

L.N. 70 of 2005

BANKING (SPECIFICATION OF CLASS OF EXEMPTED CHARGES) NOTICE

(Made under section 106(2) of the Banking Ordinance (Cap. 155))

1. Commencement

This Notice shall come into operation on 1 July 2005.

2. Specification of exempted charges

The following classes of charges are charges to which section 106(1) of the Ordinance shall not apply—

- (a) charges created in favour of Euroclear Bank S.A. (acting as operator of the Euroclear System) by an authorized institution incorporated in Hong Kong;
- (b) charges created in favour of Clearstream Banking S.A. by an authorized institution incorporated in Hong Kong.

3. Repeal

The Banking (Specification of Class of Exempted Charges) Notice (Cap. 155 sub. leg. F) is repealed.

Joseph C. K. YAM
Monetary Authority

29 April 2005

Explanatory Note

The purpose of this Notice is to—

- (a) specify 2 new classes of charges that need not be included by an authorized institution incorporated in Hong Kong in determining whether or not the aggregate value of all charges existing over its total assets bears to the value of those total assets exceeds the limit set by section 106(1) of the Banking Ordinance (Cap. 155); and
- (b) repeal the exempted charges specified in 1993.

2005 年第 70 號法律公告

《銀行業 (指明獲豁免押記類別) 公告》

(根據《銀行業條例》(第 155 章) 第 106(2) 條訂立)

1. 生效日期

本公告自 2005 年 7 月 1 日起實施。

2. 指明獲豁免的押記

以下類別的押記為本條例第 106(1) 條不適用的押記——

- (a) 任何在香港成立為法團的認可機構所設定的以 Euroclear Bank S.A. (以 Euroclear System 的營運者身分行事者) 為受惠人的押記；
- (b) 任何在香港成立為法團的認可機構所設定的以 Clearstream Banking S.A. 為受惠人的押記。

3. 廢除

《銀行業 (受豁免押記類別的指明) 公告》(第 155 章，附屬法例 F) 現予廢除。

金融管理專員
任志剛

2005 年 4 月 29 日

註 釋

本公告旨在——

- (a) 指明 2 個新類別的押記，在決定任何在香港成立為法團的認可機構在其總資產上設定的所有現存押記總價值與該等總資產價值之比率是否超過《銀行業條例》(第 155 章) 第 106(1) 條設定的上限時，無需將上述 2 個類別的押記包括在內；及
- (b) 廢除在 1993 年指明的受豁免押記。