

《證券及期貨(槓桿式外匯交易——豁免)規則》
(第 571 章, 附屬法例 E)

Securities and Futures (Leveraged Foreign Exchange Trading—Exemption) Rules
(Cap. 571 sub. leg. E)

版本日期
Version date
13.12.2018

經核證文本
Verified Copy

(《法例發布條例》(第 614 章) 第 5 條)
(Legislation Publication Ordinance (Cap. 614), section 5)

如某內頁的頁底標明：

- “經核證文本”；及
 - 以下列表顯示的該頁的最後更新日期，
- 該頁所載條文即視作於上述“版本日期”的正確版本。

此文本所載條文，如並非正在實施，會有附註作說明。

A provision is presumed to be correctly stated as at the above version date if it is on a page marked at the bottom with:

- the words “Verified Copy”; and
- the last updated date shown in this table for the page.

Any provision included in this copy that is not in force is marked accordingly.

條文 Provision	頁數 Page number	最後更新日期 Last updated date
整條 Whole	1—8	13.12.2018

尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<http://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation —

Please see Hong Kong e-Legislation (<http://www.elegislation.gov.hk>) for information of provisions and amendments not yet in operation.

制定史

本為 2002 年第 189 號法律公告 —— 2018 年第 5 號編輯修訂紀錄

Enactment History

Originally L.N. 189 of 2002 — E.R. 5 of 2018

《證券及期貨(槓桿式外匯交易——豁免)規則》

Securities and Futures (Leveraged Foreign Exchange Trading—Exemption) Rules

(第 571 章, 附屬法例 E)

(Cap. 571 sub. leg. E)

目錄

Contents

條次		頁次	Section	Page	
1.	(已失時效而略去)	1	1.	(Omitted as spent)	2
2.	釋義	1	2.	Interpretation	2
3.	為施行槓桿式外匯交易的定義的第 (xiii) 段而訂明的人士	1	3.	Persons prescribed for purposes of paragraph (xiii) of definition of <i>leveraged foreign exchange trading</i>	2
4.	第 3(a) 條提述的人	3	4.	Person referred to in section 3(a)	4
5.	第 3(b) 條提述的人	5	5.	Person referred to in section 3(b)	6
6.	第 3(c) 條提述的人	7	6.	Person referred to in section 3(c)	8

《證券及期貨(槓桿式外匯交易——豁免)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

在本規則中，**上市貨幣權證** (listed currency warrant) 指符合以下說明的權證——

- (a) 該權證給予其持有人一項權利，如某指明貨幣在某指明日期的價值是多於或少於(視屬何情況而定)另一指明貨幣的價值，則該持有人於行使該權證時有權向該權證的發行人收取一筆現金付款；及
- (b) 該權證——
 - (i) 已上市；或
 - (ii) 沒有上市，但可合理預見會在該權證首次要約售賣後 14 日內上市。

3. 為施行槓桿式外匯交易的定義的第 (xiii) 段而訂明的人士

為施行本條例附表 5 第 2 部中**槓桿式外匯交易**的定義的第 (xiii) 段，現訂明就本條例的任何條文而言，在——

- (a) 第 4(1) 條中描述的人；

Securities and Futures (Leveraged Foreign Exchange Trading—Exemption) 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

In these Rules, **listed currency warrant** (上市貨幣權證) means a warrant—

- (a) that gives the holder of the warrant a right to receive from the issuer of the warrant a cash payment, on exercise, in the event that one specified currency is worth more or less (as the case may be) in relation to another specified currency on a specified date; and
- (b) that—
 - (i) is listed; or
 - (ii) is not listed, but it is reasonably foreseeable will be listed within 14 days after the day on which the warrant is first offered for sale.

3. Persons prescribed for purposes of paragraph (xiii) of definition of leveraged foreign exchange trading

For the purposes of paragraph (xiii) of the definition of **leveraged foreign exchange trading** in Part 2 of Schedule 5 to the Ordinance,

- (b) 第 5 條中描述的人；或
 (c) 第 6 條中描述的人，
 是該段提述的人。

4. 第 3(a) 條提述的人

- (1) 第 3(a) 條提述的人是符合以下說明的法團 ——
- (a) 符合第 (2) 款所列的條件；及
 (b) 遵從第 (3) 款的規定。
- (2) 第 (1)(a) 款提述的條件是 ——
- (a) (i) 該法團具有合資格信貸評級或該法團的任何債務票據具有合資格信貸評級；或
 (ii) 該法團的股份直接或間接由具有合資格信貸評級的另一法團或合夥全資擁有，或其任何債務票據具有合資格信貸評級的另一法團或合夥全資擁有；及
 (b) (i) 該法團的主要業務並非槓桿式外匯即期交易；或
 (ii) 以該法團的每個財政年度計算，該法團訂立的每宗槓桿式外匯即期交易的平均本金額，不少於 \$7,800,000。
- (3) 該法團須每年在其財政年度完結後的 4 個月內 ——
- (a) 以書面通知證監會，表示該法團符合第 (2) 款所列的條件；及
 (b) 向證監會提供證監會合理地要求的資料，以令該會能核實該法團符合第 (2) 款所列的條件。

a person described in—

- (a) section 4(1);
 (b) section 5; or
 (c) section 6,

is prescribed as a person referred to in that paragraph for the purposes of any provision of the Ordinance.

4. Person referred to in section 3(a)

- (1) The person referred to in section 3(a) is a corporation that—
- (a) satisfies the conditions set out in subsection (2); and
 (b) complies with the requirement in subsection (3).
- (2) The conditions referred to in subsection (1)(a) are that—
- (a) (i) the corporation has a qualifying credit rating or has such a rating for any of its debt instruments; or
 (ii) the shares of the corporation are wholly owned, directly or indirectly, by another corporation, or by a partnership, which has a qualifying credit rating or has such a rating for any of its debt instruments; and
 (b) (i) the principal business of the corporation is not in leveraged foreign exchange spot transactions; or
 (ii) the average principal amount of each leveraged foreign exchange spot transaction entered into by the corporation, calculated for each financial year of the corporation, is not less than \$7,800,000. (*E.R. 5 of 2018*)
- (3) The corporation shall, annually, within 4 months after the end of its financial year—
- (a) notify the Commission in writing that it satisfies the conditions set out in subsection (2); and

- (4) 如某法團不再符合第 (2)(a) 款所列的條件，則它須在不再符合該等條件的 7 日內，以書面將此事通知證監會。
- (5) 就本條而言，計算法團訂立的每宗槓桿式外匯即期交易的平均本金額的方式，是將該法團在有關財政年度內訂立的槓桿式外匯即期交易的所有本金的總額，除以該法團在該財政年度內訂立的該等交易的總宗數。

5. 第 3(b) 條提述的人

第 3(b) 條提述的人是——

- (a) 為售賣、購買或移轉某上市貨幣權證的合約或安排或為建議的該等合約或安排而作出作為的持牌人，或在與該等合約或安排或與建議的該等合約或安排有關連的情況下作出作為的持牌人，但該人僅在符合以上描述的範圍內是第 3(b) 條提述的人；或
- (b) 為他本人作為持牌法團的客戶與該持牌法團訂立的售賣、購買或移轉某上市貨幣權證的合約或安排或為建議的該等合約或安排作出作為的持牌法團的客戶，或在與該等合約或安排或與建議的該等合約或安排有關連的情況下作出作為的持牌法團的客戶，但該客戶僅在符合以上描述的範圍內是第 3(b) 條提述的人。

- (b) provide the Commission with such information as the Commission may reasonably require to enable the Commission to verify that the corporation does satisfy the conditions set out in subsection (2).
- (4) If a corporation ceases to satisfy the conditions set out in subsection (2)(a), it shall within 7 days thereof notify the Commission in writing of the cessation.
- (5) For the purposes of this section, the average principal amount of each leveraged foreign exchange spot transaction entered into by a corporation shall be computed by dividing the aggregate of all principal amounts of leveraged foreign exchange spot transactions entered into by the corporation during the relevant financial year by the total number of such transactions entered into by the corporation during that financial year.

5. Person referred to in section 3(b)

The person referred to in section 3(b) is—

- (a) a licensed person in so far as the licensed person performs an act for or in connection with a contract or arrangement or a proposed contract or arrangement for the sale, purchase or transfer of a listed currency warrant; or
- (b) a client of a licensed corporation in so far as the client performs an act for or in connection with a contract or arrangement or a proposed contract or arrangement between the licensed corporation and the client for the sale, purchase or transfer of a listed currency warrant.

6. 第 3(c) 條提述的人

第 3(c) 條提述的人，是為符合 (a)、(b) 或 (c) 段所指的合約或安排或為建議的該等合約或安排作出作為，而本身是某上市貨幣權證的發行人的法團 (**首述法團**) 或跟某上市貨幣權證的發行人同屬同一公司集團的法團，或在與該等合約或安排或與建議的該等合約或安排有關連的情況下作出作為的該等法團，但該等法團僅在符合上述描述的範圍內是第 3(c) 條提述的人——

- (a) 由本身是該上市貨幣權證的發行人的法團 (不論它是否首述法團) 或跟該權證的發行人同屬同一公司集團的法團與某持牌法團之間訂立的售賣、購買或移轉該權證的合約或安排；
- (b) 本身是該權證的發行人的法團 (不論它是否首述法團) 與跟該權證的發行人同屬同一公司集團的法團之間訂立的售賣、購買或移轉該權證的合約或安排；或
- (c) 兩間跟該權證的發行人同屬同一公司集團但本身並非該發行人的法團之間訂立的售賣、購買或移轉該權證的合約或安排。

6. Person referred to in section 3(c)

The person referred to in section 3(c) is a corporation which is the issuer of any listed currency warrant or a corporation in the same group of companies as the issuer of any listed currency warrant in so far as the corporation performs an act for or in connection with a contract or arrangement or a proposed contract or arrangement for the sale, purchase or transfer of the listed currency warrant—

- (a) between a corporation (whether or not it is the corporation first referred to in this section) which is the issuer of the listed currency warrant or a corporation in the same group of companies as the issuer of the listed currency warrant, and a licensed corporation;
- (b) between a corporation (whether or not it is the corporation first referred to in this section) which is the issuer of the listed currency warrant and a corporation in the same group of companies as the issuer of the listed currency warrant; or
- (c) between corporations which are both in the same group of companies as the issuer of the listed currency warrant but are not themselves the issuer.