

《證券及期貨(場外衍生工具交易匯報責任——費用)規則》
(第 571 章, 附屬法例 AO)

Securities and Futures (OTC Derivative Transactions Reporting Obligation—Fees) Rules
(Cap. 571 sub. leg. AO)

版本日期
Version date
20.10.2016

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
主體 Main	1—4	20.10.2016
附表 Schedule	S-1—S-2	1.5.2016

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 2016 年第 31 號法律公告 —— 2016 年第 1 號編輯修訂紀錄

Enactment History

Originally L.N. 31 of 2016 — E.R. 1 of 2016

T-1

第 571AO 章

T-2

Cap. 571AO

《證券及期貨(場外衍生工具交易匯報責任——費用)規則》

(第 571 章, 附屬法例 AO)

目錄

條次		頁次
1.	(已失時效而略去)	1
2.	釋義	1
3.	使用電子匯報系統的費用	1
4.	寬免繳付費用	3
附表	費用	S-1

Securities and Futures (OTC Derivative Transactions Reporting Obligation—Fees) Rules

(Cap. 571 sub. leg. AO)

Contents

Section		Page
1.	(Omitted as spent)	2
2.	Interpretation	2
3.	Fees for using electronic reporting system	2
4.	Waiver of fees	4
Schedule	Fee	S-2

《證券及期貨(場外衍生工具交易匯報責任——費用)規則》

(第 571 章第 101M 條)

(略去制定語式條文——2016 年第 1 號編輯修訂紀錄)

[2016 年 5 月 1 日]

1. (已失時效而略去——2016 年第 1 號編輯修訂紀錄)
2. **釋義**
在本規則中——
指明交易 (specified transaction) 指《匯報及備存紀錄規則》第 7 條提述的、就匯報責任而指明的場外衍生工具交易；
被終止 (terminated) 具有《匯報及備存紀錄規則》第 2 條所給予的涵義；
費用 (fee) 指根據第 3(1) 條須繳付的費用；
《匯報及備存紀錄規則》 (Reporting and Record Keeping Rules) 指《證券及期貨(場外衍生工具交易——匯報及備存紀錄責任)規則》(第 571 章，附屬法例 AL)；(2016 年第 1 號編輯修訂紀錄)
電子匯報系統 (electronic reporting system) 具有《匯報及備存紀錄規則》第 2 條所給予的涵義。
3. **使用電子匯報系統的費用**
 - (1) 訂明人士如使用《匯報及備存紀錄規則》第 21 條所述的電子匯報系統，須就使用該系統向金融管理專員繳付附表

Securities and Futures (OTC Derivative Transactions Reporting Obligation—Fees) Rules

(Cap. 571, section 101M)

(Enacting provision omitted—E.R. 1 of 2016)

[1 May 2016]

1. (Omitted as spent—E.R. 1 of 2016)
2. **Interpretation**
In these Rules—
electronic reporting system (電子匯報系統) has the meaning given by rule 2 of the Reporting and Record Keeping Rules;
fee (費用) means the fee payable under rule 3(1);
Reporting and Record Keeping Rules (《匯報及備存紀錄規則》) means the Securities and Futures (OTC Derivative Transactions—Reporting and Record Keeping Obligations) Rules (Cap. 571 sub. leg. AL); (E.R. 1 of 2016)
specified transaction (指明交易) means an OTC derivative transaction that is specified for the purposes of the reporting obligation as referred to in rule 7 of the Reporting and Record Keeping Rules;
terminated (被終止) has the meaning given by rule 2 of the Reporting and Record Keeping Rules.
3. **Fees for using electronic reporting system**
 - (1) A prescribed person must pay to the Monetary Authority the fee specified in the Schedule for using the electronic reporting

指明的費用。

- (2) 有關費用，須按月就每項指明交易繳付，但限於在該月的最後一個營業日終結時仍未到期或沒有被終止的指明交易。
- (3) 有關費用，須於自金融管理專員就有關費用發出繳費通知書的日期起計的 7 個營業日內繳付。
- (4) 有關費用，須藉以下方式繳付——
 - (a) 在金融管理專員施加的任何條件規限下，在有關訂明人士指明的戶口中扣除；或
 - (b) 該人士與金融管理專員議定的方式。
- (5) 金融管理專員可將任何仍未繳付的費用，作為拖欠金融管理專員的民事債項，予以追討。

4. 寬免繳付費用

金融管理專員如認為，對某人或某類別的人而言，收取費用並不適當，或屬過重的負擔，則可就該人或該類別的人而採取任何以下行動——

- (a) 寬免繳付該費用；
- (b) 減低該費用；
- (c) 全數退還該費用，或退還其部分。

system mentioned in rule 21 of the Reporting and Record Keeping Rules.

- (2) The fee must be paid for each specified transaction in respect of each month if the transaction has not matured or been terminated by the end of the last business day of that month.
- (3) The fee must be paid within 7 business days from the date on which the demand note for the fee is issued by the Monetary Authority.
- (4) The fee must be paid—
 - (a) by debiting the account specified by the prescribed person, subject to any condition imposed by the Monetary Authority; or
 - (b) in a manner agreed between the person and the Monetary Authority.
- (5) The Monetary Authority may recover an outstanding fee as a civil debt due to the Monetary Authority.

4. Waiver of fees

The Monetary Authority may, if of the opinion that the charging of a fee is inappropriate or unduly burdensome for a person or class of persons, do any of the following in relation to the person or the class—

- (a) waive the payment of the fee;
- (b) reduce the fee;
- (c) refund, in whole or in part, the fee.

S-1
第 571AO 章

附表

Schedule

S-2
Cap. 571AO

附表

[第 3 條]

Schedule

[r. 3]

費用

每項指明交易 \$4.5

Fee

\$4.5 per specified transaction