香港存款保障委員會
HONG KONG DEPOSIT
PROTECTION BOARD

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

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Memorandum of Understanding

between

(1) **Hong Kong Deposit Protection Board** ("**DPB**") established by section 3 of the Deposit Protection Scheme Ordinance (Chapter 581 of the Laws of Hong Kong) (the "**DPSO**") whose office is situated at Room 1802-1810, 18/F, Hopewell Centre, 183 Queen's Road East, Wan Chai, Hong Kong (or such other address as may be published on the DPB's website from time to time);

(2) **Securities and Futures Commission** ("**SFC**") established under section 3 of the

repealed Securities and Futures Commission Ordinance (Chapter 24 of the Laws of Hong Kong) and continuing in existence by virtue of section 3 of the Securities and Futures Ordinance (Chapter 571 of the Laws of Hong Kong) (the "**SFO**") whose office is situated at 54/F, One Island East, 18 Westlands Road, Quarry Bay, Hong Kong (or such other address as may be published on the SFC's website from time to time); and

(3) **Investor Compensation Company Limited** ("**ICC**") a private company incorporated

II DEFINITION OF TERMS

2.1 In this Memorandum, unless the context otherwise requires

"aggregate amount"	shall have the meaning ascribed to it under section 38(7) of the DPSO (as amended from time to time);
"associated person"	shall have the meaning ascribed to it by section 2 of the Claims Rules;
"claimant"	shall have the meaning ascribed to it by paragraph 5.2(a) (Compensation payments by SFC/ ICC to qualifying clients of specified persons) hereof;
"Claims Rules"	means the Securities and Futures (Investor Compensation Claims) Rules (Chapter 571T of the Laws of Hong Kong);
"default"	shall have the meaning ascribed to it by section 2 of the Claims Rules;
"depositor"	shall have the meaning ascribed to it by section 2(1) of the [redacted]
"DPS Fund"	means the Deposit Protection Scheme Fund established by section 14 of the DPSO;

[redacted]

DPSO;

“qualifying client” in relation to a specified person, shall have the meaning ascribed to it by section 2 of the Claims Rules;

“receiving party” means the party receiving any information under Part VI of this Memorandum;

“related assets” shall have the meaning ascribed to it by section 2 of the Claims Rules;

“Scheme” shall have the meaning ascribed to it by section 2(1) of the DPSO;

“Scheme member” shall have the meaning ascribed to it by section 2(1) of the DPSO;

“specified event” in relation to a Scheme member, shall have the meaning ascribed to it by section 22 of the DPSO;

“specified person” shall have the meaning ascribed to it by section 2 of the Claims Rules (as supplemented by section 2A of the Claims Rules);

“Specified securities or futures contracts” shall have the meaning ascribed to it by section 2 of the Claims Rules (as supplemented by section 2B of the Claims Rules);

2.2 The Parties recognize the following overriding principles:

[redacted]

(e) this Memorandum does not modify or supersede any law, regulation, code

[redacted]

[redacted]

(b) the ICF was established to provide a measure of compensation to qualifying clients who sustain a loss due to a default committed by a specified person or any of its associated persons in connection with any specified securities or futures contracts or related assets;

[redacted]

pay compensation to the eligible depositor. The total amount of compensation to which an eligible depositor is entitled shall not exceed:

[redacted]

from time to time), regardless of the number or amount of deposits; or

(ii) in accordance with section 35 of the DPSO, the amount in respect of which the eligible depositor would, on the winding up of the failed

[redacted]

SFC's/ ICC's right of subrogation

[redacted]

87(1)(a) and 243(1)(a) of the SFO entitle ICC and SFC respectively to be subrogated to the extent which that payment bears to the loss sustained by the [redacted]

VI EXCHANGE OF INFORMATION

6.1 Section 46(2)(f) of the DPSO, section 378(2)(ea) and 378(3)(f)(xvi) of the SFO entitle [redacted] as the disclosing party is of the opinion that such disclosure of information will enable or assist the receiving party to perform its duties and powers relating to the DPS Fund or the ICF (as the case may be). Further, section 378(1) of the SFO also entitles SFC and ICC to disclose information to one another, and persons assisting them, in the performance of their functions.

[redacted]

6.6 The parties will each appoint a representative to be the principal point of contact who will co-ordinate the exchange of information processes between the parties. Any party [redacted]

VIII AMENDMENTS

8.1 Any party may at any time request the other party(ies) to agree to make a specific [redacted]

consultation with the other party(ies) regarding the need for any amendment or supplement to this Memorandum.

8.2 An amendment or supplement to this Memorandum takes effect only by written agreement of the parties.

Dated 29 September 2022

SIGNED for and on behalf of)
HONG KONG DEPOSIT PROTECTION BOARD)
[redacted]