



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

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本函檔號 OUR REF : LS/B/19/18-19  
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By Fax (2529 1663)

20 May 2019

Ms Joan HUNG  
Principal Assistant Secretary for Financial Services and  
the Treasury (Financial Services) Mandatory Provident Fund Reform  
Mandatory Provident Fund Reform Division  
Financial Services and the Treasury Bureau  
24/F, Central Government Offices  
2 Tim Mei Avenue  
Tamar  
Hong Kong

Dear Ms HUNG,

### **Occupational Retirement Schemes (Amendment) Bill 2019**

We refer to the captioned Bill and the clause-by-clause examination in the first meeting of the Bills Committee on the captioned Bill on 17 May 2019. We would like to seek your further clarification on the following matters relating to the legal or drafting aspects of the Bill.

For the avoidance of doubt, please consider if it is more desirable to expressly state in the proposed new section 2B(2) of Occupational Retirement Schemes Ordinance (Cap. 426) that "a period of more than 4 years" shall be a continuous period.

Please clarify whether the proposed new section 2B(2) of Cap. 426 would have any implication on duty of the proprietor of the business or organization, who would be regarded as an employer under that proposed new section, under the Employment Ordinance (Cap. 57).

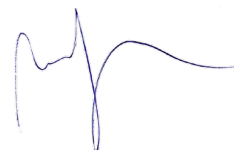
Please explain what factors the Registrar of Occupational Retirement Schemes ("Registrar") would take into account when considering what would constitute "public interest" in the decisions to be made under the proposed amended sections 11, 12, 18, 42 and 45 of Cap. 426?

Please explain why there is no protection to the materials subject to legal professional privileges provided in the proposed new Part VIIIA of Cap. 426 and whether the Administration would consider to provide expressly such protection in that Part by proposing amendments to the Bill upon the resumption of Second Reading debate on the Bill.

In relation to the power of entering premises and inspecting materials under the proposed new section 66B of Cap. 426, please clarify if the Administration would propose amendments to the Bill upon the resumption of Second Reading debate on the Bill to add provisions in the proposed new Part VIIIA of Cap. 426 (i.e. Inspection and Investigation) for (a) empowering the Registrar to issue a warrant and (b) specifying the conditions to be satisfied by the Registrar before issuing a warrant.

It is appreciated that your reply in both languages could reach us as soon as possible, preferably by **31 May 2019**.

Yours sincerely,



(Mark LAM)  
Assistant Legal Adviser

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