

《證券及期貨(認可對手方)規則》
(第 571 章, 附屬法例 B)

Securities and Futures (Recognized Counterparty) Rules
(Cap. 571 sub. leg. B)

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經核證文本
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(《法例發布條例》(第 614 章)第 5 條)
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條文 Provision	頁數 Page number	最後更新日期 Last updated date
主體 Main	1—6	13.12.2018
附表 1 Schedule 1	S1-1—S1-2	13.12.2018
附表 2 Schedule 2	S2-1—S2-2	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。

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制定史

本為 2002 年第 186 號法律公告 —— 2004 年第 29 號法律公告，2018 年第 5 號編輯修訂紀錄

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《證券及期貨(認可對手方)規則》

(第 571 章, 附屬法例 B)

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Securities and Futures (Recognized Counterparty) Rules

(Cap. 571 sub. leg. B)

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《證券及期貨(認可對手方)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，除文意另有所指外——

指明司法管轄區 (specified jurisdiction) 指附表 1 第 2 欄指明的司法管轄區；

指明銀行規管當局 (specified bank regulator) 指——

 - (a) 附表 1 第 3 欄指明的任何主管當局，而該主管當局在附表 1 第 2 欄相對於該當局之處列明的指明司法管轄區負責規管在該管轄區內的銀行；或
 - (b) 該主管當局的繼任者；

貨幣期貨合約 (currency futures contract) 指任何貨幣的期貨合約；

期貨合約交易 (dealing in futures contracts) 具有本條例附表 5 第 2 部給予該詞的涵義；(2018 年第 5 號編輯修訂紀錄)

等同法團 (equivalent corporation) 指符合以下說明的法團——

 - (a) 根據指明司法管轄區的主管當局或規管機構的授權(不論實際如何稱述)在該管轄區經營某項活動的業

Securities and Futures (Recognized Counterparty) 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, unless the context otherwise requires—

currency futures contract (貨幣期貨合約) means a futures contract in respect of any currency;

dealing in futures contracts (期貨合約交易) has the meaning assigned to it by Part 2 of Schedule 5 to the Ordinance;

equivalent corporation (等同法團) means a corporation that—

 - (a) carries on a business in a specified jurisdiction in an activity which, if carried on in Hong Kong, would constitute dealing in futures contracts, under an authorization (however described) by an authority or regulatory organization in that jurisdiction; and
 - (b) has and maintains shareholders' funds of not less than \$30,000,000 or its equivalent in any foreign currency as calculated by—
 - (i) adding together the corporation's—
 - (A) issued and paid-up share capital; and

務，而該項活動如在香港進行，便會構成期貨合約交易；及

- (b) 以下述方式計算，備有和保持有不少於 \$30,000,000 或任何外幣等值的股東資金——
- (i) 將以下項目合計——
- (A) 該法團的已發行及已繳足股本；及
- (B) 該法團的留存利潤及儲備的淨貸方結餘總額；及
- (ii) 從按第 (i) 節計算所得的總和中，減去該法團的累積虧損及儲備的淨借方結餘總額。(2018 年第 5 號編輯修訂紀錄)
- (2018 年第 5 號編輯修訂紀錄)

3. 屬認可對手方的機構

為施行本條例附表 1 第 1 部第 1 條中**認可對手方**定義的 (c) 段，以下機構為認可對手方——

- (a) 就期貨合約交易獲發牌的法團，而該法團在任何指明期貨交易所進行貨幣期貨合約交易；
- (b) 在任何指明期貨交易所進行貨幣期貨合約交易的等同法團，但如該法團因主管當局或規管機構(即在該法團成立和受規管的指明司法管轄區規管該法團的主管當局或規管機構)的行動而停止獲授權進行上述交易，則該法團不屬此列；
- (c) 在指明司法管轄區成立為法團和受在該管轄區的指明銀行規管當局規管的銀行，但如該銀行因該指明銀行規管當局的行動而停止獲授權以銀行方式營運，則該銀行不屬此列；
- (d) 已發出繼續獲得合資格信貸評級的債務票據的法團；及

(B) retained profits and reserves with aggregate net credit balances; and

- (ii) subtracting from the sum calculated under subparagraph (i) the corporation's accumulated losses and reserves with aggregate net debit balances;

specified bank regulator (指明銀行規管當局) means—

- (a) an authority specified in column 3 of Schedule 1 as an authority in a specified jurisdiction set out opposite to it in column 2 of Schedule 1 with responsibility for regulating banks in that jurisdiction; or
- (b) any successor of such authority;

specified jurisdiction (指明司法管轄區) means a jurisdiction specified in column 2 of Schedule 1.

3. Institutions that are recognized counterparties

For the purposes of paragraph (c) of the definition of **recognized counterparty** in section 1 of Part 1 of Schedule 1 to the Ordinance, the following institutions are recognized counterparties—

- (a) a corporation licensed for dealing in futures contracts that deals in currency futures contracts on any specified futures exchange;
- (b) an equivalent corporation that deals in currency futures contracts on any specified futures exchange, except where such corporation ceases to be authorized to carry out such dealing as a result of the action of the authority or regulatory organization that regulates it in the specified jurisdiction in which it is incorporated and regulated;
- (c) a bank that is incorporated in a specified jurisdiction and regulated by a specified bank regulator in that

- (e) 符合以下說明的機構——
- (i) 獲證監會信納予以認可該機構為對手方——
 - (A) 是適當的；及
 - (B) 是不會損害投資大眾的利益的；及
 - (ii) 在附表 2 指明的。
- _____

- jurisdiction, except where the bank ceases to be authorized to operate as a bank as a result of the action of the specified bank regulator;
- (d) a corporation that has issued debt instruments which continue to attract a qualifying credit rating; and
 - (e) an institution—
 - (i) in respect of which the Commission is satisfied that recognition as a counterparty—
 - (A) is appropriate; and
 - (B) would not prejudice the interest of the investing public; and
 - (ii) which is specified in Schedule 2.
- _____

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第 571B 章

附表 1

Schedule 1

S1-2
Cap. 571B**附表 1**

[第 2 條]

指明司法管轄區及指明銀行規管當局

項	指明司法管轄區	指明銀行規管當局
1.	澳大利亞	澳大利亞審慎監管局
2.	加拿大	金融機構監理處
3.	德意志聯邦共和國	德國聯邦銀行業監管局
4.	法蘭西共和國	銀行監察委員會
5.	日本	金融廳
6.	瑞士聯邦	聯邦銀行委員會
7.	大不列顛及北愛爾蘭聯合王國	金融服務管理局
8.	美利堅合眾國	聯邦儲備委員會 (2004 年第 29 號法律公告) 貨幣監理署 (2004 年第 29 號法律公告)

Schedule 1

[s. 2]

Specified Jurisdictions and Specified Bank Regulators

Item	Specified jurisdiction	Specified bank regulator
1.	Australia	Australian Prudential Regulation Authority
2.	Canada	Office of the Superintendent of Financial Institutions
3.	The Federal Republic of Germany	Bundesaufsichtsamt für das Kreditwesen
4.	The French Republic	La Commission Bancaire
5.	Japan	Financial Services Agency
6.	The Swiss Confederation	Eidgenössische Bankenkommission
7.	The United Kingdom of Great Britain and Northern Ireland	Financial Services Authority
8.	The United States of America	Board of Governors of the Federal Reserve System The Office of the Comptroller of the Currency

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附表 2

Schedule 2

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附表 2

[第 3 條]

屬認可對手方的指明機構

1. Bear Stearns Forex Inc.
2. 滙豐金融證券(亞洲)有限公司

Schedule 2

[s. 3]

Specified Institutions that are Recognized Counterparties

1. Bear Stearns Forex Inc.
2. HSBC Broking Securities (Asia) Ltd.