

《證券及期貨(職能的轉移——投資者賠償公司)令》  
(第 571 章, 附屬法例 AD)

Securities and Futures (Transfer of Functions—Investor Compensation Company) Order  
(Cap. 571 sub. leg. AD)

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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)  
(Legislation Publication Ordinance (Cap. 614), section 5)

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條文 Provision	頁數 Page number	最後更新日期 Last updated date
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尚未實施的條文 / 修訂 ——

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**制定史**

本為 2002 年第 225 號法律公告——2012 年第 28 號，2014 年第 2 號  
編輯修訂紀錄，2018 年第 5 號編輯修訂紀錄

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**Enactment History**

Originally L.N. 225 of 2002 — 28 of 2012, E.R. 2 of 2014, E.R. 5 of 2018

《證券及期貨(職能的轉移——投資者賠償公司)令》

**Securities and Futures (Transfer of Functions—Investor  
Compensation Company) Order**

(第 571 章, 附屬法例 AD)

(Cap. 571 sub. leg. AD)

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## 《證券及期貨(職能的轉移——投資者賠償公司)令》

(第 571 章第 80 條)

(略去制定語式條文——2014 年第 2 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——2014 年第 2 號編輯修訂紀錄)

1. (已失時效而略去——2014 年第 2 號編輯修訂紀錄)

### 2. 釋義

在本命令中，除文意另有所指外，**投資者賠償公司** (Investor Compensation Company) 指根據《有關條例》成立為法團，並根據該條例以中文名稱“投資者賠償有限公司”及英文名稱“Investor Compensation Company Limited”註冊的公司。

(2012 年第 28 號第 912 及 920 條)

### 3. 證監會職能的轉移

- (1) 在第 (2)、(3)、(4) 及 (5) 款的規限下，附表第 2 欄所列的條文授予證監會的職能現轉移予投資者賠償公司。
- (2) 第 (1) 款規定的職能轉移受以下保留規限：證監會可與投資者賠償公司同時執行該等職能。
- (3) 附表第 1 項指明的職能，僅在該職能與維持賠償基金有關的範圍內轉移。
- (4) 附表第 3 及 6 項指明的職能轉移須受證監會不時向投資者賠償公司發出的書面指示所規限。

## Securities and Futures (Transfer of Functions—Investor Compensation Company) Order

(Cap. 571, section 80)

(Enacting provision omitted—E.R. 2 of 2014)

[1 April 2003] L.N. 12 of 2003  
(Format changes—E.R. 2 of 2014)

1. (Omitted as spent—E.R. 2 of 2014)

### 2. Interpretation

In this Order, unless the context otherwise requires, **Investor Compensation Company** (投資者賠償公司) means the company incorporated, and registered by the name “Investor Compensation Company Limited” in English and “投資者賠償有限公司” in Chinese, under the relevant Ordinance.

(28 of 2012 ss. 912 & 920)

### 3. Transfer of functions of the Commission

- (1) Subject to subsections (2), (3), (4) and (5), the functions conferred upon the Commission by the provisions set out in column 2 of the Schedule are transferred to the Investor Compensation Company.
- (2) The transfer of functions under subsection (1) is subject to the reservation that the Commission is to perform the functions concurrently with the Investor Compensation Company.

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第 3 條

- (5) 附表第 4、5、7 及 8 項指明的職能，僅在該等職能與賠償基金中由投資者賠償公司管理的部分有關的範圍內轉移予該公司。
  - (6) 附表第 3 欄的描述說明在該附表第 2 欄內與該描述相對之處指明的條文所訂職能的一般性質，但僅作方便參考之用。
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Cap. 571AD

Section 3

- (3) The function specified in item 1 of the Schedule is transferred only to the extent that the function relates to the maintenance of the compensation fund.
  - (4) The functions specified in items 3 and 6 of the Schedule are transferred subject to such directions in writing as the Commission may from time to time give to the Investor Compensation Company.
  - (5) The functions specified in items 4, 5, 7 and 8 of the Schedule are transferred to the Investor Compensation Company only to the extent that the functions relate to the part of the compensation fund that is managed and administered by the Company. (*E.R. 5 of 2018*)
  - (6) A description in column 3 of the Schedule indicates for convenience of reference only the general nature of the function under the provision specified opposite to that description in column 2 of the Schedule.
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**附表**

[ 第 3 條 ]

**職能的轉移**

**Schedule**

[s. 3]

**Transfer of Functions**

項	條文	描述
<b>《證券及期貨條例》(第 571 章)</b>		
1.	第 236(1) 條	維持賠償基金。
2.	第 237(2) 條	為賠償基金的目的借入款項。
3.	第 238(1) 條	賠償基金的管理，包括賠償申索的裁定。
4.	第 239 條	於認可財務機構開立帳戶，並將投資者賠償公司所收取的組成賠償基金的所有款項存入或轉帳入該等帳戶。
5.	第 240(1) 條	為賠償基金備存妥當帳目。
6.	第 240(2) 條	維持獨立帳戶及分帳戶。
7.	第 240(5) 條	委任核數師審計賠償基金帳目。

Item	Provision	Description
<b>Securities and Futures Ordinance (Cap. 571)</b>		
1.	Section 236(1)	Maintaining the compensation fund.
2.	Section 237(2)	Borrowing money for the purpose of the compensation fund.
3.	Section 238(1)	Management and administration of the compensation fund, including the determination of a claim for compensation.
4.	Section 239	Opening accounts at authorized financial institutions and paying into or transferring to such accounts all amounts received by the Investor Compensation Company forming part of the compensation fund.
5.	Section 240(1)	Keeping proper accounts of the compensation fund.
6.	Section 240(2)	Maintaining separate accounts and sub-accounts.
7.	Section 240(5)	Appointing an auditor to audit the accounts of the compensation fund.

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附表

第 571AD 章

Schedule

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項	條文	描述
8.	第 241 條	將組成賠償基金的款項投資。
9.	第 242(1) 條	從賠償基金中撥出款項，並決定付款次序。
<b>《證券及期貨(投資者賠償——申索)規則》(第 571 章，附屬法例 T)</b>		
10.	第 3 條	刊登邀請提出申索的公告。
11.	第 4(4) 條	決定是否禁止提出沒有在第 4(3) 條規定的限期內提交的申索。
12.	第 5(2) 條	接受以並非按照第 5(1) 條的方式提交的申索。
13.	第 6 條	要求交出紀錄。
14.	第 7 條	作出裁定。
15.	第 8 條	發出裁定通知。
16.	第 9 條	支付賠償。
17.	第 10 條	安排保險、擔保、保證或其他財務安排。

Item	Provision	Description
8.	Section 241	Investing money which forms part of the compensation fund.
9.	Section 242(1)	Making payments out of the compensation fund and determining the order of such payments.
<b>Securities and Futures (Investor Compensation—Claims) Rules (Cap. 571 sub. leg. T)</b>		
10.	Section 3	Publishing a notice inviting claims.
11.	Section 4(4)	Determining whether a claim not lodged within the time limit provided in section 4(3) is barred.
12.	Section 5(2)	Accepting a claim lodged otherwise than in accordance with section 5(1).
13.	Section 6	Requiring records to be produced.
14.	Section 7	Making a determination.
15.	Section 8	Issuing a notice of determination.
16.	Section 9	Paying compensation.
17.	Section 10	Arranging for insurance, surety, guarantee or other financial arrangements.