

FORM MPF(S) - W(SD2)

MANDATORY PROVIDENT FUND SCHEMES ORDINANCE (CAP 485)

**STATUTORY DECLARATION FOR CLAIMS FOR PAYMENT
OF MPF ACCRUED BENEFITS (BENEFITS) ON GROUNDS
OF PERMANENT DEPARTURE FROM HONG KONG**

✦ **WARNINGS:**

- (1) Under section 43E of the Mandatory Provident Fund Schemes Ordinance (the Ordinance), a person who, in any document given to the Mandatory Provident Fund Schemes Authority (the Authority), an approved trustee, or a system operator of the eMPF Platform (which is the current electronic system designated under section 19I(1) of the Ordinance), **knowingly or recklessly makes a statement which is false or misleading in a material respect commits an offence and is liable to a maximum penalty of a \$100,000 fine and one year's imprisonment on the first conviction and a \$200,000 fine and two years' imprisonment on each subsequent conviction.** A person who **knowingly and wilfully makes a statutory declaration false in a material particular also commits an offence under section 36 of the Crimes Ordinance (Cap 200) and is liable on conviction to imprisonment for two years and to a fine.**
- (2) A scheme member who makes a false or misleading statement to the trustee or the system operator of the eMPF Platform for early withdrawal of benefits on the grounds of permanent departure from Hong Kong is liable to prosecution.
- (3) A scheme member is entitled to be paid benefits on the grounds of permanent departure from Hong Kong **only once in a lifetime¹, except as permitted by the Mandatory Provident Fund Schemes (General) Regulation (the Regulation)².** A scheme member who makes a false or misleading statement to the trustee or the system operator of the eMPF Platform that he/she has not previously been paid benefits on an earlier departure date is liable to prosecution.
- (4) The Authority has kept a register of all claimants to verify if anyone has previously been paid benefits on the same grounds using an earlier departure date.

1. I have read the above warnings and fully understand that:
 - (a) I am entitled to be paid benefits on the grounds of permanent departure from Hong Kong only once in a lifetime¹, except as permitted by the Regulation²; and

¹ Section 163(3) of the Mandatory Provident Fund Schemes (General) Regulation provides that a person who has been paid accrued benefits from a registered scheme on the ground that, on a specified date, the person has departed, or was about to depart, from Hong Kong permanently is not, before reaching the retirement age, entitled to be paid the member's accrued benefits from the same or another registered scheme on the ground that, on a later date, the person purports to have departed, or to be about to depart, from Hong Kong permanently.

² Section 163(6) of the Regulation provides that if accrued benefits held in an account of a member of a registered scheme have been paid to the member on the ground that, on a specified date, the member has departed, or was about to depart, from Hong Kong permanently, the member is not, before reaching the retirement age, precluded from making a further claim on the ground of permanent departure on that specified date if the claim is for the payment of other accrued benefits of the member held in another account in that scheme, or for the payment of other accrued benefits of that member in another registered scheme.

- (b) making a false or misleading statement to the trustee or the system operator of the eMPF Platform for early withdrawal of benefits on the grounds of permanent departure from Hong Kong will render me liable to prosecution.

2. I, _____ [name of the claimant], Hong Kong Identity Card/Passport*# No.: _____ of _____

_____ [address of the claimant], solemnly and sincerely declare that:

- (a) I departed/will depart* from Hong Kong on _____ [dd/mm/yyyy] to reside elsewhere with no intention of returning for employment or to resettle in Hong Kong as a permanent resident;
- (b) I am permitted to reside in _____ [place other than Hong Kong]; and
- (c) I understand that the Authority may refer my case to the Immigration Department to ascertain my movement in relation to the departure declared in paragraph (a) above.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap 11).

[Signature of the claimant]

Declared at _____, Hong Kong this _____ day of _____ (month) _____ (year).

Before me,

Signature and company chop (if applicable) of the person administering the statutory declaration: _____

Name in block letters: _____

Designation: _____

* Delete whichever is not applicable.

The claimant should give the passport number ONLY when he/she does NOT possess a Hong Kong Identity Card.

第 MPF(S) - W(SD2) 號表格

《強制性公積金計劃條例》（第 485 章）

基於永久性地離開香港的理由而
申索強積金累算權益（權益）的法定聲明

✦ 注意：

- (1) 根據《強制性公積金計劃條例》（《條例》）第43E條，任何人在給予強制性公積金計劃管理局（管理局）、核准受託人或積金易平台（即根據《條例》第19I(1)條指定的現有電子系統）的系統營運者的文件中，明知或罔顧後果地作出在要項上屬虛假或具誤導性的陳述，即屬犯罪。首次定罪者，最高可處罰款\$100,000及監禁一年；其後每次定罪，最高可處罰款\$200,000及監禁兩年。根據《刑事罪行條例》（第200章）第36條，任何人明知而故意在法定聲明中作出在要項上屬虛假的陳述，亦屬犯罪。一經定罪，可處監禁兩年及罰款。
- (2) 計劃成員如向受託人或積金易平台的系統營運者作出虛假或具誤導性的陳述，藉此以永久性地離開香港為理由而申請提早提取權益，可被檢控。
- (3) 除非按《強制性公積金計劃（一般）規例》（《規例》）獲准許¹，否則計劃成員一生只能一次基於永久性地離開香港的理由而獲支付權益²。計劃成員如向受託人或積金易平台的系統營運者作出虛假或具誤導性的陳述，訛稱以前從沒有基於已在某較早日期永久性地離開香港的理由而獲支付權益，可被檢控。
- (4) 管理局備有申索人紀錄冊，用以核實申索人以前曾否基於已在某較早日期永久性地離開香港的理由而獲支付權益。

1. 本人已閱讀上述注意事項，並完全明白：

- (a) 除非按《規例》獲准許¹，否則本人一生只能一次基於永久性地離開香港的理由而獲支付權益²；及

¹ 《強制性公積金計劃（一般）規例》第 163(6)條規定，如註冊計劃的成員基於他已經或即將在某指明日期永久性地離開香港的理由，而獲支付他在某帳戶內持有的累算權益，則該成員在達到退休年齡前並非不能基於在該指明日期永久性地離境的理由而提出進一步的申索，但該申索須是為要求支付該成員在該計劃中的另一帳戶內持有的其他累算權益而提出的，或是為要求支付該成員在另一項註冊計劃的其他累算權益而提出的。

² 《規例》第 163(3)條規定，凡任何人基於他已經或即將在某指明日期永久性地離開香港的理由，而從某註冊計劃中獲支付累算權益，則該人在達到退休年齡前，無權基於他宣稱已經或即將在某較後日期永久性地離開香港的理由，而從同一項或另一項註冊計劃中獲支付他的累算權益。

(b) 如本人向受託人或積金易平台的系統營運者作出虛假或具誤導性的陳述，藉此以永久性地離開香港為理由而申請提早提取權益，可被檢控。

2. 本人， _____ [申索人姓名] ，
香港身分證／護照*#號碼： _____ ，
地址為 _____ [申索人地址] ，

謹以至誠鄭重聲明：

(a) 本人已於／將於* _____ [年／月／日]
離開香港，往其他地方居住，並且無意作為永久性居民返回香港工作或再定居；

(b) 本人獲准在 _____ [香港以外地方] 居住；及

(c) 本人明白，管理局或會把本人的個案轉介入境事務處，以確認本人於上文(a)段所作出有關離開香港的申報是否屬實。

本人謹憑藉《宣誓及聲明條例》（第 11 章）衷誠作出此項鄭重聲明，並確信其為真確無訛。

[申索人簽署]

此項聲明於 _____ 年 _____ 月 _____ 日在香港 _____
及在本人面前作出。

監理法定聲明人士簽署及公司蓋章（如適用）： _____

姓名： _____

職銜： _____

* 刪去不適用者。

申索人應**只在沒有**香港身分證的情況下才填報護照號碼。