Schemes Ordinance amended

The Mandatory Provident Fund Schemes Ordinance (Cap. 485) is amended as set out in section 3.

3. Schedule 3 amended (Maximum level of relevant income per contribution period)

(1) Schedule 3, section 1(a)—

Repeal

"\$20,000"

Substitute

"\$25,000".

(2) Schedule 3, section 1(b)—

Repeal

"\$650"

Substitute

"\$830".

(3) Schedule 3, section 1(c)—

Repeal

"\$20,000"

Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 3) Notice 2011

Section 4

2

Substitute

"\$25,000".

(4) Schedule 3, section 2—

Repeal

"\$650"

Substitute

"\$830".

(5) Schedule 3, section 3—

Repeal

"\$20,000"

Substitute

"\$25,000".

(6) Schedule 3, section 3—

Repeal

"\$240,000"

Substitute

"\$300,000".

4. Application of Schedule 3 as amended

Schedule 3 to the Mandatory Provident Fund Schemes Ordinance (Cap. 485) as amended by section 3 applies in relation to a contribution period that begins on or after the commencement date of that section.

Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 3) Notice 2011

3

Clerk to the Executive Council

COUNCIL CHAMBER

(4 Juni 2011

Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 3) Notice 2011

Explanatory Note Paragraph 1

4

Explanatory Note

The purpose of this Notice is to amend Schedule 3 to the Mandatory Provident Fund Schemes Ordinance (Cap. 485) so as to adjust the maximum level of relevant income for contribution purposes under that Ordinance.

《2011年強制性公積金計劃條例(修訂附表 3)公告》

(由行政長官會同行政會議根據《強制性公積金計劃條例》(第 485 章)第 48 條在須經立法會批准的規限下訂立)

1. 生效日期

本公告自 2012 年 6 月 1 日起實施。

2. 修訂《強制性公積金計劃條例》

《強制性公積金計劃條例》(第 485 章)現予修訂,修訂方式列於第 3 條。

- 3. 修訂附表 3(每一供款期的最高有關入息水平)
 - (1) 附表 3,第 1(a)條 —

廢除

"\$20,000"

代以

"\$25,000" •

(2) 附表 3,第1(b)條 —

廢除

"\$650"

代以

"\$830"。

(3) 附表 3,第1(c)條 —

廢除

第4條

"\$20,000"

代以

"\$25,000" ·

(4) 附表3,第2條一

廢除

"\$650"

代以

"\$830" ·

(5) 附表 3, 第3條 —

廢除

"\$20,000"

代以

"\$25,000"。

(6) 附表3,第3條—

廢除

"\$240,000"

代以

"\$300,000"。

4. 經修訂的附表 3 的適用情況

經第3條修訂的《強制性公積金計劃條例》(第485章)附表3,就 於該條的生效日期當日或之後開始的供款期而適用。 .

註釋 第1段

4

註釋

本公告的目的是修訂《強制性公積金計劃條例》(第 485 章)附表 3,以調整該條例所訂的須作供款的最高有關入息水平。

神学定

行政會議秘書

行政會議廳

2011年 6 月14日

2011年6月22日立法會會議

財經事務及庫務局局長 根據《強制性公積金計劃條例》就批准 《2011 年強制性公積金計劃條例(修訂附表 3)公告》 而動議的決議案致辭全文

主席:

我動議通過印載於議程內的議案。

議案修訂載列於《強積金條例》附表 3 的各個最高有關入息水平項目。

我在剛才動議修訂最低有關入息水平的議案時, 已闡述強積金有關入息水平的現行安排,我在此不作重 覆。政策理念上,設定最高有關入息水平,旨在鼓勵就 業人口為基本的退休需要作儲蓄。較高收入的僱員及自 僱人士可決定是否在強制性強積金供款以外,藉自願性 供款或其他投資,增加退休儲蓄。

按《強積金條例》第 10A 條,積金局在檢討最高 有關入息水平時,須參考在檢討時屬現行、由政府統計 處進行的綜合住戶統計調查所得出的每月就業收入分布 中第 90 個百分值的每月就業收入。積金局亦可考慮其他 相關因素。儘管在 2002 年及 2006 年時,上述指標水平 均為 30,000 元,唯因當時的經濟環境及社會各界無法達 成共識,最終未有就水平作任何調整。即現行的最高有 關入息水平,自強積金制度在二零零年開始運作以來 一直維持在 20,000 元的水平。

政府在仔細考慮並平衡各方意見後,建議中間落 墨將最高有關入息水平調高至 25,000 元。此外,我們將 新的最高有關入息定於在二零一二年六月一日實施,讓 僱員和僱主有較長時間適應這改變。

至於以每日計算的最高有關入息水平,我們建議沿用現時以每月30天作為換算的假設,將每日最高入息水平由650元調高至830元,以免增幅過高。沿用這個假設是權宜之計,積金局會在檢討法定調整機制時一併考慮將來應如何將每月有關入息水平換算為每日水平。至於為自僱人士設定以每年計算的最高有關入息水平,我們建議相應由目前的240,000元,提高至300,000元。

根據二零一零年第四季的數據,如將最高有關入息水平調高至25,000元,須作額外強制性供款的僱員為424,600人,他們的僱主亦須增加供款,而自僱人士須作額外強制性供款的數目則為89,900人。

正如我在剛才動議的議案提及,積金局會因應最高有關入息水平的調整,對《強制性公積金計劃(臨時僱員供款)令》作出相應修訂。此外,配合落實新的最高有

關入息水平,我們會爭取在下個立法年度向立法會提交修訂《稅務條例》的草案,將僱員和自僱人士強制性供款的最高扣稅款額由12,000元調高至15,000元。

主席,我謹動議通過議案落實對最高有關入息的修訂。謝謝。

財經事務及庫務局 財經事務科 二零一一年六月十四日