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20. Rule 28 heading amended (prescribed persons to keep records even if counterparty, or transaction entered into, or conducted, outside Hong Kong) .................................................B632

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Securities and Futures (OTC Derivative Transactions—Reporting and Record Keeping Obligations) (Amendment) Rules 2016

(Made by the Securities and Futures Commission under sections 101L and 101P of the Securities and Futures Ordinance (Cap. 571) with the consent of the Monetary Authority and after consultation with the Financial Secretary)

1. Commencement
These Rules come into operation on 1 July 2017.

2. Securities and Futures (OTC Derivative Transactions—Reporting and Record Keeping Obligations) Rules amended
The Securities and Futures (OTC Derivative Transactions—Reporting and Record Keeping Obligations) Rules (L.N. 96 of 2015) are amended as set out in rules 3 to 24.

3. Rule 2 amended (interpretation)
(1) Rule 2—
Repeal the definition of starting day
Substitute
“starting day (開始日期), in relation to a prescribed person, means the later of—
(a) the specification day;
(b) the day on which the person becomes a prescribed person; and
(c) if applicable, the day on which the person ceases to be regarded as an exempt person;”.

Securities and Futures (OTC Derivative Transactions—Reporting and Record Keeping Obligations) (Amendment) Rules 2016

(L.N. 30 of 2016)

Rule 1

1. Commencement
These Rules come into operation on 1 July 2017.

2. Securities and Futures (OTC Derivative Transactions—Reporting and Record Keeping Obligations) Rules amended
The Securities and Futures (OTC Derivative Transactions—Reporting and Record Keeping Obligations) Rules (L.N. 96 of 2015) are amended as set out in rules 3 to 24.

3. Rule 2 amended (interpretation)
(1) Rule 2—
Repeal the definition of starting day
Substitute
“starting day (開始日期), in relation to a prescribed person, means the later of—
(a) the specification day;
(b) the day on which the person becomes a prescribed person; and
(c) if applicable, the day on which the person ceases to be regarded as an exempt person;”.

《2016年證券及期貨(場外衍生工具交易——匯報及備存紀錄責任)(修訂)規則》

1. 生效日期
本規則自2017年7月1日起實施。

2. 修訂《證券及期貨(場外衍生工具交易——匯報及備存紀錄責任)規則》
《證券及期貨(場外衍生工具交易——匯報及備存紀錄責任)規則》(2015年第96號法律公告)現予修訂，修訂方式列於第3至24條。

3. 修訂第2條(釋義)
(1) 第2條——
廢除開始日期的定義
代以
“開始日期(starting day)就訂明人士而言，指(以下兩者以較遲者為準)——
(a) 指明日期；
(b) 該人成為訂明人士的日期；及
(c) (如適用的話)該人不再被視為獲豁免人士的日期；”。

《2016年證券及期貨(場外衍生工具交易——匯報及備存紀錄責任)(修訂)規則》

(由證券及期貨事務監察委員會根據《證券及期貨條例》(第571章)第101L及101P條在金融管理專員同意下及在諮詢財政司司長後訂立)
(2) 第 2 輯，交易資料的定義——
廢除
在“就某項指明場外衍生工具交易而言，”之後的所有字句
代以
“具有第 2A 條所給予的涵義；”。

(3) 第 2 輯，中文文本，聯屬公司的定義——
廢除句號
代以分號。

(4) 第 2 條——
(a) 產品類別的定義；
(b) 產品類別指明日期的定義；
(c) 產品類型的定義；
(d) 產品類型指明日期的定義；
(e) 受規管訂明人士的定義——
廢除該等定義。

(5) 第 2 條——
按筆劃數目順序加入
交易價值資料 (valuation transaction information) 就某項指明場外衍生工具交易而言，指屬於附表 1 第 11項所指明的資料及詳情組別，並符合第 2A(1) 條中交易資料的定義的 (b)(ii) 段所指定的規定的資料及詳情；

(2) Rule 2, definition of transaction information——
Repeal
everything after “in relation to a specified OTC derivative transaction,”
Substitute
“has the meaning given by rule 2A;”.

(3) Rule 2, Chinese text, definition of 聯屬公司——
Repeal the full stop
Substitute a semicolon.

(4) Rule 2——
(a) definition of product class;
(b) definition of product class specification day;
(c) definition of product type;
(d) definition of product type specification day;
(e) definition of regulated prescribed person——
Repeal the definitions.

(5) Rule 2——
Add in alphabetical order
excluded currency contract (豁除貨幣合約) means an OTC derivative product that is a forward contract for the sale or purchase of a currency which—
(a) is entered into for the purpose of settling a sale or purchase of securities denominated in that currency; and
(b) is intended to be settled by the actual delivery of that currency, by the earlier of the following days——
4. **Rule 2A added**

   After rule 2—

   Add

   “2A. **Meaning of transaction information**

   (1) In these Rules—

   **transaction information** (交易資料), in relation to a specified OTC derivative transaction, means the information and particulars relating to the
transaction (including information and particulars relating to a subsequent event and valuation transaction information), and to the persons involved in the transaction, which—

(a) must be submitted to the Monetary Authority for complying with the reporting obligation; and

(b) are—

(i) within a category of information and particulars specified in column 2 of Schedule 1; and

(ii) required for completing a data field that is specified by the Monetary Authority in accordance with subrule (2) in relation to the class or description of specified OTC derivative transactions to which the transaction belongs.

(2) For the purposes of paragraph (b)(ii) of the definition of transaction information in subrule (1), the Monetary Authority may, after consultation with the Commission and by notice published in the Gazette, specify in relation to a class or description of specified OTC derivative transactions, the data fields that must be completed by a prescribed person in relation to a specified OTC derivative transaction for complying with the reporting obligation.

(3) A notice published under subrule (2) is not subsidiary legislation.”.

5. Rule 3 amended (when prescribed person to be regarded as exempt person)

(1) Rule 3(1)—

Repeal
“就屬某產品類別範圍內的指明場外衍生工具交易，”。

(2) 第 3(2) 條——
廢除
“在產品類別指明日期”
代以
“在指明日期”。

(3) 第 3(2) 條——
廢除 (a) 段
代以
“(a) 該訂明人士為對手方的所有未完結的指明場外衍生工具交易的名義數額總和，不超過 3,000 萬美元;”。

(4) 第 3(2)(b) 及 (c) 條——
廢除
“屬該產品類別範圍內的”
代以
“任何”。

(5) 第 3 條——
廢除第 (4) 款
代以
“(4) 儘管有第 (1) 款的規定，為施行第 10(1)(a), 11(1)(a), 12(1)(a) 或 13(1)(a) 條（視何者適用而定），第 (4A) 款所提及的訂明人士不符合資格被視為獲豁免人士。”。

(6) 在第 3(4) 條之後——
加入

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(2) Rule 3(2)—
Repeal
“after the product class”
Substitute
“after the”.

(3) Rule 3(2)(a)—
Repeal
everything after “outstanding” and before “to which the prescribed person”
Substitute
“specified OTC derivative transactions”.

(4) Rule 3(2)(b) and (c)—
Repeal
“a specified OTC derivative transaction within the product class”
Substitute
“any specified OTC derivative transaction”.

(5) Rule 3—
Repeal subrule (4)
Substitute
“(4) Despite subrule (1), the prescribed persons referred to in subrule (4A) are not eligible to be regarded as exempt persons for the purposes of rule 10(1)(a), 11(1)(a), 12(1)(a) or 13(1)(a) (as applicable).”.

(6) After rule 3(4)—
Add
Securities and Futures (OTC Derivative Transactions—Reporting and Record Keeping Obligations) (Amendment) Rules 2016

Rule 6

“(4A) The prescribed persons are persons that, under the previous Rules—
(a) reported a specified OTC derivative transaction to the Monetary Authority;
(b) under rule 17(1) or 18(1), were taken to have reported a specified OTC derivative transaction to the Monetary Authority; or
(c) were required to report a specified OTC derivative transaction to the Monetary Authority but had not reported the transaction to the Monetary Authority before the specification day (whether because the time for reporting was not reached before the specification day, or otherwise).”.

(7) Rule 3(5)—
Repeal paragraphs (a) and (b)
Substitute
“(a) is not eligible to again be regarded as an exempt person; and
(b) ceases to be regarded as an exempt person on the day on which the person ceases to satisfy the requirement.”.

6. Rule 7 amended (transactions that are specified OTC derivative transactions for purposes of reporting obligation)
Rule 7—
Repeal
“in a product type”
Substitute
“(except a transaction in an excluded currency contract)”. 

6. 修訂第 7 條 (就匯報責任而言，屬指明場外衍生工具交易的交易)
第 7 條——
廢除
“某項屬某個產品類型內的場外衍生工具交易，”
代以
“場外衍生工具交易 ( 豁除貨幣合約的交易除外 )”。

“(4A) 根據先前的規則，訂明人士為——
(a) 已向金融管理專員匯報某項指明場外衍生工具交易的人士；
(b) 根據第 17(1) 或 18(1) 條，已被視為已向金融管理專員匯報某項指明場外衍生工具交易的人士；或
(c) 須向金融管理專員匯報某項指明場外衍生工具交易，但未有在指明日期前，向金融管理專員匯報該項交易 (不論由於在指明日期前仍未到匯報的時間，或由於其他原因 ) 的人士。”。

(7) 第 3(5) 條——
廢除 (a) 及 (b) 段
代以
“(a) 不合資格再被視為獲豁免人士；及
(b) 在該人不再符合該項規定當日，不再被視為獲豁免人士。”。
7. Rule 8 amended (transactions that are specified OTC derivative transactions for purposes of record keeping obligation)

Rule 8—

Repeal
“in a product type”

Substitute
“(except a transaction in an excluded currency contract)”.

8. Rule 10 amended (reporting by licensed corporations)

(1) After rule 10(2)—

Add
“(2A) The transaction referred to in subrule (1)(b) includes a transaction that is still outstanding on the specification day and which, under the previous Rules—

(a) was reported to the Monetary Authority by the prescribed person or by the affiliate of the person on whose behalf the person conducted the transaction in Hong Kong; or

(b) the person was required to report to the Monetary Authority but the person had not reported to the Monetary Authority before the specification day (whether because the time for reporting was not reached before the specification day, or otherwise).”.

(2) Rule 10(3)—

Repeal
“in relation to the specified OTC derivative transaction”.
9. **Rule 11 amended (reporting by authorized financial institutions incorporated in Hong Kong)**

(1) After rule 11(2)—

**Add**

“(2A) The transaction referred to in subrule (1)(b) includes a transaction that is still outstanding on the specification day and which, under the previous Rules—

(a) was reported to the Monetary Authority by the prescribed person or by the affiliate of the person on whose behalf the person conducted the transaction in Hong Kong; or

(b) the person was required to report to the Monetary Authority but the person had not reported to the Monetary Authority before the specification day (whether because the time for reporting was not reached before the specification day, or otherwise).”.

(2) Rule 11(3)—

**Repeal**

“in relation to the specified OTC derivative transaction”.

10. **Rule 12 amended (reporting by authorized financial institutions incorporated outside Hong Kong)**

(1) After rule 12(2)—

**Add**

“(2A) The transaction referred to in subrule (1)(b) or (c) includes a transaction that is still outstanding on the specification day and which, under the previous Rules—

(a) was reported to the Monetary Authority by the prescribed person or by the affiliate of the person on whose behalf the person conducted the transaction in Hong Kong; or

(b) the person was required to report to the Monetary Authority but the person had not reported to the Monetary Authority before the specification day (whether because the time for reporting was not reached before the specification day, or otherwise).”.
11. 修訂第 13 條 ( 核准貨幣經紀須作出的匯報 )

(1) 在第 13(2) 條之後——
加入
“(2A) 第(1)(b) 款所提述的交易，包括於指明日期仍未完結的交易，而該項交易根據先前的規則——

(a) 已由訂明人士，或該人代表其聯屬公司在香港進行該項交易的聯屬公司，向金融管理專員匯報；或

(b) 須由該人向金融管理專員匯報，但該人未有在指明日期前向金融管理專員匯報 ( 不論由於在指明日期前仍未到匯報的時間，或由於其他原因 ) 。”

(2) 第 12(3) 條——
廢除
“就指明場外衍生工具交易，”。

11. Rule 13 amended (reporting by approved money brokers)

(1) After rule 13(2)—
Add
“(2A) The transaction referred to in subrule (1)(b) includes a transaction that is still outstanding on the specification day and which, under the previous Rules——

(a) was reported to the Monetary Authority by the prescribed person or by the affiliate of the person on whose behalf the person conducted the transaction in Hong Kong; or

(b) the person was required to report to the Monetary Authority but the person had not reported to the Monetary Authority before the specification day (whether because the time for reporting was not reached before the specification day, or otherwise).”.
Rule 12

Securities and Futures (OTC Derivative Transactions—Reporting and Record Keeping Obligations) (Amendment) Rules 2016

(2) Rule 13(3)—

Repeal

“in relation to the specified OTC derivative transaction”.

12. Rule 16 heading amended (reporting obligation applies even if counterparty, or transaction entered into, outside Hong Kong)

Rule 16, heading—

Repeal

everything after “counterparty”

Substitute

“is, or transaction was entered into, outside Hong Kong”.

13. Rule 19 repealed (interpretation of Division 3)

Rule 19—

Repeal the rule.

14. Rule 22 repealed (reporting outstanding transactions and transactions entered into during concession period)

Rule 22—

Repeal the rule.

15. Rule 23 amended (reporting outstanding transactions where no concession period)

(1) Rule 23, heading—

Repeal

“where no concession period”.

(2) Rule 23(1)—

Repeal
16. Rule 24 amended (reporting transactions entered into after concession period, or where no concession period)

(1) Rule 24, heading—
Repeal everything after “entered into”
Substitute “on or after starting day”.

(2) Rule 24(1)—
Repeal “referred to in subrule (2) and”.

(3) Rule 24—
Repeal subrule (2).

(4) Rule 24(3)—
Repeal everything after “specified OTC derivative transaction”
Substitute “that is entered into on or after the starting day.”.

17. Rule 25 amended (reporting subsequent events)

(1) Rule 25(1)—
Repeal
everything after “subrules (2) and (3)” and before “must submit the transaction information”

Substitute
“and rule 25B, a prescribed person referred to in subrule (1A)”.

(2) After rule 25(1)—

Add
“(1A) Subrule (1) applies to a prescribed person that, in relation to a specified OTC derivative transaction—

(a) has submitted the transaction information for the transaction to the Monetary Authority in accordance with rule 23 or 24 (including a prescribed person that has submitted the transaction information for the transaction to the Monetary Authority despite rule 23(5)); or

(b) was required to submit the transaction information for the transaction to the Monetary Authority in accordance with rule 23 or 24, but failed to do so.”.

(3) Rule 25(2)—

Repeal
“22(4) or”.


After rule 25—

Add
“25A. Submitting valuation transaction information

(1) Subject to rule 25B, a prescribed person referred to in subrule (2) must submit the valuation transaction information for a specified OTC derivative transaction to the Monetary Authority for every day on which the transaction is still outstanding, within 2 business days after the day to which the valuation transaction information relates.

(2) Subrule (1) applies to a prescribed person that, in relation to a specified OTC derivative transaction—
   (a) has submitted the transaction information for the transaction to the Monetary Authority in accordance with rule 23 or 24 (including a prescribed person that has submitted the transaction information for the transaction to the Monetary Authority despite rule 23(5)); or
   (b) was required to submit the transaction information for the transaction to the Monetary Authority in accordance with rule 23 or 24, but failed to do so.

25B. Modified requirements for transactions reported to Monetary Authority under previous Rules

(1) Rules 23, 25 and 25A apply to a prescribed person in relation to a specified OTC derivative transaction referred to in subrule (2) subject to the modifications specified in subrule (3), (5) or (7) (as applicable).

(2) The specified OTC derivative transaction is a transaction—
   (a) that is still outstanding on the specification day;
(b) for which previous transaction information was, before the specification day and under the previous Rules, submitted to the Monetary Authority by the prescribed person or by the affiliate of the person on whose behalf the person conducted the transaction in Hong Kong.

(3) If, on the specification day, the transaction has a maturity day that is before 1 July 2018, subject to subrule (7)—

(a) rule 23(1) applies to the prescribed person in relation to the transaction as if it required the person to submit the previous transaction information to the Monetary Authority on the specification day;

(b) rule 25(1)—

(i) is to be construed in relation to the prescribed person as if it applied to a prescribed person that has submitted the previous transaction information for the transaction to the Monetary Authority on the specification day; and

(ii) applies until the maturity day to the prescribed person in relation to a subsequent event that occurs on or after the specification day as if the transaction information required to be submitted to the Monetary Authority for the subsequent event is the previous transaction information;
(c) rule 25A(1) is to be construed in relation to the prescribed person as if it applied to a prescribed person that has submitted the previous transaction information for the transaction to the Monetary Authority on the specification day.

(4) For the purposes of subrule (3)(a), (b)(i) and (c), the prescribed person is taken to have submitted the previous transaction information referred to in subrule (2)(b) to the Monetary Authority on the specification day.

(5) If, on the specification day, the transaction has a maturity day that is on or after 1 July 2018—

(a) rule 23(1) applies to the prescribed person in relation to the transaction as if it required the person to submit to the Monetary Authority—

(i) on the specification day, the previous transaction information; and

(ii) by no later than the last day of the grace period, the additional transaction information as at a day (reporting day) which is not earlier than 2 business days before the day on which the additional transaction information is submitted, reflecting the net effect of all subsequent events that have occurred since the transaction was entered into;

(b) rule 25(1)—

(i) is to be construed in relation to the prescribed person as if it applied to a prescribed person that has submitted the previous transaction information for the
transaction to the Monetary Authority on the specification day; and

(ii) applies until the reporting day to the prescribed person in relation to a subsequent event that occurs on or after the specification day as if the transaction information required to be submitted to the Monetary Authority for the subsequent event is the previous transaction information;

(c) rule 25A(1) is to be construed in relation to the prescribed person as if it applied to a prescribed person that has submitted the previous transaction information for the transaction to the Monetary Authority on the specification day.

(6) For the purposes of subrule (5)(a)(i), (b)(i) and (c), the prescribed person is taken to have submitted the previous transaction information referred to in subrule (2)(b) to the Monetary Authority on the specification day.

(7) If, in relation to a transaction referred to in subrule (3), on or after the specification day and before 1 July 2018, a subsequent event occurs that has the effect of extending the maturity day of the transaction to a day that is on or after 1 July 2018 (extending event), then—

(a) on and from the day on which the extending event occurs, subrule (3) ceases to apply to the prescribed person in relation to the transaction and, subject to paragraph (b), subrule (5) applies to the person in relation to the transaction; and
Rule 26 amended (submitting counterparty identifying particulars in certain circumstances)

(1) Rule 26(1)—

Repeal

“22,”.

(2) Rule 26(1)—

Repeal

“22(5) or”.

(3) Rule 26(1)(b)(i)—

Repeal

everything after “entered into before”

Substitute

“10 January 2016;”.

(4) Rule 26(6)—
Repeal the definition of *counterparty identifying particulars*

Substitute

“*counterparty identifying particulars* (識別對手方身分的詳情) means the following transaction information—

(a) the name of a counterparty to a specified OTC derivative transaction;

(b) any identifying reference of, or assigned to, a counterparty to a specified OTC derivative transaction, and the type of the identifying reference;”.

20. **Rule 28 heading amended (prescribed persons to keep records even if counterparty, or transaction entered into, or conducted, outside Hong Kong)**

Rule 28, heading—

Repeal

everything after “*counterparty*”

Substitute

“is, or transaction was entered into or conducted, outside Hong Kong”.

21. **Rule 29 amended (records to be kept by prescribed persons)**

(1) Rule 29(1)(c) —

Repeal

“exempt person in relation to the transaction”

Substitute

“exempt person”.

(2) Rule 29(1)(e) —

Repeal
22. Rule 32 amended (reporting and record keeping obligations applicable to authorized financial institutions incorporated in Hong Kong in respect of specified subsidiaries)

Rule 32(5)—
Repeal paragraphs (a) and (b)
Substitute
“(a) a reference to a prescribed person, or to a prescribed person that is an authorized financial institution incorporated in Hong Kong (other than an institution that is an exempt person), is to be construed as a reference to a specified subsidiary;
(b) a reference to the starting day in relation to a prescribed person is to be construed, in relation to a specified subsidiary, as a reference to the effective day; and”.

23. Rule 33 added

After rule 32—
Add
“33. Transitional arrangements for specification of subsidiary made before specification day
(1) A specification of a subsidiary by the Monetary Authority under section 101B(5) of the Ordinance for the purposes of section 101B(3) of the Ordinance, that was in force immediately before the specification day continues to have effect on and after the
在指明日期及之後繼續有效，猶如該項指明是於指
明日期作出一樣。

(2) 金融管理專員為施行本條例第101E(3)條，根據本
條例第101E(5)條，對某附屬公司所作出的指明，
而該項指明於緊接指明日期前有效，該項指明將會
在指明日期及之後繼續有效，猶如該項指明是於指
明日期作出一樣。”。

24. 取代附表1
附表1——
廢除該附表
代以

“附表1

[第2及2A條]

須向金融管理專員呈交的交易資料

<table>
<thead>
<tr>
<th>第1欄</th>
<th>第2欄</th>
</tr>
</thead>
<tbody>
<tr>
<td>項</td>
<td>關於指明場外衍生工具交易及交易涉及的人的</td>
</tr>
<tr>
<td></td>
<td>資料及詳情組別</td>
</tr>
<tr>
<td>1.</td>
<td>有關金融管理專員在匯報交易方面的行政管理的</td>
</tr>
<tr>
<td></td>
<td>資料及詳情，包括識別以下各項的資料及詳</td>
</tr>
<tr>
<td></td>
<td>情——</td>
</tr>
</tbody>
</table>

24. Schedule 1 substituted
Schedule 1——
Repeal the Schedule
Substitute

“Schedule 1

[rr. 2 & 2A]

Transaction Information to be Submitted to
Monetary Authority

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Category of information and particulars relating to specified OTC derivative transaction, and to persons involved in transaction</td>
</tr>
<tr>
<td>1.</td>
<td>Information and particulars relating to the Monetary Authority’s administration of the reporting of the transaction, including information and particulars identifying—</td>
</tr>
</tbody>
</table>
24. **Category of information and particulars relating to specified OTC derivative transaction, and to persons involved in transaction**

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>the nature of the report;</td>
<td>(a) the nature of the report;</td>
</tr>
<tr>
<td>(b)</td>
<td>the person submitting the report;</td>
<td>(b) the person submitting the report;</td>
</tr>
<tr>
<td>(c)</td>
<td>the person that is required to comply with the reporting obligation;</td>
<td>(c) the person that is required to comply with the reporting obligation;</td>
</tr>
<tr>
<td>(d)</td>
<td>if the person that is required to comply with the reporting obligation is regarded as having conducted the transaction in Hong Kong on behalf of an affiliate of the person, the affiliate.</td>
<td>(d) if the person that is required to comply with the reporting obligation is regarded as having conducted the transaction in Hong Kong on behalf of an affiliate of the person, the affiliate.</td>
</tr>
</tbody>
</table>

2. Information and particulars relating to the class or type of product to which the transaction belongs.

3. Days and periods relating to the transaction, including—

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>the day on which the transaction was entered into or on which a subsequent event is agreed;</td>
<td>(a) the day on which the transaction was entered into or on which a subsequent event is agreed;</td>
</tr>
<tr>
<td>(b)</td>
<td>the day on which the transaction or a subsequent event becomes effective;</td>
<td>(b) the day on which the transaction or a subsequent event becomes effective;</td>
</tr>
<tr>
<td>(c)</td>
<td>the day on which the transaction matures or terminates;</td>
<td>(c) the day on which the transaction matures or terminates;</td>
</tr>
<tr>
<td>(d)</td>
<td>dates or periods relating to a feature of the class or type of product to which the transaction belongs;</td>
<td>(d) dates or periods relating to a feature of the class or type of product to which the transaction belongs;</td>
</tr>
</tbody>
</table>
### Column 1

<table>
<thead>
<tr>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category of information and particulars relating to specified OTC derivative transaction, and to persons involved in transaction</td>
</tr>
</tbody>
</table>

| (e) dates or periods relating to the reporting of a transaction that is outstanding as at a particular time. |

### Column 2

<table>
<thead>
<tr>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category of information and particulars relating to specified OTC derivative transaction, and to persons involved in transaction</td>
</tr>
</tbody>
</table>

<p>| (a) notional amounts and schedules; |
| (b) reference and settlement currencies; |
| (c) agreed prices, rates or indices; |
| (d) settlement details; and |
| (e) other features or details specific to the class or type of product to which the transaction belongs that may affect the value of the transaction. |</p>
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category of information and particulars relating to specified OTC</td>
<td>persons involved in transaction</td>
</tr>
<tr>
<td>derivative transaction, and to</td>
<td></td>
</tr>
<tr>
<td>persons involved in transaction</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td></td>
</tr>
<tr>
<td>6. Information and particulars relating to the confirmation of the</td>
<td></td>
</tr>
<tr>
<td>transaction, including the platform through which, and the manner in</td>
<td></td>
</tr>
<tr>
<td>which, the transaction was confirmed and any identifying reference</td>
<td></td>
</tr>
<tr>
<td>assigned to the transaction by the confirmation platform.</td>
<td></td>
</tr>
<tr>
<td>7. Information and particulars relating to the execution of the</td>
<td></td>
</tr>
<tr>
<td>transaction, including—</td>
<td></td>
</tr>
<tr>
<td>(a) the platform through which, and the manner in which, the</td>
<td></td>
</tr>
<tr>
<td>transaction was executed;</td>
<td></td>
</tr>
<tr>
<td>(b) any identifying reference assigned to the transaction by the</td>
<td></td>
</tr>
<tr>
<td>execution platform;</td>
<td></td>
</tr>
<tr>
<td>(c) the day on which, and the time at which, the transaction was</td>
<td></td>
</tr>
<tr>
<td>executed;</td>
<td></td>
</tr>
<tr>
<td>(d) any agent involved in the execution of the transaction.</td>
<td></td>
</tr>
<tr>
<td>第 1 欄</td>
<td>第 2 欄</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>關於指明場外衍生工具交易及交易涉及的人的資料及詳情細別</td>
<td></td>
</tr>
<tr>
<td>8. 有關交易結算的資料及詳情，包括——</td>
<td></td>
</tr>
<tr>
<td>(a) 交易是否已透過或擬透過中央對手方進行結算；</td>
<td></td>
</tr>
<tr>
<td>(b) (如適用的話) 交易已透過或擬透過其進行結算的中央對手方；</td>
<td></td>
</tr>
<tr>
<td>(c) 原有交易在結算前獲編配的識別參考碼，以及結算過程導致的 2 宗新交易所獲編配的識別參考碼；</td>
<td></td>
</tr>
<tr>
<td>(d) 交易結算涉及或擬涉及的客戶結算服務供應商 (如有的話)；及</td>
<td></td>
</tr>
<tr>
<td>(e) 結算責任是否適用於交易。</td>
<td></td>
</tr>
<tr>
<td>9. 交易是否由投資組合壓縮行動引致及如何引致，或交易是否因投資組合壓縮行動而被修改及如何被修改的資料及詳情。</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Category of information and particulars relating to specified OTC derivative transaction, and to persons involved in transaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td>Information and particulars relating to the clearing of the transaction, including—</td>
</tr>
<tr>
<td>(a)</td>
<td>whether the transaction was, or is intended to be, cleared through a central counterparty;</td>
</tr>
<tr>
<td>(b)</td>
<td>if applicable, the central counterparty through which the transaction was, or is intended to be, cleared;</td>
</tr>
<tr>
<td>(c)</td>
<td>identifying references assigned to the original transaction before it is cleared, and the 2 new transactions resulting from the clearing process;</td>
</tr>
<tr>
<td>(d)</td>
<td>the client clearing services provider (if any) involved in, or intended to be involved in, clearing the transaction; and</td>
</tr>
<tr>
<td>(e)</td>
<td>whether or not the clearing obligation applies to the transaction.</td>
</tr>
<tr>
<td>9.</td>
<td>Information and particulars relating to whether and how the transaction arises from, or is amended as a result of, a portfolio compression exercise.</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>Item</td>
<td>Category of information and particulars relating to specified OTC derivative transaction, and to persons involved in transaction</td>
</tr>
<tr>
<td>10.</td>
<td>Particulars of any identifying reference assigned to the transaction (being types of references that may be accepted by the Monetary Authority, as specified by the Monetary Authority in the directions and instructions published under rule 21(2)).</td>
</tr>
<tr>
<td>11.</td>
<td>Information and particulars relating to the valuation of the transaction, including—</td>
</tr>
<tr>
<td></td>
<td>(a) the basis of the valuation;</td>
</tr>
<tr>
<td></td>
<td>(b) the day on which, and the time at which, the valuation was calculated;</td>
</tr>
<tr>
<td></td>
<td>(c) the value of the transaction; and</td>
</tr>
<tr>
<td></td>
<td>(d) the currency in which the value is denominated.</td>
</tr>
<tr>
<td>12.</td>
<td>Information and particulars relating to a subsequent event, including—</td>
</tr>
<tr>
<td></td>
<td>(a) the day on which the event occurred;</td>
</tr>
<tr>
<td></td>
<td>(b) the type of the event; and</td>
</tr>
<tr>
<td></td>
<td>(c) the changes resulting from the event to information or particulars submitted to the Monetary Authority.</td>
</tr>
<tr>
<td>Item</td>
<td>Category of information and particulars relating to specified OTC derivative transaction, and to persons involved in transaction</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>13.</td>
<td>Other information and particulars relating to the transaction, or to the persons involved in the transaction.</td>
</tr>
</tbody>
</table>

证券及期货事务监察委员会
行政总裁
歐達禮

2016年2月2日

Ashley ALDER
Chief Executive Officer,
Securities and Futures Commission

2 February 2016
Explanatory Note

The main object of these Rules is to amend the Securities and Futures (OTC Derivative Transactions—Reporting and Record Keeping Obligations) Rules (L.N. 96 of 2015) (Reporting Rules) by expanding the scope of OTC derivative transactions to which the reporting and record keeping obligations apply and information relating to the transactions that must be submitted to the Monetary Authority (MA), and by providing for transitional arrangements relating to transactions already reported to the MA under the Reporting Rules when these Rules commence (specification day).

2. Rule 3 amends rule 2 of the Reporting Rules by amending, repealing and adding various definitions used in the Reporting Rules.

3. Rule 4 adds a new rule 2A to the Reporting Rules, which sets out the meaning of transaction information and expands the scope of the information and particulars relating to a transaction that must be submitted to the MA for complying with the reporting obligation.

4. Rule 5 amends rule 3 of the Reporting Rules by removing the product class basis for exempt person status. Consequential amendments as a result of this removal are made to rules 2 (definitions of starting day and regulated prescribed person), 10(3), 11(3), 12(3), 13(3), 29(1)(c) and 32(5) of the Reporting Rules.

5. Rules 6 and 7 respectively amend rules 7 and 8 of the Reporting Rules to apply the reporting and record keeping obligations to all OTC derivative transactions, except
transactions in excluded currency contracts. Consequential amendments as a result of this expansion are made to rule 2 (addition of definition of excluded currency contract and repeal of various definitions relating to product classes and product types), rule 3 (exempt person status), rules 19, 22, 23 and 24 (repeal of references to concession period) of, and Schedule 1 to, the Reporting Rules.

6. Rules 8(1), 9(1), 10(1) and 11(1) respectively add a new subrule (2A) to rules 10, 11, 12 and 13 of the Reporting Rules in order to apply the reporting obligation to certain transactions which were conducted by prescribed persons on behalf of affiliates and reported to the MA before the specification day.

7. Rule 13 repeals rule 19 of the Reporting Rules that contains the definitions of—
   (a) grace period (rule 3 adds a new definition for this term to rule 2 of the Reporting Rules); and
   (b) concession period (rules 14, 15(1) and 16(1) remove references to this term from the Reporting Rules).

8. Rules 15(2) and 17(1) respectively amend rules 23 and 25 of the Reporting Rules to make them subject to certain modified requirements set out in a new rule 25B of the Reporting Rules relating to transactions reported to the MA before the specification day.

9. Rule 17(2) amends rule 25 of the Reporting Rules to clarify the prescribed persons that are required to report subsequent events.

10. Rule 18 adds to the Reporting Rules—
Securities and Futures (OTC Derivative Transactions—Reporting and Record Keeping Obligations) (Amendment) Rules 2016

Explanatory Note
Paragraph 11

(a) a new rule 25A, which requires prescribed persons to submit valuation transaction information for a specified OTC derivative transaction on a daily basis; and

(b) a new rule 25B, which sets out certain modified requirements for reporting expanded transaction information for transactions that were reported to the MA before the specification day.

11. Rule 19 amends rule 26 of the Reporting Rules, to clarify the meaning of the day specified in rule 26(1)(b)(i) of the Reporting Rules and to amend the definition of counterparty identifying particulars consequential to the repeal and substitution of Schedule 1 to the Reporting Rules.

12. Rule 23 adds a new rule 33 to the Reporting Rules, which sets out transitional arrangements relating to certain subsidiaries of authorized financial institutions incorporated in Hong Kong that were specified by the MA under sections 101B(5) or 101E(5) of the Securities and Futures Ordinance (Cap. 571) before the specification day.

13. Rule 24 repeals and substitutes Schedule 1 to the Reporting Rules with certain categories of information and particulars relating to transactions, for the purposes of the new rule 2A of the Reporting Rules.