

有關於2012年5月15日提交的
建議委員會階段修正案

在2012年5月15日的法案委員會會議上，我們提交了夾附於附件 A的文件，載列了對第34J條、第34K條及附表5B第2條和第3條的進一步修訂，以涵蓋所有在《證券及期貨條例》第195和第197條下暫時撤銷的情況。在提交的委員會階段修正案的最終版本(附件 B)，我們進一步改善了草擬的方式，以採用兩條有關係文的用詞(即在第1款的“暫時撤銷”和第4款的“當作……被暫時撤銷”)，以避免爭拗。

財經事務及庫務局
二零一二年五月二十四日

5月15日會議上提交的文件

Relevant subsection on suspension	Suggested wording
s34J(2)(b)(i)	as an authorized financial institution registered for Type 1 or Type 4 regulated activity, the registration is suspended under section 196(1)(i)(B) or section 197 of the Securities and Futures Ordinance (Cap. 571) in relation to that regulated activity
s34J(2)(b)(ii)	as an authorized financial institution registered for Type 1 and Type 4 regulated activities, the registration is suspended under section 196(1)(i)(B) or section 197 of the Securities and Futures Ordinance (Cap. 571) in relation to those regulated activities
s34J(2)(c)(i)	as a corporation licensed to carry on Type 1 or Type 4 regulated activity, the licence is suspended under section 194(1)(i)(B) or section 195 of the Securities and Futures Ordinance (Cap. 571) in relation to that regulated activity
s34J(2)(c)(ii)	as a corporation licensed to carry on Type 1 and Type 4 regulated activities, the licence is suspended under section 194(1)(i)(B) or section 195 of the Securities and Futures Ordinance (Cap. 571) in relation to those regulated activities
s34K(2)(f)(i)	as a person licensed to carry on Type 1 or Type 4 regulated activity, the licence is suspended under section 194(1)(i)(B) or section 195 of the Securities and Futures Ordinance (Cap. 571), in relation to that regulated activity
s34K(2)(f)(ii)	as a person licensed to carry on Type 1 and Type 4 regulated activities, the licence is suspended under section 194(1)(i)(B) or section 195 of the Securities and Futures Ordinance (Cap. 571), in relation to those regulated activities
Clause 2 (4)(b)(ii)(A)	(A) that is registered under section 119 of the Securities and Futures Ordinance (Cap.571) for Type 1 or Type 4 regulated

	<p>activity within the meaning of that Ordinance, the registration is suspended under section 196(1)(i)(B) or section 197 of that Ordinance in relation to that regulated activity;</p>
<p>Clause 2 (4)(b)(ii)(B)</p>	<p>(B) that is so registered for such Type 1 and Type 4 regulated activities, the registration is suspended under section 196(1)(i)(B) or section 197 of the Securities and Futures Ordinance (Cap. 571) in relation to those regulated activities; or</p>
<p>Clause 2 (4)(c)(i)&(ii)</p>	<p>(c) in the case of the qualification mentioned in subsection (1)(d)-</p> <ul style="list-style-type: none"> (i) as a person licensed to carry on Type 1 or Type 4 regulated activity, the licence is suspended under section 194(1)(i)(B) or section 195 of the Securities and Futures Ordinance (Cap. 571) in relation to that regulated activity; or (ii) as a person licensed to carry on Type 1 and Type 4 regulated activities, the licence is suspended under section 194(1)(i)(B) or section 195 of the Securities and Futures Ordinance (Cap. 571) in relation to those regulated activities.
<p>Clause 3 (4)(d)(i)&(ii)</p>	<p>(d) in the case of the capacity mentioned in subsection (1)(e) –</p> <ul style="list-style-type: none"> (i) as a person licensed to carry on Type 1 or Type 4 regulated activity, the licence is suspended under section 194(1)(i)(B) or section 195 of the Securities and Futures Ordinance (Cap. 571) in relation to that regulated activity; or (ii) as a person licensed to carry on Type 1 and Type 4 regulated activities, the licence is suspended under section 194(1)(i)(B) or section 195 of the Securities and Futures Ordinance (Cap. 571) in relation to those regulated activities.

在委員會階段修正案最終版本中
有關第 34J 條、第 34K 條及附表 5B 第 2 條和第 3 條的相關條文

- 13 在建議的第 34J(2)(b)(i)條中，刪去“條，就該受規管活動被暫時撤銷”而代以“或 197(1)條，就該受規管活動被暫時撤銷，或根據該條例第 197(4)條，當作就該受規管活動被暫時撤銷”。
- 13 在建議的第 34J(2)(b)(ii)條中，刪去“條，就該等受規管活動被暫時撤銷”而代以“第 196(1)(i)(B)或 197(1)條，就該等受規管活動被暫時撤銷，或根據該第 197(4)條，當作就該等受規管活動被暫時撤銷”。
- 13 在建議的第 34J(2)(c)(i)條中，刪去“條，就該受規管活動被暫時吊銷”而代以“或 195(1)條，就該受規管活動被暫時吊銷，或根據該條例第 195(4)條，當作就該受規管活動被暫時吊銷”。
- 13 在建議的第 34J(2)(c)(ii)條中，刪去“條，就該等受規管活動被暫時吊銷”而代以“第 194(1)(i)(B)或 195(1)條，就該等受規管活動被暫時吊銷，或根據該第 195(4)條，當作就該等受規管活動被暫時吊銷”。
- 13 在建議的第 34K(2)(f)(i)條中，刪去“條，就該受規管活動被暫時吊銷”而代以“或 195(1)條，就該受規管活動被暫時吊銷，或根據該條例第 195(4)條，當作就該受規管活動被暫時吊銷”。
- 13 在建議的第 34K(2)(f)(ii)條中，刪去“條，就該等受規管活動被暫時吊銷”而代以“第 194(1)(i)(B)或 195(1)條，就該等受規管活動被暫時吊銷，或根據該第 195(4)條，當作就該等受規管活動被暫時吊銷”。
- 21 在建議的附表 5B 中，在第 2(4)(b)(ii)(A)條中，刪去“條就該受規管活動被暫時撤銷”而代以“或 197(1)條，就該受規管活動被暫時撤銷，或根據該條例第 197(4)條，當作就該受規管活動被暫時撤銷”。
- 21 在建議的附表 5B 中，在第 2(4)(b)(ii)(B)條中，刪去“上述第 196(1)(i)(B)條就該等受規管活動被暫時撤銷”而代以“該第 196(1)(i)(B)或 197(1)條，就該等受規管活動被暫時撤銷，或根據該第 197(4)條，當作就該等受規管活動被暫時撤銷”。

- 21 在建議的附表 5B 中，在第 2(4)(c)(i)條中，刪去“條就該受規管活動被暫時吊銷”而代以“或 195(1)條，就該受規管活動被暫時吊銷，或根據該條例第 195(4)條，當作就該受規管活動被暫時吊銷”。
- 21 在建議的附表 5B 中，在第 2(4)(c)(ii)條中，刪去“條就該等受規管活動被暫時吊銷”而代以“第 194(1)(i)(B)或 195(1)條，就該等受規管活動被暫時吊銷，或根據該第 195(4)條，當作就該等受規管活動被暫時吊銷”。
- 21 在建議的附表 5B 中，在第 3(4)(d)(i)條中，刪去“條就該受規管活動被暫時吊銷”而代以“或 195(1)條，就該受規管活動被暫時吊銷，或根據該條例第 195(4)條，當作就該受規管活動被暫時吊銷”。
- 21 在建議的附表 5B 中，在第 3(4)(d)(ii)條中，刪去“條就該等受規管活動被暫時吊銷”而代以“第 194(1)(i)(B)或 195(1)條，就該等受規管活動被暫時吊銷，或根據該第 195(4)條，當作就該等受規管活動被暫時吊銷”。