

《證券及期貨(職能的轉移——聯交所)令》
(第 571 章, 附屬法例 AE)

Securities and Futures (Transfer of Functions—Stock Exchange Company) Order
(Cap. 571 sub. leg. AE)

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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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制定史

本為 2002 年第 227 號法律公告 —— 2012 年第 28 號，2014 年第 2 號
編輯修訂紀錄

Enactment History

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《證券及期貨(職能的轉移——聯交所)令》

(第 571 章第 25 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. **適用範圍**

本命令不適用於有以下情況的要約認購或要約購買集體投資計劃的權益的招股章程——

 - (a) 招股章程如發出即屬犯本條例第 103(1)(b) 條所訂的罪行；或
 - (b) 該招股章程的發出純粹憑藉本條例第 103(3)(h) 條獲豁免而不受本條例第 103(1)(b) 條的施行所規限。
3. **證監會職能的轉移**

《公司(清盤及雜項條文)條例》(第 32 章)第 38B(2A)(b)、38D(3) 及 (5) 及 342C(3) 及 (5) 條授予證監會的職能現轉移予聯交所，而——(2012 年第 28 號第 912 及 920 條)

 - (a) 轉移範圍僅限於該等職能關乎涉及經聯交所批准在認可證券市場上市的法團股份或債權證的招股章程的範圍；及

Securities and Futures (Transfer of Functions—Stock Exchange Company) Order

(Cap. 571, section 25)

(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. **Application**

Nothing in this Order applies to a prospectus offering for subscription or purchase interests in a collective investment scheme, the issue of which—

 - (a) would be an offence under section 103(1)(b) of the Ordinance; or
 - (b) is exempted from the application of section 103(1)(b) of the Ordinance solely by virtue of section 103(3)(h) of the Ordinance.
3. **Transfer of functions of the Commission**

The functions conferred upon the Commission by sections 38B(2A)(b), 38D(3) and (5) and 342C(3) and (5) of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) are transferred to the Stock Exchange Company—(28 of 2012 ss. 912 & 920)

 - (a) to the extent that they relate to any prospectus which is concerned with any shares in or debentures of a corporation that have been approved by the Stock

- (b) 此項轉移受以下保留規限：證監會可與聯交所同時執行該等職能。

4. 費用

凡假若本命令沒有作出，則根據《證券及期貨(費用)規則》(第 571 章，附屬法例 AF) 本須就證監會執行根據本命令轉移的職能而繳付某費用予證監會，則聯交所有權徵收和保留須就它執行該職能而繳付的費用。

Exchange Company for listing on a recognized stock market; and

- (b) subject to the reservation that the Commission is to perform the functions concurrently with the Stock Exchange Company.

4. Fees

The Stock Exchange Company is entitled to charge and retain any fees payable in relation to its performance of functions transferred under this Order which, had this Order not been made, would be payable to the Commission under the Securities and Futures (Fees) Rules (Cap. 571 sub. leg. AF) in relation to the performance by the Commission of such functions.