

Consultation Document on the Draft Securities and  
Futures (Unsolicited Calls – Exclusion) Rules

**Consultation Conclusion**

Securities and Futures Commission  
Hong Kong

March 2002

## **INTRODUCTION**

1. On 20 October 2001, the Securities and Futures Commission (“SFC”) released ‘a Consultation Document on the draft Securities and Futures (Unsolicited Calls – Exclusion) Rules’ (“Consultation Document”). The Consultation Document contained proposed rules to regulate the unsolicited calls with a view to protect the interests of the investing public and to curtail improper selling techniques by intermediaries.
2. The consultation period lasted until 19 November 2001.
3. The purpose of this document is to provide interested persons with an analysis of the main comments raised during the consultation exercise and the rationale for the SFC’s conclusions. *This document should be read in conjunction with the Consultation Document.*

## **PUBLIC CONSULTATION**

### **Consultation process**

4. In addition to the public announcement inviting comments, the Consultation Document was distributed to all registered persons, various professional bodies and the Financial Services Bureau. The Consultation Document was also published on the SFC website.
5. Sessions were held with industry participants and their legal advisors during the consultation period to discuss their comments.
6. 14 submissions were received from practitioners including fund management firms, international brokerage firms, legal firms, industry representative bodies, professional associations and industry regulators. One submission was the survey result of its members conducted by the Hong Kong Securities Institute.
7. The overall tone of the comments was positive. Commentators generally welcomed the proposed rules. Comments varied considerably in range and depth, with some focusing on broad principles and others on points of detail and clarification.

### **Consultation conclusion**

8. No change has been made to the original draft Rules set out in the Consultation Document.

### **SUMMARY OF COMMENTS AND SFC'S RESPONSES**

9. A summary of comments received on the draft Rules are set out in Attachment.