



Claim for Compensation from the Investor Compensation Fund

向投資者賠償基金提出的賠償申索書

Securities and Futures Commission : 8th Floor, Chater House, 8 Connaught Road Central, Hong Kong
證券及期貨事務監察委員會：香港中環干諾道中八號遮打大廈八樓



Claimant(s) - Futures Account

申索人-期貨帳戶

1. Name and address of the defaulting specified person

違責指明人士的名稱及地址

XX Securities Limited

Room X, X/F, X Des Voeux Road Central, Central, Hong Kong

2. Your name(s) and address [please use the name(s) on your futures account]

申索人的姓名及地址 [請填寫開立期貨帳戶時所用的姓名]

CHIU, Siu Bo

Flat X, X/F, Trust Building, X King's Road, North Point, Hong Kong

3. Your HKID number or passport number and country of issue or business registration number [please provide copy]

申索人的香港身份證號碼或護照號碼及簽發國家或商業登記證號碼[請提供有關文件的副本]

A123456(7)

4. Your phone numbers [home, office and mobile]

申索人的住宅、辦公室及手提電話號碼

Home: 3133-XXXX

Office: 2222-1234

Mobile: 9111-0000

5. Your fax number

申索人的傳真號碼

3111-XXXX

6. Your e-mail address

申索人的電郵地址

siubo@yalo.com.hk

7. Your account number(s) with the defaulting specified person

申索人在違責指明人士商號的帳戶號碼

987-654321-00

8. Details of your claim against the specified person [use separate sheet if necessary]

針對指明人士的申索詳情 [如有需要, 可另紙書寫。]

I traded shares in XX securities Limited since 1997. The default of XX securities Limited was related to bankruptcy, winding up, insolvency and breach of trust. My shares and deposited cash could not be returned. The operation of XX Securities Limited was suspended on 20 March 2004. I thereby cannot trade my shares or withdraw my deposited cash.

8.1 Please describe the nature of the default

請描述違責事件的性質

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8.2 Please list specified futures contracts/related assets owed to you by the specified person 請列出該指明人士尚欠申索人的指明期貨合約/有連繫資產			
Details of futures contract (include name, expiry month, quantity, strike price for options) 期貨合約詳情(包括名稱、到期月份、數量、期權行使價)	Amount owed based on closing prices on the date of default (optional) 按違責日期收市價計算的尚欠金額(非必答項目)		
Hang Seng Index futures contracts. (Three Hang Seng Index futures contracts were bought on 2/2/2004. The Hang Seng Index at that time was 12,500. The maturity date of the contracts was at the end of March 2004)	The Hang Seng Index on the date of default (20/3/2004) was 12,800. The value is thus 300 pts X HK\$50 X 3 contracts = HK\$45,000.		
8.3 Please specify any other related assets owed to you by the specified person (for example, margin) and why after deducting any amount you owe to the specified person 請列明在扣減申索人欠該指明人士的款額之後，該指明人士尚欠申索人的任何其他有連繫資產(例如：保證金)及理由。 I do not owe any amount to XX Securities Limited. XX Securities Limited owes me the futures contracts listed above and cash as listed below.			
8.4 Please specify any other amounts claimed and why 請列明任何其他申索款額及理由。 I have HK\$200,000 cash deposited in XX Securities Limited and HK\$45,000 of Hang Seng Index futures contracts.			
8.5 Please state the total dollar value of your claim (optional) 請列述申索人的索償總額(非必答項目) HK\$200,000 CASH and HK\$45,000 of Hang Seng Index future contracts.			
9. Copies of supporting documents submitted [please tick which documents you have submitted with this claim form] 呈交的支持文件副本 [請在連同本申索表格一併呈交的文件旁邊的空格內劃上√號]			
Account agreement 帳戶協議	<input checked="" type="checkbox"/>	Proof of payment 付款證明	<input checked="" type="checkbox"/>
Latest account statement 最近期的帳戶結單	<input checked="" type="checkbox"/>	Deposit receipt for margin 存入保證金收據	<input checked="" type="checkbox"/>
Contract note(s) 成交單據	<input checked="" type="checkbox"/>	Copy of dishonored cheque 不兌現支票副本	<input checked="" type="checkbox"/>
Others [please specify] 其他 [請列明]	<input checked="" type="checkbox"/>		
10. I declare that all information submitted with this claim is true to the best of my knowledge. 本人聲明本申索書呈報的所有資料盡本人所知為真實無訛。			
Your signature(s) 申索人簽名	Name in block letters 姓名正楷	Date 日期	
SiU Bo	CHIU, Siu Bo	1/4/2004	
_____	_____	_____	
_____	_____	_____	

Notes for filing a claim for compensation from the Investor Compensation Fund

向投資者賠償基金提出賠償申索時的填表須知

This form is for use by a person who has sustained a loss as a result of a default by a specified person or an associate of a specified person in relation to specified futures contracts or related assets.

本表格供因某指明人士或某指明人士的相聯者就指明期貨合約或有連繫資產所犯的違責而蒙受損失的人士使用。

These notes are to help claimants make a claim for compensation from the Investor Compensation Fund. They follow the numbering on the claim form. Many of the terms used below and in the claim form are defined in the Securities and Futures (Investor Compensation - Claims) Rules (“Claims Rules”), which are the legal basis for claims. The Claims Rules are posted on the Investor Compensation Company Ltd (“ICC”)’s website.

本須知旨在協助申索人向投資者賠償基金提出賠償申索，內容的欄目數字與申索表格上的數字相同。下文及申索表格內使用的詞彙，大多數已在作為申索法律依據的《證券及期貨(投資者賠償-申索)規則》(“《申索規則》”)中有所定義。該《申索規則》已在投資者賠償有限公司的網址登載。

The Securities and Futures Commission has transferred the functions of processing and determining claims against the Investor Compensation Fund to the ICC. If you have any questions relating to this form, please contact ICC:

證券及期貨事務監察委員會已將處理及裁定向投資者賠償基金提出的申索的職能轉移予投資者賠償有限公司。若申索人對本表格有任何疑問，請與投資者賠償有限公司聯絡：

Phone 電話: 2523 7382

Fax 傳真: 2523 7389

E-mail 電郵: icc@hkicc.org.hk

Line 1 is for the name and address of the specified person who you claim is in default. This would normally be the futures broker with whom you had an account. Please state the name under which the company does business. The name will usually appear on statements of your account. The term specified person is not confined to futures brokers. It means (1) an intermediary licensed or registered for dealing in securities or futures contracts, (2) an intermediary licensed for securities margin financing, or (3) an authorized financial institution which provides securities margin financing. The main basis for a claim is that the client sustains a loss as a result of a default committed by the specified person or its associated person in relation to specified futures contracts or related assets. Specified futures contracts mean futures contracts at the Hong Kong Futures Exchange Ltd. that are entrusted to or received by the specified person and to which the claimant is entitled.

第 1 欄 請填寫申索人聲稱違責的指明人士的名稱及地址，這通常是指申索人開有帳戶的期貨經紀行。請列明經營業務的公司名稱。該名稱通常列述在申索人的帳戶結單上。指明人士一詞並不限於期貨經紀行。該詞指(1)就證券交易或期貨合約交易獲發牌或獲註冊的中介人，(2)就證券保證金融資獲發牌的中介人，或(3)提供證券保證金融資的認可財務機構。提出申索的主要基礎是有關客戶因該指明人士或其相聯者就指明期貨合約或有連繫資產所犯的違責行為而蒙受損失。指明期貨合約是指申索人享有權益但交託予指明人士或由指明人士收取的香港期貨交易所有限公司的期貨合約。

Lines 2 – 6 are for your name, address, and contact information. If you do not have a Hong Kong Identity Card, state your passport number and the country of issue. If you are a corporation, write down the business registration number. If you have a joint account you may include both names on the account in this space (both persons should sign the claim form). If you wish to provide another address for correspondence with ICC you may add it here marked correspondence address. Note that the Claims Rules limit compensation to qualifying clients of a specified person, which excludes some persons from making claims (such as financial institutions and certain associates of the specified person).

第 2 – 6 欄 請填寫申索人的姓名、地址及聯絡資料。假如申索人並無持有香港身份證，可填寫申索人的護照號碼和簽發國家。倘若申索人為法團，請填寫商業登記證號碼。如果申索人擁有聯名帳戶，可在此欄填寫聯名帳戶的所有持有人姓名(所有持有人必須在申索表格上簽名)。倘若希望使用另一地址作為與投資者賠償有限公司聯絡的通訊地址，可在此欄填寫並註明這是通訊地址。請注意，《申索規則》規定只會向指明人士的合資格客戶給予賠償，即某些人士(例如財務機構及該指明人士的若干有聯繫者)不包括在內。

Line 7 is for your account number or numbers with the licensed or registered person, which should appear on your account statements. If you have more than one account with the specified person, please report all of the account numbers. The limit to compensation is \$150,000 per claimant no matter how many accounts you may have with the specified person.

第 7 欄 請填寫申索人的帳戶號碼或與該持牌或註冊人有關的號碼，該等號碼應載列於申索人的帳戶結單上。如果申索人在指明人士商號有多於一個帳戶，請提供所有帳戶號碼。賠償額的上限為每名申索人十五萬元，無論其在指明人士商號有多少帳戶。

Line 8 is for the main information about your claim. **Line 8.1** asks for a description of the default, for examples, a winding up of the specified person or a breach of trust where you are unable to receive the benefits of your specified futures contracts or related assets from the specified person. **Line 8.2** is for listing the specified futures contracts you are entitled to from the specified person. ICC will determine any loss to you having regard to the market value on the date of default. If you do not know the closing prices as of the date of default, ICC will calculate this for you. **Line 8.3** is for claiming any other related assets like margin money owed to you by the specified person which relates to the purchase, sale, holding, pledge, adjustment, exercise or expiry of specified futures contracts. If you owe money to the specified person that should be separately reported on the form and be deducted from the amount claimed. **Line 8.4** is for claiming other amounts, for example, the Claims Rules allow you to claim for any costs the ICC is satisfied were reasonably incurred by you in making and proving your claim. **Line 8.5** is for the total dollar amount of your claim, which is optional and will be calculated by ICC if not specified by you.

第 8 欄 請填寫申索的主要資料。**第 8.1 欄** 請描述違責情況，例如指明人士清盤或違反信託導致申索人無法向該指明人士收取指明期貨合約或有連繫資產的利益。**第 8.2 欄** 請列出申索人有權向指明人士提取的指明期貨合約。投資者賠償有限公司會以在違責日期的市值來裁定申索人是否蒙受任何損失。倘若申索人不知道在違責日期的收市價，投資者賠償有限公司可以代為計算。**第 8.3 欄** 是供申索人就指明人士對其所拖欠的與指明期貨合約的購買、出售、持有、質押、調整、行使或到期有關的任何其他有連繫資產(例如保證金款額)提出申索時填寫的。倘若申索人欠指明人士任何款項，應在表格內另行填報，並將有關金額從申索金額內減除。**第 8.4 欄** 請填寫其他申索款額，例如：在投資者賠償有限公司信納申索人為提出和證明該申索而合理地招致若干支出費用的情況下，《申索規則》允許申索人就該等費用提出賠償申索。**第 8.5 欄** 請填寫申索總額，這並非必答項目，如果申索人不填寫此欄，數額將由投資者賠償有限公司計算。

Line 9 is for specifying the documents you submit in support of your claim. Depending on the nature of your claim, you should submit as many of the documents as you may have. ICC may contact you for further information or documents depending on the case.

第 9 欄 請列明連同申索表格一併呈交的支持申索文件。視乎申索性質而定，申索人應盡可能呈交其所持有的全部文件。視乎個案情況而定，投資者賠償有限公司可能會與申索人聯絡以取得進一步的資料或文件。

Line 10 is for your signature and that of any joint holder of the account. For claimant which is a corporation, two authorized signatories should sign here.

第 10 欄 請申索人及任何聯名帳戶持有人簽名。倘若申索人為法團，必須由兩名獲授權簽名人士簽署。

Once you have completed the claim form and assembled supporting documents you should submit your claim by mail to the Securities and Futures Commission, at the address stated at the top of this form, or deposit them into the collection box(es) at the above address, or any other addresses to be announced by the Securities and Futures Commission. ICC will acknowledge by mail the receipt of your claim. For each claim, ICC will determine whether there was a default, the date of default (if any), and whether the claimant is entitled to compensation, and if so, how much. ICC will notify you by mail of its determination. If the ICC thinks that your entitlement to compensation is less than the amount you have claimed, it will notify you, provide its reasons, and provide you with an opportunity of being heard. If you are not happy with the ICC's determination and wish to appeal, you may appeal to the Securities and Futures Appeals Tribunal ("SFAT") but your notice applying to the SFAT for a review of the determination of the ICC must be filed within 21 days of receipt of the determination (Please contact the ICC for details of the address of the SFAT). 申索人應在填妥申索表格及集齊所有支持申索文件後，以郵寄方式將有關申索送交證券及期貨事務監察委員會在本表格頂部所註明的地址，或將申索表格連同有關證明文件投入上述地址的收集箱內，或送交證券及期貨事務監察委員會所公布的任何其他地址。投資者賠償有限公司在收到申索書之後，將向申索人寄回確認收妥申索書的覆函。投資者賠償有限公司在收到申索書之後，將向申索人寄回確認收妥申索書的覆函。投資者賠償有限公司將審核每項申索，以決定違責是否屬實，違責的日期(如屬適用)，申索人應否獲得賠償，以及如屬合資格者，賠償金額是多少。投資者賠償有限公司將以郵寄方式書面通知申索人有關的決定。倘若投資者賠償有限公司認為申索人應得的賠償金額少於申索人提出申索的金額，投資者賠償有限公司會通知申索人，並說明理由及給予申索人陳詞的機會。倘若申索人不滿意投資者賠償有限公司的決定及希望提出上訴，可以向證券及期貨事務上訴審裁處("審裁處")提出上訴，但要求審裁處就投資者賠償有限公司的裁定作出覆核的申請通知書必須在收到有關裁定之後的 21 日內送交存檔(有關審裁處的詳細地址，請與投資者賠償有限公司聯絡)。