

立法會
Legislative Council

LC Paper No. LS48/02-03

Paper for the House Committee Meeting on 24 January 2003

**Further Report by the Legal Service Division
on the 23 items of Subsidiary Legislation made under the
Securities and Futures Ordinance (Cap. 571)
gazetted tabled on 18 December 2002**

Members have agreed to move a motion to extend the scrutiny period of the 23 items of subsidiary legislation so that the Administration could consider recommendations relating to drafting made by the Legal Service Division. The motion was passed by the Legislative Council on 15 January 2003.

2. The Administration has since agreed to introduce amendments to the following subsidiary legislation-

- (a) Securities and Futures (Financial Resources) Rules (L.N. 209)
- (b) Securities and Futures (Keeping of Records) Rules (L.N. 210)
- (c) Securities and Futures (Accounts and Audit) Rules (L.N. 211)
- (d) Securities and Futures (Contract Notes, Statements of Account and Receipts) Rules (L.N. 212)
- (e) Securities and Futures (Short Selling and Securities Borrowing and Lending (Miscellaneous)) Rules (L.N. 213)
- (f) Securities and Futures (Miscellaneous) Rules (L.N. 216)
- (g) Securities and Futures (Price Stabilizing) Rules (L.N. 218)

3. The Secretary for Financial Services and the Treasury would move a motion in the Legislative Council on 12 February 2003 to effect the amendments. The draft of the resolution is attached for Members' reference. All the proposed amendments are technical. The Legal Service Division has considered the proposed amendments and is satisfied that they are in order.

4. Subject to the proposed amendments, the Chinese text of the 23 items are in order from the drafting point of view.

Encl

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21 January 2003

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

RESOLVED that 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 -

- (a) in section 2(1) -
 - (i) in the definition of “交易日期”, in paragraph (j), by repealing “雙” and substituting “各”;
 - (ii) in the definition of “期權合約”, in paragraph (b), by adding “該合約內指明的” before “某”;
- (b) in section 46(2)(a), by adding “該等證券的” before “買”;
- (c) in section 53(2)(b), by repealing “債項” and substituting “負債”;
- (d) in section 56(1), by adding “仍然” before “有效”;

- (e) in section 60(4), by repealing “進” wherever it appears and substituting “執”.



INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

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

SECURITIES AND FUTURES (KEEPING OF RECORDS) RULES

RESOLVED that 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”.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

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

SECURITIES AND FUTURES (ACCOUNTS AND AUDIT) RULES

RESOLVED that 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 -

- (a) in section 3(1)(b) -
 - (i) by repealing “報表” and substituting “申報表”;
 - (ii) 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”;
- (b) in section 4(1)(d), by repealing “報表” where it
twice appears and substituting “申報表”.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

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

SECURITIES AND FUTURES (CONTRACT NOTES, STATEMENTS OF ACCOUNT
AND RECEIPTS) RULES

RESOLVED that 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 -

- (a) 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;”;
- (b) in section 5 -
 - (i) in subsection (3)(c)(i), by repealing
“描述” and substituting “種類”;
 - (ii) in subsection (7)(a) and (b), by
repealing “樣” and substituting “種類”;
- (c) in section 8(2)(b), (c) and (d), by repealing
“款” and substituting “一種類的”;

- (d) in section 9(2)(b) -
 - (i) by repealing “款” and substituting “一種類的”;
 - (ii) by repealing “物” where it twice appears;
- (e) in section 11 -
 - (i) in subsection (3)(e)(ii), by repealing “物”;
 - (ii) in subsection (3)(f)(i), by repealing “款” and substituting “一種類的”;
 - (iii) in subsection (3)(f)(ii) -
 - (A) by repealing “款” and substituting “一種類”;
 - (B) by repealing “物”;
 - (iv) in subsection (3)(g), by repealing “款” and substituting “一種類的”;
 - (v) in subsection (5)(b)(i), by repealing “款” and substituting “一種類的”;
 - (vi) in subsection (5)(d), by adding “合約” after “期貨”;
 - (vii) in subsection (6)(e)(ii), by repealing “物”;
- (f) in section 12 -
 - (i) in subsection (2)(b)(i) and (c), by repealing “款” and substituting “一種類的”;
 - (ii) in subsection (2)(b)(ii), by repealing “款保證物” and substituting “一種類的保證”;
- (g) in section 13 -

- (i) in subsection (1)(a)(ii), by repealing “物” where it twice appears;
- (ii) in subsection (1)(d), by repealing “物”;
- (iii) 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。”;
- (iv) in subsection (3)(d), by repealing “物” wherever it appears;
- (v) in subsection (3)(d)(i), by repealing “描述” and substituting “種類”.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

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

SECURITIES AND FUTURES (SHORT SELLING AND SECURITIES BORROWING
AND LENDING (MISCELLANEOUS)) RULES

RESOLVED that 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 -

- (a) in section 3(2)(c) -
 - (i) by repealing “該證券當” and substituting “某上市證券當”;
 - (ii) by repealing “上市” and substituting “該”;
- (b) 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”。

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

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

SECURITIES AND FUTURES (MISCELLANEOUS) RULES

RESOLVED that 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."



INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

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

SECURITIES AND FUTURES (PRICE STABILIZING) RULES

RESOLVED that 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".