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BETWEENTWEEN
SECURITIES COMMISSION MALAYSIA (•SCŽ)ECURITIESCOMMISSIONMALAYSIA(•SCŽ)
AND
SECURITIES AND FUTURES COMMISSION ECURITIESANDFUTURESCOMMISSION
OF HONG KONG (the •SFCŽ)FHONGKONG(the•SFCŽ)
DECLARATION ON MUTUAL ECLARATIONONMUTUAL
CO-OPERATION ON DEVELOPMENTO-OPERATIONONDEVELOPMENT
OF ISLAMIC CAPITAL MARKET FISLAMICCAPITALMARKET
AND ISLAMIC COLLECTIVE NDISLAMICCOLLECTIVE
INVESTMENT SCHEMESNVESTMENTSCHEMES

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The SFC, established under the Repealed Securities and Futures Commission he SFC, established under the Repealed Securities and Futures Commission Ordinance (Chapter 24 of the Laws of Hong Kong) and continued in existence rdinance (Chapter 24 of the Laws of Hong Kong) and continued in existence under section 3 of the Securities and Futures Ordinance (Chapter 571 of the nder section 3 of the Securities and Futures Ordinance (Chapter 571 of the Laws of Hong Kong, the •SFOŽ). aws of Hong Kong, the • SFOŽ).

Andd

The SC, established under Section 3 of the he SC, established under Section 3 of the Securities Commission Act 1993 ecurities Commission Act 1993,

SHARING the goals of maintaining and promoting fairness, ef“ HARING the goals of maintaining and promoting fairness, ef“ ciency, ciency, competitiveness, transparency, orderliness of the securities and futures markets ompetitiveness, transparency, orderlinessof the securitiesand futuresmarkets and providing protection for members of the public investing in or holding nd providing protection for members of the public investing in or holding “ nancial

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(e) •Host AuthorityŽ means the Authority other than the Home e) • Host AuthorityŽ means the Authority other than the Home Authority in whose jurisdiction a Dual Scheme is offered to the uthority in whose jurisdiction a Dual Scheme is offered to the public;

(f) •Islamic Collective Investment SchemesŽ means Malaysia CIS f) • Islamic Collective Investment SchemesŽ means Malaysia CIS or Hong Kong CIS which are Shariah compliant and which are r Hong Kong CIS which are Shariah compliant and which are offered to the public in either Malaysia or Hong Kong; ffered to the public in either Malaysia or Hong Kong;

(g) •Laws and RegulationsŽ means the provisions of any piece of g) • Laws and RegulationsŽ means the provisions of any piece of legislation, subsidiary legislation, code or guidelines administered, egislation, subsidiary legislation, code or guidelinesadministered, followed or made by an Authority; ollowed or made by an Authority;

(h) •Malaysia CISŽ means a unit trust scheme or other collective Malaysia CISŽ means a unit trust scheme or other collective investment nvestment scheme within the meaning of the scheme within the meaning of the Guidelines on Unit Guidelines on Unit
Trust Funds rust Funds and the and the Exchange-Traded Funds Guidelines xchange-Traded Funds Guidelines issued by issued by
the SC which has been authorised by the SC under section 212 of he SC which has been authorised by the SC under section 212 of theCapital Market Services Act 2007 apital Market Services Act 2007 (the •CMSAŽ) but does not (the • CMSAŽ) but does not

include: nclude:

(I) •wholesale fundsŽ, as de“ I) • wholesale fundsŽ, as de“ ned under the ned under the Guidelines on uidelines on Wholesale Funds holesale Funds issued by the SC; issued by the SC;

(II) •real estate investment trustsŽ, as de“ II) • real estate investment trustsŽ, as de“ ned under the ned under the Guidelines on Real Estate Investment Trusts uidelines on Real Estate Investment Trusts issued by the issued by the
SC; C;

(i) •RegistrantŽ means an investment management entity or person i) • RegistrantŽ means an investment management entity or person which is licensed or approved by, or registered with either hich is licensed or approved by, or registered with either Authority to operate, manage or offer to the public one or more uthority to operate, manage or offer to the public one or more collective investment schemes within the jurisdiction of the other ollective investment schemes within the jurisdiction of the other Authority; and uthority; and

(j) •Unit Trust CodeŽ means the j) • Unit Trust CodeŽ means the Code on Unit Trusts and Mutual Code on Unit Trusts and Mutual Funds unds issued by the SFC. issued by the SFC.

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(d) the facilitation of dialogue between the Authorities and members d) the facilitation of dialogue between theAuthoritiesand members
of the Shariah board and Shariah scholars. f the Shariah board and Shariah scholars.

4. Principles and applicability. Principles and applicability

4.1 This Declaration does not:.1 This Declaration does not:

(a) create any legally binding rights or obligations; a) create any legally binding rights or obligations;

(b) modify or supersede any law, regulation, code or practice in the b) modify or supersede any law, regulation, code or practice in the jurisdiction of either Authority; nor urisdiction of either Authority; nor

(c) affect any arrangements under the MoU, the LOI or the IOSCO c) affect any arrangements under the MoU, the LOI or the IOSCO MMoU. oU

4.2 The performance of the provisions of this Declaration shall be….2 The performance of the provisions of this Declaration shall be…

(a) consistent with the Laws and Regulations of; and a) consistent with the Laws and Regulations of; and

(b) not be contrary to the public interest in, b) not be contrary to the public interest in,

the jurisdiction of either Authority. he jurisdiction of either Authority.

4.3 The Authorities will use their reasonable endeavours to meet the goals .3 The Authorities will use their reasonable endeavours to meet the goals of this Declaration. f this Declaration.

4.4 An offer of a Dual Scheme in the jurisdiction of the Host Authority .4 An offer of a Dual Scheme in the jurisdiction of the Host Authority must comply with all requirements under the Laws and Regulations of ust comply with all requirements under the Laws and Regulations of
the Host Authority which may be applicable or speci“ he Host Authority which may be applicable or speci“ ed by the Host ed by the Host Authority from time to time. uthority from time to time.

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4.5 For the avoidance of doubt ub

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5. Exchange of information

5.1 Any exchange of information made for the purposes set out in .1 Any exchange of information made for the purposes set out in this Declaration shall be made within the terms, and subject to the his Declaration shall be made within the terms, and subject to the conditions, of the MoU and the I

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7. Con“ o dentiality dentiality

7.1 The

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APPENDIX PPENDIX

SECURITIES AND FUTURES COMMISSION OF HONG KONG ECURITIES AND FUTURES COMMISSION OF HONG KONG

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