立法會 Legislative Council

LC Paper No. CB(1)363/16-17(04)

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Panel on Financial Affairs

Meeting on 3 January 2017

Updated background brief on Financial Services Development Council

Purpose

This paper provides background information on the Financial Services Development Council ("FSDC") and summarizes the major views and concerns expressed by Members on related matters during discussions at meetings of the Legislative Council ("LegCo") and its committees since the legislative session 2012-2013.

Background

Establishment and terms of reference of Financial Services Development Council

- 2. The financial services industry is an important pillar of Hong Kong's economy which contributes to 16.5% of the Gross Domestic Product ("GDP") and provides some 238,000 jobs accounting for about 6.3% of the working population as of 2014. It is also a major client of professional services and drives growth in other consumer industries. Given the rapid development in the global financial markets and the need to tap advice from market practitioners and experts, the Chief Executive ("CE") set up a preparatory task force ("PTF") on 27 June 2012 to study the establishment of FSDC to identify areas for further development of the financial services industry in Hong Kong, and to offer views and suggestions to the Government on related areas.
- 3. In December 2012, PTF submitted its report to the Government with recommendations on the mission, objectives, terms of reference, governance

structure and modus operandi of FSDC. The Government announced in January 2013 the establishment of FSDC as a high-level, cross-sectoral government advisory body to engage the financial services industry and formulate proposals to map out the strategic direction for the development of Hong Kong as an international financial centre.

- 4. The objectives¹ of FSDC are to
 - (a) advise the Government on strategies and measures to expand the scope of the financial markets and enhance the competitiveness of Hong Kong as an international financial centre;
 - (b) provide a channel for stakeholders to express views and champion the interests of the financial services industry;
 - (c) support the financial services industry in developing the core competence and knowledge of its practitioners; and
 - (d) promote our financial services industry and Hong Kong as an international financial centre on the Mainland and overseas.
- 5. The terms of reference of FSDC are set out in **Appendix I**.

Governance structure of and funding arrangement for Financial Services Development Council

- 6. On 17 January 2013, CE appointed the chairman and 21 members with different expertise and professional experience to the council of FSDC for a two-year term, and the Secretary for Financial Services and the Treasury as an ex-official member. On 16 January 2015, CE re-appointed the incumbent Chairman and 14 members, and appointed seven new members to the council for a term of two years from 17 January 2015.
- 7. FSDC's work is underpinned by five committees namely, Policy Research Committee, Mainland Opportunities Committee, New Business Committee, Market Development Committee, and Human Capital Committee. On 5 April 2013, CE appointed 34 non-official members and two ex-official members to serve the five committees. On 2 April 2015, CE re-appointed 21 members and appointed 13 new members to serve the five committees from 5 April 2015 to 16 January 2017. The membership lists of FSDC and its committees are hyperlinked in **Appendix III**.

Source: Website of the Financial Services Development Council ("FSDC").

8. The operating cost of FSDC is absorbed through deployment of existing resources of the Financial Services Branch ("FSB") of the Financial Services and the Treasury Bureau ("FSTB")² whereas the cost for the seconded staff is borne by the seconding organizations.

Manpower arrangement of Financial Services Development Council

- 9. The FSDC Secretariat is the executive arm of FSDC. According to the Government, the Secretariat of FSDC was supported by two non-civil service contract staff and three civil service staff deployed from FSB of FSTB, and three professional staff seconded respectively from the Hong Kong Monetary Authority ("HKMA"), Hong Kong Trade Development Council ("HKTDC") and Securities and Futures Commission ("SFC"). In addition, a non-civil service Senior Advisor has been engaged for one year from August 2016 mainly to spearhead major research projects conducted by FSDC.
- 10. Anticipating that the scope and complexity of the work of the FSDC Secretariat will increase significantly in the coming few years, the Government proposes to create a non-civil service Executive Director ("ED") position in FSB for a period of three years to assist the FSDC Chairman and lead the FSDC Secretariat to support the delivery of the objectives of FSDC. The Government plans to submit the proposal to the Establishment Subcommittee for endorsement and then the Finance Committee ("FC") for approval in early 2017. Subject to the approval of FC, the proposed ED post is anticipated to be filled in the third quarter of 2017.

The Work of the Financial Services Development Council

11. FSDC has published 24 research reports since its establishment in 2013. The reports provide a collection of proposals on subjects including, offshore RMB business, Mainland-related opportunities, the fund raising and securities investment platform, developing Hong Kong's asset management business and exchange-traded derivatives market, promoting Hong Kong's position as an international financial centre, developing human capital in the financial services industry, equity crowdfunding, and green finance. The list of the reports and their hyperlinks are in **Appendix II**.

resources of the Financial Services Branch (budgeted at about \$3.4 million in 2016-2017) and, for the seconded staff, the seconding organizations.

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The expenditure of FSDC is mainly for enhancing the promotion of Hong Kong's financial services industry and research activities. According to the Government, the expenditure for FSDC was around \$4.1 million in 2015-2016, and is budgeted at \$6.5 million in 2016-2017. The expenditure on government staff is met from the

12. Apart from research work, FSDC has been actively promoting the financial services industry of Hong Kong through sponsoring and participating in a range of marketing campaigns in collaboration with other stakeholders. It also focuses its work on the development of human capital in the industry through organizing events and talks like the Career Day and Practitioner Speakers Series for university students and developing a Career Website to provide university students and members of the public with information on the career options in the financial services industry.

Major views and concerns expressed by Members

13. Members raised concerns about the establishment of FSDC at meetings of the Panel on Financial Affairs ("FA Panel") on 28 January 2013 during the briefing on the 2013 Policy Address on initiatives relating to financial services. FA Panel received briefings on the work of FSDC at the meetings on 4 February 2013, 6 January 2014, 13 April 2015, 4 January 2016, and was consulted on the Administration's proposal to create the ED post on 15 November 2016. Issues relating to FSDC were also discussed during the special meetings of the Finance Committee on 8 April 2013, 31 March 2014, and 30 March 2015 for the examination of the Estimates of Expenditure. The major views and concerns expressed by Members at the above meetings are summarized in the ensuing paragraphs.

<u>Institutional and funding arrangements for the Financial Services</u>

<u>Development Council</u>

Financial Services Development Council as a Government advisory body

14. Members expressed concern about the status of FSDC. To better reflect FSDC's advisory role, some Members suggested that the Chinese name of FSDC be changed from "金融發展局" to "金融發展諮詢委員會" or "金融發展委員會". The Government clarified that FSDC was essentially an advisory body and would not take on any policy execution, or statutory/regulatory functions. As there was no standardized or established practice in the naming of advisory bodies and the suggested change might cause confusion to the public, FSDC considered it appropriate to continue using the rendition "局" in its Chinese name.

員會". These motions were negatived.

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Some members proposed motions at the meetings of the Panel on Financial Affairs held on 4 February 2013, 6 January 2014 and 13 April 2015 urging the Government to change the Chinese name of FSDC to "金融發展諮詢委員會" or "金融發展委

- 15. At the meeting on 4 February 2013, FA Panel passed a motion urging the Government to study the feasibility of developing FSDC into a statutory body in the future. At the FA meeting on 13 April 2015, noting that the Government would review the mode of operation of FSDC in light of its operational experience in 2016, some Members asked if consideration would be given to turning FSDC into a statutory body. The Government responded that it was not expected that there would be significant changes after the review. FSDC added that there was no plan to develop FSDC into a statutory body as it was not envisaged that the roles and functions of FSDC would change even if it took on a new status.
- 16. At the FA meeting on 4 January 2016, some Members enquired whether the Government would consider providing FSDC with executive power to implement its recommendations so as to bring timely benefits to the local financial services industry. The Government advised that it might not be appropriate to provide FSDC with policy execution power given that FSDC was a high-level, cross-sectoral government advisory body to engage the financial services industry, formulate proposals to promote the further development of the Hong Kong financial services industry, and map out the strategic direction for development.

Membership size and composition

17. At the FA meeting on 4 February 2013, some Members considered that the membership size of FSDC should be increased to include more stakeholders on a broader basis, including representatives from small and medium-sized financial/banking institutions. There was also concern that the membership did not include members from the financial regulators. FSDC advised that its members had broad representation from the financial services industry and the Government would identify more representatives as appropriate. FSDC would maintain close liaison with the regulators through ongoing communications with them.

Manpower and funding arrangements

- 18. While some Members expressed concern about the adequacy of resources for FSDC, some other Members queried whether the present funding arrangement with the expenditure of FSDC met by the Government was intended to bypass monitoring by LegCo. To enhance transparency and accountability, some Members suggested that the budget of FSDC should form part of FSTB's budget and be incorporated into the Estimates requiring LegCo's approval.
- 19. The Government emphasized that the operation of FSDC was highly transparent and open to public monitoring. The expenditure of FSDC

would be reflected in the Estimates commencing from the financial year 2013-2014.

- 20. At the FA meetings on 4 January and 15 November 2016, Members enquired about the Government's plans in reviewing the institutional, funding and manpower arrangements of FSDC to facilitate its future work. Some Members also expressed concern about the staff secondment arrangement of FSDC. As regards the Administration's proposal to create the ED post in the FSDC Secretariat, , some Members cast doubt on the need for the post and considered the current staff secondment arrangement appropriate.
- 21. The Government and FSDC advised that the financial and manpower arrangements for FSDC should be reviewed after the first three years of its operation, and considered that the current secondment arrangement for staff and funding arrangement (i.e. the operating cost of FSDC to be met from the resources of FSB) would be maintained. The Government also pointed out that as the seconded staff possessed knowledge and expertise in various subject areas, they could help providing valuable inputs to facilitate the work and future development of FSDC. Given that officers were seconded from HKMA and SFC to the FSDC Secretariat, they were familiar with the operation of the regulators, and hence could facilitate FSDC's communication and co-ordination with them, especially in carrying out policy review and undertaking initiatives to promotes Hong Kong's financial services industry.
- 22. On the proposal to create the ED post in the FSDC Secretariat, the Government explained that in view of the fast changing international economic landscape, such as the internationalization of Renminbi, the rapid development of financial technology ("Fintech") and green finance, a dedicated officer at a senior level was required to lead the FSDC Secretariat in supporting its work programme. In addition to assisting the FSDC Chairman and leading the FSDC Secretariat, the post holder would also be involved in policy research and industry surveys as well as maintain close liaison with the Government, regulatory and trade bodies.
- 23. At the FA meeting on 4 January 2016, in response to Members' enquiries about the significant increase in FSDC's budget from around \$1.8 million for 2014-2015 to \$4.7 million for 2015-2016, FSDC explained that the additional resources were mainly used to cover the remuneration of a contract staff engaged with the return of a civil service staff deployed from FSTB in 2015, and the office rental with the relocation of the FSDC Secretariat from the old Central Government offices to premises in Wan Chai.

Work of the Financial Services Development Council

Work targets of Financial Services Development Council

- 24. Members considered that FSDC should set clear targets and deliverables in its work and draw up a development/work plan and an outline of the subject matter it planned to study or deliberate, so as to facilitate members of the public and interested parties to provide their views and suggestions in a timely manner.
- 25. FSDC advised that it might not be practicable to set quantifiable targets to assess the effectiveness of its work, and FSDC would endeavour to coordinate the views of the industry and advise the Government on suitable strategies and measures. FSDC would prepare work plans after collating the views from its five committees.

Research work of Financial Services Development Council

- 26. Some Members highlighted the need for FSDC to conduct in-depth study and propose measures to facilitate the development of the small and medium-sized enterprises ("SMEs") in the financial services industry, including small and medium-sized securities firms, enabling them to operate under a level-playing field with large enterprises, and to help them access the Mainland market.
- 27. The Government and FSDC stressed that the role of FSDC was to advise on measures to enhance Hong Kong's business-friendly environment and capture new market opportunities for further development of the entire financial services sector taking a macro perspective rather than focusing on promoting the interests of particular groups of industry players like SMEs. FSDC had been engaging the industry through a bottom-up approach and taking into account the suggestions of various stakeholders. FSDC Council and some committees of FSDC also included representatives from small and medium-sized securities firms. FSDC would gauge the industry's views on ways to enhance human capital for future development of Hong Kong's financial services sector. It was expected that enhancement in human capital and manpower training would benefit SME firms which might encounter resources constraints in this area.
- 28. With a view to facilitating the development of green finance in Hong Kong, some Members urged FSDC to expedite study on the subject, including exploring the feasibility of developing Hong Kong as a regional carbon trading platform and providing tax incentives to venture capital

enterprises engaged in green finance business. There were also suggestions for FSDC to study the development of Fintech in Hong Kong.

- 29. FSDC pointed out that there were potentials in developing green finance in Hong Kong. Moreover, the Central Government had put great emphasis on the subject, and had established a working group on green finance under the People's Bank of China. The Central Government had also played a significant role in getting consensus among a number of countries leading up to the Conference of Parties 21 (the United Nations Climate Change Conference 2015) in Paris. Given that green finance was a new area and there were limited information and experts in the relevant field in Hong Kong, it had taken more time for FSDC to study the issues involved.⁴
- 30. On the development of Fintech, such as internet financial technology and crowdfunding, FSDC pointed out that it had conducted a research on crowdfunding.⁵ It was necessary for the regulatory bodies to strike a proper balance between promoting the development of Fintech and protecting the interest of investors.
- 31. While noting that the main objective of FSDC was to promote the development of Hong Kong's financial services industry, some Members opined that it was equally important to ensure proper regulation of its financial activities and strengthen investor protection, especially with increasing integration of the Hong Kong securities market with those of the Mainland. These Members considered that FSDC should conduct research on market regulation and strengthening investor protection.
- 32. FSDC advised that Hong Kong's regulatory regime was sound and all listed entities in Hong Kong were required to comply with the Listing Rules and other relevant regulatory requirements. As regards investor protection, the Investor Education Centre was responsible for investor education in Hong Kong, while FSDC recognized the need in delivering a clear message to Hong Kong investors in investing overseas (including the Mainland) that they should be aware of the risks involved and seek to understand the relevant regulatory regimes, including the regulations concerned and the investor protection measures available. FSDC would continue to explore opportunities brought by integration of the Hong Kong and Mainland markets.

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⁴ FSDC released a report on "Hong Kong as a Regional Green Finance Hub" in May 2016.

⁵ FSDC released a report on "Introducing a Regulatory Framework for Equity Crowdfunding in Hong Kong" in March 2016.

<u>Timeframe for implementation of proposals put forth by the Financial</u> <u>Services Development Council</u>

- 33. Members expressed concern about the timeframe for taking forward the recommendations of FSDC, and enquired about the progress of the Government and the regulators in taking forward the various recommendations. Some Members stressed the importance to implement FSDC's proposals timely as circumstances in the global and local financial markets were changing rapidly, and called on the Government to work out the plans in this regard.
- The Government advised that it would take time to examine the 34. feasibility of FSDC's recommendations and consult a wider catchment of stakeholders on FSDC's proposals, some of which require amendments to legislation, such as proposals relating to the existing taxation and regulatory regimes in Hong Kong. Moreover, while some of FSDC's proposals could be pursued when the necessary legislative amendments were in place, others would hinge on the relevant Mainland policies and its pace of financial Hence, it was necessary for the Government to market liberalization. observe the developments in related issues in considering the plans and timing for implementing these proposals. FSDC added that it would closely monitor the progress in taking forward the various recommendations and inform the public of the latest development through FSDC's annual Furthermore, FSDC would arrange media briefings when releasing a research report to enhance public understanding on the issues involved and arouse public interest and discussion on the subject matter.
- 35. At the FA meeting on 15 November 2016, some Members enquired about the progress in taking forward the recommendations of FSDC regarding the issuing of green bonds by the Government and whether the Government would consider providing tax incentives to encourage corporates to issue green bonds.
- 36. The Government considered that it would be more practicable to invite the public sector bodies to consider issuance of green bonds. Second party opinion or third party verification was required for the issuance of green bonds. Issuers in Hong Kong would need to obtain the said certification from other jurisdictions (mainly in European) countries given that Hong Kong did not have the relevant framework for such certification work. The Government would study measures to facilitate the issuance of green bonds in Hong Kong, focusing initially on the certification process. Green finance was a new area in the financial service industry and only a few jurisdictions were studying the provision of tax incentives to corporates in this regard.

Council questions

37. Members raised questions relating to the establishment of FSDC at the LegCo meetings of 31 October 2012, 8 May 2013, 15 October 2014 and 25 March 2015. Issues covered in the questions include the specific targets of FSDC on the development of the banking industry, the measures to avoid duplication of efforts and fragmentation of responsibilities in FSDC and the financial regulatory authorities, FSDC's consultation work with the professional bodies relating to the financial services industry, arrangements for declaration of interests by members of FSDC, policy development proposals of FSDC on the Mainland/Hong Kong Closer Economic Partnership Arrangement, and FSDC's recommendations to address the manpower demand of the financial services industry. The questions and the Government's responses are hyperlinked in **Appendix III**.

Latest position

38. The Government and FSDC will brief the FA Panel on the work of FSDC during the past year at the Panel meeting on 3 January 2017.

Relevant papers

39. A list of relevant papers is contained in **Appendix III**.

Council Business Division 1
<u>Legislative Council Secretariat</u>
29 December 2016

Financial Services Development Council

Terms of Reference

- 1. To conduct policy research and industry surveys for the formulation of proposals to the Government and regulators;
- 2. To work with regulatory and trade bodies to identify new opportunities for, and any constraints on, the sustainable growth and diversity of the financial services industry;
- 3. To maintain a dialogue with the relevant bodies on the Mainland and overseas to support Hong Kong's financial services industry in accessing new markets and growth areas;
- 4. To facilitate the upgrading of skills and expertise through collaboration with education and training institutions, trade bodies and practitioners; and
- 5. To promote, on the Mainland and overseas, our financial services industry and Hong Kong as an international financial centre through seminars, road shows, publications, and through active participation in international events.

[Source: Website of the Financial Services Development Council]

List of reports published by the Financial Services Development Council

(as at 13 December 2016)

Date	Subject
November 2013	Strengthening Hong Kong as a Leading Global International Financial Centre
November 2013	Proposals to Advance the Development of Hong Kong as an Offshore Renminbi Centre
November 2013	Development and Reform of Mainland China's Financial Sector and the Strengthening and Enhancement of Hong Kong's Pivotal Role as a Financial Centre
November 2013	Developing Hong Kong as a Capital Formation Centre for Real Estate Investment Trusts
November 2013	Proposals on Legal and Regulatory Framework for Open-ended Investment Companies in Hong Kong
November 2013	Synopsis Paper Proposing Tax Exemptions and Anti-avoidance Measures on Private Equity Funds in the 2013-2014 Budget
April 2014	Pilot Scheme for Training Courses
April 2014	Promotional Activities by the Financial Services Development Council
June 2014	Positioning Hong Kong as an International IPO Centre of Choice
September 2014	Policy Development Proposals on the "Mainland and Hong Kong Closer Economic Partnership Arrangement
December 2014	Disclosure of Interests Regime in Hong Kong
December 2014	Developing Hong Kong as an Offshore RMB-denominated Reinsurance Centre

Date	Subject
January 2015	Developing Hong Kong's Human Capital in Financial Services
April 2015	Chinese Enterprises "Going Global" : Opportunities and Hong Kong's Policy Responses
September 2015	Enhancing Hong Kong's Role as a Centre for Regional and International Financial Institution Operations: Booking
October 2015	Strengthening Hong Kong as a Capital Formation Centre for Exchange Traded Funds
December 2015	A Paper on Limited Partnership for Private Equity Funds
December 2015	A Paper on the Tax Issues on Open-ended Fund Companies and Profits Tax Exemption for Offshore Private Equity Funds
December 2015	Strengthening Hong Kong as a Retail Fund Distribution Centre
February 2016	Hong Kong's Position Limits Regime for Exchange-traded Derivatives – the Need for Revision
March 2016	Introducing a Regulatory Framework for Equity Crowdfunding in Hong Kong
April 2016	Recommendations for Capitalising on the Unique Advantages of Hong Kong in the Process of Renminbi Capital Account Convertibility
May 2016	Hong Kong as a Regional Green Finance Hub
November 2016	Proposal on the Mainland-Hong Kong Bond Market Connect

[Source: Website of the Financial Services Development Council]

Appendix III

List of relevant papers

Date	Event	Paper/Minutes of meeting
31 October 2012	Oral question on "Development of Banking Industry" raised by Hon NG Leung-sing	Hansard (pages 65-74)
December 2012	-	Preparatory Task Force's Report on the Setting Up of a Financial Services Development Council ("FSDC")
16 January 2013	2013 Policy Address	2013 Policy Address (paragraph 16 on FSDC)
17 January 2013	Appointments to FSDC	Press release
28 January 2013	Special meeting of the Panel on Financial Affairs ("FA Panel")	Administration's paper (paragraphs 6-9) (LC Paper No. CB(1)422/12-13(01)) Minutes (paragraphs 2-14) (LC Paper No. CB(1)1403/12-13)
4 February 2013	Meeting of the FA Panel	FSDC's paper (LC Paper No. CB(1)484/12-13(04)) Fact sheet on FSDC (Chinese version only) (LC Paper No. FS21/12-13) Minutes (paragraphs 24-55) (LC Paper No. CB(1)930/12-13)
5 April 2013	Appointments to committees of FSDC	Press release

Date	Event	Paper/Minutes of meeting
April 2013	Special meeting of Finance Committee for examination of Estimates of Expenditure 2013-2014	members in relation to FSDC (Reply serial numbers:
8 May 2013	Written question raised by Hon Emily LAU on "Arrangements for declaration of interests by members of the Financial Services Development Council"	Hansard (pages 105-107)
6 January 2014	Meeting of the FA Panel	FSDC's paper (LC Paper No. CB(1)625/13-14(03)) Background brief (LC Paper No. CB(1)625/13-14(05)) Minutes (paragraphs 8-31) (LC Paper No. CB(1)1310/13-14)
31 March 2014	Special meeting of Finance Committee for examination of Estimates of Expenditure 2014-2015	` 1 5
14 July 2014	FSDC released its Annual Report 2013/14	Annual Report

Date	Event	Paper/Minutes of meeting
6 October 2014	Administration's letter to the FA Panel on the Government's initial response to the recommendations put forward in FSDC's six reports released in November 2013	Administration's letter
15 October 2014	Written question raised by Hon NG Leung-sing on "Implementation of the Mainland and Hong Kong Closer Economic Partnership Arrangement in financial services"	<u>Hansard</u> (pages 201 - 202)
16 January 2015	The Government announced re-appointment of Chairman and 14 incumbent members of FSDC, and appointment of seven new members for a term of two years	list of FSDC with effect from
25 March 2015	Written question raised by Hon Kenneth LEUNG on "Manpower planning for various professions in Hong Kong"	Hansard (pages 110-112)

Date	Event	Paper/Minutes of meeting
March/April 2015	1	Written questions raised by
	Finance Committee	members in relation to FSDC
		(Reply serial numbers:
	Estimates of Expenditure	FSTB(FS)024, 036, 075, 095 and 097)
	2015-2016	097)
	2013-2010	Supplementary question raised by a
		member in relation to FSDC
		(Reply serial numbers:
		S-FSTB(FS)04)
		, , ,
		Minutes (paragraphs 5.9-5.10)
2 April 2015	The Government	Press release (including membership
	announced	list of FSDC committees with effect
	re-appointment of 21 incumbent members	from 5 April 2015)
	and appointment of	
	13 new members to	
	FSDC committees	
13 April 2015	Meeting of the FA	
	Panel	(LC Paper No. CB(1)696/14-15(03))
		TT 1 (11 1 11 11 C
		Updated background brief (LC Paran No. CP(1)606/14 15(04))
		(LC Paper No. CB(1)696/14-15(04))
		Minutes (paragraphs 27-56)
		(LC Paper No. CB(1)962/14-15)
May 2015	FSDC released its	Annual Report
	Annual Report	
	2014/15	

Date	Event	Paper/Minutes of meeting
4 January 2016	Meeting of the FA Panel	FSDC's paper (LC Paper No. CB(1)358/15-16(03))
		Updated background brief (LC Paper No. CB(1)358/15-16(04))
		Minutes (paragraphs 5-24) (LC Paper No. CB(1)485/14-15)
April 2016	Special meeting of Finance Committee for examination of Estimates of Expenditure 2016-2017	Written questions raised by members in relation to FSDC (Reply serial numbers: FSTB(FS)036, 049, 105 and 107)
May 2016	FSDC released its Annual Report 2015/16	Annual Report
15 November 2016	Meeting of the FA Panel	Administration's paper (LC Paper No. CB(1)78/16-17(05))
		Background brief (LC Paper No. CB(1)78/16-17(06))