

## **MANDATORY PROVIDENT FUND SCHEMES AUTHORITY**

### **II.1 Guidelines on Monthly Returns of Registered Schemes**

#### **INTRODUCTION**

Section 117 of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation) as in force immediately before the commencement date (as defined in section 11 of Schedule 5 to the Regulation)<sup>1</sup> (pre-amended section 117) provides that within seven specified working days after the last day of each calendar month, the approved trustee of a registered scheme must lodge with the Mandatory Provident Fund Schemes Authority (the Authority) a monthly return containing:

- (a) such information relating to the participating employers and members of the scheme; and
- (b) such information relating to the capital preservation fund,

as may be prescribed for the purposes of that section by the guidelines.

2. With the commencement of section 64 of the Mandatory Provident Fund Schemes (Amendment) Ordinance 2021 (the Amendment Ordinance), paragraph (a) of the pre-amended section 117 is repealed while paragraph (b) of that section remains unchanged.

3. Pursuant to section 11 of Schedule 5 to the Regulation, despite the commencement of section 64 of the Amendment Ordinance, the pre-amended section 117 applies to the approved trustee of a pre-existing scheme in relation to a monthly return for a calendar month unless:

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<sup>1</sup> The commencement date means the date on which section 64 of the Mandatory Provident Fund Schemes (Amendment) Ordinance 2021 (the Amendment Ordinance) comes into operation, i.e. 26 June 2024. Schedule 5 is added to the Regulation pursuant to section 103 of the Amendment Ordinance.

- (a) there is a section 19N notice<sup>2</sup> in respect of the scheme; and
- (b) the relevant requirement<sup>3</sup> takes effect on:
  - (i) a day either before the beginning of the calendar month or in the calendar month; or
  - (ii) a day falling within the period mentioned in the pre-amended section 117.

4. Section 6H of the Mandatory Provident Fund Schemes Ordinance (the Ordinance) provides that the Authority 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 Authority hereby issues guidelines to specify the information to be submitted under paragraph (a) of the pre-amended section 117 and paragraph (b) of section 117 of the Regulation and the format of submission. These guidelines also specify the means by which the information is requested to be submitted to the Authority.

## **EFFECTIVE DATE**

6. These revised Guidelines (Version 10 – June 2024) shall become effective on the date of commencement of operation of sections 64 and 103 of

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<sup>2</sup> Pursuant to section 19N of the Mandatory Provident Fund Schemes Ordinance (the Ordinance), the Secretary for Financial Services and the Treasury may, by notice published in the Gazette, specify a day for a pre-existing scheme for the purposes of section 19M(2)(a) of the Ordinance, on which day the approved trustee of the pre-existing scheme must begin to use the electronic MPF system and the scheme administration services provided by the system operator of the system to perform a scheme administration function that is not a specific function.

<sup>3</sup> Relevant requirement has the meaning given by section 19O(2) of the Ordinance. Pursuant to section 19O(2) of the Ordinance, relevant requirement, in relation to a pre-existing scheme, means the requirement that the approved trustee of the scheme must comply with section 19M(1) of the Ordinance with respect to the scheme administration functions (other than a specific function) of the approved trustee.

the Amendment Ordinance, i.e. 26 June 2024. The previous version of these Guidelines (Version 9 – April 2023) shall be superseded on that day.

## **MONTHLY RETURN**

### **Prescribed Format and Information**

7. When submitting a monthly return of a registered scheme to the Authority, the approved trustee of the scheme must ensure that the monthly return is in the prescribed format and contains the information as set out in:

- (a) Annex A (Form S(MR)) in respect of information relating to participating employers and members of the scheme, for the purposes of paragraph (a) of the pre-amended section 117; and
- (b) Annex B (Form CF(MR)) in respect of information relating to the capital preservation fund of the scheme, for the purposes of paragraph (b) of section 117 of the Regulation.

### **Submission of Monthly Return**

8. Subject to paragraphs 2 and 3 above, in view of the voluminous information required in Annex A of the monthly return, the approved trustee of a registered scheme is requested to submit that part of the monthly return by electronic means in accordance with the requirements for electronic interface as notified by the Authority from time to time.

9. Information required in Annex B of the monthly return should be submitted by electronic means specified by the Authority or in hard copies to:

Mandatory Provident Fund Schemes Authority  
Level 12, Tower 1, The Millennity  
98 How Ming Street, Kwun Tong  
Hong Kong

10. The Authority (as the recipient) has given consent to being given the aforesaid documents by the means described in paragraphs 8 and 9 above.

### **DEFINITION OF TERMS**

11. 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.

### **WARNING**

12. It is an offence under section 43E of the Ordinance if a person, in any document given to a prescribed person<sup>4</sup> in connection with the Ordinance, makes a statement that the person knows to be false or misleading in a material respect, or recklessly makes a statement which is false or misleading in a material respect.

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<sup>4</sup> Prescribed person means (a) the Authority; (b) a system operator of an electronic MPF system; (c) an approved trustee; (d) a trustee of a relevant scheme; or (e) an auditor of an approved trustee or of a registered scheme.