

《證券及期貨(投資者賠償——賠償上限)規則》
(第 571 章, 附屬法例 AC)

Securities and Futures (Investor Compensation—Compensation Limits) Rules
(Cap. 571 sub. leg. AC)

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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」(<https://www.elegislation.gov.hk>) 閱覽。

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制定史

本為 2002 年第 224 號法律公告——2018 年第 5 號編輯修訂紀錄，
2019 年第 132 號法律公告

Enactment History

Originally L.N. 224 of 2002 — E.R. 5 of 2018, L.N. 132 of 2019

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(第 571 章, 附屬法例 AC)

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《證券及期貨(投資者賠償——賠償上限)規則》

(第 571 章第 244(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)

第 1 部

導言

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——
互聯互通證券 (Stock Connect securities) 具有《申索規則》第 2 條所給予的涵義；(2019 年第 132 號法律公告)
《申索規則》 (Claims Rules) 指《證券及期貨(投資者賠償——申索)規則》(第 571 章，附屬法例 T)；(2019 年第 132 號法律公告)
申索人 (claimant) 具有《申索規則》第 2 條所給予的涵義；(2019 年第 132 號法律公告)
有連繫資產 (related assets) 具有《申索規則》第 2 條所給予的涵義；(2019 年第 132 號法律公告)
指明人士 (specified person) 具有《申索規則》第 2 條所給予的涵義；(2019 年第 132 號法律公告)

Securities and Futures (Investor Compensation— Compensation Limits) Rules

(Cap. 571, section 244(1))

(Enacting provision omitted—E.R. 5 of 2018)

[1 April 2003] L.N. 12 of 2003
(Format changes—E.R. 5 of 2018)

Part 1

Preliminary

1. (Omitted as spent—E.R. 5 of 2018)
2. **Interpretation**
In these Rules, unless the context otherwise requires—
associated person (相聯者) has the meaning given by section 2 of the Claims Rules; (L.N. 132 of 2019)
claimant (申索人) has the meaning given by section 2 of the Claims Rules; (L.N. 132 of 2019)
Claims Rules (《申索規則》) means the Securities and Futures (Investor Compensation—Claims) Rules (Cap. 571 sub. leg. T); (L.N. 132 of 2019)
default (違責) has the meaning given by section 2 of the Claims Rules; (L.N. 132 of 2019)
default date (違責日期), in relation to a default, means—
(a) the date of the default determined by the Commission under section 7(1)(b) of the Claims Rules;

相聯者 (associated person) 具有《申索規則》第 2 條所給予的涵義；(2019 年第 132 號法律公告)

違責 (default) 具有《申索規則》第 2 條所給予的涵義；(2019 年第 132 號法律公告)

違責日期 (default date) 就某項違責而言，指——

- (a) 證監會根據《申索規則》第 7(1)(b) 條裁定的違責的發生日期；
- (b) 如審裁處根據本條例第 XI 部，更改或確認證監會裁定的違責的發生日期——審裁處所更改或確認的日期；或
- (c) 如上訴法庭根據本條例第 XI 部，更改審裁處所更改或確認的違責的發生日期(如有的話)——上訴法庭所更改的日期；(2019 年第 132 號法律公告)

審裁處 (Tribunal) 指藉本條例第 216 條設立的證券及期貨事務上訴審裁處。(2019 年第 132 號法律公告)

(2019 年第 132 號法律公告)

- (b) if the Tribunal varies or confirms, under Part XI of the Ordinance, the date of the default determined by the Commission—the date as varied or confirmed by the Tribunal; or
- (c) if the Court of Appeal varies, under Part XI of the Ordinance, the date of the default as varied or confirmed by the Tribunal (if any)—the date as varied by the Court of Appeal; (L.N. 132 of 2019)

related assets (有連繫資產) has the meaning given by section 2 of the Claims Rules; (L.N. 132 of 2019)

specified person (指明人士) has the meaning given by section 2 of the Claims Rules; (L.N. 132 of 2019)

Stock Connect securities (互聯互通證券) has the meaning given by section 2 of the Claims Rules; (L.N. 132 of 2019)

Tribunal (審裁處) means the Securities and Futures Appeals Tribunal established by section 216 of the Ordinance. (L.N. 132 of 2019)

(L.N. 132 of 2019)

第 2 部

賠償款額上限

3. 付予申索人的賠償上限

- (1) 如申索人就其蒙受的損失提出賠償申索，而該損失是由符合以下說明的違責所導致的——
 - (a) 違責由——
 - (i) 任何指明人士所犯；或
 - (ii) 指明人士的任何相聯者所犯；及
 - (b) 違責是就以下事宜而犯的——
 - (i) 以下任何證券——
 - (A) 在或將會在認可證券市場上市或交易的證券；
 - (B) 互聯互通證券；及
 - (ii) 該等證券的有連繫資產，

則根據《申索規則》第 9 條須支付予該申索人的賠償總額不得超逾第 (3) 款指明的金額。
- (2) 如申索人就其蒙受的損失提出賠償申索，而該損失是由符合以下說明的違責所導致的——
 - (a) 違責由——
 - (i) 任何指明人士所犯；或
 - (ii) 指明人士的任何相聯者所犯；及
 - (b) 違責是就以下事宜而犯的——
 - (i) 任何在認可期貨市場交易的期貨合約；及
 - (ii) 該等期貨合約的有連繫資產，

Part 2

Limits on Amount of Compensation

3. Limits on compensation to be made to claimants

- (1) If a claimant claims compensation in respect of the claimant's loss sustained as a result of a default committed—
 - (a) by—
 - (i) a specified person; or
 - (ii) any associated person of a specified person; and
 - (b) in relation to—
 - (i) any of the following securities—
 - (A) securities listed or traded, or to be listed or traded, on a recognized stock market;
 - (B) Stock Connect securities; and
 - (ii) related assets of the securities,

the total amount of compensation payable under section 9 of the Claims Rules to the claimant must not exceed the sum specified in subsection (3).
- (2) If a claimant claims compensation in respect of the claimant's loss sustained as a result of a default committed—
 - (a) by—
 - (i) a specified person; or
 - (ii) any associated person of a specified person; and
 - (b) in relation to—
 - (i) any futures contract traded on a recognized futures market; and

則根據《申索規則》第 9 條須支付予該申索人的賠償總額不得超逾第 (3) 款指明的金額。

- (3) 為第 (1) 及 (2) 款指明的金額是——
- (a) 如違責日期在 2020 年 1 月 1 日之前——\$150,000；
 - (b) 如違責日期在 2019 年 12 月 31 日之後——\$500,000。
(2019 年第 132 號法律公告)

- (ii) related assets of the futures contract,
the total amount of compensation payable under section 9 of the Claims Rules to the claimant must not exceed the sum specified in subsection (3).
- (3) The following sum is specified for subsections (1) and (2)—
- (a) if the default date is before 1 January 2020—\$150,000;
 - (b) if the default date is after 31 December 2019—\$500,000.

(L.N. 132 of 2019)