

立法會
Legislative Council

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Tel : 3919 3300

Date : 8 June 2020

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

**Debate and voting arrangements for
Occupational Retirement Schemes (Amendment) Bill 2019**

Further to LC Paper No. CB(3) 439/19-20 issued on 21 May 2020, I attach a table on the debate and voting arrangements for the captioned Bill for Members' information.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

Occupational Retirement Schemes (Amendment) Bill 2019
Debate and voting arrangements

- Object of the Bill :** To amend the Occupational Retirement Schemes Ordinance (Cap. 426) to provide for requirements to:
- (a) ensure that occupational retirement schemes (“OR schemes”) are genuinely based on employment;
 - (b) enhance the enforcement powers of the Registrar of Occupational Retirement Schemes (“Registrar”) under Cap. 426; and
 - (c) provide for related matters.

Joint debate	: Clauses with no amendment and clauses with amendments proposed by Secretary for Financial Services and the Treasury (“SFST”)	— Clauses 1 to 53
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Joint debate on the original clauses and the amendments.

Debate theme : Employment-based OR schemes and enforcement powers of the Registrar

SFST’s amendments

Clause 4

- To amend the proposed section 2B(2) in clause 4 to clarify that the requirement of “more than four years” refers to a continuous period of more than four years; and
- to make textual amendments to the English text of the proposed section 2B(2) for alignment with the Chinese text.

Clause 10

- To make textual amendments to the Chinese text of the proposed section 10(1)(ab) in clause 10 for alignment with the English text.

Clause 25

- To amend the proposed section 33A(1) in clause 25 to add “the non-compliance of a registration condition” as a reportable event that the relevant employer or administrator of a registered OR scheme (“registered scheme”) must report to the Registrar.

Clauses 27 and 30

- To amend the proposed section 42 in clause 27 and the proposed section 45(1) in clause 30 to mirror the list of grounds on which the Registrar may withdraw the exemption certificate of an exempted scheme under section 7 of Cap. 426, by adding “the non-compliance of a registration condition” as a ground on which the Registrar may cancel the registration of a registered scheme.

Clause 44

- To delete the reference to section 67(2)(gab) from the proposed section 67(6A) in clause 44(6) to remove the consequences of non-compliance with the newly added requirement for submission of written statement to the Registrar under registered schemes covering groups of companies, so as to achieve consistency with the practice of registered schemes not covering groups of companies.

Voting

- 1. Clauses with no amendment (i.e. clauses 1 to 3, 5 to 9, 11 to 24, 26, 28, 29, 31 to 43 and 45 to 53) standing part of the Bill
- 2. SFST's amendments
- 3. Clauses 4, 10, 25, 27, 30 and 44 with amendments or without amendment standing part of the Bill

SFST's amendments

(set out in LC Paper No. CB(3) 439/19-20 issued on 21 May 2020)

Council Business Division 3
Legislative Council Secretariat
8 June 2020