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 來函檔號 YOUR REF.:

28 December 2015

Miss Rachel Dai  
 Assistant Legal Advisor  
 Legislative Council Secretariat  
 Legislative Council Complex  
 1 Legislative Council Road, Central  
 Hong Kong

Dear Miss Dai,

### **Deposit Protection Scheme (Amendment) Bill 2015**

Thank you for your letter of 15 December 2015. The Government's responses to your questions are set out in the ensuing paragraphs.

#### **Clause 5(1) – section 32(7)**

The proposed section 32(7B) requires the Hong Kong Deposit Protection Board (“the Board”) to take reasonable steps to satisfy itself that a notice in electronic form will come to the attention of the depositor. We envisage that the Board will have regard to the circumstances of depositors, as well as the suitability of the electronic communication channel to be used. This will generally involve a review of relevant depositors' usage of electronic communications with the bank in question. The security, reliability and data privacy level of the relevant electronic communication channel will also be considered. The Board will take the above factors into account reasonably in deciding the form of notice to be issued to depositors. The Board may issue guidelines on data maintenance by banks to ensure the availability of the relevant information, including depositors' registration status of electronic banking services, e-mail

and mobile contacts of depositors, in facilitating the Board's determination of the use of electronic communications prescribed under this section.

**Clause 5(3) – section 32(8)**

The proposed definition of “in hard copy form” covers notices in all sorts of hard copy form. The use of the term “similar form” enables the proposed definition to cover hard copy notices which are in tangible form but may nevertheless not be considered as being “in a paper form”. A similar definition is contained in section 372 of the Companies Ordinance (Cap. 622).

The proposed definition of “in electronic form” covers electronic records of all sorts, including those stored in a medium not being considered as an information system, in light of the development of information technology in the future. Moreover, we believe that the current Chinese text is sufficiently clear in conveying the policy intent, and do not see the need to revise the expression “能在資訊系統內傳送”. A similar definition is contained in sections 2(1) and 372 of the Companies Ordinance.

Yours sincerely,



(Jackie Liu)

for Secretary for Financial Services and the Treasury

c.c.

Clerk to the Bills Committee  
Chief Executive, Hong Kong Monetary Authority

(Attn: Ms Meena Datwani)

Department of Justice

(Attn: Ms Beverly Yan)

(Attn: Miss Bonita Wong)