

**立法會**  
**Legislative Council**

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From : Clerk to the House Committee  
To : Members of the House Committee

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**Follow-up to the Special House Committee Meeting on 13 October 2008**

Further to LC Paper No. CB(2) 100/08-09 dated 21 October 2008, I attach for Members' reference a letter dated 22 October 2008 from the banks concerned as listed in the Appendix (LC Paper No. CB(2) 132/08-09(01)) in response to question nos. 30 to 32 raised by Hon KAM Nai-wai in his letter dated 14 October 2008 (LC Paper No. CB(2) 100/08-09(02)).

(Mrs Vivian KAM)  
Clerk to the House Committee

Encls.

Cb2-132e.-followupdoc

## Appendix

ABN AMRO Bank N.V.

Bank of China (Hong Kong) Ltd.

Bank of Communications Co. Ltd.

The Bank of East Asia, Limited.

Chiyu Banking Corporation Ltd.

Chong Hing Bank Ltd.

Citibank (Hong Kong) Limited

CITIC Ka Wah Bank Ltd.

Dah Sing Bank Ltd.

DBS Bank (HK) Limited

Fubon Bank (Hong Kong) Limited

Industrial and Commercial Bank of China (Asia) Ltd.

Mevas Bank Ltd.

Nanyang Commercial Bank, Ltd.

Public Bank (Hong Kong) Ltd.

Shanghai Commercial Bank Ltd.

Standard Chartered Bank (Hong Kong) Ltd.

Wing Hang Bank Ltd.

Wing Lung Bank Ltd.

### 甘乃威議員提出的問題

1. 各銀行如何回應政府新近提出「銀行按市值回購」的建議？

答: 各分銷銀行同意按市值回購雷曼兄弟迷你債券的建議。銀行公會專責小組已委任安永會計師事務所為獨立財務顧問，負責該建議的項目管理，特別是對雷曼兄弟迷你債券及其相關抵押品進行估價。

銀行公會專責小組及各分銷銀行將繼續與政府緊密合作，以有效執行該建議。

**Answer: The distributor banks involved have agreed to proceed with the implementation of a buy back proposal at market value regarding the Lehman Brothers mini-bonds. The Task Force has already appointed Ernst & Young as the independent financial advisor responsible for the project management of the buy back proposal, including in particular, the valuation of the Lehman minibonds and their underlying collateral.**

**The Task Force and the distributor banks have been and will continue to work with the Government closely to effectively implement this proposal.**

2. 銀行會否有先決條件要求客戶須簽同意書，放棄追討誤導銷售、追回百分百本金的賠償？有關程序怎樣？是否個別客戶與銀行達成協議便可？或是集體經客戶投票決定？客戶同意銀行提早按市值回購時，是否已能確認清楚知道當時市值的具體金額？

答: 銀行公會專責小組不建議在執行有關建議時提出要求投資者放棄追討法律責任的條件。

作為銀行公會專責小組負責回購建議的獨立財務顧問，安永會計師事務所現正分析估價方法，以及回購建議在執行上的細節，有關結果將會提交銀行公會專責小組考慮。銀行公會專責小組現正與各有關方面緊密合作，務求盡快落實具體建議。

有關不當/違規銷售的指控，各分銷銀行一直與香港金融管理局全面合作，處理不當/違規銷售的投訴和調查，各銀行已將有關投訴列為首要工作。作為負責任的企業，各銀行堅持以專業的操守處理失當銷售的投訴，業界亦將嚴肅對待，並且依法和及時地處理所有投訴。若調查證實銀行向客戶銷售雷曼兄弟相關產品時涉及失當手法，銀行將會依法承擔適當的責任，並會按各個個案的具體情況處理。

Answer: The Task Force does not propose to impose a waiver of liability condition on the investors as part of the buy back proposal.

Ernst & Young, as the independent financial advisor of the Task Force in relation to the buy back proposal, is analysing the valuation methodology and the implementation details of the buy back proposal for the Task Force's consideration. The Task Force has started to work promptly with all relevant parties with a view to finalising a concrete proposal as soon as practicable.

With respect to mis-selling allegations, distributor banks have been fully cooperating with the HKMA on handling complaints and investigating the mis-selling cases. The banks are treating the mis-selling complaints as their key priority at this time. As responsible corporations, banks observe and uphold a professional standard in dealing with all complaints and investigations of mis-selling. The banks will treat all complaints seriously and process them in a timely manner in accordance with the law and regulations. The banks will take appropriate legal responsibility for customers found to have purchased Lehman related products should there be proven cases of mis-selling. This will be done on a case-by-case basis.

3. 銀行現時出售迷你債券或票據的抵押品，會否出現客戶擔心的「賤賣資產」情況？有建議由分銷銀行或尋找新的掉期合約擔保人或發行人，這會否幫助部份客戶到期時取回本金？

答：安永會計師事務所已獲銀行公會專責小組委任擔任為獨立財務顧問，協助執行回購過程中評估規劃和其他問題，包括估量雷曼兄弟迷你債券的“市值”。銀行公會專責小組積極地與各方緊密合作，務求落實有關執行回購建議的細節。在銀行公會專責小組的顧問完成評估和估價工作前，不適宜評論雷曼兄弟迷你債券相關抵押品的價值或具體執行方法。

待有關的評估和估量工作完成後，銀行公會專責小組將會盡快公布執行細節。

Answer: The Task Force has already appointed Ernst & Young as the independent financial advisor to assist in evaluating the structural and other issues involved in the implementation of the buy back process, including the assessment of the “market value” of the Lehman minibonds. The Task Force is proactively working closely with all parties to finalise the details of how to implement the buy back proposal. Pending completion of the assessment and evaluation process by the Task Force's advisors, it is not appropriate to comment on the value of the collateral underlying the

Lehman minibonds or any concrete method in dealing with the implementation .

Following completion of such assessment and evaluation, the Task Force will announce the implementation details as soon as possible.