

**Responses to the submission from the  
Securities and Futures Commission**

Our policy intent for the proposed section 168BB(3)(a) is to require that before granting leave, the court should be satisfied that it appears to be prima facie in the interest of the company that the leave should be granted. It is not our policy intent to require the showing of a prima facie case. Indeed, this threshold is among the lowest in the statutory derivative actions (SDAs) in New Zealand, Australia and Singapore. Hence, we do not consider that this threshold is too high for commencing a SDA. We have revised this section to make our policy intent more explicit.

**Financial Services Branch  
Financial Services and the Treasury Bureau  
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