

## Press release

### LCQ10: Non-Compliant Employer and Officer Records set up by the Mandatory Provident Fund Schemes Authority

Wednesday, June 22, 2011

Following is a question by the Hon Chan Kin-por and a written reply by the Secretary for Financial Services and the Treasury, Professor K C Chan, in the Legislative Council today (June 22):

Question:

Recently, the Mandatory Provident Fund Schemes Authority (MPFA) has launched an online searching platform, the "Non-Compliant Employer and Officer Records" (NCEOR), which sets out more than 3 700 criminal and civil records including those on failure to make Mandatory Provident Fund contributions, involving more than 2 300 employers. The purpose of setting up NCEOR is to further enhance the deterrent effect on non-compliant employers and officers as well as increase the transparency of MPFA's enforcement actions. In this connection, will the Government inform this Council:

(a) given that under the current arrangement, if an employer or an officer whose name has been disclosed has no further non-compliance within five years, all non-compliance record(s) of the employer or officer posted in the past will be removed from NCEOR at the end of the relevant month, yet in fact, even the information disclosed online is subsequently deleted from the original web site, the same information which has already been circulated may still be found by search engines, that is to say, it is possible that the names disclosed can be found on the Internet forever, whether MPFA has considered the related problem before implementing this initiative, and whether it has any solution; and

(b) given that the information disclosed only includes the names of the employers or officers, company names and business registration numbers, it is therefore not easy to distinguish the employers involved from persons with the same names, how MPFA solves the problem that innocent persons with the same names may as a result be subjected to unjustified suspicions?

Reply:

President,

(a) The Mandatory Provident Fund Schemes Authority (MPFA) launched the "Non-Compliant Employer and Officer Records" (NCEOR) in May 2011 to provide records of both criminal convictions and civil awards/judgments for contravention of the Mandatory Provident Fund Schemes Ordinance (MPFSO) by employers and their officers. As with other court judgments, the above-mentioned information is already in the public domain. The purpose of the new measure is to enhance the transparency of MPFA's enforcement work. It should help enhance the deterrent effect against non-compliant employers and officers which in turn will strengthen the protection of employees' interests.

Before implementing the measure, MPFA has conducted a comprehensive review and made reference to the practices of other enforcement agencies/Government departments as well as the advice of the Privacy Commissioner for Personal Data.

(b) The NCEOR set up by MPFA contains the names of non-compliant employers and officers and their company names and business registration numbers. As set out in part (a) of the reply, before implementing the measure, MPFA has made reference to the practices of other enforcement agencies/Government departments as well as the advice of the Privacy Commissioner for Personal Data.

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