

Mandatory Provident Fund Schemes (Amendment) Bill 2015

**Committee Stage**

Amendment to be moved by the Honourable TAM Yiu-chung

<u>Clause</u>	<u>Amendment Proposed</u>
8	<p>In the proposed section 34DA (Interpretation), by adding in alphabetical order —</p> <p><i>“out-of-pocket expenses</i> (實付開支) means auditor’s fee for regular annual audit, printing and postage, fund price publication expenses, bank charges, governmental fees and charges (including, without limitation, stamp duty, licence fee and other duties), other charges and expenses properly incurred and permitted under this Ordinance and its Regulations and the trust deed of the scheme approved by the Authority;”</p>
8	<p>In the proposed section 34DC(4), by deleting “and (b)” and substituting “to (c)”.</p>
8	<p>In the proposed section 34DC(4)(b), by deleting the full stop and substituting “; and”.</p>
8	<p>After the proposed section 34DC(4)(b), by adding —</p> <p>“(c) the total amount of all payments that are charged to or imposed on the fund, or a scheme member who invests in the fund, for out-of-pocket expenses incurred by the approved trustee on a recurrent basis in the discharge of his duties to provide services in relation to the DIS constituent fund.”</p>

Mandatory Provident Fund Schemes (Amendment) Bill 2015

**Committee Stage**

Amendment to be moved by the Honourable TAM Yiu-chung

<u>Clause</u>	<u>Amendment Proposed</u>
8	<p>In the proposed section 34DA (Interpretation), by adding in alphabetical order —</p> <p>“<i>out-of-pocket expenses</i> (實付開支) means auditor’s fee for regular annual audit, printing and postage, fund price publication expenses, bank charges, governmental fees and charges (including, without limitation, stamp duty, licence fee and other duties), other charges and expenses properly incurred and permitted under this Ordinance and its Regulations and the trust deed of the scheme approved by the Authority;”</p>
8	<p>In the proposed section 34DC(4), by adding “section 1 of” before “Schedule 11 —”.</p>
8	<p>After the proposed section 34DC(4), by adding—</p> <p>“(5) The approved trustee must ensure that the total amount mentioned in paragraph (a), when it is calculated as a percentage of the net asset value of the DIS constituent fund, does not, in a single year, exceed the percentage specified in section 2 of Schedule 11—</p> <p>(a) the total amount of all payments that are charged to or imposed on the fund, or a scheme member who invests in the fund, for out-of-pocket expenses incurred by the approved trustee on a recurrent basis in the discharge of his duties to provide services in relation to the DIS constituent fund.”</p>
8	<p>By renumbering the proposed section 34DC(5) as section 34DC(6).</p>

11 In the heading of the proposed Schedule 11, after “Section 34DC(4)”,  
by adding “and Section 34DC(5)”.

11 After section 1 of the proposed Schedule 11, by adding –

“2. The percentage for the purposes of section 34DC(5) is 0.2% of  
assets per annum.”

# Mandatory Provident Fund Schemes (Amendment) Bill 2015

## Committee Stage

### Amendment to be moved by the Honourable TAM Yiu-chung

<u>Clause</u>	<u>Amendment Proposed</u>
8	<p>After the proposed section 34DC, by adding –</p> <p><b>“34DCA. Sunset</b></p> <p>(1) Section 34DC shall cease to have effect on 31 December 2021.</p> <p>(2) No later than 15 months prior to 31 December 2021, the Authority is to conduct a full and independent review and public consultation on the implementation of Part 4AA of this Ordinance, and in particular its effect on the payment for services charged to or imposed on—</p> <p>(a) a DIS constituent fund of the scheme; or</p> <p>(b) a scheme member who invests in the fund.</p> <p>(3) The Authority’s report referred to in subsection (2) must be laid on the table of the Legislative Council no later than 10 months prior to 31 December 2021.”</p>