

## **MANDATORY PROVIDENT FUND SCHEMES AUTHORITY**

### **IV.10 Guidelines on Enrolment and Contribution Arrangements for Self-employed Persons**

#### **INTRODUCTION**

Section 7C of the Mandatory Provident Fund Schemes Ordinance (the Ordinance), sections 125 and 131 of the Mandatory Provident Fund Schemes (General) Regulation, and section 2 of the Mandatory Provident Fund Schemes (Specification of Permitted Periods) Notice provide for the enrolment of self-employed persons (SEPs) in registered schemes and the making of mandatory contributions.

2. Section 47A of the Ordinance provides that the Mandatory Provident Fund Schemes Authority (the Authority) may specify or approve the form and contents of documents required for the purposes of the Ordinance.

3. Section 6H of 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.

4. The Authority hereby issues guidelines to set out the enrolment and contribution arrangements in relation to SEPs who participate in registered schemes.

## **EFFECTIVE DATE**

5. These revised Guidelines (Version 5 – June 2024) shall become effective on 26 June 2024. The previous version of these Guidelines (Version 4 – June 2015) shall be superseded on that day.

## **ENROLMENT AND CONTRIBUTION ARRANGEMENTS**

6. The enrolment and contribution arrangements for SEPs are specified below. Examples which illustrate the arrangements are set out in the Annex.

### **Enrolment Arrangements for an SEP**

7. An SEP has to become a member of a registered scheme within a period, that is, 60 days from the day he/she becomes self-employed (permitted period). If the 60<sup>th</sup> day of self-employment of an SEP is:

- (i) a Saturday;
- (ii) a public holiday;
- (iii) a gale warning day or black rainstorm warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap 1) (G/BR warning day); or
- (iv) a day on which the electronic MPF system (or any part of it) is suspended under section 19J or 19L(1)(a) or (b) of the Ordinance and the suspension affects the performance of the duty of an SEP under section 7C(1)(a) of the Ordinance<sup>1</sup>,

the permitted period is extended to end on the next following day which is not a Saturday, a public holiday, a G/BR warning day, or a day which falls under (iv) of this paragraph 7.

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<sup>1</sup> Electronic MPF system means an electronic system designated under section 19I(1) of the Ordinance. Such extension only applies to an SEP who participates in a registered scheme which has already onboarded the eMPF Platform.

8. In enrolling oneself in a registered scheme, an SEP is required to confirm the accuracy and completeness of the enrolment information by signing in such area(s) as designated in the enrolment form or in such manner or form as the approved trustee (via the system operator of the electronic MPF system or otherwise) may reasonably require.

9. An enrolment form is not properly completed for the purpose of section 47A of the Ordinance if it is not completed in accordance with paragraph 8. In such circumstances, the approved trustee (via the system operator of the electronic MPF system or otherwise) should follow up with the SEP on the application for enrolment of the concerned SEP.

#### **Contribution Arrangements for an SEP**

10. An SEP must ensure that contributions required to be made are paid on or before the contribution day of each contribution period. The contribution day means the last day of the relevant contribution period.

11. If the contribution day is:

- (i) a Saturday;
- (ii) a public holiday;
- (iii) a G/BR warning day; or
- (iv) a day on which the electronic MPF system (or any part of it) is suspended under section 19J or 19L(1)(a) or (b) of the Ordinance and the suspension affects the payment of a contribution required to be paid by an SEP under section 7C of the Ordinance<sup>1</sup>,

the contribution day is extended to the next following day which is not a Saturday, a public holiday, a G/BR warning day, or a day which falls under (iv) of this paragraph 11.

12. For an SEP who becomes a member of a registered scheme within the first 60 days of his/her self-employment, the first payment of mandatory contribution should be made on or before the last day of the contribution period in which the SEP becomes a member of the registered scheme.

### **DEFINITION OF TERMS**

13. 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.