

**Letterhead of Hong Kong Special Administrative Region of the People's Republic of
China LEGISLATIVE COUNCIL SECRETARIAT LEGAL SERVICE DIVISION**

CB(1) 604/00-01(01)

YOUR REF: SU B38/31(2000)III
OUR REF: LS/B/13/00-01
TELEPHONE: 2869 9207
FACSIMILE: 2877 5029

By Fax (2294 0460) & By Post

12 February 2001

Secretary for Financial Services
(Attn.: Miss Vivian LAU, PAS(Securities)(SD))
Financial Services Bureau
18/F, Admiralty Centre Tower 1
18 Harcourt Road, Hong Kong

Dear Miss LAU,

Securities and Futures Bill

At the meeting of the Bills Committee on 9 February 2001, members noted that there are differences in drafting and style between the Chinese and English texts of the Bill. In various clauses, the words used in the English text were not fully reflected in the Chinese text. This would appear to be a departure from the drafting practice in existing ordinances and other bills. Members were concerned that the difference in drafting between the Chinese and English texts might lead to problems in interpretation, and wished to know the reasons for adopting the new approach in this Bill. The Chairman of the Bills Committee decided to invite representatives of the Administration to brief members on this aspect at the next meeting of the Bills Committee on 16 February 2001. I understand from the Clerk that the time would be from 12.10 p.m. to 12.25 p.m.

To facilitate the Clerk to make necessary arrangements, please inform her direct if the said briefing could be made on that date. Thank you.

Yours sincerely,

(LEE Yu-sung)
Senior Assistant Legal Adviser

c.c. Law Draftsman (Fax No. 2869 1302)
Clerk to Bills Committee

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Secretary for Financial Services
(Attn.: Miss Vivian LAU, PAS(Securities)(SD))
Financial Services Bureau
18/F, Admiralty Centre Tower 1
18 Harcourt Road, Hong Kong

Dear Miss LAU,

Securities and Futures Bill

Pursuant to your request, I list out below some examples of different drafting and style in the Chinese and English texts:-

- (a) clause 105(1) and (3);
- (b) clause 151(1), 2(a) and (3)(a);
- (c) clause 153(2)(a) and (b);
- (d) clause 210(6) and (7);
- (e) clause 224(2)(b) and (c);
- (f) clause 237, paragraphs (b) and (c) in the definition of "securities";
- (g) clause 319(1)(d) and (2);
- (h) clause 342(2);
- (i) clause 366(3)(f)(i)(B);
- (j) clause 369(2), "a listed corporation" and "the first-mentioned corporation" are used in the English text but "有關法團" (the relevant corporation) is used in the Chinese text; and
- (k) clause 372(2).

We also note that there is no such different drafting and style in Part I to III.

Yours sincerely,

(LEE Yu-sung)
Senior Assistant Legal Adviser

c.c. Law Draftsman (Attn: Mr Gilbert MO, DLD(BD&A))
(Fax No.: 2536 8126)
Clerk to Bills Committee