

Chapter:	581A	DEPOSIT PROTECTION SCHEME (REPRESENTATION ON SCHEME MEMBERSHIP AND PROTECTION OF FINANCIAL PRODUCTS UNDER SCHEME) RULES	Gazette Number	Version Date
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		Empowering section	L.N. 108 of 2006; L.N. 110 of 2006	25/09/2006
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(Cap 581, section 51(1)(d) and (2))

[25 September 2006] *L.N. 110 of 2006*

(Originally L.N. 108 of 2006)

Part:	1	Preliminary*	L.N. 131 of 2010	01/01/2011
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**Note:**

\* (Added L.N. 131 of 2010)

Section:	1	(Omitted as spent)	L.N. 108 of 2006; L.N. 110 of 2006	25/09/2006
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(Omitted as spent)

Section:	2	Interpretation	L.N. 131 of 2010	01/01/2011
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(1) In these Rules, unless the context otherwise requires— (L.N. 131 of 2010)

"automated teller machine" (自動櫃員機) means a terminal device, whether installed by a Scheme member or by some other person, which is linked directly or indirectly to a computer system used by a Scheme member and which provides facilities to customers of the Scheme member;

"banking business" (銀行業務) has the meaning assigned to it by section 2(1) of the Banking Ordinance (Cap 155);

"bearer certificate" (不記名證書), in relation to a bearer instrument, means a certificate or other document of title, by which its holder is entitled to the repayment of the loan by its issuer;

"Membership Sign" (成員標誌) means the sign set out in the Schedule;

"relevant place of business" (有關營業地點), in relation to a Scheme member, means any place of business of the Scheme member in Hong Kong, other than any automated teller machine, at which it carries on banking business and to which members of the public ordinarily have physical access for the purposes of that business.

(2) A reference in these Rules to a deposit qualified for protection by the Scheme is to be construed as a deposit denominated in any currency and maintained with a Scheme member, but does not include a deposit specified in section 1(a), (aa), (b), (c) or (d) of Schedule 1 to the Ordinance. (L.N. 131 of 2010)

Part:	2	Disclosure as to Scheme Membership*	L.N. 131 of 2010	01/01/2011
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**Note:**

\* (Added L.N. 131 of 2010)

Section:	3	Display of Membership Sign	L.N. 131 of 2010	01/01/2011
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(1) Where a Scheme member carries on banking business in Hong Kong, it shall make known to the public that it is a member of the Scheme by displaying, at each of its relevant places of business, a Membership Sign in the size and colours specified in the Schedule—

(a) in such a manner that the Membership Sign is reasonably visible to any person entering the place; and

- (b) if the Scheme member is not the only person carrying on business at the address of the relevant place of business, at such a location, and in such a manner, that any person entering the place should reasonably be aware that the Scheme member, but not any other person, is a member of the Scheme.
- (2) Where—
- (a) a Scheme member carries on banking business, or advertises its banking business, on a website through the Internet;
  - (b) another person carries on business, or advertises the business that he carries on, on the website through the Internet; and
  - (c) the website contains any information to the effect that—
    - (i) the Scheme member is a member of the Scheme; or
    - (ii) a deposit to be maintained with the Scheme member, or any other financial product offered by the Scheme member, is a protected deposit or a deposit qualified for protection by the Scheme, (L.N. 131 of 2010)
- the Scheme member shall, subject to subsection (3), make known to the public that it is a member of the Scheme by displaying a Membership Sign in the colours specified in the Schedule on the website in such a manner that any person accessing the website should reasonably be aware that the Scheme member, but not any other person, is a member of the Scheme.
- (3) A Membership Sign displayed for the purposes of subsection (2) is not required to be in the size specified in the Schedule.

Section:	4	Membership representations in advertisements	L.N. 131 of 2010	01/01/2011
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- (1) This section applies where—
- (a) a Scheme member publishes, or authorizes to be published, for its banking business any advertisement or promotional material, whether published by electronic, telecommunications or other means; and
  - (b) the advertisement or promotional material contains any information to the effect that—
    - (i) the Scheme member is a member of the Scheme; or
    - (ii) a deposit to be maintained with the Scheme member, or any other financial product offered by the Scheme member, is a protected deposit or a deposit qualified for protection by the Scheme.
- (2) The Scheme member shall make known to the public that it is a member of the Scheme by including in the advertisement or promotional material mentioned in subsection (1) a statement to the effect that—
- (a) it is a member of the Scheme; and
  - (b) eligible deposits taken by it are protected by the Scheme up to a limit of HK\$500000 per depositor.
- (3) Where the advertisement or promotional material mentioned in subsection (1) contains any information relating to a financial product offered by the Scheme member that is not a deposit qualified for protection by the Scheme, the Scheme member shall include in the advertisement or promotional material a statement that the financial product is not a protected deposit and is not protected by the Scheme.

(L.N. 131 of 2010)

Part:	3	Disclosure as to Financial Products Not Protected by Scheme*	L.N. 131 of 2010	01/01/2011
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**Note:**

\* (Added L.N. 131 of 2010)

Section:	5	Disclosure as to financial products offered before 25 September 2006*	L.N. 131 of 2010	01/01/2011
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- (1) This section applies where—
- (a) a financial product offered by a Scheme member before 25 September 2006 is not a protected deposit but was described as a deposit in any advertisement, promotional material or document, whether published by electronic, telecommunications or other means; and
  - (b) the financial product was held by a person immediately before that date.
- (2) The Scheme member shall, within 60 days beginning on 25 September 2006, notify the person mentioned in

subsection (1)(b) in writing that the financial product is not a protected deposit and is not protected by the Scheme.

- (3) In this section, "financial product" (金融產品) does not include a deposit specified in section 1(c), (d), (e), (f), (g) or (h) of Schedule 1 to the Ordinance.

(L.N. 131 of 2010)

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**Note:**

\* (Amended L.N. 131 of 2010)

Section:	6	Disclosure as to financial products offered on or after 25 September 2006 but before 1 January 2011*	L.N. 131 of 2010	01/01/2011
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- (1) This section applies where a financial product offered by a Scheme member on or after 25 September 2006 but before 1 January 2011 is not a protected deposit but was described as a deposit in any advertisement, promotional material or document, whether published by electronic, telecommunications or other means. (L.N. 131 of 2010)
- (2) Where the financial product is a bearer instrument, the Scheme member shall include in the bearer certificate a statement that the financial product is not a protected deposit and is not protected by the Scheme.
- (3) Subject to subsection (4), where the financial product is not a bearer instrument, the Scheme member shall, before a person opens an account with the Scheme member for the purpose of the financial product or invests in the financial product—
- (a) if the financial product is offered to the person by telephone or electronic mail transmission or through the Internet, notify the person in accordance with subsection (5) that the financial product is not a protected deposit and is not protected by the Scheme; or
- (b) if the financial product is offered to the person by any other means, notify the person in accordance with subsection (6) that the financial product is not a protected deposit and is not protected by the Scheme.
- (4) The Scheme member is not required under subsection (3) to notify a person in respect of the financial product before the person invests in the financial product—
- (a) if—
- (i) the person maintains an account with the Scheme member for the purpose of the financial product;
- (ii) the Scheme member has, before the person opens the account, notified the person in respect of the financial product under that subsection; and
- (iii) the financial product is to be invested under that account; or
- (b) if—
- (i) the person has maintained an account with the Scheme member for the purpose of the financial product before 25 September 2006; (L.N. 131 of 2010 and L.N. 155 of 2010)
- (ii) the Scheme member has notified the person in respect of the financial product under section 5(2); and
- (iii) the financial product is to be invested under that account.
- (5) The notice given under subsection (3)(a) is required to be accompanied by a request to the person to acknowledge, before he invests in the financial product, in writing or by the means by which the offer is made, that he has received and understands the notice. (L.N. 131 of 2010)
- (6) The notice given under subsection (3)(b) is required—
- (a) to be in writing; and
- (b) to be accompanied by a written request to the person to acknowledge, before he opens the account or invests in the financial product, in writing, that he has received and understands the notice.
- (7) In this section, "financial product" (金融產品) does not include a deposit specified in section 1(e), (f), (g) or (h) of Schedule 1 to the Ordinance.

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**Note:**

\* (Amended L.N. 131 of 2010)

Section:	6A	Disclosure as to financial products offered on or after 1 January 2011	L.N. 131 of 2010	01/01/2011
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- (1) This section applies where a financial product offered by a Scheme member on or after 1 January 2011 is not a protected deposit but has been described as a deposit in any advertisement, promotional material or document, whether published by electronic, telecommunications or other means.
- (2) Where the financial product is a bearer instrument, the Scheme member must include in the bearer certificate a statement that the financial product is not a protected deposit and is not protected by the Scheme.
- (3) Subject to sections 6B, 6C and 6D, where the financial product is not a bearer instrument, the Scheme member must, before a person invests in the financial product—
  - (a) if the financial product is offered to the person by telephone or electronic mail transmission or through the Internet—
    - (i) notify the person in accordance with subsection (4)(a) that the financial product is not a protected deposit and is not protected by the Scheme; and
    - (ii) obtain the person's acknowledgment of the notice in accordance with subsection (4)(b); or
  - (b) if the financial product is offered to the person by any other means—
    - (i) notify the person in accordance with subsection (5)(a) that the financial product is not a protected deposit and is not protected by the Scheme; and
    - (ii) obtain the person's acknowledgment of the notice in accordance with subsection (5)(b).
- (4) The notice given under subsection (3)(a)—
  - (a) must—
    - (i) comply with the requirements in section 7B(1); or
    - (ii) be given by the means by which the offer is made; and
  - (b) must be acknowledged by the person—
    - (i) in writing that the person has received and understands the notice; or
    - (ii) if the notice is given otherwise than in writing, by the means by which the notice is given that the person has received and understands the notice.
- (5) The notice given under subsection (3)(b)—
  - (a) must comply with the requirements in section 7B(1); and
  - (b) must be acknowledged by the person in writing that the person has received and understands the notice.
- (6) In this section—

**financial product** (金融產品) does not include a deposit specified in section 1(e), (f), (g) or (h) of Schedule 1 to the Ordinance.

(L.N. 131 of 2010)

Section:	6B	Disclosure not required in case of automatic re-investment of financial products	L.N. 131 of 2010	01/01/2011
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- (1) A Scheme member is not required to notify a person under section 6A(3) in respect of a financial product referred to in that section before the person invests in the financial product if—
  - (a) the investment (**current investment**) is an automatic re-investment of the investment in the financial product made by the person immediately before the current investment (**preceding investment**) on the maturity of the preceding investment (whether or not the preceding investment is also an automatic re-investment of an earlier investment or a series of investments in the financial product made by the person immediately before the preceding investment on the maturity of that earlier investment or the last investment in that series);
  - (b) the Scheme member has—
    - (i) if the person makes the preceding investment or makes that earlier investment or any investment in that series on or after 1 January 2011, notified the person under section 6A(3) before the person makes that investment that the financial product is not a protected deposit and is not protected by the Scheme, and will remain so in the case of any automatic re-investment of that investment;
    - (ii) if the person has made the preceding investment or made that earlier investment or any investment in that series on or after 25 September 2006 but before 1 January 2011, notified the person under section

6(3) that the financial product is not a protected deposit and is not protected by the Scheme, and made a request for acknowledgment in accordance with section 6(5) or (6)(b), before the person makes that investment; or

(iii) if the person has made the preceding investment or made that earlier investment or any investment in that series before 25 September 2006, notified the person under section 5(2) that the financial product is not a protected deposit and is not protected by the Scheme; and

(c) the person has, if the Scheme member has notified the person under section 6A(3) as referred to in paragraph (b)(i), acknowledged in accordance with section 6A(4)(b) or (5)(b) that the person has received and understands the notice.

(2) A reference in subsection (1) to an automatic re-investment of a preceding investment in the financial product is to be construed as the automatic re-investment, without having to take the person's further instructions for the purpose of the automatic re-investment, of—

(a) the preceding investment, or a portion of the preceding investment;

(b) the interest accrued on or premium received from the preceding investment, or a portion of the interest so accrued or premium so received; or

(c) the aggregate of the preceding investment and the interest so accrued or premium so received, or a portion of the aggregate,

and an automatic re-investment of an earlier investment or a series of investments in the financial product is to be construed accordingly.

(L.N. 131 of 2010)

Section:	6C	Disclosure not required if person who invests in financial products is not natural person	L.N. 131 of 2010	01/01/2011
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A Scheme member is not required to notify a person under section 6A(3) in respect of a financial product referred to in that section before the person invests in the financial product if—

(a) the person is not a natural person (whether being a company, partnership, sole proprietorship or otherwise);  
 (b) the person has maintained an account with the Scheme member and the financial product is to be invested under that account;

(c) the Scheme member has—

(i) if the person has previously made another investment in the financial product under that account on or after 1 January 2011, notified the person under section 6A(3) before the person makes that other investment that the financial product is not a protected deposit and is not protected by the Scheme;

(ii) if the person has previously made another investment in the financial product under that account on or after 25 September 2006 but before 1 January 2011, notified the person under section 6(3) that the financial product is not a protected deposit and is not protected by the Scheme, and made a request for acknowledgment in accordance with section 6(5) or (6)(b), before the person makes that other investment; or

(iii) if the person has previously made another investment in the financial product under that account before 25 September 2006, notified the person under section 5(2) that the financial product is not a protected deposit and is not protected by the Scheme;

(d) the person has, if the Scheme member has notified the person under section 6A(3) as referred to in paragraph (c)(i), acknowledged in accordance with section 6A(4)(b) or (5)(b) that the person has received and understands the notice; and

(e) the Scheme member gives a notice to the person, at least once a year, in writing or by telephone or electronic mail transmission or through the Internet, notifying the person that the financial product is not a protected deposit and is not protected by the Scheme.

(L.N. 131 of 2010)

Section:	6D	Disclosure not required if money is invested in financial products for payment purpose	L.N. 131 of 2010	01/01/2011
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A Scheme member is not required to notify a person under section 6A(3) in respect of a financial product referred to in that section before the person invests in the financial product if—

- (a) the person has maintained an account with the Scheme member and the financial product is to be invested under that account;
- (b) the money invested in the financial product is to be used for payment in relation to any banking or financial services provided to the person by the Scheme member;
- (c) the Scheme member has—
  - (i) if the person has previously made another investment in the financial product under that account on or after 1 January 2011, notified the person under section 6A(3) before the person makes that other investment that the financial product is not a protected deposit and is not protected by the Scheme;
  - (ii) if the person has previously made another investment in the financial product under that account on or after 25 September 2006 but before 1 January 2011, notified the person under section 6(3) that the financial product is not a protected deposit and is not protected by the Scheme, and made a request for acknowledgment in accordance with section 6(5) or (6)(b), before the person makes that other investment; or
  - (iii) if the person has previously made another investment in the financial product under that account before 25 September 2006, notified the person under section 5(2) that the financial product is not a protected deposit and is not protected by the Scheme;
- (d) the person has, if the Scheme member has notified the person under section 6A(3) as referred to in paragraph (c)(i), acknowledged in accordance with section 6A(4)(b) or (5)(b) that the person has received and understands the notice; and
- (e) the Scheme member gives a notice to the person, at least once a year, in writing or by telephone or electronic mail transmission or through the Internet, notifying the person that the financial product is not a protected deposit and is not protected by the Scheme.

(L.N. 131 of 2010)

Section:	6E	Descriptions or representations of financial products as structured deposits	L.N. 131 of 2010	01/01/2011
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- (1) A Scheme member may not describe any financial product offered by it as a structured deposit, or otherwise make any representation in respect of any financial product offered by it that indicates or would reasonably be construed as indicating that the financial product is a structured deposit, if that financial product does not fall within section 2A of Schedule 1 to the Ordinance.
- (2) This section does not have effect in relation to any financial product offered by a Scheme member that is described as, or in respect of which any representation is made that indicates or would reasonably be construed as indicating that it is, a structured deposit at any time before 1 July 2011.

(L.N. 131 of 2010)

Part:	4	Disclosure as to Deposits Qualified for Protection by Scheme	L.N. 131 of 2010	01/01/2011
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(Part 4 added L.N. 131 of 2010)

Section:	6F	Display of notice of types of deposit qualified for protection by Scheme	L.N. 131 of 2010	01/01/2011
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- (1) A Scheme member must display a notice in accordance with subsections (2) and (3) notifying the public of the types of deposit maintained with the Scheme member immediately before 1 January 2011 that are qualified for protection by the Scheme from 1 January 2011 onwards.
- (2) The notice referred to in subsection (1) must be displayed, for a period of at least 60 days beginning on 1 January 2011, at each of the relevant places of business of the Scheme member—
  - (a) in such a manner that the notice is reasonably visible to any person entering the place; and
  - (b) if the Scheme member is not the only person carrying on business at the address of the relevant place of business, at such a location, and in such a manner, that any person entering the place should reasonably be aware that the notice is applicable to the Scheme member only, but not any other person.
- (3) The notice displayed under this section must comply with the requirements in section 7B(2).

Section:	6G	Disclosure as to deposits maintained immediately before 1 January 2011 that are qualified for protection by Scheme	L.N. 131 of 2010	01/01/2011
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- (1) This section applies where—
  - (a) a person has maintained a deposit with a Scheme member immediately before 1 January 2011 that is qualified for protection by the Scheme from 1 January 2011 onwards; and
  - (b) a statement of the deposit, or a statement of the account under which the deposit is held, is to be issued to the person within 90 days beginning on 1 January 2011.
- (2) Subject to section 6K, the Scheme member must—
  - (a) in any such statement of the deposit or account; or
  - (b) in a separate notice to be issued to the person within 90 days beginning on 1 January 2011, notify the person in accordance with subsection (3) that the deposit is a deposit qualified for protection by the Scheme.
- (3) The notice given under subsection (2) must comply with the requirements in section 7B(1).

Section:	6H	Disclosure as to deposits placed or to be placed on or after 1 January 2011 that are qualified for protection by Scheme	L.N. 131 of 2010	01/01/2011
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- (1) This section applies where a deposit placed or to be placed by a person with a Scheme member on or after 1 January 2011 is a deposit qualified for protection by the Scheme.
- (2) Subject to sections 6I, 6J and 6K, where the person—
  - (a) opens an account with the Scheme member on or after 1 January 2011 and the deposit is to be placed under that account, the Scheme member must before, or within 30 days beginning on the date on which, the person opens that account—
    - (i) if the account is opened by telephone or electronic mail transmission or through the Internet, notify the person in accordance with subsection (3) that the deposit to be placed under that account is a deposit qualified for protection by the Scheme; or
    - (ii) if the account is opened by any other means, notify the person in accordance with subsection (5) that the deposit to be placed under that account is a deposit qualified for protection by the Scheme; or
  - (b) places or is to place the deposit with the Scheme member on or after 1 January 2011, the Scheme member must before, or within 30 days beginning on the date on which, the person places the deposit—
    - (i) if the deposit is placed or to be placed by telephone or electronic mail transmission or through the Internet, notify the person in accordance with subsection (4) that the deposit is a deposit qualified for protection by the Scheme; or
    - (ii) if the deposit is placed or to be placed by any other means, notify the person in accordance with subsection (5) that the deposit is a deposit qualified for protection by the Scheme.
- (3) The notice given under subsection (2)(a)(i) must—
  - (a) comply with the requirements in section 7B(1); or
  - (b) be given by the means by which the account is opened.
- (4) The notice given under subsection (2)(b)(i) must—
  - (a) comply with the requirements in section 7B(1); or
  - (b) be given by the means by which the deposit is placed or to be placed.
- (5) The notice given under subsection (2)(a)(ii) or (b)(ii) must comply with the requirements in section 7B(1).

Section:	6I	Disclosure not required in case of automatic renewal of deposit	L.N. 131 of 2010	01/01/2011
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- (1) A Scheme member is not required under section 6H(2)(b) to notify a person in respect of a deposit qualified for protection by the Scheme placed or to be placed by the person if—
  - (a) the deposit qualified for protection by the Scheme (*current deposit*) is an automatic renewal of the deposit qualified for protection by the Scheme placed by the person immediately before the current deposit (*preceding deposit*) on the maturity of the preceding deposit (whether or not the preceding deposit is also an automatic renewal of an earlier deposit qualified for protection by the Scheme or a series of deposits

- qualified for protection by the Scheme placed by the person immediately before the preceding deposit on the maturity of that earlier deposit or the last deposit in that series); and
- (b) the Scheme member has notified the person under section 6H(2)(b) in respect of the preceding deposit, or that earlier deposit or any deposit in that series, placed on or after 1 January 2011 that the preceding deposit, or that earlier deposit or that deposit in that series, is qualified for protection by the Scheme.
- (2) A reference in subsection (1)(a) to an automatic renewal of a preceding deposit is to be construed as the automatic renewal, without having to take the person's further instructions for the purpose of the automatic renewal, of—
- (a) the preceding deposit, or a portion of the preceding deposit;
- (b) the interest accrued on or premium received from the preceding deposit, or a portion of the interest so accrued or premium so received; or
- (c) the aggregate of the preceding deposit and the interest so accrued or premium so received, or a portion of the aggregate,
- and an automatic renewal of an earlier deposit or a series of deposits is to be construed accordingly.

Section:	6J	Disclosure not required if notice already given in respect of deposit	L.N. 131 of 2010	01/01/2011
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A Scheme member is not required under section 6H(2)(b) to notify a person in respect of a deposit qualified for protection by the Scheme placed or to be placed by the person if—

- (a) the person has maintained an account with the Scheme member and the deposit is placed or to be placed under that account; and
- (b) the Scheme member has—
- (i) notified the person under section 6H(2)(a) that the deposit to be placed under that account is a deposit qualified for protection by the Scheme;
- (ii) notified the person under section 6H(2)(a) that another deposit (being a deposit of the same type as that of the deposit placed or to be placed under that account) to be placed under that account is a deposit qualified for protection by the Scheme;
- (iii) notified the person under section 6H(2)(b) in respect of another deposit (being a deposit of the same type as that of the deposit placed or to be placed under that account) placed under that account that that other deposit is a deposit qualified for protection by the Scheme;
- (iv) subject to subparagraph (v), if the person has maintained another deposit (being a deposit of the same type as that of the deposit placed or to be placed under that account) under that account immediately before 1 January 2011, specified the type of that other deposit in the notice displayed by the Scheme member under section 6F; or
- (v) if the person has maintained another deposit (being a deposit of the same type as that of the deposit placed or to be placed under that account) under that account immediately before 1 January 2011 and a statement of that other deposit or a statement of that account is to be issued under section 6G(1)(b), notified the person under section 6G(2) that that other deposit is a deposit qualified for protection by the Scheme.

Section:	6K	Disclosure not required if deposit is held for account of Exchange Fund or held by excluded person	L.N. 131 of 2010	01/01/2011
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A Scheme member is not required under section 6G(2) or 6H(2)(a) or (b) to notify a person in respect of a deposit qualified for protection by the Scheme maintained, placed or to be placed by the person if the deposit is or is to be—

- (a) held for the account of the Exchange Fund; or
- (b) held by an excluded person as defined in section 3 of Schedule 1 to the Ordinance.

Part:	5	Other Disclosure Requirements*	L.N. 131 of 2010	01/01/2011
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**Note:**

\* (Added L.N. 131 of 2010)

Section:	7	Disclosure when deposits are no longer protected by Scheme	L.N. 131 of 2010	01/01/2011
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- (1) Where a deposit qualified for protection by the Scheme is maintained by a person with a Scheme member, the Scheme member shall, before effecting a relevant variation to the deposit, notify the person in accordance with subsection (2) that on the variation, the deposit is no longer a protected deposit and is no longer protected by the Scheme.
- (2) The notice given under subsection (1)—
  - (a) must comply with the requirements in section 7B(1); and
  - (b) must be acknowledged by the person in writing that the person has received and understands the notice. (L.N. 131 of 2010)
- (3) For the purposes of this section, there is a relevant variation to a deposit maintained by a person with a Scheme member if—
  - (a) any term or condition under which the deposit is maintained is varied to the effect that the deposit is no longer a deposit qualified for protection by the Scheme; or
  - (b) any right or obligation of the person or Scheme member in relation to the deposit is varied, in connection with the provision by the Scheme member to the person of a service, to the effect that the deposit is no longer a deposit qualified for protection by the Scheme.

(L.N. 131 of 2010)

Section:	7A	Requests for information as to whether deposits are protected by Scheme	L.N. 131 of 2010	01/01/2011
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- (1) This section applies where a financial product offered by a Scheme member before, on or after 1 January 2011 is described as a deposit in any advertisement, promotional material or document, whether published by electronic, telecommunications or other means.
- (2) Where the Scheme member receives a request from a person holding the financial product for confirmation as to whether the financial product is protected by the Scheme—
  - (a) if the request is made orally, the Scheme member must give a reply, either orally or in writing, in accordance with subsection (3)—
    - (i) in the case of an oral reply, within 3 business days after the date on which the request is received; or
    - (ii) in the case of a written reply, within 7 business days after the date on which the request is received; or
  - (b) if the request is made in writing or by electronic, telecommunications or other means, the Scheme member must give a written reply in accordance with subsection (3) within 7 business days after the date on which the request is received. (L.N. 155 of 2010)
- (3) A reply given under subsection (2) must notify the person—
  - (a) if the financial product is a deposit qualified for protection by the Scheme, that the financial product is such a deposit; or
  - (b) in any other case, that the financial product is not a protected deposit and is not protected by the Scheme.
- (4) In this section—

**business day** (營業日) means a day other than—

- (a) a Saturday;
- (b) a public holiday; and
- (c) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap 1).

(L.N. 131 of 2010)

Part:	6	Miscellaneous*	L.N. 131 of 2010	01/01/2011
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**Note:**

\* (Added L.N. 131 of 2010)

Section:	7B	Requirements as to notice given or displayed under these Rules	L.N. 131 of 2010	01/01/2011
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- (1) The requirements in respect of a notice referred to in section 6A(4)(a)(i) or (5)(a), 6G(3), 6H(3)(a), (4)(a) or (5) or 7(2)(a) are as follows—
- (a) the notice must be in writing;
  - (b) the notice must be printed so as to be clearly legible; and
  - (c) if the notice is contained in a statement or any other document—
    - (i) the notice must be not less prominent than the remaining text of the statement or document; and
    - (ii) in the case of a notice given under section 6A(3)(a) or (b), if the statement or document is divided into chapters, parts, sections or other headings, the notice must be shown in the statement or document under a separate chapter, part, section or heading on the protection status of deposits and financial products, and that separate chapter, part, section or heading and (if it is numbered) its number must be indicated clearly in the index (if any) of the statement or document.
- (2) The requirements in respect of a notice referred to in section 6F(3) are as follows—
- (a) the notice must be in writing; and
  - (b) the notice must be printed so as to be clearly legible in English and Chinese.

(L.N. 131 of 2010)

Section:	8	Offences	L.N. 131 of 2010	01/01/2011
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If a Scheme member contravenes section 3(1) or (2), 4(2) or (3), 5(2), 6(2) or (3), 6A(2) or (3) or 7(1), the Scheme member commits an offence and is liable— (L.N. 131 of 2010)

- (a) on conviction on indictment to a fine at level 6 and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at level 3 and to imprisonment for 6 months.

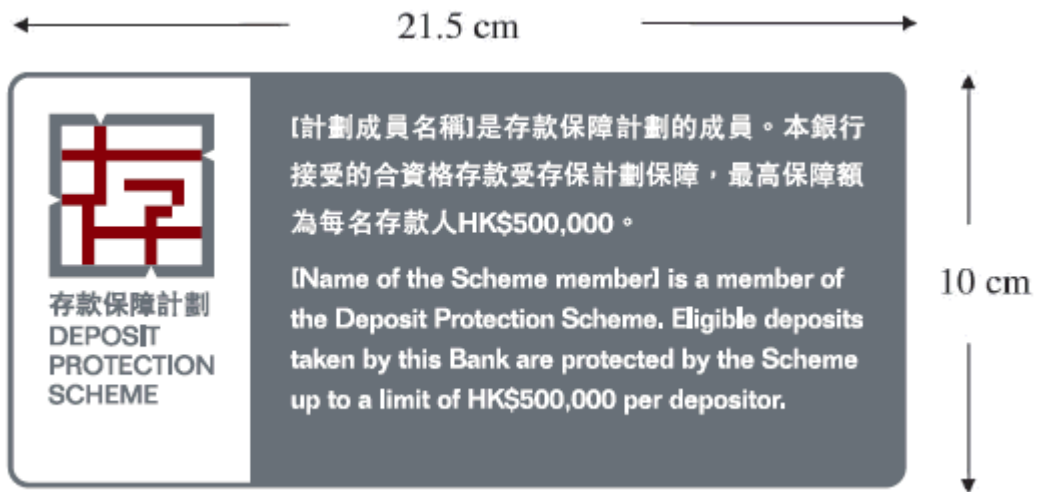
Section:	9	Defences	L.N. 108 of 2006; L.N. 110 of 2006	25/09/2006
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In any proceedings for an offence under these Rules, it is a defence for the person charged to prove that he took reasonable precautions and exercised due diligence to avoid the commission of the offence by himself or any person under his control.

Schedule:		SCHEDULE	L.N. 131 of 2010	01/01/2011
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[sections 2 & 3]

## Membership Sign



(Schedule replaced L.N. 131 of 2010)