

MANDATORY PROVIDENT FUND SCHEMES AUTHORITY

IV.4 Guidelines on Payment of Accrued Benefits – Documents to be Submitted to Approved Trustees

INTRODUCTION

In accordance with section 15 of the Mandatory Provident Fund Schemes Ordinance (the Ordinance), the accrued benefits of a scheme member may be withdrawn under the circumstances prescribed therein. Part 13 of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation) further specifies the requirements and procedures regarding claims for payment of accrued benefits.

2. Section 2(4) of the Ordinance provides that section 2(5) of the Ordinance applies if:

- (a) a provision of the Ordinance requires any document or information to be provided or given (however described) in a form specified or approved by the Mandatory Provident Fund Schemes Authority (the Authority), or in any other form provided by the Ordinance; and
- (b) because of Part 3B of the Ordinance, the document or information is to be provided or given (however described) by means of an electronic MPF system.

3. Section 2(5) of the Ordinance provides that the requirement referred to in section 2(4)(a) of the Ordinance is complied with if the document or information is provided or given (however described) in the form specified by the system operator of the electronic MPF system for the purposes of Part 3B of the Ordinance.

4. 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.

5. Section 47A of the Ordinance provides that the Authority may specify or approve the form and contents of documents required for the purposes of the Ordinance.

6. The Authority hereby issues guidelines to:

- (a) set out the forms approved by the Authority for the purposes of Division 1 of Part 13 of the Regulation; and
- (b) provide guidance in relation to the processing of claims for payment of accrued benefits.

EFFECTIVE DATE

7. These revised Guidelines (Version 15 – June 2024) shall become effective on 26 June 2024. The previous version of these Guidelines (Version 14 – March 2019) shall be superseded on that day.

CLAIM FORM

8. For the purposes of Division 1 of Part 13 of the Regulation, the Authority has approved:

- (a) the claim forms for payment of accrued benefits (collectively the “Claim Form”)
 - (i) in Annex A1, the Claim Form for payment of MPF accrued benefits on the grounds of attaining the retirement age of 65

- or early retirement¹ (Form MPF(S) – W(R));
- (ii) in Annex A2, the Claim Form for payment of MPF accrued benefits on the grounds of permanent departure from Hong Kong, total incapacity, terminal illness, small balance or death (Form MPF(S) – W(O));
 - (b) in Annex B, the medical certificate for payment of accrued benefits on the grounds of total incapacity (Form MPF(S) - W(M));
 - (c) in Annexes C to F, the statutory declaration forms (Form MPF(S) - W(SD1), Form MPF(S) - W(SD2), Form MPF(S) - W(SD3) and Form MPF(S) - W(SD4)) to be used for the circumstances specified in the Regulation; and
 - (d) in Annex G, the medical certificate for payment of benefits on the grounds of terminal illness (Form MPF(S) - W(T)).

9. Subject to section 2(4) and (5) of the Ordinance, lodgement of a claim for payment of accrued benefits must be made in the above approved forms. Those forms requiring a signature of the claimant must be signed either by the relevant scheme member of a registered scheme, the personal representative of a deceased scheme member, or the committee of the estate of a mentally incapacitated person appointed under the Mental Health Ordinance (Cap 136) (the committee of the estate) who lodges a claim on behalf of a mentally incapacitated scheme member.

10. A claimant is only required to fill in one Claim Form if the claim is in respect of one or more accounts in one single registered scheme. However, if the claim is in respect of accounts in more than one registered scheme, the

¹ For a claim made on the grounds of early retirement, the scheme member must reach the age of 60 and have permanently ceased all employment and self-employment with no intention of becoming employed or self-employed again.

claimant is required to fill in one Claim Form for each registered scheme.

11. The medical certificate for the purpose of certifying a terminal illness of a scheme member (Form MPF(S) – W(T)) can be used for claiming benefits from both a registered scheme and an MPF exempted ORSO registered scheme². If a scheme member has benefits held in an account in a registered scheme and an account in an MPF exempted ORSO registered scheme, the scheme member only needs to ask a registered medical practitioner or a registered Chinese medicine practitioner to fill in and sign one medical certificate.

EVIDENCE FOR CLAIMS

12. Under Part 13 of the Regulation, a claim for payment of accrued benefits must be accompanied by evidence satisfactory to the approved trustee that the claimant is eligible for the claim, or a relevant statutory declaration.

13. Section II(2) of the Claim Form sets out the documents that a claimant is required to submit in lodging the claim and providing evidence satisfactory to the approved trustee. In vetting those documents, approved trustees should take note of the following:

- (a) *Date of birth in Hong Kong Identity (HKID) Card*: If the HKID card of a scheme member does not contain the month and/or day of birth of the scheme member, the scheme member may provide satisfactory evidence as to the month and/or day by using one of the following methods:
 - (i) using the birth date as shown on an official document (e.g. a travel document or a statutory declaration of the scheme

² An MPF exempted ORSO registered scheme means a relevant ORSO registered scheme in respect of which an exemption certificate has been issued under section 16 of the Mandatory Provident Fund Schemes (Exemption) Regulation.

- member's date of birth) provided by the scheme member; or
- (ii) using the month and day of the issue date of the HKID card of the scheme member.

If the scheme member has not used either of the two methods above to provide evidence as to the month and day, then in the absence of any other evidence, where the HKID card shows only the year and month of birth (and not the day of birth), the last day of the month as shown on the HKID card as the birth date of the scheme member will be used, and where the HKID card shows only the year of birth (and neither the month nor day of birth), the last day of the year as shown on the HKID card as the birth date of the scheme member will be used.

- (b) Documents to show the status of a personal representative of a deceased scheme member: In cases where a Letter of Probate or Letters of Administration is issued by the Probate Registry, the name of the personal representative of a deceased person is printed on that document. A copy of the Letter of Probate or Letters of Administration should be provided for verification of the status of the personal representative. In cases where the Official Administrator gets in and administers an estate of a deceased scheme member in a summary manner without a grant or other legal formality under section 15 of the Probate and Administration Ordinance (Cap 10), the Official Administrator is a personal representative.
- (c) Medical certificate certifying total incapacity: If the claimant also claims a long service payment on the grounds of permanent unfitness for his/her present job under the Employment Ordinance (Cap 57), he/she may use the form "Certificate of an employee's permanent unfitness for a particular type of work" used for the purpose for

his/her claim under the Employment Ordinance to substitute for the approved form for medical certificate, MPF(S) – W(M), in Annex B to claim for payment of accrued benefits on the grounds of total incapacity.

- (d) *Documents to show the status of the committee of the estate:* For a claim made by the committee of the estate on behalf of a scheme member, a copy of the evidence of the appointment, i.e. the Court Order issued pursuant to the Mental Health Ordinance (Cap 136) should be provided for verification of the status of the committee of the estate.
- (e) *Forms of statutory declarations:* To facilitate compliance by scheme members, claimants and approved trustees, forms are approved for making a statutory declaration by claimants under different circumstances in claiming for payment of accrued benefits (Annexes C to F). The statutory declaration must be a valid statutory declaration in the place where the declaration is made (e.g. in Hong Kong, the statutory declaration should be made before and signed by a Commissioner for Oaths (e.g. at a Public Enquiry Service Centre of the Home Affairs Department) or a Notary Public or a Justice of the Peace). A statutory declaration made in a place other than Hong Kong is also acceptable provided that it is made before and signed by a Notary Public or a person authorized under the law of that place to administer an oath or take a statutory declaration.

14. In some special circumstances, when the requirements set out in paragraphs 9, 10, 12 and 13 above are not practically achievable, the approved trustees may, where permitted by law, alter the requirements to satisfy themselves that the claimant is eligible for the claim.

AVAILABILITY OF THE FORMS

15. The Claim Form, the medical certificates and the statutory declaration forms can be downloaded from the Authority's website at www.mpfa.org.hk. Hard copies of the forms are also available at the office of the Authority. Approved trustees may consider allowing any user to download the forms from their websites by putting the forms online or providing hard copies of the forms upon request. To facilitate smooth processing of the claims for payment of accrued benefits, approved trustees may provide supplementary notes in addition to the explanatory notes of the Claim Form.

DEFINITION OF TERMS

16. 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

17. It is an offence under section 43E of the Ordinance if a person, in any document given to a prescribed person³ 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.

³ 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.