

《證券及期貨(有聯繫實體——通知)規則》
(第 571 章, 附屬法例 J)

Securities and Futures (Associated Entities—Notice) Rules
(Cap. 571 sub. leg. J)

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制定史

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《證券及期貨(有聯繫實體——通知)規則》

(第 571 章, 附屬法例 J)

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Securities and Futures (Associated Entities—Notice)
Rules

(Cap. 571 sub. leg. J)

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《證券及期貨(有聯繫實體——通知)規則》

(第 571 章第 397(1) 條)

(略去制定語式條文——2018 年第 5 號編輯修訂紀錄)

[2003 年 4 月 1 日] 2003 年第 12 號法律公告
(格式變更——2018 年第 5 號編輯修訂紀錄)

1. (已失時效而略去——2018 年第 5 號編輯修訂紀錄)

2. 釋義

- (1) 在本規則中，**中央編號** (CE number) 指由證監會編配予持牌人或註冊機構的中央實體識別編號，而該編號是就每個牌照或每項註冊在根據本條例第 136 條備存的紀錄冊上顯示的。
- (2) 凡成為或不再是有聯繫實體的有聯繫實體屬認可財務機構，則本規則中規定它須向證監會提供詳情的規定，不得解釋為規定它須提供關乎它作為某中介人的有聯繫實體而收到或持有的該中介人的客戶資產以外的業務的詳情。

3. 成為有聯繫實體時須予通知的詳情

- (1) 為施行本條例第 165 條，在持牌法團或註冊機構成為中介人的有聯繫實體時須向證監會提供的詳情如下——
 - (a) 其名稱及商業名稱 (如不同的話)；
 - (b) 其中央編號；

Securities and Futures (Associated Entities—Notice) Rules

(Cap. 571, section 397(1))

(Enacting provision omitted—E.R. 5 of 2018)

[1 April 2003] L.N. 12 of 2003
(Format changes—E.R. 5 of 2018)

1. (Omitted as spent—E.R. 5 of 2018)

2. Interpretation

- (1) In these Rules, **CE number** (中央編號) means the central entity identification number assigned by the Commission to a licensed person or a registered institution which is shown, in relation to each licence or registration, on the register maintained under section 136 of the Ordinance.
- (2) Where an associated entity that becomes or ceases to be such associated entity is an authorized financial institution, a requirement in these Rules for it to provide particulars to the Commission shall not be construed as a requirement to provide particulars relating to its business other than that of receiving or holding client assets of any intermediary of which it is an associated entity.

3. Particulars to be notified on becoming an associated entity

- (1) For the purposes of section 165 of the Ordinance, the particulars required to be provided to the Commission in the event that a licensed corporation or a registered institution becomes an associated entity of an intermediary are—

- (c) 它成為該中介人的有聯繫實體的日期；及
- (d) 該中介人的名稱。
- (2) 為施行本條例第 165 條，在既非持牌法團亦非註冊機構的法團成為中介人的有聯繫實體時須向證監會提供的詳情如下——
 - (a) 其名稱及商業名稱(如不同的話)；
 - (b) 它成立為法團的日期及所在地方；
 - (c) 其註冊辦事處的地址；
 - (d) 它在香港的主要營業地點(如有的話)的地址；
 - (e) 其通訊地址；
 - (f) 其電話及傳真號碼、電子郵件地址(如有的話)及網站地址(如有的話)；
 - (g) 它成為該中介人的有聯繫實體的日期；
 - (h) 該中介人的名稱；
 - (i) 它是否有任何主管人員及(如有的話)每一該等主管人員的以下詳情——
 - (i) 該主管人員的姓名；
 - (ii) 該主管人員的香港身分證號碼或(如他不是上述身分證的持有人)由主管政府機構所發出提供身分證明的該人員的護照、旅遊證件或其他證件的編號、發出機構的名稱及屆滿日期；
 - (iii) 他在香港的住址(如有的話)；及
 - (iv) 其通訊地址；
 - (j) 每一屬其控權實體的人的以下詳情——
 - (i) 該人的姓名或名稱；
 - (ii) 如該人為個人——
 - (A) 其香港身分證號碼或(如他不是上述身分證的持有人)由主管政府機構所發出提供

- (a) its name and business name (if different);
- (b) its CE number;
- (c) the date it became an associated entity of the intermediary; and
- (d) the name of the intermediary.
- (2) For the purposes of section 165 of the Ordinance, the particulars required to be provided to the Commission in the event that a corporation other than a licensed corporation or a registered institution becomes an associated entity of an intermediary are—
 - (a) its name and business name (if different);
 - (b) the date and place of its incorporation;
 - (c) the address of its registered office;
 - (d) the address of its principal place of business in Hong Kong (if any);
 - (e) its correspondence address;
 - (f) its telephone and facsimile numbers, electronic mail address (if any) and web site address (if any);
 - (g) the date it became an associated entity of the intermediary;
 - (h) the name of the intermediary;
 - (i) whether it has any executive officers and, if so, the following particulars of each of the executive officers—
 - (i) the name of the executive officer;
 - (ii) the Hong Kong identity card number of the executive officer or, if he is not the holder of such an identity card, the number, the name of the issuing agency and the date of expiry of his passport, travel or other document issued by a

- 身分證明的該人的護照、旅遊證件或其他證件的編號、發出機構的名稱及屆滿日期；
- (B) 其在香港的住址(如有的話)；及
- (C) 其通訊地址；及
- (iii) 如該人為法團——
- (A) 如它已根據《商業登記條例》(第 310 章)登記，其商業登記號碼；
- (B) 它在香港的主要營業地點(如有的話)的地址；及
- (C) 其通訊地址；
- (k) 備存關乎它在香港收到或持有的該中介人的客戶資產的簿冊及紀錄的每一處所的地址；
- (l) 導致該法團成為該中介人的有聯繫實體的事實；
- (m) 除第 (3) 款另有規定外，它是否知悉有任何可令它無力償債或可引致委任清盤人的事宜；及
- (n) 除第 (3) 款另有規定外，關乎持有或開立以持有它在香港收到或持有屬該中介人的客戶資產的銀行帳戶的以下詳情——
- (i) 該帳戶所屬的銀行的名稱；及
- (ii) 該帳戶的號碼。
- (3) 如成為有聯繫實體的有聯繫實體屬認可財務機構，則第 (2)(m) 及 (n) 款不適用於它。

- competent government agency providing proof of identity;
- (iii) his residential address in Hong Kong (if any); and
- (iv) his correspondence address;
- (j) the following particulars of each person who is its controlling entity—
- (i) the name of the person;
- (ii) where the person is an individual—
- (A) his Hong Kong identity card number or, if he is not the holder of such an identity card, the number, the name of the issuing agency and the date of expiry of his passport, travel or other document issued by a competent government agency providing proof of identity;
- (B) his residential address in Hong Kong (if any); and
- (C) his correspondence address; and
- (iii) where the person is a corporation—
- (A) if it is registered under the Business Registration Ordinance (Cap. 310), its business registration number;
- (B) the address of its principal place of business in Hong Kong (if any); and
- (C) its correspondence address;
- (k) the address of each of the premises where books and records relating to client assets of the intermediary, which are received or held by it in Hong Kong, are kept;
- (l) the facts that gave rise to the corporation becoming an associated entity of the intermediary;

4. 不再是有聯繫實體時須予通知的詳情

- (1) 為施行本條例第 165 條，在持牌法團或註冊機構不再是中介人的有聯繫實體時須向證監會提供的詳情如下——
 - (a) 其名稱及商業名稱(如不同的話)；
 - (b) 其中央編號；
 - (c) 它不再是該中介人的有聯繫實體的日期；及
 - (d) 該中介人的名稱。
- (2) 為施行本條例第 165 條，在既非持牌法團亦非註冊機構的法團不再是中介人的有聯繫實體時須向證監會提供的詳情如下——
 - (a) 它不再是該中介人的有聯繫實體的日期；
 - (b) 該中介人的名稱；
 - (c) 所有在它不再是該有聯繫實體之前由它收到或持有的該中介人的客戶資產是否已全數記帳及適當處置，以及(如否的話)未獲全數記帳及適當處置的該中介人的客戶資產的詳情；及

- (m) subject to subsection (3), whether it is aware of the existence of any matter that might render it insolvent or lead to the appointment of a liquidator; and
- (n) subject to subsection (3), the following particulars in respect of any bank account of it that holds, or that has been opened to hold, client assets of the intermediary that are received or held by it in Hong Kong—
 - (i) the name of the bank with which the account is opened; and
 - (ii) the number of the account.
- (3) Where an associated entity that becomes such associated entity is an authorized financial institution, subsection (2)(m) and (n) does not apply to it.

4. Particulars to be notified on ceasing to be an associated entity

- (1) For the purposes of section 165 of the Ordinance, the particulars required to be provided to the Commission in the event that a licensed corporation or a registered institution ceases to be an associated entity of an intermediary are—
 - (a) its name and business name (if different);
 - (b) its CE number;
 - (c) the date it ceased to be an associated entity of the intermediary; and
 - (d) the name of the intermediary.
- (2) For the purposes of section 165 of the Ordinance, the particulars required to be provided to the Commission in the event that a corporation other than a licensed corporation or a registered institution ceases to be an associated entity of an intermediary are—
 - (a) the date it ceased to be an associated entity of the intermediary;

- (d) 導致該法團不再是該中介人的有聯繫實體的事實。
- (3) 如不再是有聯繫實體的有聯繫實體屬認可財務機構，則第(2)(c)款不適用於它。

- (b) the name of the intermediary;
- (c) whether all client assets of the intermediary that are received or held by it prior to its ceasing to be such associated entity have been fully accounted for and properly disposed of and, if not, the particulars of any such client assets of the intermediary that have not been fully accounted for and properly disposed of; and
- (d) the facts that gave rise to the corporation ceasing to be an associated entity of the intermediary.
- (3) Where an associated entity that ceases to be such associated entity is an authorized financial institution, subsection (2)(c) does not apply to it.