



Understanding the MPF Arrangements for Overseas Employees

Being an international trade and finance centre, Hong Kong is home to many overseas employees across many different business sectors.

Whether employers arrange for foreign employees to apply for work visas under Section 11 of the Immigration Ordinance or import foreign workers through the government's Supplementary Labour Scheme (SLS), understanding and becoming familiar with the MPF scheme is crucial.

Definition of regular employees

According to the MPF Ordinance, regular employees who are required to participate in MPF are employees aged 18 to 64 who have been employed in any industry for a continuous period of 60 days or more. There are certain exemptions, such as domestic employees and self-employed hawkers. If an overseas employee enters Hong Kong under Section 11 of the Immigration Ordinance for the purpose of employment (1) for no more than 13 months or (2) is a member of a retirement scheme outside Hong Kong, the person is also exempt from joining an MPF scheme.

In other words, if an overseas employee is granted permission to stay for a period exceeding 13 months, the person is treated the same as a “regular” local employee, and the employer must enrol them in an MPF scheme within 60 days of the person’s employment. If an overseas employee initially has an employment contract which is less than 13 months, but the employee’s work visa is extended, allowing the person to stay in Hong Kong for more than 13 months, the employee’s exemption ceases after 13 months. As such, the Employer must enrol the employee in an MPF scheme within 60 days from the day on which the employee ceases to be exempted.

Contribution requirements and withdrawal restrictions are the same

As with all local employees, employers should help overseas employees with their enrolment in an MPF scheme and fulfil their contribution obligations. Employers should also explain the relevant legal requirements to overseas employees who are less familiar with Hong Kong’s MPF requirements. This includes employee contribution requirements and restrictions on withdrawing benefits, allowing overseas employees to understand their benefits, trustee’s



administrative and investment arrangements, investment fund options, etc. Since employers will deduct the employee’s MPF contributions from the employee’s income and pay it to the trustee, the employee’s take-home pay will be lower than the contractually stated amount. Employers should explain and communicate this in advance to avoid any misunderstandings. In addition to mandatory contributions, overseas employees should also understand if any voluntary contributions are required, as well as the separate concept of tax-deductible voluntary contributions (TVCs).

In general, the MPF contribution and withdrawal arrangements for overseas employees are the same as those for local employees. They may withdraw their MPF contributions upon reaching age 65 (or if they meet other payment conditions). However, employees can also withdraw their MPF benefits in a lump sum by declaring that they have departed or will depart from Hong Kong, but they will not be paid MPF again for all subsequent applications on the same grounds.

Arrangements for meals and accommodation

As a part of an overseas employee’s benefits package, some employers provide meal allowance and/or accommodation arrangements. Generally, if these arrangements are provided or paid for directly by the employer, they do not form part of the employee’s MPF relevant income and do not need to be considered when calculating MPF contributions.

Hiring overseas employees and importing foreign talent are aimed at strengthening Hong Kong’s labour force to meet demand, thereby retaining talent is thereby the key to solving labour shortages. Helping overseas employees to understand the way the MPF forms a part of retirement savings and protection will strengthen their trust in their employer and the Hong Kong labour market, and will ensure a stable supply of talent in Hong Kong.



認識海外僱員強積金安排

香港作為一個國際貿易和金融中心，是許多不同商業領域的海外員工的家園。

無論僱主透過《入境條例》第11條安排外籍僱員申請來港工作簽證，抑或從政府的「補充勞工計劃」及「高才通」輸入海外僱員，強積金的安排成為僱主們需要了解及認識的範疇。這除了涉及僱主們的薪酬福利開支預算，也是確保海外僱員的強積金安排符合法定要求。

一般僱員的定義

根據強積金條例，必須參加強積金的一般僱員意指年滿18歲至64歲，從事任何行業而持續受僱60日或以上的僱員。在一般僱員類別當中，有一些獲豁免人士類別，例如家務僱員及自僱小販。除非該名海外僱員獲准按照《入境條例》第11條來港工作及(1)獲准留港不超過13個月或(2)是某個在香港以外地方的退休計劃的成員的人士，才無須參加強積金計劃。

即是說，海外僱員的合約期如果一開始便獲批超過13個月，便等同一般本地僱員，僱主於海外僱員開始工作的60天內安排參加強積金計劃。另一種情況是，如果工作其簽證獲得延期，准予留港超過13個月。自第13個月完結後的第一天，該名海外僱員便不再獲得豁免，僱主則需要從該天起的60日內安排參加強積金計劃。

相同供款要求及提取限制

與所有本地僱員一樣，僱主除了安排海外僱員參加強積金計劃並履行自身的供款責任以外，亦建議向不熟悉香港的強積金條例的海外僱員解釋相關的法條要求，尤其是僱員供款要求以及提取權益限制，讓海外僱員認識自身權益、受託人的行政及投資安排、投資基金選項等。由於僱主會從僱員入息中扣除款項，作為強積金的僱員供款部分交予受託人，僱員「到手」的工資會低於合約列明金額，僱主應預先溝通可避免產生誤會。除了強制性供款，自願性供款及可扣稅自願性供款(TVC)也值得了解。

一般而言，海外僱員與本地僱員的強積金供款及提取安排相同，需要年滿65歲（或滿足其他支付條件）才能提取強積金權益。若海外僱員選擇永久性地離開香港，也可以一次性提前取回強積金權益，但不能以相同理由再申請。

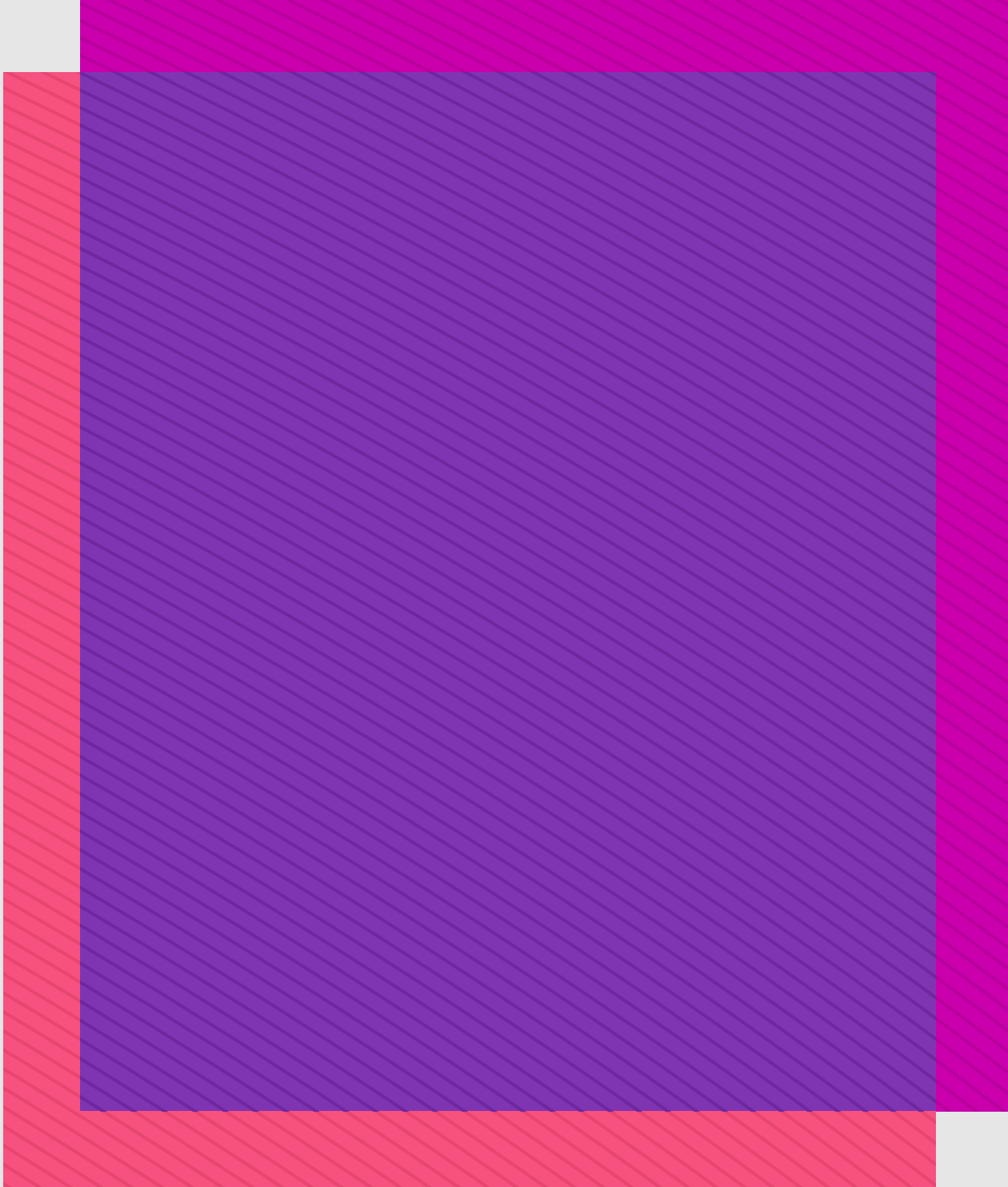
膳食及住宿費用的安排

有些僱主為了便利海外僱員會提供膳食及住宿安排。一般而言，如果相關安排是由僱主直接提供或支付，便不屬於僱



員的有關入息，供款時不需要考慮這些安排的價值。

無論聘請海外僱員或輸入外勞是為了加強香港的勞動人口以滿足需求，有良好的策略挽留人才方可解決勞動人口不足的問題。協助海外僱員更了解強積金對自身的退休保障，可以加強僱員對公司及香港勞動市場的信心，確保香港的人力資源供應穩定。



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