

**立法會**  
***Legislative Council***

LC Paper No. CB(3) 452/16-17

Ref. : CB(3)/M/OR

Tel : 3919 3300

Date : 28 March 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

---

**Council meeting of 26 April 2017**

**Proposed resolution under  
the Mandatory Provident Fund Schemes Ordinance**

The Secretary for Financial Services and the Treasury will move the proposed resolution in **Appendix 1** under section 46 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is in **Appendix 2**.

(Dora WAI)  
for Clerk to the Legislative Council

Encl.

## **Mandatory Provident Fund Schemes Ordinance**

---

### **Resolution**

(Under section 46 of the Mandatory Provident Fund Schemes Ordinance  
(Cap. 485))

---

**Resolved** that the Mandatory Provident Fund Schemes (Fees)  
(Amendment) Regulation 2017, made by the Chief Executive in Council on  
14 March 2017, be approved.

## Mandatory Provident Fund Schemes (Fees) (Amendment) Regulation 2017

(Made by the Chief Executive in Council under section 46 of the  
Mandatory Provident Fund Schemes Ordinance (Cap. 485) subject to the  
approval of the Legislative Council)

### 1. Commencement

This Regulation comes into operation on 1 January 2018.

### 2. Mandatory Provident Fund Schemes (Fees) Regulation amended

The Mandatory Provident Fund Schemes (Fees) Regulation (Cap. 485 sub. leg. C) is amended as set out in sections 3, 4 and 5.

### 3. Section 3 added

After section 2—

#### Add

#### “3. Application of item 12 of Schedule 1 as amended

Item 12 of Schedule 1 as amended by section 4(6) of the Mandatory Provident Fund Schemes (Fees) (Amendment) Regulation 2017 applies to a chargeable period that begins on or after 1 January 2018.”.

### 4. Schedule 1 amended (fees prescribed for the purposes of the Mandatory Provident Fund Schemes Ordinance (Cap. 485))

(1) Schedule 1—

#### Repeal

“[s. 2]”

#### Substitute

“[ss. 2 & 3]”.

(2) Schedule 1, item 8—

#### Repeal

“Nil”

#### Substitute

“\$2,340”.

(3) Schedule 1, item 9—

#### Repeal

“Nil”

#### Substitute

“\$290”.

(4) Schedule 1, item 10—

#### Repeal

“Nil”

#### Substitute

“\$130”.

(5) Schedule 1, item 11—

#### Repeal

“Nil”

#### Substitute

“\$660”.

(6) Schedule 1—

#### Repeal item 12

#### Substitute

- “12. 34ZN (a) Annual fee payable by a registered intermediary who is a principal intermediary \$1,430
- (b) Annual fee payable by a registered intermediary who is a subsidiary intermediary \$180”.

**5. Schedule 3 amended (fees prescribed for the purposes of the Mandatory Provident Fund Schemes (Exemption) Regulation (Cap. 485 sub. leg. B))**

- (1) Schedule 3, item 2(a)—

**Repeal**

“\$1,200”

**Substitute**

“\$1,800”.

- (2) Schedule 3, item 2(b)—

**Repeal**

“\$2,400”

**Substitute**

“\$3,700”.

- (3) Schedule 3, item 4(b)—

**Repeal**

“\$11,250”

**Substitute**

“\$11,800”.

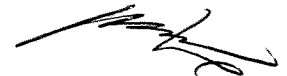
- (4) Schedule 3, item 4(c)—

**Repeal**

“\$4,900”

**Substitute**

“\$5,100”.



Clerk to the Executive Council

COUNCIL CHAMBER

14<sup>th</sup> March, 2017

### Explanatory Note

This Regulation amends the Mandatory Provident Fund Schemes (Fees) Regulation (Cap. 485 sub. leg. C) (*principal Regulation*) to apply a particular annual fee to chargeable periods from 1 January 2018.

2. This Regulation also amends Schedule 1 to the principal Regulation to prescribe the following fees payable under section 34T, 34U, 34V, 34W or 34ZN of the Mandatory Provident Fund Schemes Ordinance (Cap. 485)—
  - (a) the application fee for registration as a principal intermediary;
  - (b) the application fee for registration as a subsidiary intermediary;
  - (c) the application fee for approval of attachment of a subsidiary intermediary to a principal intermediary;
  - (d) the application fee for approval of a responsible officer;
  - (e) the annual fee payable by a principal intermediary;
  - (f) the annual fee payable by a subsidiary intermediary.
3. This Regulation also amends Schedule 3 to the principal Regulation to increase the following fees payable under section 16 of, or section 7 of Schedule 3 to, the Mandatory Provident Fund Schemes (Exemption) Regulation (Cap. 485 sub. leg. B)—
  - (a) the application fee for an exemption certificate in respect of a registered occupational retirement scheme which is a participating scheme of a pooling agreement;
  - (b) the application fee for an exemption certificate in respect of a registered occupational retirement scheme which is not a participating scheme of a pooling agreement;

- (c) the application fee for approval to the appointment of a trustee of a scheme which is a company incorporated outside Hong Kong;
- (d) the application fee for approval to the appointment of a director of an applicable trustee of a scheme, or a trustee of a scheme who is a natural person.

**DRAFT**

**Speech by the Secretary for Financial Services  
and the Treasury  
in moving the Resolution under Section 46 of the  
Mandatory Provident Fund Schemes Ordinance (Cap 485)  
at the Legislative Council sitting on 26 April 2017**

(This is a draft; please check against actual delivery.)

President,

I move that the motion, as printed on the Agenda, be passed.

2. This resolution seeks to enable the Mandatory Provident Fund Schemes Authority (“MPFA”) to charge Mandatory Provident Fund (“MPF”) intermediaries regulatory fees starting from January 2018, and also to raise four fees relating to MPF exempted occupational retirement schemes (“MPF exempted ORSO registered schemes”).

3. In November 2012, the Legislative Council (“LegCo”) passed the Mandatory Provident Fund Schemes (Amendment) Ordinance 2012 to provide for the statutory regulatory regime for MPF intermediaries and empower the MPFA to recover the regulatory costs by charging MPF intermediaries registration, approval and annual fees (“MPF-i fees”). The MPFA then proposed to waive these fees in the initial years of implementing the new regulatory regime, so as to minimise the impact of the transitional arrangements on the industry and to enable the industry to better adapt to the new regime. LegCo also agreed that the MPFA should set the fee levels according to the cost-recovery principle after the statutory regime has been implemented for a period of time. As the regulatory regime for MPF intermediaries has been implemented smoothly and MPF intermediaries have already enjoyed a fee holiday for four years, the MPFA considers it appropriate to start charging the relevant fees.

4. Separately, the fees charged by the MPFA in relation to MPF exempted ORSO registered schemes have not been updated since 1999. The existing levels of these fees cannot reflect the current costs borne by the MPFA in conducting the relevant supervisory work. We therefore consider it necessary to raise these fees.

5. The MPF-i fees, ranging from \$130 to \$2,340, include registration fees and annual fees of Principal Intermediaries (“PIs”) and Subsidiary

Intermediaries, as well as approval fees for attachment to PIs and appointment of Responsible Officers. Noting that many PIs are small and medium-sized companies, the MPFA, having consulted industry bodies, proposes to set the fees initially at 60% of the relevant costs to reduce the cost burden on small and medium-sized enterprises. The MPFA plans to review the MPF-i fees in five years' time with a view to bringing them progressively to the full-cost recovery levels.

6. Besides, we propose to raise four fees relating to MPF exempted ORSO registered schemes according to the cost-recovery principle with increases ranging from \$200 to \$1,300. The MPFA consulted employers paying these fees and received no adverse comments. The MPFA will regularly review the costs of these fees and submit fee revision proposals as and when necessary.

7. Subject to LegCo's approval of the above proposal, the new fees will come into effect on 1 January 2018. The fee proposal will bring an estimated additional annual revenue of \$8.1 million to the MPFA.

8. Thank you, President.