

## **MANDATORY PROVIDENT FUND SCHEMES AUTHORITY**

### **VI.3 Guidelines on Annual Returns to be Delivered by Registered Intermediaries**

#### **INTRODUCTION**

Pursuant to section 34ZO(1) of the Mandatory Provident Fund Schemes Ordinance (“the Ordinance”), a person who is a registered intermediary must deliver to the Mandatory Provident Fund Schemes Authority (“MPFA”) for every reporting period a return in the specified form.

2. Pursuant to section 34ZO(6) of the Ordinance, the MPFA may specify a date on which the reporting period begins and must publish the date in any manner it considers appropriate.

3. Section 47A(1) of the Ordinance provides that the MPFA may specify or approve the form and contents of documents required for the purposes of the Ordinance.

4. Section 6H of the Ordinance provides that the MPFA may issue guidelines for the guidance of approved trustees, service providers, participating employers and their employees, self-employed persons, regulated persons and other persons concerned with the Ordinance.

5. The MPFA hereby issues guidelines:

- (a) to set out the specified form of return pursuant to section 34ZO(1) of the Ordinance;

- (b) to set out the specified date on which the reporting period begins pursuant to section 34ZO(6)(a) of the Ordinance; and
- (c) to provide guidance on the submission of the specified forms.

### **EFFECTIVE DATE**

6. The Guidelines shall become effective on the date of commencement of operation of the Mandatory Provident Fund Schemes (Amendment) Ordinance 2012, i.e. 1 November 2012.

### **SPECIFIED FORMS**

#### *Annual Return for a Principal Intermediary*

7. Form Annual Return – PI, as set out in Annex A, is the specified form of return to be delivered by a principal intermediary to the MPFA for every reporting period pursuant to section 34ZO(1) of the Ordinance.

#### *Annual Return for an Individual who is a Subsidiary Intermediary*

8. Form Annual Return – SI, as set out in Annex B, is the specified form of return to be delivered by an individual who is a subsidiary intermediary to the MPFA for every reporting period pursuant to section 34ZO(1) of the Ordinance.

### **REPORTING PERIOD**

9. 1 January is the date specified pursuant to section 34ZO(6)(a) of the Ordinance as the date on which a reporting period begins.

## **SUBMISSION OF ANNUAL RETURNS**

10. Registered intermediaries may submit annual returns by electronic means in accordance with the requirements for electronic interface, as notified by the MPFA from time to time.

11. Hard copy of the Returns should be submitted to:  
Mandatory Provident Fund Schemes Authority  
Level 36 Tower 1, Metroplaza  
223 Hing Fong Road  
Kwai Fong, New Territories  
Hong Kong

## **DEFINITION OF TERMS**

12. Where a term used in the Guidelines is defined in the Ordinance or the subsidiary legislation then, except where specified in the Guidelines, that term carries the meaning as defined in the Ordinance or the subsidiary legislation.

<b>CONFIDENTIAL</b>
---------------------

**MANDATORY PROVIDENT FUND SCHEMES AUTHORITY (MPFA)**

**Annual Return to be Delivered by MPF Principal Intermediary  
For the period 1 January to 31 December 20\_\_\_\_**

(under section 34ZO of the Mandatory Provident Fund Schemes Ordinance, Cap.485("MPFSO"))

**SECTION I – PARTICULARS OF THE MPF PRINCIPAL INTERMEDIARY**

1. Name in English : \_\_\_\_\_
2. Name in Chinese (if any) : \_\_\_\_\_
3. MPF Registration No. : \_\_\_\_\_
4. Name of Contact Person : \_\_\_\_\_
5. Telephone No. of Contact Person : \_\_\_\_\_
6. E-mail Address of Contact Person : \_\_\_\_\_

**SECTION II – BUSINESS INFORMATION**

- A. During the reporting period, did your company (including the subsidiary intermediaries attached to your company) carry on any MPF regulated activities as defined in s.34F of the Mandatory Provident Fund Schemes Ordinance (MPFSO)?

Yes	No
Provide details below	Proceed to section IV - Declaration

- B. Did your company (including the subsidiary intermediaries attached to your company) provide regulated advice on MPF schemes and/or constituent funds?

Clients in receipt of the advice		
Employer (Yes/No)	Employee/Personal Account Holder (Yes/No)	Self-employed Person (Yes/No)

C. Please provide the names of all MPF scheme(s) marketed by your company during the reporting period:

Name of MPF Scheme(s)	Did your company start to market this scheme during the reporting period? (Yes/No)
1.	
2.	
3.	
4.	
5.	

*Please continue on separate sheet if necessary*

D. Please provide the names of the top five MPF schemes, in terms of the number of forms<sup>1</sup> submitted to MPF trustees involving regulated activities conducted by intermediaries during the reporting period:

Name of MPF Scheme(s)	Indicate “Yes” If the Scheme Belongs to Your Group Company <sup>2</sup>	Insert the Range Code <sup>3</sup> of the Number of Forms Submitted according to the Table below
1.		
2.		
3.		
4.		
5.		

<sup>1</sup> The data required in section II D and E are the following forms:

- a) “Employee Choice Arrangement – Transfer Election Forms” “Form MPF(S) – P(P)” submitted to trustees or the equivalent forms developed by your trustees
- b) “Scheme Member’s Request for Fund Transfer Forms” “Form MPF(S) – P(M)” submitted to trustees or the equivalent forms developed by your trustees
- c) “Employer’s Request for Fund Transfer Forms” “Form MPF(S) - P(E)” submitted to trustees or the equivalent forms developed by your trustees
- d) Forms for setting up new plans for employers and self-employed persons
- e) Forms for setting up new special voluntary contribution accounts

<sup>2</sup> Group of companies means any 2 or more companies or bodies corporate, one of which is the holding company of the other or others.

<sup>3</sup> Range Code Table

Number of Forms	0-49	50-99	100-499	500-999	1,000-4,999	5,000-9,999	10,000-49,999	50,000-99,999	100,000 and above
Range Code	A	B	C	D	E	F	G	H	I

E. Please provide the following statistics covering the reporting period:

Type of Transaction	Insert the Range Code <sup>3</sup> of the Number of Forms Submitted according to the Table on Page 2
1. Employee Choice Arrangement (ECA) Transfer <ul style="list-style-type: none"> <li>Please indicate the number of “Employee Choice Arrangement – Transfer Election Forms” “Form MPF(S) – P(P)” submitted to trustees or the equivalent forms developed by your trustees. (i.e. For transactions related to employees who transfer their accrued benefits from a contribution account to a nominated account during employment.)</li> </ul>	
2. Scheme transfer (not related to ECA) <ul style="list-style-type: none"> <li>Please indicate the number of “Scheme Member’s Request for Fund Transfer Forms” “Form MPF(S) – P(M)” submitted to trustees or the equivalent forms developed by your trustees. (i.e. For transactions related to self-employed persons, personal account holders, or employees ceasing employment.)</li> </ul>	
3. Employer level transfer <ul style="list-style-type: none"> <li>Please indicate the number of “Employer’s Request for Fund Transfer Forms” “Form MPF(S) - P(E)” submitted to trustees or the equivalent forms developed by your trustees.</li> </ul>	
4. The number of new plans set up for employers and self-employed persons <ul style="list-style-type: none"> <li>Please indicate the number of employer/self-employed persons application forms submitted to trustees.</li> </ul>	
5. The number of new special voluntary contribution <sup>4</sup> (SVC) accounts set up <ul style="list-style-type: none"> <li>Please indicate the number of application forms - SVC submitted to trustees.</li> </ul>	

<sup>4</sup> The type of voluntary contributions paid directly by a member to the trustee. Unlike normal voluntary contributions, these contributions do not go through their employer. Trustees may use different names for this contribution service (e.g. Personal Contribution, Additional Voluntary Contribution etc.).

**SECTION III – COMPLIANCE / INTERNAL AUDIT**

F. Please indicate the frequency and the date(s) of your company’s review to ensure compliance with Part IVA of the MPFSO.

<b>Frequency of Review</b>	
<b>Periodic Review</b> <i>(e.g. once a quarter or once a year)</i> <b>(Yes/No)</b>	<b>Continuing Review</b> <b>(Yes/No)</b>

**If you have indicated “Yes” to a periodic review, please state the start and end date of the period in which you conducted the review.**

<b>Review Date</b>	
<b>Start Date</b> <b>(DD/MM/YY)</b>	<b>End Date</b> <b>(DD/MM/YY)</b>

*Please continue on separate sheet if necessary*

**SECTION IV – DECLARATION**

We confirm that we have in place procedures and controls to ensure compliance with Part IVA of the MPFSO.

We declare that to the best of our knowledge and belief, the information given in this Annual Return is correct and complete. ✦

Name of MPF Principal Intermediary : \_\_\_\_\_

Signature of Person as Authorized : \_\_\_\_\_

Name of Person Authorized by the Principal Intermediary to Sign the Declaration : \_\_\_\_\_

Position of Person Authorized by the Principal Intermediary to Sign the Declaration : \_\_\_\_\_

Date : \_\_\_\_\_

✦ **Warning:** Section 43E(1) of the MPFSO makes it an offence punishable with a maximum of 1 year’s imprisonment and a fine of \$100,000 for the first occasion and 2 years’ imprisonment and a fine of \$200,000 on each subsequent occasion for a person who makes a statement that the person knows to be false or misleading in a material aspect, or recklessly makes a statement which is false or misleading in a material aspect.

~ END ~

For Official Use Only					
Receipt Date			Date of Updating		
Input Officer		Checking Officer		Approving Officer	



### Personal Information Collection Statement

This Personal Information Collection Statement (“PICS”) is made in accordance with the Personal Data (Privacy) Ordinance (“PDPO”). You are advised to read the following regarding your rights and obligations in relation to your personal data (as defined in the PDPO) and the manner in which the MPFA may use or deal with such data for the purposes specified below.

#### Purpose of Collection and Use

1. The personal data provided in annual return will be used by the MPFA for one or more of the following purposes:
  - (i) exercising or performing its functions under the Mandatory Provident Fund Schemes Ordinance (“MPFSO”) including but not limited to ensuring compliance with the MPFSO, regulating sales and marketing activities and the giving of advice in relation to registered schemes, registration of MPF intermediaries, granting approval of responsible officers and related matters, inspection, investigation, and taking disciplinary or enforcement action;
  - (ii) enabling or assisting other regulators to perform their functions under the MPFSO or their respective regimes including, without limitation, monitoring, surveillance, inspection or investigation;
  - (iii) establishing and keeping a public register of MPF intermediaries for regulated activities;
  - (iv) for research and statistical purposes; and
  - (v) other purposes as permitted by law.

#### Transfer/ Matching of Personal Data

2. The MPFA may disclose or transfer the personal data to other persons including the bodies listed below for one or more of the aforesaid purposes, or in accordance with an order of a court or in accordance with a law or a requirement made under a law, or pursuant to any regulatory or investigatory assistance arrangements between the MPFA and other regulators or law enforcement agents:
  - (i) the Hong Kong Monetary Authority;
  - (ii) the Insurance Authority and the self-regulatory organizations of the insurance industry (including the Insurance Agents Registration Board under the Hong Kong Federation of Insurers, The Hong Kong Confederation of Insurance Brokers, and the Professional Insurance Brokers Association);
  - (iii) the Securities and Futures Commission;
  - (iv) examination bodies for conducting qualifying examinations;
  - (v) principal intermediary/intermediaries to which you as a subsidiary intermediary were/are/will be attached;
  - (vi) the Chief Executive;
  - (vii) the Financial Secretary;
  - (viii) the Commissioner of Inland Revenue;
  - (ix) the Official Receiver appointed under the Bankruptcy Ordinance;
  - (x) liquidator appointed under the Companies Ordinance;
  - (xi) the Registrar of Occupational Retirement Schemes;
  - (xii) the Financial Reporting Council established under the Financial Reporting Council Ordinance;
  - (xiii) the Hong Kong Police Force;
  - (xiv) any relevant courts, panels, tribunals and committees; and
  - (xv) other law enforcement agents or government / regulatory bodies.

3. Personal data may be used by the MPFA or disclosed or transferred by the MPFA to the bodies listed in paragraph 2 (i), (ii) and (iii) for the purposes of comparing or verifying those data with other data or carrying out matching procedure (as defined in the PDPO) on those data.

#### **Public Register**

4. The MPFA is required to establish and keep a register of MPF intermediaries for regulated activities containing specified data (including personal data) pursuant to the relevant provisions of the MPFSO or any rules or regulations made thereunder. The MPFA is required by law to make the register available to the public through the Internet. For the purpose of enabling a member of the public to ascertain whether he/she is dealing with a regulated person (including MPF intermediary) in matters of or connected with any regulated activity or the approval of an individual as a responsible officer of a principal intermediary, a member of the public may inspect the register or may inspect a reproduction of any information recorded in the register in a legible form (as the case may be), free of charge. A member of the public may also on payment of a prescribed fee obtain a copy or a certified true copy of an entry in or extract of the register.

#### **Access to Personal Data**

5. You are entitled under the PDPO to ascertain whether the MPFA holds personal data relating to you, and to request access to or to request the correction of any personal data relating to you held by the MPFA, in the manner and subject to the limitations prescribed therein. All enquiries should be directed to the Personal Data Privacy Officer of the MPFA at Level 16, International Commerce Centre, 1 Austin Road West, Kowloon, Hong Kong.

**MANDATORY PROVIDENT FUND SCHEMES AUTHORITY (MPFA)****Continuing Professional Development Annual Return by a  
Subsidiary Intermediary (Individual)**

(under section 34ZO of the Mandatory Provident Fund Schemes Ordinance, Cap.485(“MPFSO”))

**A. PARTICULARS OF SUBSIDIARY INTERMEDIARY**

Please complete the following particulars:

1. Name in English  
(same as HKID Card) : \_\_\_\_\_
2. Name in Chinese (if any)  
(same as HKID Card) : \_\_\_\_\_
3. MPF Registration No. : \_\_\_\_\_
4. Mobile Telephone No. : \_\_\_\_\_
5. Residential Address : \_\_\_\_\_

**B. CONTINUING PROFESSIONAL DEVELOPMENT (CPD)**

Please state the number of hours you have attended on core CPD activities and non-core CPD activities respectively <sup>1</sup> in the reporting year of _____.	Number of Hours	
	Core CPD activities	Non-core CPD activities

**C. DECLARATION:**

1. I certify that I have read the attached Personal Information Collection Statement (“PICS”). I understand my rights and obligations in relation to personal data provided by me to the MPFA and agree to the manner in which the MPFA may use or deal with the data as set out in the PICS.
2. For the purpose of my ongoing registration as a subsidiary intermediary and any purpose incidental thereto, I consent to the disclosure or release of my personal data or other information by my principal intermediary/intermediaries which I was/am/will be attached, to the MPFA and hereby authorize the MPFA to request for such disclosure or release and to release my personal data to my principal intermediary/intermediaries.

<sup>1</sup> Please refer to the Guidelines on Continuing Training for Subsidiary Intermediaries.

3. For the purposes of monitoring my compliance with the MPF continuing training requirements as specified by the MPFA pursuant to s.34ZP of the Mandatory Provident Fund Schemes Ordinance (Cap.485) (“MPFSO”) and my ongoing registration as a subsidiary intermediary, and any purpose incidental thereto, I consent to my principal intermediary/intermediaries which I was/am/will be attached to and the provider(s) of MPF training that is specified by the MPFA under the MPFSO (“MPF Training”) disclosing and transferring my personal data (including MPF registration number and the name, date and training hours of the MPF training that I have attended) and other information and supporting evidence held by them to the MPFA. I also consent to the MPFA carrying out matching or comparison of the personal data or other information so disclosed or transferred by my principal intermediary/intermediaries or the provider(s) of MPF Training with my personal data or other information collected or held by the MPFA.
  
4. I understand that the results of the matching procedures and comparison mentioned in this CPD Annual Return may result in the MPFA suspending or revoking any registration of myself as a subsidiary intermediary, and/or exercising any other powers conferred by or under the MPFSO, if the results show that I have failed to comply with any MPF continuing training requirements.
  
5. I declare that to the best of my knowledge and belief, the information given in this CPD Annual Return is correct and complete. ✦

Signature

(to be signed by Subsidiary Intermediary) : \_\_\_\_\_

Date of Signature

: \_\_\_\_\_

✦ **Warning:** Section 43E(1) of the MPFSO makes it an offence punishable with a maximum of 1 year’s imprisonment and a fine of \$100,000 for the first occasion and 2 years’ imprisonment and a fine of \$200,000 on each subsequent occasion for a person who makes a statement that the person knows to be false or misleading in a material aspect, or recklessly makes a statement which is false or misleading in a material aspect.

~ END ~

For Official Use Only					
Receipt Date			Date of Updating		
Input Officer		Checking Officer		Approving Officer	

### Personal Information Collection Statement

This Personal Information Collection Statement (“PICS”) is made in accordance with the Personal Data (Privacy) Ordinance (“PDPO”). You are advised to read the following regarding your rights and obligations in relation to your personal data (as defined in the PDPO) and the manner in which the MPFA may use or deal with such data for the purposes specified below.

#### Purpose of Collection and Use

1. The personal data provided in annual return will be used by the MPFA for one or more of the following purposes:
  - (i) exercising or performing its functions under the Mandatory Provident Fund Schemes Ordinance (“MPFSO”) including but not limited to ensuring compliance with the MPFSO, regulating sales and marketing activities and the giving of advice in relation to registered schemes, registration of MPF intermediaries, granting approval of responsible officers and related matters, inspection, investigation, and taking disciplinary or enforcement action;
  - (ii) enabling or assisting other regulators to perform their functions under the MPFSO or their respective regimes including, without limitation, monitoring, surveillance, inspection or investigation;
  - (iii) establishing and keeping a public register of MPF intermediaries for regulated activities;
  - (iv) for research and statistical purposes; and
  - (v) other purposes as permitted by law.

#### Transfer/ Matching of Personal Data

2. The MPFA may disclose or transfer the personal data to other persons including the bodies listed below for one or more of the aforesaid purposes, or in accordance with an order of a court or in accordance with a law or a requirement made under a law, or pursuant to any regulatory or investigatory assistance arrangements between the MPFA and other regulators or law enforcement agents:
  - (i) the Hong Kong Monetary Authority;
  - (ii) the Insurance Authority and the self-regulatory organizations of the insurance industry (including the Insurance Agents Registration Board under the Hong Kong Federation of Insurers, The Hong Kong Confederation of Insurance Brokers, and the Professional Insurance Brokers Association);
  - (iii) the Securities and Futures Commission;
  - (iv) examination bodies for conducting qualifying examinations;
  - (v) principal intermediary/intermediaries to which you as a subsidiary intermediary were/are/will be attached;
  - (vi) the Chief Executive;
  - (vii) the Financial Secretary;
  - (viii) the Commissioner of Inland Revenue;
  - (ix) the Official Receiver appointed under the Bankruptcy Ordinance;
  - (x) liquidator appointed under the Companies Ordinance;
  - (xi) the Registrar of Occupational Retirement Schemes;
  - (xii) the Financial Reporting Council established under the Financial Reporting Council Ordinance;
  - (xiii) the Hong Kong Police Force;
  - (xiv) any relevant courts, panels, tribunals and committees; and
  - (xv) other law enforcement agents or government / regulatory bodies.

3. Personal data may be used by the MPFA or disclosed or transferred by the MPFA to the bodies listed in paragraph 2 (i), (ii) and (iii) for the purposes of comparing or verifying those data with other data or carrying out matching procedure (as defined in the PDPO) on those data.

#### **Public Register**

4. The MPFA is required to establish and keep a register of MPF intermediaries for regulated activities containing specified data (including personal data) pursuant to the relevant provisions of the MPFSO or any rules or regulations made thereunder. The MPFA is required by law to make the register available to the public through the Internet. For the purpose of enabling a member of the public to ascertain whether he/she is dealing with a regulated person (including MPF intermediary) in matters of or connected with any regulated activity or the approval of an individual as a responsible officer of a principal intermediary, a member of the public may inspect the register or may inspect a reproduction of any information recorded in the register in a legible form (as the case may be), free of charge. A member of the public may also on payment of a prescribed fee obtain a copy or a certified true copy of an entry in or extract of the register.

#### **Access to Personal Data**

5. You are entitled under the PDPO to ascertain whether the MPFA holds personal data relating to you, and to request access to or to request the correction of any personal data relating to you held by the MPFA, in the manner and subject to the limitations prescribed therein. All enquiries should be directed to the Personal Data Privacy Officer of the MPFA at Level 16, International Commerce Centre, 1 Austin Road West, Kowloon, Hong Kong.