

The Stock Exchange of Hong Kong Limited

Terms of Reference of Disciplinary Appeals Committee

The powers and functions and limitations thereon of the Disciplinary Appeals Committee shall be as follows : -

1. To exercise all the powers and functions of the Board on all matters relating to the referrals against the decisions of the Disciplinary Committee of the Exchange.
2. Without prejudice to the generality of the foregoing:-
 - a) to exercise all the powers and functions reserved to the Disciplinary Appeals Committee in the Disciplinary Procedures as approved by the Board and endorsed by the board of Hong Kong Exchanges & Clearing Limited from time to time;
 - b) to convene and conduct hearings of cases referred to it under the Disciplinary Procedures and to decide whether those referrals have been made on satisfactory grounds;
 - c) to summon holders of Stock Exchange Trading Rights/Exchange Participants of the Exchange and their representatives or employees to attend and make representations before the Disciplinary Appeals Committee;
 - d) to request holders of Stock Exchange Trading Rights/Exchange Participants or their representatives or employees to produce their books and records for inspection by the Disciplinary Appeals Committee;
 - e) to remit the case back to the Disciplinary Committee for reconsideration where fresh evidence put up on referral is allowed; and
 - f) to dismiss the charges referred to it or to uphold the verdict of the Disciplinary Committee and, as the case may be, to impose the same or substitute a lesser or a greater penalty for that imposed by the Disciplinary Committee.
3. To make recommendations to the Disciplinary Committee on amendment of the Disciplinary Procedures.
4. To submit written and/or oral reports to the Board or the board of Hong Kong Exchanges & Clearing Limited regarding its activities and proceedings as and when requested by it.
5. To conform to any written and/or oral regulation (which shall include any direction) that may from time to time be prescribed by the Board or the board of Hong Kong Exchanges & Clearing Limited.
6. To delegate at any time and from time to time all or any of its power to a sub-committee of itself and/or the Chief Executive and/or any member or members of the staff of the Exchange, subject to such requirements, directions or regulations as it may think fit.