

**SECURITIES AND FUTURES AND COMPANIES
LEGISLATION (STRUCTURED PRODUCTS AMENDMENT)
BILL 2010**

DRAFT COMMITTEE STAGE AMENDMENTS

SECURITIES AND FUTURES AND COMPANIES LEGISLATION
(STRUCTURED PRODUCTS AMENDMENT) BILL 2010

COMMITTEE STAGE

Amendments to be moved by the Secretary for Financial
Services and the Treasury

<u>Clause</u>	<u>Amendment Proposed</u>
2	By deleting the clause.
4(3)	In the proposed section 103(2)(e), by deleting "or structured products" and substituting "(excluding securities that are structured products)".
4(3)	In the proposed section 103(2)(e)(i), by adding "(excluding securities that are structured products)" after "securities".
4	By deleting subclause (9).
15(5)	In the proposed paragraph (g), in the Chinese text, by deleting "屬或載有邀請公眾作出本條例第103(1)(a)條提述的作為的任何廣告、邀請或文件，已根據本條例第105(1)條獲認可" and substituting "載有請公眾作出本條例第103(1)(a)條提述的作為的邀請(或屬該等邀請)的廣告、邀請或文件，已根據本條例第105(1)條獲認可，".

- 15(6) By adding "in respect of which the issue of any advertisement, invitation or document that is or contains an invitation to the public to do any act referred to in section 103(1)(a) of this Ordinance is authorized, or required to be authorized, under section 105(1) of this Ordinance" after "structured product".
- 15(7) In the Chinese text, in the proposed definition of "貨幣及利率掛鈎票據", in paragraph (a), by deleting "結合參照以下因素" and substituting "參照以下因素的組合".
- 15(8) By deleting the proposed section 1A(2)(f) and substituting -
- "(f) a product under which some or all of the return or amount due (or both the return and the amount due) or the method of settlement is determined by reference to securities of a corporation, or of a related corporation of the corporation, and that is issued by the corporation only to a person who is -
 - (i) a bona fide employee or former employee of the corporation or of a related corporation of the corporation; or
 - (ii) a spouse, widow, widower, minor child (natural or adopted) or

minor step-child of a person referred to in subparagraph (i);".

17 In the proposed section 1(a), by deleting "19" and substituting "18".

17 In the proposed section 1(b), by deleting "section 20" and substituting "section 19".

17 In the proposed section 4, by deleting "15(5)" (wherever appearing) and substituting "14(5)".

New By adding -

"Securities and Futures (Fees) Rules

30. Schedule 1 amended (Fees)

(1) Schedule 1 to the Securities and Futures (Fees) Rules (Cap. 571 sub. leg. AF) is amended, after item 5, by adding -

"5A. Fee payable on \$2,000
an application
under section
104A(1) of the
Ordinance for
authorization
of a structured
product

5B. Fee payable in \$1,000".
respect of
authorization
of a structured
product under
section 104A of
the Ordinance

(2) Schedule 1 is amended, in item 8, by
adding -

"(d) any structured \$3,000".".
product