



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF : B&M/2/1/29/4/1C(2018)  
本函檔號 OUR REF : LS/S/3(2a)/18-19  
電 話 TELEPHONE : 3919 3528

傳真 FAX : 2877 5029  
電郵 E-MAIL : mkylam@legco.gov.hk

By Fax (2856 0922)

23 November 2018

Ms Estrella CHEUNG  
Principal Assistant Secretary for Financial Services and  
the Treasury (Financial Services)<sup>3</sup>  
Financial Services and the Treasury Bureau  
24/F, Central Government Offices  
2 Tim Mei Avenue, Tamar  
Hong Kong

Dear Ms CHEUNG,

**Subcommittee on Financial Institutions (Resolution)  
(Loss-absorbing Capacity Requirements-Banking Sector) Rules**

I refer to your paper (LC Paper No. CB(1)198/18-19(03)) in response to questions raised by us in the letter dated 6 November 2018.

It is stated in paragraphs 6 and 14 of your paper that the "reviewable decision" under Rules 2(1) and 63 is restricted to three types of decisions, namely, a decision to vary a resolution component ratio (Rule 20(9)(a)), a decision not to vary a resolution component ratio following the resolution entity's application (Rule 20(9)(b)) and a decision to require an entity to take remedial action (Rule 62(5)).

To improve the clarity of the meaning of "reviewable decision" under Rule 2(1), would you consider to amend the meaning by expressly mentioning the three types of reviewable decisions and/or referring to Rule 20(9) and Rule 62(5)?

It is appreciated that your reply in both languages could reach us as soon as possible, preferably by **28 November 2018**.

Yours sincerely,



(Mark LAM)  
Assistant Legal Adviser

c.c. Hong Kong Monetary Authority  
(Attn: Mr Robert PROBYN, Senior Manager (Resolution Office))  
(Fax : 2878 8197)  
Department of Justice  
(Attn: Mr Michael LAM, Senior Assistant Law Draftsman)  
(Attn: Ms Carmen CHU, Senior Government Counsel)  
(Fax : 3918 4613)  
Clerk to Subcommittee  
Legal Adviser  
Senior Assistant Legal Adviser 2