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財經事務及庫務局
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FINANCIAL SERVICES AND
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28 July 2017

Clerk to Panel on Financial Affairs
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Mr Hugo Chiu)

Dear Mr Chiu,

**Panel on Financial Affairs
Follow-up to meeting on 18 April 2017**

I refer to your letter of 24 April 2017 on the above subject. At the Panel meeting held on 18 April 2017, Members asked for certain information in respect of “Agenda Item VI – Progress report on joint consultation on the proposed enhancements to The Stock Exchange of Hong Kong Limited's decision-making and governance structure for listing regulation”. The consolidated response of the Securities and Futures Commission (“SFC”) and The Stock Exchange of Hong Kong (“SEHK”) is set out below.

- (a) whether the proposed governance structure for listing regulation in the consultation paper is acting ultra vires the Securities and Futures Ordinance (Cap. 571) or any other ordinances**

The SFC and the SEHK are considering all submissions in their entirety, including those raising potential vires issues.

As stated in the consultation paper, no legislative amendment was proposed to implement the proposals. The SFC and the SEHK would retain their separate powers and functions as set out in the Securities and Futures Ordinance.

The SFC and the SEHK will address these comments as necessary at the consultation conclusions stage. As a statutory body, the SFC will ensure that any final proposals are intra vires and legally sound.

(b) whether the SFC or any other bodies have discouraged merchant bankers from providing comments on the consultation proposals

It is common practice for the SFC to engage with industry stakeholders during any consultation to explain the proposals and exchange views. No attempt has been made to discourage any comments.

(c) details of the opposition views on the consultation proposals

A brief summary of the responses has been provided in the progress report to the Panel. Consultation feedback will be dealt with in consultation conclusions.

Yours sincerely,



(Ms Ada Chan)

for Secretary for Financial Services and the Treasury

c.c. Securities and Futures Commission (Attn: Mr Paul Yeung)
The Stock Exchange of Hong Kong (Attn: Ms Katherine Ng)