

## **MANDATORY PROVIDENT FUND SCHEMES AUTHORITY**

### **IV.9 Guidelines on Enrolment and Contribution Arrangements for Casual Employees**

#### **INTRODUCTION**

Sections 7, 7A and 7AA of the Mandatory Provident Fund Schemes Ordinance (the Ordinance), section 122 of the Mandatory Provident Fund Schemes (General) Regulation, and section 1 of the Mandatory Provident Fund Schemes (Specification of Permitted Periods) Notice provide for the enrolment of relevant employees (including casual employees) 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 casual employees who participate in registered schemes.

## **EFFECTIVE DATE**

5. These revised Guidelines (Version 6 – June 2024) shall become effective on 26 June 2024. The previous version of these Guidelines (Version 5 – June 2015) shall be superseded on that day.

## **ENROLMENT AND CONTRIBUTION ARRANGEMENTS**

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

### **Enrolment Arrangements for a Casual Employee**

7. An employer has to enrol a casual employee in a registered scheme within a period, that is, the first 10 days of his/her employment (permitted period). Casual employees are relevant employees who are engaged in either the Construction Industry or the Catering Industry, and are employed in any of those industries by an employer on a day to day basis or for a fixed period of less than 60 days. If the 10<sup>th</sup> day of employment of a casual employee 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 employer under section 7(1) or (2) of the Ordinance<sup>1</sup>,

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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 employer who participates in a registered scheme which has already onboarded the eMPF Platform.

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.

8. If the enrolment of a casual employee is made by his/her employer for participating in a master trust scheme, the employer 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. If an employer is not an individual, the enrolment form has to be signed by a duly authorized signatory.

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 employer on the application for enrolment of the concerned casual employee.

### **Contribution Arrangements for a Casual Employee**

10. An employer must ensure that contributions required to be made in respect of a casual employee are paid on or before the contribution day of each 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 mandatory contribution to the approved trustee of a registered scheme or the Authority<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.

***Casual Employee who is Not a Member of an Industry Scheme***

12. The contribution day in respect of a casual employee who is not a member of an industry scheme, means the 10<sup>th</sup> day after the last day of:

- (i) the relevant contribution period; or
- (ii) the contribution period in which the permitted period ends, whichever is the later.

In computing a period of time for the definition of permitted period for the purpose of paragraph 12(ii), the permitted period ends on the 10<sup>th</sup> day of his/her employment even if it is a Saturday, a public holiday, a G/BR warning day, or a day which falls under paragraph 7(iv) above.

13. If a casual employee remains in the same employment for not less than 10 days, the first payment of mandatory contribution should be made on or before the 10<sup>th</sup> day after the last day of the contribution period in which the 10-day permitted period ends (i.e. in accordance with paragraph 12(ii)).

14. In the event that the casual employee remains in the same employment for less than 10 days, the 10-day permitted period will not be ending in a contribution period and paragraph 12(ii) will not be applicable. The first payment of mandatory contribution should therefore be made on or before the 10<sup>th</sup> day after the last day of the first contribution period (i.e. in accordance with paragraph 12(i)).

### ***Casual Employee who is a Member of an Industry Scheme***

15. The contribution day in respect of a casual employee who is a member of an industry scheme, means whichever of the following days is agreed by the employer and the approved trustee of the scheme concerned:

- (i) the next working day (other than a Saturday) immediately subsequent to the payment of relevant income for the relevant contribution period; or
- (ii) the 10<sup>th</sup> day after the last day of the relevant contribution period.

16. If the employer of a casual employee wishes to make mandatory contributions on the next working day (other than a Saturday) immediately subsequent to the payment of relevant income for the relevant contribution period (i.e. in accordance with paragraph 15(i)), the employer should make the first payment of mandatory contribution on the next working day (other than a Saturday) of the first pay day of relevant income.

17. If the employer wishes to make mandatory contributions on or before the 10<sup>th</sup> day after the last day of the relevant contribution period (i.e. in accordance with paragraph 15(ii)), the first payment of mandatory contribution should be made on or before the 10<sup>th</sup> day after the last day of the first contribution period. The due date for payment of the mandatory contributions will not be affected even if the employee ceases employment before the 10<sup>th</sup> day from the commencement of employment.

### **DEFINITION OF TERMS**

18. 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.