



強制性公積金計劃管理局  
MANDATORY PROVIDENT FUND  
SCHEMES AUTHORITY

## 《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5月5日

5 May 2014



## 目的 Purpose

- 就有關立法建議，徵詢委員的意見
  - 提取強積金累算權益
  - 積金局核准基金的權力
  - 便利受託人履行法定責任以增加下調收費空間的措施
  - 資料披露的安排、延長檢控時限及其他技術性修訂
  
- To consult Members on legislative proposals relating to:
  - withdrawal of MPF accrued benefits
  - powers of MPFA to approve MPF funds
  - measures to facilitate trustees' compliance with statutory obligations for more room to reduce fees
  - disclosure arrangements, extension of prosecution time bar and other technical amendments



## 提取累算權益 Withdrawal of Accrued Benefits

- 現行規定
  - 只可一筆過提取
  - 提取累算權益的理由
    - 退休
    - 滿60歲提早退休
    - 永久離開香港
    - 死亡
    - 完全喪失行為能力
    - 小額結餘帳戶
- Currently
  - Only lump sum payment
  - Grounds for withdrawal of accrued benefits
    - Retirement
    - Early retirement at age 60
    - Permanent departure from Hong Kong
    - Death
    - Total incapacity
    - Small balance account

3



## 提取累算權益 Withdrawal of Accrued Benefits

- 2011年年底至2012年年初作公眾諮詢
- 普遍支持(約90%)
  - (a) 為計劃成員提供在退休或提早退休時，分階段提取累算權益的額外選擇
  - (b) 新增末期疾病為提早提取權益的理由
- Public consultation carried out in late 2011 to early 2012
- General support (around 90%) for
  - (a) additional option of phased-withdrawal of accrued benefits upon retirement and early retirement of scheme members
  - (b) adding terminal illness as new additional ground for early withdrawal

4



## 提取累算權益 Withdrawal of Accrued Benefits

- 容許計劃成員在退休及提早退休時，分階段提取強積金累算權益
  - 每年免費提取四次，而每次提取不少於5,000元
- 容許計劃成員以罹患末期疾病為理由提取累算權益
  - 如疾病致其剩餘預期壽命縮短至12個月或以下
  - 須由註冊醫生或註冊中醫簽發證明書
  - 證明書的簽發日期不得早於計劃成員向有關受託人提出申索日期的12個月
- Allow scheme members to withdraw MPF accrued benefits by instalments upon retirement and early retirement
  - 4 times a year with at least \$5,000 in each instalment free of charge
- Allow scheme members to withdraw accrued benefits on terminal illness ground
  - illness that reduces remaining life expectancy to 12 months or less
  - certified either by registered medical practitioner or registered Chinese medicine practitioner
  - certification dated no more than 12 months before the date of lodgment of claim

5



## 提取累算權益 Withdrawal of Accrued Benefits

- 釐清藉永久離開香港而提取權益的計劃成員，日後不會被禁止返港
- 釐清藉提早退休而提取權益的計劃成員，日後不會被禁止重投工作或再從事自僱工作
- 簡化完全喪失行為能力的申索程序
  - 取消須從前僱主取得確認書或作出法定聲明以證明已終止受僱的規定
- 訂明根據《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申索
- Clarify that scheme members who have withdrawn benefits on permanent departure ground would not be barred from returning to Hong Kong in future
- Clarify that scheme members who have withdrawn benefits on early retirement ground would not be barred from returning to employment / self-employment
- Simplify total incapacity claims
  - removing requirement of confirmation letter from former employers or statutory declaration that they have ceased employment
- Make clear that committee of estate appointed under the Mental Health Ordinance may make claims on behalf of mentally incapacitated scheme member

6



## 提取累算權益 Withdrawal of Accrued Benefits

- 除分階段提取強積金累算權益外，所有其他建議亦適用於從強積金豁免的職業退休計劃提取的最低強制性公積金利益
- Other than phased-withdrawal of MPF accrued benefits, all other proposals would also be applicable to withdrawal of minimum MPF benefits under MPF-exempted ORSO schemes

7



## 提取累算權益 Withdrawal of Accrued Benefits

- 藉退休或提早退休理由而分階段提取的權益 - 豁免課稅 (與一筆過提取的安排相同)
- 藉新增末期疾病理由提早提取的權益 - 豁免課稅 (與現行因其他理由提早提取權益一樣)
- Phased-withdrawal of benefits on retirement or early retirement ground – tax exempted (same as lump sum payment)
- Early withdrawal of benefits on terminal illness ground – tax exempted (same as early withdrawal on existing grounds)

8



## 核准新的強積金計劃及成分基金 Approval of New MPF Schemes and Constituent Funds

- 為積金局提供清晰的法理依據，在申請人未能令其信納新強積金計劃及基金符合計劃成員利益的情況下，可拒絕核准有關申請
- 申請人會獲給予申述機會，向積金局闡明其申請為何符合計劃成員利益
  
- Propose to make a clear legal basis for MPFA to refuse applications for new MPF schemes and funds where applicant cannot satisfy MPFA that approval would be in scheme members' interests
- Applicants will be given opportunity to make representations to MPFA to justify why the application is in members' interests

9



## 利便受託人以擴大強積金收費的下調空間 Facilitating Trustees Compliance to Provide Greater Scope for Fee Reduction

- 已採取一系列措施，促使強積金收費下調、促進市場競爭和優化制度的行政管理
- 現時基金開支比率為1.69%，相比2007年首次公布的2.1%
- 進一步下調收費的建議
  - 以電子方式發送訂明文件
  - 廢除重覆或不必要的證明文件
  
- Various measures to help reduce MPF fees, promote market competition and enhance system administration
- Current FER of 1.69% vs 2.1% first published in 2007
- Further proposals to reduce fees, such as:
  - Use of electronic means of communication
  - Remove overlapping or unnecessary certification requirements

10



## 修訂保密條文所訂立的披露安排 Revisions to Disclosure Arrangements in Secrecy Provisions

- 由於海外稅務申報要求，建議容許受託人及管理人
  - (a) 在個別成員同意的情況下披露有關資料；或
  - (b) 披露不能辨識計劃成員身分的資料撮要
  
- Due to international taxation reporting requirement, propose to allow trustees and administrators
  - (a) to disclose information with the consent of individual members;
  - (b) to disclose a summary of information without identifying scheme members concerned

11



## 修訂保密條文所訂立的披露安排 Revisions to Disclosure Arrangements in Secrecy Provisions

- 更新保密條文，容許積金局可向其他監管機構披露資料如：
  - (a) 符合計劃成員利益；
  - (b) 符合公眾利益；或
  - (c) 是為了行使或執行法律所委予或賦予的某項職能
  
- Modernise secrecy provisions to allow MPFA to disclose information to other regulatory bodies if
  - (a) in the interests of scheme members;
  - (b) in the public interest; or
  - (c) necessary to enable the exercise or performance of a function imposed or conferred by law

12



## 延長檢控時限 Extending Prosecution Time Bar

- 刑事法律程序的時限，由有關罪行發生後起計六個月延長至三年
- Extend time bar for instigating criminal proceedings from 6 months to 3 years after commission of the offence

13



## 其他技術性修訂 Other Technical Amendments

- 釐清現行法例中含糊之處，或屬輕微的技術性修訂
- 舉例來說，就供款日及特准限期的最後一日如為星期六或公眾假期時，釐清如何去釐定該供款日及特准限期；以及修訂“Authority”一字的中文用語（即由「監督」修訂為「管理局」）
- Clarify ambiguities in existing law or are of a minor technical nature
- For example, clarifying the determination of the contribution day and permitted period in MPF schemes in case where the contribution day or the last day of the permitted period falls on a Saturday or a public holiday; and amending Chinese term of “Authority” (from “監督” to “管理局”)

14



## 未來工作 Next Steps

- 在考慮委員的意見後，會為條例草案定稿，以期在本年七月前向立法會提交條例草案
- After considering Members' views, aim to finalise the bill for introduction into LegCo by July this year

15



- 完 -  
End

16