



財經事務及庫務局

Financial Services and the Treasury Bureau

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LC Paper No. CB(1)2049/13-14(01)

《2014年強制性公積金計劃（修訂）條例草案》

Mandatory Provident Fund Schemes (Amendment) Bill 2014

2014年9月30日法案委員會會議：政策簡介

Bills Committee Meeting on 30 September 2014: Policy Briefing

目的 Purposes

- 透過以下建議優化強制性公積金（「強積金」）制度
 1. 提供更靈活的提取累算權益安排、新增提早提取累算權益的理由
 2. 釐清核准新強積金成分基金的準則、簡化監管要求以促進收費下調
 3. 改善資料披露、檢控等安排
- To enhance the Mandatory Provident Fund (“MPF”) System by
 - providing more flexible arrangements on withdrawal of accrued benefits; adding new ground of early withdrawal of accrued benefits
 - clarifying the criterion for approving new MPF constituent funds; simplifying regulatory requirements to drive down fees
 - improving arrangements on information disclosure, prosecution, etc.

主要建議

Key Proposals

1. 提取累算權益

Withdrawal of Accrued Benefits

1. 提取累算權益

Withdrawal of Accrued Benefits

- 容許計劃成員在退休或提早退休時，分期提取累算權益
 - 受託人免費處理每年最少12次的提取申請
 - 不限提取累算權益的金額
 - 所提取的累算權益可獲豁免課稅
- To allow scheme members to withdraw accrued benefits by instalments upon retirement or early retirement
 - trustees to handle at least 12 withdrawal requests a year, free-of-charge
 - no restriction on the amount of accrued benefits withdrawn
 - accrued benefits withdrawn will be tax-exempted

1. 提取累算權益

Withdrawal of Accrued Benefits

- 新增以「罹患末期疾病」為額外理由以提早提取累算權益
 - 如計劃成員罹患疾病，相當可能令該成員剩餘預期壽命縮短至12個月或以下
 - 須經由註冊醫生或註冊中醫發出「醫學證明書」
 - 證明書的簽發日期不得早於提交申索日期前的12個月
- To add “terminal illness” as an additional ground for early withdrawal of accrued benefits
 - if a scheme member has an illness that is likely to reduce his / her life expectancy to 12 months or less
 - a “medical certificate” issued by a registered medical practitioner or a registered Chinese medicine practitioner is required
 - the date of certification cannot be more than 12 months before the date of lodgment of claim

1. 提取累算權益

Withdrawal of Accrued Benefits

- 新增以「罹患末期疾病」為額外理由以提早提取累算權益 (續)
 - 即使計劃成員的實際壽命最終較預期長，註冊醫生或註冊中醫亦不會因此而須承擔法律責任
 - 所提取的累算權益可獲豁免課稅
 - 安排同樣適用於某些職業退休計劃下的最低強制性公積金利益(即相等於強積金的強制性供款)
- To add “terminal illness” as an additional ground for early withdrawal of accrued benefits (con’t)
 - no legal liability for a registered medical practitioner or registered Chinese medicine practitioner if the scheme member survives longer than expected
 - accrued benefits withdrawn will be tax-exempted
 - the arrangement is applicable to the minimum MPF benefits under certain ORSO schemes (i.e. equivalent of mandatory MPF contributions)

1. 提取累算權益

Withdrawal of Accrued Benefits

- 釐清或優化以某些理由提早提取累算權益而須作出的法定聲明或規定
 - 讓已作「永久離開香港」聲明的計劃成員，日後不會被禁止返港
 - 讓已作「提早退休」聲明的計劃成員，日後不會被禁止重投工作 / 從事自僱工作
- To clarify or enhance the statutory declaration or requirements on some grounds of early withdrawal of accrued benefits
 - scheme members who have made declarations of “permanent departure from Hong Kong” will not be barred from returning to Hong Kong
 - scheme members who have made declarations of “early retirement” will not be barred from taking up employment / self-employment

1. 提取累算權益

Withdrawal of Accrued Benefits

- 釐清或優化以某些理由提早提取累算權益而須作出的法定聲明或規定 (續)
 - 以「完全喪失行為能力」理由提早提取累算權益的計劃成員，無須從前僱主取得確認書，證明已終止僱傭合約
- To clarify or enhance the statutory declaration or requirements on some grounds of early withdrawal of accrued benefits (con't)
 - scheme members who made early withdrawal of accrued benefits on the ground of “total incapacity” will not be required to obtain confirmation letter from their former employers

1. 提取累算權益

Withdrawal of Accrued Benefits

➤ 其他

- 讓根據《精神健康條例》委任的產業受託監管人，可代表精神上無行為能力的計劃成員，提出提取累算權益的申索
- 安排同樣適用於某些職業退休計劃下的最低強制性公積金利益(即相等於強積金的強制性供款)

➤ Others

- to allow a committee of estate appointed under the Mental Health Ordinance to make claims on behalf of a scheme member who is mentally incapacitated
- the arrangement is applicable to the minimum MPF benefits under certain ORSO schemes (i.e. equivalent of mandatory MPF contributions)

2. 促使強積金收費下調

Driving Down MPF Fees

2. 釐清核准新的強積金成分基金的準則

Clarifying Approval Criterion for New MPF Constituent Funds

- 賦權積金局，可拒絕核准未能「符合計劃成員利益」的新成分基金申請
- 申請人會獲給予申述機會

- To empower MPFA to reject new constituent fund applications where they are not in scheme members' interests
- To allow applicants to be provided with opportunity to make representations

2. 簡化行政 / 通訊程序 Simplifying Administrative / Communication Processes

- 取消受託人須向僱員發出「成員證明書」的規定
- 容許積金局、受託人、計劃成員及其他團體/人士，透過網站或以其他電子方式提交文件
- To remove the requirement for trustees to issue “Membership Certificates” to employees
- To allow MPFA, trustees, scheme members and other organisations / individuals to submit document through website or other electronic means

3. 其他修訂

Other Amendments

3. 資料披露安排

Information Disclosure Arrangements

- 更新積金局及規管強積金中介人的前線監督(即金管局、保監處及証監會) , 可予披露資料的人士及機構的名單
- 訂明符合披露資料的情況
 - 符合計劃成員利益 ;
 - 符合公眾利益 ; 或
 - 為了行使或執行法律所委予或賦予的職能
- To update the list of individuals and organisations to which MPFA and Frontline Regulators of MPF intermediaries (i.e. Monetary Authority, Insurance Authority and Securities and Futures Commission) may disclose information
- To specify the conditions for disclosure of information
 - in the interests of scheme members;
 - in the public interest; or
 - enables the exercise or performance of a function imposed or conferred by law

3. 資料披露安排

Information Disclosure Arrangements

- 容許受託人及職業退休計劃管理人
 - 在計劃成員同意下披露有關資料；或
 - 披露不能辨識計劃成員身分的資料撮要以遵從海外稅務當局的申報規定

- To allow trustees and ORSO administrators to
 - disclose relevant information with consent of scheme members; or
 - disclose a summary of information without identifying scheme members concernedin order to comply with reporting requirements of overseas tax authorities

3. 延長檢控時限

Extending Prosecution Time Bar

- 為利便積金局可更有效地採取執法行動，延長條例中就一些非可公訴罪行提出刑事法律程序的檢控時限（如作出虛假或具誤導性的陳述的罪行；受託人並無將僱主沒有支付強制性供款一事告知積金局）
- 建議延長時間：由所涉罪行發生起計六個月延長至三年內
- To extend the prosecution time bar for instigating criminal proceedings in respect of certain non-indictable offences under MPFSO to facilitate MPFA to take enforcement actions more effectively (e.g. offence of making false or misleading statements; trustees' failure to inform MPFA of employers' failure to pay mandatory contributions)
- Proposed extension of time bar: from six months to three years after commission of certain offences

完
The End