

L. N. 17 of 2002

Securities and Futures Commission (Annual Returns) (Amendment) Rules 2002

(Made by the Securities and Futures Commission under section 34 of the Securities and Futures Commission Ordinance (Cap. 24))

1. Commencement

These Rules shall come into operation on 15 March 2002.

2. Rule substituted

Rule 2 of the Securities and Futures Commission (Annual Returns) Rules (Cap. 24 sub. leg.) is repealed and the following substituted---

"2. Registered persons to make annual returns

(1) Subject to subrule (2), every registered person shall make an annual return to the Commission---

(a) to be received by the Commission on or before each successive anniversary of the date of his registration under the Securities Ordinance (Cap. 333) or the Commodities Trading Ordinance (Cap. 250), as the case may be; and

(b) in the form and containing the particulars specified in the Schedule.

(2) A registered person or a person acting on his behalf may, with the prior consent of the Commission, give notice in a form approved by it in lieu of an annual return in the specified form, stating---

(a) any particulars required to be reported to the Commission as a result of any amendment to the Schedule since the date of the last annual return made by that registered person; and

(b) that the following particulars remain correct---

(i) the particulars contained in the last annual return made by that registered person; and

(ii) the particulars reported under paragraph (a). "

3. Schedule amended

The Schedule is amended, in Part F, by adding immediately after paragraph 37---

"Part G: CONTINUOUS PROFESSIONAL TRAINING ("CPT")

A registered person which is a corporation, partnership or sole-proprietorship ("registered corporation, partnership or sole-proprietorship") shall complete Division 1. A registered person who is an individual ("registered individual") (including a director, partner, sole proprietor and representative) shall complete Division 2.

\* Where the response to any question is "No", please explain the reasons and provide details of such non-compliance under Part D "SUPPLEMENTARY INFORMATION".

Yes No\*

Division 1: Registered corporation, partnership or sole-proprietorship

38. State whether the registered corporation, partnership or sole-proprietorship has implemented a training programme to meet the training needs of its registered individuals

39. State whether the registered corporation, partnership or sole-proprietorship has evaluated its training programme at least once during the last calendar year

40. State whether all of the registered individuals of the registered corporation, partnership or sole-proprietorship have attained the required number of CPT hours during the last calendar year

41. State whether the registered corporation, partnership or sole-proprietorship has maintained sufficient records as evidence of its training programme and the CPT activities undertaken by its registered individuals

Note: The registered corporation, partnership or sole-proprietorship may be requested to produce the records for inspection

Yes      No\*

Division 2: Registered individual (including director, partner, sole proprietor and representative)

42. State whether the registered individual has attained the required number of CPT hours during the last calendar year

43. State whether the registered individual has retained sufficient records of all his CPT activities undertaken during the last calendar year

Note: The registered individual may be requested to produce the records for inspection      ".

Andrew Len Tao SHENG

Chairman,

Securities and Futures Commission

30 January 2002

Explanatory Note

Rule 2 of the Securities and Futures Commission (Annual Returns) Rules (Cap. 24 sub. leg.) ("the Rules") requires a registered person to make annual returns to the Securities and Futures Commission ("the Commission") in the form and containing the particulars specified in the Schedule to the Rules or, in certain situations, in the form of a notice approved by the Commission.

2. Rule 2 of the Rules is amended by extending the situations in which notice may be given in lieu of an annual return in the specified form. The Schedule is also amended by including new reporting requirements relating to registered persons' continuous professional training obligations.