

Differences between the 9th draft and this draft are underlined

GFOX:DMA#15861v10

1st draft: 7.12.99  
2nd draft: 13.12.99  
3rd draft: 14.12.99  
4th draft: 17.12.99  
5th draft: 22.12.99  
6th draft: 10.1.00  
7th draft: 13.1.00  
8th draft: 14.1.00  
9th draft: 15.1.00  
10th draft: 18.1.00  
11th draft: 19.1.00

EXCHANGES AND CLEARING HOUSES (MERGER) BILL

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Financial Services

Clause

Amendment Proposed

- 1 (a) In subclause (2), by deleting “This” and substituting “Subject to subsection (3), this”.
- (b) By adding -  
“(3) Section 22(1) and (2) shall come into operation on the day this Ordinance is published in the Gazette.”.
- 2 (a) In subclause (1) -  
(i) in the definition of “associate” -  
(A) in paragraph (a) -  
(I) by adding “subject to paragraph (c).” before “means”;

(II) by deleting “and” at the end;

(B) by deleting paragraph (b) and substituting -

“(b) subject to paragraph (c), includes, in relation to such provisions of this Ordinance as are specified in Part 1 of Schedule 1, a person, or a person belonging to a class of persons, specified in that Part to be an associate;

(c) excludes, in relation to such provisions of this Ordinance as are specified in Part 2 of Schedule 1, a person, or a person belonging to a class of persons, specified in that Part, not to be an associate;”;

(ii) by deleting the definition of “indirect controller” and substituting -

““indirect controller” ( ), in

relation to a company -

(a) subject to paragraph (b), means any person in accordance with whose directions or instructions the directors of the company or of another company of which it is a subsidiary are accustomed to act;

(b) excludes, in relation to such provisions of this Ordinance as are specified in Part 3 of Schedule 1, a person, or a person belonging to a class of persons, specified in that Part, not to be an indirect controller;”;

(iii) by deleting the definition of “working day”.

(b) By deleting subclause (2).

(c) In subclause (6), by deleting “(2) or”.

3

(a) In subclause (5)(b), by deleting “all due” and substituting “reasonable”.

(b) By adding -

“(6A) Without prejudice to the generality of steps referred to in subsection (6) which may be specified in a notice under that subsection to be served on a person referred to in that subsection, such steps may consist in whole or in part of steps proposed in writing to the Commission by that person.”.

(c) In subclause (11), by deleting “all due” and substituting “reasonable”.

(d) In subclause (12), by deleting “Schedule 1” and substituting “Schedule 2”.

4

(a) By adding -

“(2A) Without prejudice to the generality of steps referred to in subsection (1)(ii) which may be specified in a notice under that subsection to be served on a company referred to in that subsection, such steps may consist in whole or in part of steps proposed in writing to the Commission by that company.”.

(b) By deleting subclause (7) and substituting -

“(7) It shall be a defence for a person charged with an offence under subsection (6) to prove that the person exercised reasonable diligence to comply with the notice under subsection (1) to which the offence relates.”.

(c) In subclause (8), by deleting “Schedule 1” and substituting “Schedule 2”.

6

(a) By deleting subclauses (1) and (2) and substituting -

“(1) In this section, “minority controller” ( ), in relation to a recognized exchange controller, Exchange Company or clearing house -

(a) subject to paragraph (b), means any person who, either alone or with any associate or associates, is entitled to exercise, or control the exercise of, 5% or more of the voting power at any general meeting of the recognized exchange controller, Exchange Company or clearing house, as the case may be, or of a company of which the recognized exchange controller, Exchange Company or clearing house, as the case may be, is a subsidiary;

(b) does not include -

(i) a recognized exchange controller; or

(ii) a person, or a person belonging to a class of persons, specified in Part 1 of Schedule 3 not to be a minority controller for the purposes of this Ordinance.

(2) Subject to subsections (2A) and (12), on and after the commencement of this section a person shall not -

(a) become a minority controller of a recognized exchange controller, Exchange Company or clearing house except with the approval in writing of the Commission after consultation with the Financial Secretary;

(b) if such approval is given, and subject to any condition specified in the approval disapplying this paragraph in whole or in part, increase the interest the person has as such minority controller except with the further approval in writing of the Commission after consultation with the Financial Secretary.

(2A) The Commission shall not give an approval under subsection (2)(a) or (b) unless it is satisfied that it is appropriate to do so in the interest of the investing public or in the public interest.

(2B) Where the Commission refuses to give an approval under subsection (2)(a) or (b), it shall give notice in writing of its reasons for the refusal to the person concerned.”.

(b) In subclause (4) -

(i) by deleting paragraph (a) and substituting -

“(a) in the case of subsection (3)(a), that the person -

(i) did not know that the acts or circumstances by virtue of which the person became a minority controller, or increased the interest the person has as a minority controller, as the case may be, of the recognized exchange controller, Exchange Company or clearing house concerned were such as to have that effect; or

(ii) exercised reasonable diligence to avoid contravening subsection (2);”;

(ii) in paragraph (b), by deleting “all due” and substituting “reasonable”.

(c) By adding -

“(5A) Without prejudice to the generality of steps referred to in subsection (5) which



may be specified in a notice under that subsection to be served on a person referred to in that subsection, such steps may consist in whole or in part of steps proposed in writing to the Commission by that person.”.

(d) In subclause (10), by deleting “all due” and substituting “reasonable”.

(e) In subclause (11), by deleting “Schedule 1” and substituting “Schedule 2”.

7 (a) In subclause (4), by deleting “all due” and substituting “reasonable”.

(b) By adding -

“(4A) Without prejudice to the generality of the Financial Secretary’s power under subsection (1), a person is exempt from section 3(1) in the cases specified in Part 2 of Schedule 3.”.

8 By deleting the clause and substituting -

**“8. Duty to ensure orderly and fair market, etc.**

(1) It shall be the duty of -

(a) a recognized exchange controller which is the controller of an Exchange Company or clearing house, and an Exchange Company, to each

ensure, so far as is reasonably practicable, an orderly and fair market in securities or futures contracts traded on or through each Exchange Company;

(b) a recognized exchange controller which is the controller of an Exchange Company or clearing house, an Exchange Company, and a clearing house, to each ensure, so far as is reasonably practicable, that risks are managed prudently; and

(c) a recognized exchange controller which is the controller of an Exchange Company or clearing house to ensure, so far as is reasonably practicable, that the Exchange Company or clearing house, as the case may be, complies with any lawful requirement placed on it under any enactment or rule of law and with any other legal requirement placed on it.

(2) In discharging its obligation under subsection (1)(a) or (b), a recognized exchange controller, Exchange Company and clearing house shall each -

(a) act in the interests of the public,

having particular regard to the interests of the investing public; and

(b) ensure that where the interests referred to in paragraph (a) conflict with any other interests that it is required to serve under any other law, the former shall prevail.

(3) Without prejudice to the generality of section 56(1) of the Securities and Futures Commission Ordinance (Cap. 24), no liability shall be incurred by -

(a) a recognized exchange controller, Exchange Company or clearing house;

(b) any person acting on behalf of a recognized exchange controller, Exchange Company or clearing house, including -

(i) any member of the board of directors of the recognized exchange controller, Exchange Company or clearing house; or

(ii) any member of any committee established by the recognized exchange controller, Exchange

Company or clearing house,

in respect of anything done or omitted to be done in good faith in the discharge or purported discharge of the obligation under subsection (1), including that subsection as read with subsection (2).

(4) Where a recognized exchange controller is the controller of an Exchange Company or clearing house (“relevant body”), the relevant body’s obligation under subsection (1) is not applicable to the relevant body in respect of anything done or omitted to be done in good faith by the relevant body in consequence of the discharge or purported discharge by the recognized exchange controller of the recognized exchange controller’s obligation under that subsection.”.

9(4) and (5) By deleting the clause and substituting -

“(4) The recognized exchange controller shall appoint not more than 2 of the members referred to in subsection (2)(b) of whom not less than one shall be a member of the board of directors of the recognized exchange controller who -

- (a) is such a member otherwise than by virtue of an appointment under section 20(1); and
- (b) is not the chief executive of the recognized exchange

controller.”.

- 10 (a) In subclause (3), by adding “(together with its reasons for the refusal)” after “refuse to give its approval”.
- (b) In subclause (5), by deleting “on the advice of the Commission and generally or in a particular case” and substituting “after consultation with the Commission and the recognized exchange controller concerned”.

15(2)(a) By adding “, if any,” after “competition”.

16 By adding “, 2 or 3” after “Schedule 1”.

18 By deleting the definitions of “HKFE”, “HKFECC”, “SEHK” and “SEOCH”.

20 By deleting the clause and substituting -

**“20. Financial Secretary may appoint not more than 8 persons to board of directors of HKEC**

(1) Notwithstanding any enactment or rule of law but subject to subsection (2), the Financial Secretary may appoint not more than 8 persons to be members of the board of directors of the HKEC where the Financial Secretary is satisfied that it is

appropriate to do so in the interest of the investing public or  
in the public interest.

(2) The Financial Secretary shall exercise his power under  
subsection (1) in such a way that, after the annual general  
meeting of the HKEC held in 2003, the number of members of  
the board of directors of the HKEC who are such members by  
virtue of an appointment under that subsection is not more than  
the number of members of that board who are such members  
otherwise than by virtue of such an appointment, (but  
excluding the chief executive of the HKEC).

(3) Subject to subsection (4), a member of the board of  
directors of the HKEC who is such a member by virtue of an  
appointment under subsection (1) shall have the same rights,  
privileges, obligations and liabilities under any enactment or  
rule of law as a member of that board who is such a member  
otherwise than by virtue of such an appointment.

(4) No person appointed under subsection (1) as a member of  
the board of directors of the HKEC may be removed from that  
office except -

- (a) pursuant to the order of a court under any enactment  
or rule of law; or
- (b) by the Financial Secretary revoking the person's  
appointment.”.

21 By deleting the clause.

22 (a) In subclause (3) -

(i) by deleting paragraph (b) and substituting -

“(b) the shares of HKSCC shall be issued to the HKEC and any nominee of the HKEC in accordance with the directions of the HKEC and by the person specified in those directions,”;

(ii) in paragraph (d)(ii), by deleting “in a” and substituting “substantially in conformity with the guarantee referred to in subparagraph (i) to the satisfaction of the Commission or in another”;

(iii) in paragraph (e), by deleting “5 working” and substituting “7”.

(b) In subclause (4), by adding -

“(ca) section 57B of the Companies Ordinance (Cap. 32) shall not apply to an issue of shares made pursuant to subsection (3) (b)”.

(c) By adding -

“(5) Notwithstanding any other enactment or rule of law, the person specified in directions referred to in subsection (2)(b)

shall have all such powers as are necessary to comply with those directions.

(6) The Commission may, at the request of the HKSCC, extend the period specified in subsection (3)(e) and whether or not the period has expired.”.

24 By deleting “Schedule 2” and substituting “Schedule 4”.

New By adding immediately after clause 24 the following –

“SCHEDULE 1 [ss. 2(1) & 16]

SPECIFICATION OF PERSONS WHO ARE ASSOCIATES,  
SPECIFICATION OF PERSONS WHO ARE NOT  
ASSOCIATES, AND SPECIFICATION OF  
PERSONS WHO ARE NOT INDIRECT  
CONTROLLERS, FOR SPECIFIED  
PROVISIONS OF THIS  
ORDINANCE

PART 1

SPECIFICATION OF PERSONS WHO ARE ASSOCIATES

PART 2

SPECIFICATION OF PERSONS WHO ARE NOT ASSOCIATES

1. A person (“first person”) is not an associate of another person (“second person”) for all the provisions of this Ordinance insofar as -



- (a) the first person or second person is a clearing house  
(or its nominee) acting in its capacity as such;
- (b) the first person is the chairman of a general meeting  
of a company entitled to exercise voting rights in the  
company due to his appointment as a proxy by the  
second person where the appointment -
  - (i) is for that meeting only; and
  - (ii) does not involve any valuable consideration;or
- (c) the first person and the second person are persons  
who have appointed the chairman of the general  
meeting of a company as a proxy to exercise voting  
rights in the company where each appointment -
  - (i) is for that meeting only; and
  - (ii) does not involve any valuable  
consideration.

2. A person is not an associate of another person for the purposes of section 6 of this Ordinance by reason only of each person having appointed the same person as a proxy to exercise voting rights in a

company at a general meeting of the company where each appointment -

(a) is for that meeting only; and

(b) does not involve any valuable consideration.

### PART 3

#### SPECIFICATION OF PERSONS WHO ARE NOT INDIRECT CONTROLLERS

A person is not an indirect controller for all the provisions of this Ordinance insofar as the person is a person in accordance with whose directions or instructions the directors of a company or of another company of which it is a subsidiary are accustomed to act by reason only that they act on advice given by the person in the person's professional capacity.”.

Schedule 1

(a) By deleting “SCHEDULE 1” and substituting “SCHEDULE 2”.

(b) In subsection (2) -

(i) in paragraph (d), by deleting “otherwise.” and substituting  
“otherwise;”;

(ii) by adding -

“(e) that the holder of the shares

shall cause the shares to be transferred to a nominee of the Commission specified in the notice and within the period specified in the notice.”.

(c) In section 1(8), by adding “, unless otherwise specified by the Court of First Instance,” after “shall”.

(d) By adding -

“(12)It is hereby declared that the operation of subsection (2)(b) or (e) shall not of itself cause any person to contravene section 3(1) or 6(2).”.

(e) In section 2(1) -

(i) by deleting paragraphs (a) and (b) and substituting -

“(a) exercises or purports to exercise any right to dispose of any shares, or of any right to be issued with any such shares, knowing that to do so contravenes any restrictions under section 1(2) to which the shares are subject;

(b) votes in respect of any such shares as holder or proxy knowing that to do so

contravenes any such restrictions;

(ba) appoints a proxy in respect of any such shares knowing that to vote in respect of any such shares would contravene any such restrictions;”;

(ii) in paragraph (c), by deleting “proxy; or” and substituting “proxy;”;

(iii) in paragraph (d), by deleting “or (4),” and substituting “or (4); or”;

(iv) by adding -

“(e) without reasonable excuse, fails to comply with a restriction under section 1(2)(e) to which any such shares are subject,”.

(f) In section 3, by adding -

“(1A) Where a person is or may become a prohibited person in respect of a company, the Commission shall serve on the company a copy of the notice concerned under section 3(6) or 4(1) of this Ordinance.”.

New

By adding immediately after Schedule 1 the following –

“SCHEDULE 3 [ss. 6(1), 7(4A) & 16]

PERSONS WHO ARE NOT MINORITY CONTROLLERS  
AND EXEMPTION FROM SECTION 3(1)  
OF THIS ORDINANCE

PART I

SPECIFICATION OF PERSONS WHO ARE NOT  
MINORITY CONTROLLERS FOR THE  
PURPOSES OF THIS ORDINANCE

1. A person is not a minority controller for the purposes of this Ordinance insofar as the person is -

(a) a clearing house (or its nominee) acting in its capacity as such; or

(b) the chairman of a general meeting of a company entitled to exercise voting rights in the company due to his appointment as a proxy where the appointment -

(i) is for that meeting only; and

(ii) does not involve any valuable consideration.

2. A person is not a minority controller for all the provisions of this Ordinance by reason only of being entitled to exercise voting rights in a company due to his appointment as a proxy where the appointment -

(a) is for only one general meeting of the company; and

(b) does not involve any valuable consideration.

PART 2

EXEMPTION FROM SECTION 3(1)

OF THIS ORDINANCE

A person is exempt from section 3(1) of this Ordinance insofar as the person is -

- (a) a clearing house (or its nominee) acting in its capacity as such; or
- (b) the controller of a company by reason only of being the chairman of a general meeting of the company entitled to exercise voting rights in the company due to his appointment as a proxy where the appointment -
  - (i) is for that meeting only; and
  - (ii) does not involve any valuable consideration.”.

- Schedule 2
- (a) By deleting “SCHEDULE 2” and substituting “SCHEDULE 4”.
  - (b) By adding -

**“17A. Approval of amendments to the constitution, rules of the Exchange Company, etc.**

Section 14 is amended -

- (a) in subsection (3), by adding “together with, where paragraph (b) is applicable, its reasons for the refusal” after “thereof”;

(b) in subsection (5), by repealing “on the advice of the Commission and either generally or in a particular case” and substituting “after consultation with the Commission and the Exchange Company”.”.

(c) In section 44, by repealing paragraphs (b) and (c) and substituting -

“(b) by repealing subsections (2) and (3) and substituting -

“(2) The amount referred to in subsection (1) shall be deposited in respect of a trading right not later than 1 month after that subsection becomes applicable to the trading right.”.”.

(d) by deleting section 62 and substituting -

**“62. Section repealed**

Section 26 is repealed.”.

(e) By adding -

**“63A. Section repealed**

Section 27A is repealed.”.

(f) By deleting section 65 and substituting -

**“65. Rules of the Unified Exchange**

Section 34 is amended -

(a) by repealing subsection (1)(b) and substituting -

“(b) to ensure compliance by its exchange participants with financial resources rules and, without derogation from the generality hereof such rules may -

(i) prescribe the returns to be made by exchange participants, the form of such returns, the information to be included therein and the manner in which such information is to be



verified;

(ii) provide for the manner

in which any assets are

to be valued and for the

payment by exchange

participants of the costs

of valuation;

(iii) prescribe the manner in

which records are to be

kept by exchange

participants of any

assets which may be

taken into account for

the purposes of

financial resources

rules and the places at  
which such records are  
to be maintained;

(iv) provide for the  
inspection of records by  
any duly authorized  
officer of the Exchange  
Company;

(ba) to deal with possible conflicts of  
interest that might arise where a  
relevant recognized exchange  
controller or a relevant company,  
within the meaning of section 13  
of the Exchanges and Clearing  
Houses (Merger) Ordinance ( of  
2000), seeks to be or is a

listed company within the  
meaning of that section; and”;

(b) by adding -

“(2A) The Secretary for  
Financial Services may, by notice in  
the Gazette, repeal subsection (1)(b).

(2B) The Commission may  
amend any rules made under  
subsection (1)(ba) by the Exchange  
Company (or by the Commission  
pursuant to this subsection) and, for  
that purpose, the Commission may  
exercise the power under that  
subsection instead of the Exchange  
Company.

(2C) Section 35 shall not  
apply to any rules made by the  
Commission under subsection (1)(ba)  
as read with subsection (2B).”.

**65A. Commission to approve proposed  
rules and amendments to constitution,  
etc.**

Section 35 is amended -

(a) in subsection (3), by adding “, together with the reasons for the disallowance” after “constitution”.

(b) by adding -

“(5) In this section, “rules” ( \_\_\_\_\_ ) excludes rules referred to in section 34(2C).”.

(g) By adding -

**“Securities and Futures (Clearing Houses) Ordinance**

**70A. Rules of recognized clearing houses, etc.**

Section 4 of the Securities and Futures (Clearing Houses) Ordinance (Cap. 420) is amended -

(a) in subsection (7), by adding “together with, where paragraph (b) is applicable, its reasons for the refusal” after “the submission”;

(b) in subsection (9), by repealing “on the advice of the Commission and either generally or in a particular case” and

substituting “after consultation with the Commission and the recognized clearing house concerned”.

---

## **Personal Data (Privacy) Ordinance**

### **70B. Interpretation**

Section 2(1) of the Personal Data (Privacy) Ordinance (Cap. 486) is amended, in the definition of “financial regulator”, by adding -

“(ea) a recognized exchange controller within the meaning of section 2(1) of the Exchanges and Clearing Houses (Merger) Ordinance ( of 2000);”.

(h) By deleting section 80(b) and substituting -

“(b) in paragraph (1)(vi), by repealing “membership costs” and substituting “costs of being an exchange or clearing participant or member”.”.

(i) In section 82(b), by deleting “exchange participants/membership” and substituting “as an exchange participant/member”.

(j) By deleting section 85 and substituting -

### **“85. Schedule 1 amended**

Schedule 1 is amended -

(a) in Form 1 -

(i) in Part C -

(A) in item C13 -

(I) by repealing “a

shareholder” wherever

it appears and

substituting “an

exchange participant”;

(II) by repealing “became

shareholder” and

substituting “became

exchange participant”;

(B) in item C14 -

(I) by repealing “a

member” and

substituting “an

exchange

participant/member”;

(II) by repealing

“membership” where it

twice appears and

substituting “being an

exchange

participant/member”;

(III) by repealing “became

member” and

substituting “became

exchange

participant/member”;

(C) in item C15(a), by repealing “for

membership” and substituting “to

be an exchange

participant/member”;

(D) in item C16(a), by repealing

“membership” and substituting

“as

an exchange

participant/member”;

(E) in item C17, by repealing

paragraph (a) and substituting -

“(a) Has the firm ever been

revoked or suspended

as an exchange

participant/member of

a stock or futures

exchange in Hong

Kong or elsewhere?

Yes/No”;

(ii) in Part D -

(A) in item D21 -

(I) by repealing “a

shareholder”

wherever it

appears and



substituting “an  
exchange  
participant”;

(II) by repealing  
“became  
shareholder” and  
substituting  
“became exchange  
participant”;

(B) in item D22 -

(I) by repealing “a  
member” and  
substituting “an  
exchange  
participant/member  
”;

(II) by repealing  
“membership”  
where it twice  
appears and  
substituting “being  
an exchange

participant/member

”;

(III) by repealing

“became member”

and substituting

“became exchange

participant/membe

r”.

(C) in item D23(a), by repealing “for

membership” and substituting

“to be an exchange

participant/member”;

(D) in item D24(a), by repealing

“membership” and substituting

“as an exchange

participant/member”;

(E) in item D25, by repealing

paragraph (a) and substituting -

“(a) Has the corporation

ever been revoked or  
suspended as an  
exchange  
participant/member of a  
stock or futures  
exchange in Hong Kong  
or elsewhere? Yes/No”

(b) in Form 2 -

(i) in item 15, by repealing “a  
shareholder” wherever it appears and  
substituting “an exchange participant”;

(ii) in item 16 -

(A) by repealing “a member” where it  
twice appears and substituting  
“an exchange  
participant/member”;

(B) by repealing “membership”  
wherever

it appears and substituting “being  
an exchange  
participant/member”;

(iii) in item 17(a), by repealing “for  
membership” and substituting “to be  
an exchange participant/member”;

(iv) in item 18(a), by repealing  
“membership” and substituting “as an  
exchange participant/member”;

(v) in item 19, by repealing paragraph (a)  
and substituting -

“(a) Has the relevant person or a  
company of which he/she is/was a  
director or a firm of

which he/she is/was a partner  
even been revoked or suspended  
as an exchange  
participant/member of a stock or  
futures exchange in Hong Kong  
or elsewhere? Yes/No”.”.

(k) In section 87, by deleting “adding “exchange participantship or”  
after “change in”” and substituting “repealing “membership” and  
substituting “who is an exchange participant or member””.

(l) By deleting section 91 and substituting -

**“91. Schedule amended**

The Schedule is amended -

(a) in Form 1 -

(i) in Part C -

(A) in item C12 -

(I) by repealing “a  
member” and  
substituting “an  
exchange  
participant/member”;

(II) by repealing  
“membership” where it  
twice appears and  
substituting “being an  
exchange  
participant/member”;

(III) by repealing “became  
member” and  
substituting “became  
exchange  
participant/member”;

(B) in item C13(a), by repealing “for

membership” and substituting “to  
be an exchange  
participant/member”;

(C) in item C14(a), by repealing

“membership” and substituting  
“as an exchange  
participant/member”;

(D) in item C15, by repealing

paragraph (a) and substituting -

“(a) Has the partnership ever  
been revoked or suspended  
as an exchange  
participant/member of a  
stock or futures exchange in  
Hong Kong or

elsewhere? Yes/No”;

(ii) in Part D -

(A) in item D20 -

(I) by repealing “a  
member” and  
substituting “an  
exchange  
participant/member”;

(II) by repealing  
“membership” where it  
twice appears and  
substituting “being an  
exchange  
participant/member”;

(III) by repealing “became  
member” and  
substituting “became  
exchange participant/



member”;

(B) in item D21(a), by repealing “for membership” and substituting “to be an exchange participant/member”;

(C) in item D22(a), by repealing “membership” and substituting “as an exchange participant/member”;

(D) in item D23, by repealing paragraph (a) and substituting -

“(a) Has the corporation ever been revoked or suspended as an exchange participant/member of any stock or futures

exchange in Hong Kong or  
elsewhere? Yes/No”;

(b) in Form 2 -

(i) in item 15 -

(A) by repealing “a member” where  
it twice appears and substituting  
“an exchange  
participant/member”;

(B) by repealing “membership”  
wherever it appears and  
substituting “being an exchange  
participant/member”;

(ii) in item 16(a), by repealing “for  
membership” and substituting “or an  
exchange participant/

member”;

(iii) in item 17(a), by repealing

“membership” and substituting “as an

exchange participant/member”;

(iv) in item 18, by repealing paragraph (a)

and substituting -

“(a) Has the relevant person or

company of which he/she is/was

a director or a firm of which

he/she is/was a partner ever been

revoked or suspended as an

exchange participant/member of

a stock or futures exchange in

Hong Kong or elsewhere?

Yes/No".".