



SECURITIES AND FUTURES COMMISSION
證券及期貨事務監察委員會

Consultation Paper on Proposed Amendments to Specified Stock and Futures Exchanges

February 2011



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Personal Information Collection Statement

1. This Personal Information Collection Statement (**PICS**) is made in accordance with the guidelines issued by the Privacy Commissioner for Personal Data. The PICS sets out the purposes for which your Personal Data¹ will be used following collection, what you are agreeing to with respect to the SFC's use of your Personal Data and your rights under the Personal Data (Privacy) Ordinance, Cap. 486 (**PDPO**).

Purpose of Collection

2. The Personal Data provided in your submission to the SFC in response to this consultation paper may be used by the SFC for one or more of the following purposes:
 - (a) to administer the relevant provisions² and codes and guidelines published pursuant to the powers vested in the SFC;
 - (b) in performing the SFC's statutory functions under the relevant provisions;
 - (c) for research and statistical purposes;
 - (d) for other purposes permitted by law.

Transfer of Personal Data

3. Personal Data may be disclosed by the SFC to members of the public in Hong Kong and elsewhere, as part of the public consultation on this consultation paper. The names of persons who submit comments on this consultation paper together with the whole or part of their submission may be disclosed to members of the public. This will be done by publishing this information on the SFC's website and in documents to be published by the SFC during the consultation period or at its conclusion.

Access to Data

4. You have the right to request access to and correction of your Personal Data in accordance with the provisions of the PDPO. Your right of access includes the right to obtain a copy of your Personal Data provided in your submission on this consultation paper. The SFC has the right to charge a reasonable fee for processing any data access request.

Retention

5. Personal Data provided to the SFC in response to this consultation paper will be retained for such period as may be necessary for the proper discharge of the SFC's functions.

1 Personal Data means personal data as defined in the Personal Data (Privacy) Ordinance.

2 Defined in Schedule 1 to the Securities and Futures Ordinance (Cap. 571) to mean provisions of the Securities and Futures Ordinance and subsidiary legislation made under it; and provisions of Parts II and XII of the Companies Ordinance (Cap. 32) so far as those Parts relate directly or indirectly, to the performance of functions relating to: prospectuses; the purchase by a corporation of its own shares; a corporation giving financial assistance for the acquisition of its own shares etc.



Enquiries

6. Any enquiries regarding the Personal Data provided in your submission on this consultation paper, or requests for access to Personal Data or correction of Personal Data, should be addressed in writing to:

The Data Privacy Officer
The Securities and Futures Commission
8th Floor, Chater House
8 Connaught Road Central
Hong Kong

A copy of the Privacy Policy Statement adopted by the SFC is available upon request.



Consultation Paper on Proposed Amendments to Specified Stock and Futures Exchanges

Introduction

1. Parts 2 and 3 of Schedule 1 to the Securities and Futures Ordinance (**SFO**) comprise lists (**the lists**) of the local and overseas futures and stock exchanges which are, respectively, specified futures exchanges and specified stock exchanges. The SFC invites comments on the proposals described below to amend the lists.

Background

2. In the period since enactment of the SFO in 2002, many exchanges included in the lists have changed their names or otherwise been affected by corporate reorganizations. The lists are therefore inaccurate and should be revised to reflect the current names of affected exchanges.
3. The lists are used for a variety of purposes. In connection with the SFO and subsidiary legislation made under the SFO, one or both lists are referred to in provisions relating to licensing, recognized counterparty status, disclosure of interests and price stabilizing. The list of specified stock exchanges is referred to in the Mass Transit Railway Ordinance (Cap. 556) and Occupational Retirement Schemes Ordinance (Cap. 426). Both lists are referred to in the Trustee Ordinance (Cap. 29), Gambling Ordinance (Cap. 148) and Inland Revenue Ordinance (Cap. 112).
4. In connection with the Inland Revenue Ordinance, the Commission has been made aware that adding certain exchanges to the lists would facilitate the development of Hong Kong as an international finance centre in general and an asset management centre in particular, by expanding the scope of tax exemptions available to offshore funds engaged in futures trading. The relevant exchanges are as follows:

Brazil - BM&FBOVESPA S. A. Bolsa De Valores, Mercadorias e Futuros;

India - Bombay Stock Exchange Limited, National Stock Exchange of India Limited, Multi Commodity Exchange of India Limited and National Commodity and Derivatives Exchange Limited; and

PRC - China Financial Futures Exchange, Dalian Commodity Exchange, Shanghai Futures Exchange and Zhengzhou Commodity Exchange.

Subject to this consultation, the Commission intends to add these exchanges to the lists.

Proposals

5. The Commission proposes to amend the lists by adding these nine exchanges and updating the names of exchanges currently included in the lists. An indicative draft of the proposed amendments is set out in Appendix A.



Indicative draft of proposed amendments to Parts 2 and 3 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571)

PART 2 - SPECIFIED FUTURES EXCHANGES

Australian Stock Exchange ASX Limited
BM&FBOVESPA S.A. - Bolsa De Valores, Mercadorias e Futuros
~~Bourse de Montreal Inc.~~ Montréal Exchange Inc.
~~Chicago Board of Trade of the City of Chicago, Inc.~~
Chicago Board Options Exchange, Incorporated
Chicago Mercantile Exchange, Inc.
China Financial Futures Exchange
Commodity Exchange, Inc. (New York)
Dalian Commodity Exchange
~~Eurex~~ Eurex Frankfurt AG
Eurex Zürich AG
Euronext Amsterdam N.V.
Hong Kong Futures Exchange Limited
~~Korea Stock Exchange, Inc.~~
~~London International Financial Futures and Options Exchange~~ LIFFE Administration and Management
The London Metal Exchange Limited
Euronext Paris S. A. (Marche a Terme International de France)
Euronext Paris S. A. (Marche des Options Negociables de Paris)
Multi Commodity Exchange of India Limited
National Commodity & Derivatives Exchange Limited
~~New York Cotton Exchange, Inc.~~ ICE Futures US, Inc
~~New York Futures Exchange~~
New York Mercantile Exchange, Inc.
New Zealand Futures and Options Exchange Limited
Osaka Securities Exchange Co., Ltd
~~Pacific Exchange~~ NYSE Arca, Inc
~~Philadelphia Stock Exchange~~ NASDAQ OMX PHLX LLC
Shanghai Futures Exchange
Singapore Exchange Derivatives Trading Limited
~~Stockholmsborsen~~ NASDAQ OMX Stockholm AB
~~Sydney Futures Exchange, Ltd.~~ Australian Securities Exchange Limited
Tokyo Grain Exchange Inc.
Tokyo International Financial Futures Exchange Inc.
Tokyo Stock Exchange, Inc.
~~Winnipeg Commodities Exchange Inc.~~ ICE Futures Canada, Inc
Zhengzhou Commodity Exchange



PART 3 - SPECIFIED STOCK EXCHANGES

~~American Stock Exchange~~ NYSE Amex LLC
~~Australian Stock Exchange~~ ASX Limited
~~Bombay Stock Exchange~~ Limited
~~Bolsa de Madrid~~ Sociedad Rectora de la Bolsa de Valores de Madrid, S.A. (Sociedad Unipersonal)
~~Borsa Italiana~~ S.p.A.
~~Bourse de Montreal Inc.~~ Montréal Exchange Inc.
~~Copenhagen Stock Exchange~~ NASDAQ OMX Copenhagen A/S
~~Deutsche Börse~~ AG
~~Euronext Amsterdam~~ N.V.
~~Euronext Brussels~~ S.A./N.V.
~~Euronext Paris~~ S.A.
~~Helsinki Exchanges~~ NASDAQ OMX Helsinki Ltd
~~Japanese Association of Securities Dealers Automated Quotations~~ Jasdaq Securities Exchange Inc - JASDAQ
~~Korea Stock Exchange, Inc~~
~~Kuala Lumpur Stock Exchange~~ Bursa Malaysia Securities Berhad
~~London Stock Exchange~~ plc
~~Luxembourg Stock Exchange~~ Société de la Bourse de Luxembourg S.A.
~~Nagoya Stock Exchange, Inc.~~
~~National Association of Securities Dealers Automated Quotations~~ The NASDAQ Stock Market LLC – NASDAQ Global Market
~~National Stock Exchange of India~~ Limited
~~New York Stock Exchange~~ LLC
~~New Zealand Stock Exchange~~ NZX Limited
~~Osaka Securities Exchange~~ Co., Ltd
~~Oslo Børs~~ ASA
~~The Philippine Stock Exchange~~ Inc.
~~Singapore Exchange Securities Trading~~ Limited
~~The Stock Exchange of Hong Kong~~ Limited
~~The Stock Exchange of Thailand~~
~~Stockholmsbörsen~~ NASDAQ OMX Stockholm AB
~~SWX Swiss Exchange~~ SIX Swiss Exchange AG
~~Tokyo Stock Exchange, Inc.~~
~~Toronto Stock Exchange~~ TSX Inc.
~~Wiener Börse~~ AG