



Regulation and penalties for defaulting on MPF contributions

Under the *Mandatory Provident Fund Schemes Ordinance*, employers in Hong Kong are required to make monthly MPF contributions for eligible employees. Both employers and employees must each contribute 5% of the employee's relevant income. Contributions for monthly-paid employees must be remitted to the trustee on or before the 10th day of the following month.

Late payment will result in a surcharge and may lead to further penalties. Ensuring contributions are made on time is therefore a statutory duty of all employers.

5% Surcharge for late or missed contributions

When an employer fails to make the required contributions, the MPFA will first ask the employer to rectify the non-compliance immediately. It will then impose a 5% surcharge on the outstanding contributions, based on reports submitted by MPF trustees.



5% Surcharge for late or missed contributions

Common reasons for defaulting on contributions include:

1. The trustee did not receive the contributions, or the amount received was insufficient;
2. The contributions were paid late — the amount was correct, but the trustee received it after the statutory deadline;
3. The remittance statement submitted by the employer was incomplete or inaccurate, preventing the trustee from verifying the contribution amount;
4. The employer failed to inform the trustee that an employee had left employment.

Once the trustee receives the outstanding contributions and the surcharge, the full amount will be allocated to the affected employees' MPF accounts in accordance with the employer's remittance statement.

Although a large number of surcharge notices are issued each year, most employers settle the arrears promptly. According to the MPFA's latest enforcement statistics, approximately 400,000 surcharge notices were issued between 2024 and 2025. However, only 1,728 cases proceeded to civil claims, and only 323 cases resulted in summonses, indicating that most employers rectify the issue once notified.

Civil claims and additional penalties

If an employer still fails to settle the outstanding contributions, the MPFA may impose further penalties and initiate legal action to recover the arrears and surcharge on behalf of affected employees. These escalation measures include filing civil claims and imposing additional fines on non-compliant employers.

The level of fines varies depending on the type of non-compliance. For example:

- Failure to remit mandatory contributions on time: a fine of HK\$5,000 or 10% of the amount in arrears (whichever is higher).
- Failure to provide monthly contribution records to employees: HK\$10,000 for the first offence, HK\$20,000 for the second, and HK\$50,000 for each subsequent offence.

Criminal prosecution — Maximum penalty of four years' imprisonment

If an employer repeatedly fails to rectify the breach, or if the circumstances are serious, the MPFA may invoke the MPF Ordinance to pursue criminal prosecution against the employer or related individuals, such as directors, senior management, or business partners.

For instance, failing to remit the employee's 5% mandatory contribution after deducting it from wages may result in a maximum penalty of a HK\$450,000 fine and imprisonment for four years.

Most cases are ultimately resolved by fines, but there have been instances of imprisonment. According to MPFA records, in 2017 a company director was sentenced to 21 days' immediate imprisonment for failing to comply with a court order to settle outstanding MPF contributions and surcharge.

Government plans to introduce a two-tier surcharge system

In the latest Budget, the Government accepted the MPFA's proposal to improve the process for recovering default MPF contributions. The plan includes introducing a two-tier surcharge mechanism to encourage employers to settle arrears and related charges more promptly.

Under the proposal, if the outstanding contributions and the initial surcharge are not settled within a specified timeframe, the surcharge rate and amount will increase. This two-tier arrangement is expected to encourage earlier repayment, reduce the need for legal proceedings, and help employees recover their rightful MPF benefits sooner.

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拖欠強積金的規管與罰則

根據《強制性公積金計劃條例》，香港僱主必須為合資格僱員按月繳交強積金供款，僱主與僱員各自需供款相等於僱員有關入息的5%。所有每月受薪僱員的強積金供款必須在翌月的10號或之前交予受託人。逾期繳交將會被徵收附加費及可能面臨進一步罰則，因此準時履行供款責任是僱主的法定義務。

拖欠供款須繳付5%附加費

如僱主未能依要求供款，積金局會先要求僱主立即糾正不合規行為。之後，積金局會根據強積金受託人提交的報告，向僱主發出附加費通知書，以徵收5%附加費。



拖欠供款須繳付5%附加費

常見的拖欠供款原因包括：

1. 受託人未收到供款，或實際收到的供款金額不足；
2. 過期支付供款 — 供款金額正確，但受託人於法定供款日後才收到供款；
3. 僱主提交的付款結算書資料不完整或不正確，令受託人無法判斷供款金額是否正確；
4. 僱主沒有通知受託人個別僱員已離職。

當受託人收到拖欠供款及附加費後，會根據僱主的付款結算書將全數款項分配至受影響僱員的強積金帳戶內。

雖然附加費通知書的發出量龐大，但大部分僱主在收到通知後會迅速補交供款及附加費。根據積金局的最新執法統計數據顯示，積金局於2024至2025年間共發出約40萬份附加費通知書，但最終需要入稟法院提出民事申索的個案只有1,728宗，而需進一步發出傳票的只有323宗，顯示大部分僱主在收到通知後均會及時糾正違規情況。

民事申索追討及徵收額外罰款

如僱主沒有補交拖欠供款，積金局有權向其徵收罰款，亦可展開法律程序代受影響僱員追討拖欠供款及附加費。升級措施包括入稟法院，以民事申索追討拖欠供款及附加費，並向違例僱主徵收額外罰款。

不同違規情況的罰款水平略有差異，例如：

- 沒有準時向受託人繳付強制性供款：罰款為5,000元或欠款的10%（以較高者為準）。
- 沒有向僱員提供每月供款紀錄：首次罰款10,000元，第二次罰款20,000元，其後每次罰款50,000元。

刑事檢控最高可監禁四年

若僱主持續地沒有糾正違規行為，或違規行為情節嚴重，積金局可引用《強積金條例》，向違例僱主或相關人士（包括高級職員、董事、業務夥伴等）採取刑事檢控。以沒有向受託人繳付強制性供款（即已從僱員的有關入息中扣除5%之僱員供款）為例，相關最高刑罰為罰款45萬及監禁四年。

雖然大部分個案最終會以罰款處理，但亦確實有出現過判監先例。根據積金局資料，一名公司董事於2017年因未遵從法院命令清繳拖欠供款及附加費，被判處即時監禁21天。

政府計劃引入兩層附加費

在最新一份《財政預算案》中，政府已接納積金局的建議，著手改善追討拖欠強積金供款的程序，並計劃引入兩層附加費安排，以促使違規僱主更及時清繳拖欠供款及相關附加費。

根據積金局的建議，若僱主拖欠供款及附加費超過一定時限，便會提升附加費比例及金額。此兩層附加費安排有望促使僱主儘早清繳欠款，減少法律程序介入，同時令僱員可儘早取回屬於自己的強積金權益。

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