

立法會
Legislative Council

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Tel : 2869 9270

Date : 7 February 2003

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 12 February 2003

**Proposed resolution under section 34(2) of
the Interpretation and General Clauses Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Financial Services and the Treasury will move at the Council meeting on 12 February 2003 under the Interpretation and General Clauses Ordinance relating to:

- (a) Securities and Futures (Financial Resources) Rules;
- (b) Securities and Futures (Keeping of Records) Rules;
- (c) Securities and Futures (Accounts and Audit) Rules;
- (d) Securities and Futures (Contract Notes, Statements of Account and Receipts) Rules;
- (e) Securities and Futures (Short Selling and Securities Borrowing and Lending (Miscellaneous)) Rules;
- (f) Securities and Futures (Miscellaneous) Rules;
- (g) Securities and Futures (Price Stabilizing) Rules; and
- (h) Securities and Futures (Insurance) Rules.

The President has directed that “it be printed in the terms in which it was handed in” on the Agenda of the Council.

2. The draft speech, in both English and Chinese versions, which the Secretary for Financial Services and the Treasury will deliver when moving the proposed resolution, is also attached.

(Mrs Betty LEUNG)
for Clerk to the Legislative Council

Encl.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and
General Clauses Ordinance (Cap. 1))

SECURITIES AND FUTURES (FINANCIAL RESOURCES) RULES
SECURITIES AND FUTURES (KEEPING OF RECORDS) RULES
SECURITIES AND FUTURES (ACCOUNTS AND AUDIT) RULES
SECURITIES AND FUTURES (CONTRACT NOTES, STATEMENTS
OF ACCOUNT AND RECEIPTS) RULES
SECURITIES AND FUTURES (SHORT SELLING AND SECURITIES
BORROWING AND LENDING (MISCELLANEOUS)) RULES
SECURITIES AND FUTURES (MISCELLANEOUS) RULES
SECURITIES AND FUTURES (PRICE STABILIZING) RULES
SECURITIES AND FUTURES (INSURANCE) RULES

RESOLVED that -

- (a) the Securities and Futures (Financial Resources)
Rules, published in the Gazette as Legal Notice No.
209 of 2002 and laid on the table of the
Legislative Council on 18 December 2002, be
amended -

- (i) in section 2(1) -

- (A) in the definition of "交易日期", in paragraph (j), by repealing "雙" and substituting "各";
 - (B) in the definition of "期權合約", in paragraph (b), by adding "該合約內指明的" before "某";
 - (ii) in section 46(2)(a), by adding "該等證券的" before "買";
 - (iii) in section 53(2)(b), by repealing "債項" and substituting "負債";
 - (iv) in section 56(1), by adding "仍然" before "有效";
 - (v) in section 60(4), by repealing "進" wherever it appears and substituting "執";
- (b) the Securities and Futures (Keeping of Records) Rules, published in the Gazette as Legal Notice No. 210 of 2002 and laid on the table of the Legislative Council on 18 December 2002, be amended, in section 1(e) of the Schedule, by repealing "證券抵押品" and substituting "客戶抵押品";
- (c) the Securities and Futures (Accounts and Audit) Rules, published in the Gazette as Legal Notice No. 211 of 2002 and laid on the table of the Legislative Council on 18 December 2002, be amended -

- (i) in section 3(1)(b) -
 - (A) by repealing "報表" and substituting "申報表";
 - (B) in subparagraph (viii), by repealing "本身的衍生工具持倉量" and substituting "衍生工具自營交易持倉的狀況";
 - (ii) in section 4(1)(d), by repealing "報表" where it twice appears and substituting "申報表";
- (d) the Securities and Futures (Contract Notes, Statements of Account and Receipts) Rules, published in the Gazette as Legal Notice No. 212 of 2002 and laid on the table of the Legislative Council on 18 December 2002, be amended -
- (i) in section 2, in the definition of "保證金比率", by repealing everything after "百分率是" and substituting "中介人的客戶被容許以該特定種類的證券抵押品向該中介人借貸(或以其他方式自該中介人取得其他方式的財務通融)的上限";
 - (ii) in section 5 -
 - (A) in subsection (3)(c)(i), by repealing "描述" and substituting "種類";
 - (B) in subsection (7)(a) and (b), by repealing "樣" and substituting

"種類";

- (iii) in section 8(2)(b), (c) and (d), by repealing "款" and substituting "一種類的";
- (iv) in section 9(2)(b) -
 - (A) by repealing "款" and substituting "一種類的";
 - (B) by repealing "物" where it twice appears;
- (v) in section 11 -
 - (A) in subsection (3)(e)(ii), by repealing "物";
 - (B) in subsection (3)(f)(i), by repealing "款" and substituting "一種類的";
 - (C) in subsection (3)(f)(ii) -
 - (I) by repealing "款" and substituting "一種類";
 - (II) by repealing "物";
 - (D) in subsection (3)(g), by repealing "款" and substituting "一種類的";
 - (E) in subsection (5)(b)(i), by repealing "款" and substituting "一種類的";
 - (F) in subsection (5)(d), by adding "合約" after "期貨";

- (G) in subsection (6)(e)(ii), by
repealing "物";
- (vi) in section 12 -
 - (A) in subsection (2)(b)(i) and (c), by
repealing "款" and substituting "一種
類的";
 - (B) in subsection (2)(b)(ii), by
repealing "款保證物" and substituting
"一種類的保證";
- (vii) in section 13 -
 - (A) in subsection (1)(a)(ii), by
repealing "物" where it twice
appears;
 - (B) in subsection (1)(d), by repealing
"物";
 - (C) by repealing subsection (2)(e)(i)
and (ii) and substituting -
 - "(i) 於中介人的保管人處開立的帳戶；
或
 - (ii) 於中介人的有聯繫實體的保管人處
開立的帳戶。";
 - (D) in subsection (3)(d), by repealing
"物" wherever it appears;

(E) in subsection (3)(d)(i), by
repealing "描述" and substituting "種類";

(e) the Securities and Futures (Short Selling and Securities Borrowing and Lending (Miscellaneous)) Rules, published in the Gazette as Legal Notice No. 213 of 2002 and laid on the table of the Legislative Council on 18 December 2002, be amended -

(i) in section 3(2)(c) -

(A) by repealing "該證券當" and
substituting "某上市證券當";

(B) by repealing "上市" and substituting
"該";

(ii) in section 4(5), by repealing "根據第(1)、(2)或(3)款記錄口頭保證或第(4)款描述的詳情或" and substituting "記錄口頭保證或第(4)款描述的詳情，或根據第(1)、(2)或(3)款";

(f) the Securities and Futures (Miscellaneous) Rules, published in the Gazette as Legal Notice No. 216 of 2002 and laid on the table of the Legislative Council on 18 December 2002, be amended by repealing section 2(1)(b) and substituting -

"(b) in the case of a document in electronic form, be -

(i) sent by means of such
electronic transmission as may
be approved by the Commission;
or

(ii) sent by electronic mail
transmission,

to such electronic reception facility as
may be specified by the Commission on the
contact details page of the Commission's
web site.";

(g) the Securities and Futures (Price Stabilizing)
Rules, published in the Gazette as Legal Notice No.
218 of 2002 and laid on the table of the
Legislative Council on 18 December 2002, be amended
in section 12(1)(c), by adding "為提出任何買盤或達成任
何交易" after "中";

(h) the Securities and Futures (Insurance) Rules,
published in the Gazette as Legal Notice No. 11 of
2003 and laid on the table of the Legislative
Council on 22 January 2003, be amended -

(i) in section 4(1), by repealing "就任何保險期
根據第5(1)條核准某類受規管活動的" and
substituting "為某類受規管活動而根據第5(1)條就
某保險期核准某份";

(ii) in section 4(2), by repealing "就任何保險期
根據第5(2)(a)條核准某份屬證券交易的受規管活動的"

and substituting "為屬證券交易的受規管活動而根據第5(2)(a)條就某保險期核准某份";

(iii) in section 4(3), by repealing "就任何保險期根據第5(2)(b)條核准某份屬期貨合約交易的受規管活動的" and substituting "為屬期貨合約交易的受規管活動而根據第5(2)(b)條就某保險期核准某份";

(iv) in section 5(1), by repealing "任何保險期就某類受規管活動" and substituting "某類受規管活動就某保險期";

(v) in section 5(2), by repealing "就任何保險期";

(vi) in section 5(2)(a) and (b), by adding "就某保險期" before "核准".