

《證券及期貨(雜項)規則》  
(第 571 章, 附屬法例 U)

**Securities and Futures (Miscellaneous) Rules**  
(Cap. 571 sub. leg. U)

版本日期  
Version date  
13.12.2018

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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整條 Whole	1—10	13.12.2018

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### 制定史

本為 2002 年第 216 號法律公告 —— 2003 年第 45 號法律公告，2004 年第 14 號，2004 年第 23 號，2012 年第 28 號，2015 年第 19 號，2018 年第 5 號編輯修訂紀錄

### Enactment History

Originally L.N. 216 of 2002 — L.N. 45 of 2003, 14 of 2004, 23 of 2004, 28 of 2012, 19 of 2015, E.R. 5 of 2018

## 《證券及期貨(雜項)規則》

## (第 571 章, 附屬法例 U)

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## Securities and Futures (Miscellaneous) Rules

## (Cap. 571 sub. leg. U)

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## 《證券及期貨(雜項)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. **向證監會送達文件**
  - (1) 除本條例其他條文另有規定外，凡為本條例任何條文的目的須向證監會送達(不論實際如何稱述)任何文件，該文件——
    - (a) 如屬非電子形式的文件，則須——
      - (i) 由專人交付；
      - (ii) 藉郵寄送交；或
      - (iii) 藉傳真傳送往證監會在其網站的聯絡詳情的版面上指明的傳真號碼；或
    - (b) 如屬電子形式的文件，則須——
      - (i) 藉證監會批准的電子傳送方式送交證監會在其網站的聯絡詳情的版面上指明的電子接收設施；或
      - (ii) 藉電子郵遞傳送往證監會在其網站的聯絡詳情的版面上指明的電子接收設施。
  - (2) 除本條例其他條文另有規定外，凡為本條例任何條文的目的須向證監會送達(不論實際如何稱述)任何文件——

## Securities and Futures (Miscellaneous) 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. **Service of documents on Commission**
  - (1) Except as otherwise provided in the Ordinance, where any document is required for the purposes of any provision of the Ordinance to be served (however described) on the Commission, it shall—
    - (a) in the case of a document other than in electronic form, be—
      - (i) delivered by hand;
      - (ii) sent by post; or
      - (iii) sent by facsimile transmission to such facsimile number as may be specified by the Commission on the contact details page of the Commission's web site; or
    - (b) in the case of a document in electronic form, be—
      - (i) sent by means of such electronic transmission as may be approved by the Commission; or
      - (ii) sent by electronic mail transmission,

- (a) 如有根據本條例第 402 條就該文件指明的表格，則除第 (3) 款另有規定外，該文件須按該表格附有的指示及指令所指明的方式簽署、簽立和認證；或
- (b) 如沒有根據本條例第 402 條就該文件指明的表格，則除第 (3) 款另有規定外，該文件須由送達該文件的人，或由該人為其授權代該人行事的其他人簽署、簽立和認證。
- (3) 就第 (2) 款而言，如某文件屬電子形式，則除證監會另有指明外，簽署須採用數碼簽署形式，而該數碼簽署須——(2004 年第 14 號第 31 條)
- (a) 獲認可證書證明；
- (b) 在該證書的有效期內產生；及
- (c) 按照該證書的條款使用。(2004 年第 14 號第 31 條)
- (4) 凡任何人向證監會提出申請，證監會如信納申請人在本條例所規定的時限內將文件送達(不論實際如何稱述)會有極大實際困難，則可酌情藉書面通知將該時限按其指示的時間及條款延展。
- (5) 如某數碼簽署根據《電子交易條例》(第 553 章)第 2(2) 條視作獲某認可證書證明，則為施行第 (3)(a) 款，該數碼簽署視作獲該證書證明。(2004 年第 14 號第 31 條)
- (6) 在第 (3) 款中——
- 在該證書的有效期內** (within the validity of that certificate) 具有《電子交易條例》(第 553 章) 第 6(2) 條給予該詞的涵義；
- 認可證書** (recognized certificate) 具有《電子交易條例》(第 553 章) 第 2(1) 條給予該詞的涵義；
- 數碼簽署** (digital signature) 具有《電子交易條例》(第 553 章) 第 2(1) 條給予該詞的涵義。(2004 年第 14 號第 31 條)

- to such electronic reception facility as may be specified by the Commission on the contact details page of the Commission's web site. (L.N. 45 of 2003)
- (2) Except as otherwise provided in the Ordinance, where any document is required for the purposes of any provision of the Ordinance to be served (however described) on the Commission—
- (a) in the case of a document in respect of which a form has been specified under section 402 of the Ordinance, it shall, subject to subsection (3), be signed, executed and authenticated in the manner specified in such directions and instructions as are included in the form; or
- (b) in the case of a document in respect of which no form has been specified under section 402 of the Ordinance, it shall, subject to subsection (3), be signed, executed and authenticated by the person by whom the document is served or by such other person as is authorized by the first-mentioned person to act in that behalf.
- (3) For the purposes of subsection (2), if a document is in electronic form, the signature shall, unless otherwise specified by the Commission, be in the form of a digital signature, and the digital signature shall be— (14 of 2004 s. 31)
- (a) supported by a recognized certificate;
- (b) generated within the validity of that certificate; and
- (c) used in accordance with the terms of that certificate. (14 of 2004 s. 31)
- (4) On an application by any person to the Commission, the Commission may, where it is satisfied that an applicant has substantial practical difficulties in serving (however described) any document within the time provided under the Ordinance, in its discretion by notice in writing extend the time for such period and upon such terms as it may direct.

### 3. 須展示印刷本牌照或註冊證明書

(2015 年第 19 號第 16 條)

- (1) 除第 (2) 款另有規定外，中介人須在其主要營業地點的顯眼處展示其印刷本牌照或註冊證明書(視屬何情況而定)，如中介人有多於一個營業地點，則須以該印刷本牌照或註冊證明書(視屬何情況而定)的核證副本代替正本在其每個其他營業地點的顯眼處展示。
- (2) 在任何時間，當中介人的印刷本牌照或註冊證明書(視屬何情況而定)的正本根據第 4 條交回證監會修訂，如有關的中介人以該印刷本牌照或該註冊證明書(視屬何情況而定)的核證副本代替正本展示，直至證監會將該印刷本牌照或該註冊證明書(視屬何情況而定)經修訂的正本交回中介人，則第 (1) 款的規定須視為已獲遵守。

(2015 年第 19 號第 16 條)

- (5) For the purposes of subsection (3)(a), a digital signature is taken to be supported by a recognized certificate if it is taken to be supported by that certificate under section 2(2) of the Electronic Transactions Ordinance (Cap. 553). (*14 of 2004 s. 31*)
- (6) In subsection (3)—  
**digital signature** (數碼簽署) has the meaning assigned to it by section 2(1) of the Electronic Transactions Ordinance (Cap. 553);  
**recognized certificate** (認可證書) has the meaning assigned to it by section 2(1) of the Electronic Transactions Ordinance (Cap. 553);  
**within the validity of that certificate** (在該證書的有效期內) has the meaning assigned to it by section 6(2) of the Electronic Transactions Ordinance (Cap. 553). (*14 of 2004 s. 31*)

### 3. Printed licence or certificate of registration to be exhibited

(19 of 2015 s. 16)

- (1) Subject to subsection (2), an intermediary shall exhibit its printed licence or certificate of registration (as the case may be) in a prominent place at its principal place of business and, if it has more than one place of business, a certified copy of such printed licence or certificate of registration (as the case may be) in lieu of its original copy shall be exhibited in a prominent place at each of its other places of business.
- (2) At any time when the original copy of the printed licence or certificate of registration (as the case may be) of an intermediary is returned to the Commission for amendment under section 4, the requirement of subsection (1) shall be regarded as having been complied with if the intermediary exhibits a certified copy of such printed licence or certificate of registration (as the case may be) in lieu of its original copy

**4. 中介人交回印刷本牌照或註冊證明書***(2015 年第 19 號第 17 條)*

- (1) 如中介人終止進行該中介人獲發牌或獲註冊進行的所有或任何受規管活動——*(2015 年第 19 號第 17 條)*
- (a) (除 (b) 段另有規定外) 自該項終止的日期後起計超逾一個月；或
- (b) 超逾證監會以書面批准一段較長時間，則該中介人須於——*(2015 年第 19 號第 17 條)*
- (c) (如屬 (a) 段的情況) 該項終止的日期後 37 日內；或
- (d) (如屬 (b) 段的情況) 該段提述的較長時間結束後 7 日內，
- 將其印刷本牌照或註冊證明書(視屬何情況而定)交回證監會以供取消或修訂(視屬何情況而定)。
- (2) 如中介人獲發牌或獲註冊進行的任何受規管活動，根據本條例第 127 條有所更改，則該中介人須在該受規管活動如此更改後 7 個營業日內，將其印刷本牌照或註冊證明書(視屬何情況而定)交回證監會以供修訂。
- (3) 證監會如覺得某中介人的印刷本牌照或註冊證明書內存在錯誤，可藉書面通知要求它合理地相信管有該印刷本牌照或註冊證明書(視屬何情況而定)的人，將該印刷本牌照或註冊證明書交回證監會，而該人須於書面通知的日期後 7 個營業日內，將該印刷本牌照或註冊證明書(視屬何情況而定)交回證監會以供修訂。

*(2015 年第 19 號第 17 條)*

until the original copy of its printed licence or certificate of registration (as the case may be) as amended is returned to it by the Commission.

*(19 of 2015 s. 16)***4. Return of printed licence or certificate of registration by intermediary***(19 of 2015 s. 17)*

- (1) If an intermediary ceases to carry on all or any of the regulated activities for which it is licensed or registered for a period exceeding—*(19 of 2015 s. 17)*
- (a) subject to paragraph (b), one month after the date of such cessation; or
- (b) such longer period as the Commission may approve in writing,
- it must return its printed licence or certificate of registration (as the case may be) to the Commission for cancellation or amendment (as the case may be)—*(19 of 2015 s. 17)*
- (c) in the case of paragraph (a), within 37 days after the date of the cessation; or
- (d) in the case of paragraph (b), within 7 days after the end of the longer period referred to in that paragraph.
- (2) If any regulated activity for which an intermediary is licensed or registered is varied under section 127 of the Ordinance, the intermediary must return its printed licence or certificate of registration (as the case may be) to the Commission for amendment within 7 business days after the regulated activity is so varied.
- (3) Where it appears to the Commission that an error exists in the printed licence or certificate of registration of an intermediary, it may by notice in writing require any person whom it

### 5. 為施行本條例第 179 條而訂明為核數師的人

- (1) 就本條例附表 1 第 1 部第 1 條中**核數師**的定義而言，下列人士是為施行本條例第 179 條而訂明為該定義所指的人——
- 向或曾向相關法團提供服務並且是《專業會計師條例》(第 50 章)所界定的執業會計師；(2004 年第 23 號第 56 條)
  - 向或曾向相關法團提供服務的《專業會計師條例》(第 50 章)所指的執業單位；
  - 為香港以外某地方的成文法則的目的而獲委任(不論是否仍如此獲委任)為相關法團的核數師的人，而該成文法則施加於該人的責任，相當於《公司條例》(第 622 章)施加於核數師者。(2012 年第 28 號第 912 及 920 條)
- (2) 在第 (1) 款中，**相關法團** (relevant corporation) 在已根據本條例第 179(1)(i) 或 (ii) 條或可根據該條向某法團發出指示的情況下，指該法團。

reasonably believes to be in possession of the printed licence or certificate of registration (as the case may be) to return it to the Commission and the person must return the printed licence or certificate of registration (as the case may be) to the Commission for amendment within 7 business days after the date of the notice.

(19 of 2015 s. 17)

### 5. Persons prescribed as auditors for purposes of section 179 of Ordinance

- (1) For the purposes of the definition of **auditor** in section 1 of Part 1 of Schedule 1 to the Ordinance, the following persons are prescribed as within the meaning of that definition for the purposes of section 179 of the Ordinance—
- a certified public accountant (practising) as defined in the Professional Accountants Ordinance (Cap. 50) who provides, or provided, services to a relevant corporation; (23 of 2004 s. 56)
  - any practice unit within the meaning of the Professional Accountants Ordinance (Cap. 50) that provides, or provided, services to a relevant corporation;
  - a person appointed (whether or not he remains so appointed) to be an auditor of a relevant corporation for the purposes of any enactment of a place outside Hong Kong which imposes on such person responsibilities comparable to those imposed on an auditor by the Companies Ordinance (Cap. 622). (28 of 2012 ss. 912 & 920)
- (2) In subsection (1), **relevant corporation** (相關法團) means a corporation to which any direction has been or may be given under section 179(1)(i) or (ii) of the Ordinance.