



## HONG KONG MONETARY AUTHORITY

香港金融管理局

LC Paper No. CB(1)2167/05-06(01)

(English version only)

Banking Policy Department

銀行政策部

Our Ref.: G10/1/2C  
CB/POL/4/5/34

1 September 2006

Ms Salumi Chan  
Clerk to Financial Affairs Panel  
LegCo Financial Affairs Panel  
3/F, Citibank Tower  
3 Garden Road  
Hong Kong

Dear Ms Chan,

**Consultation on Draft Banking (Disclosure) Rules**

As you will be aware, the Monetary Authority is in the process of developing the formal rules necessary for the implementation of the Basel II capital adequacy framework for banks. In this connection, the HKMA has released draft Banking (Disclosure) Rules for public consultation today. The draft Rules, together with an Explanatory Paper, are available on the HKMA website [http://www.info.gov.hk/hkma/eng/basel2/banking\\_disclosure\\_rules.htm](http://www.info.gov.hk/hkma/eng/basel2/banking_disclosure_rules.htm). The consultation period will end on 23 September 2006.

Subject to the results of the consultation on the draft Rules, it is expected that the final Banking (Disclosure) Rules, together with the Banking (Capital) Rules, will be published in the Gazette in late October and tabled in the Legislative Council in early November, and that they will come into force on 1 January 2007.

Yours sincerely,

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# **BANKING (DISCLOSURE) RULES**

## **Explanatory Paper**

### **Background**

1. Basel II comprises three Pillars, with Pillar 1 setting out minimum capital requirements in a manner analogous to Basel I, Pillar 2 setting out the supervisory review process and Pillar 3 bolstering market discipline through the public disclosure of key information on capital adequacy, risk exposures, and risk assessment and management. The Banking (Amendment) Ordinance 2005 envisages that Pillar 1 will be implemented in Hong Kong by the Banking (Capital) Rules concerning the capital adequacy ratio (CAR) of Authorized Institutions (AIs). It also provides for Pillar 3 to be implemented by means of the Banking (Disclosure) Rules which relate to the financial disclosure regime applicable to AIs.

2. The Banking (Disclosure) Rules are substantially based on a consultative paper on the minimum disclosure requirements applicable to AIs issued by the HKMA in April 2006. AIs in Hong Kong have been subject to an extensive disclosure regime for many years (for example, section 60 of the Banking Ordinance (BO) provides for the public disclosure of AIs' audited annual accounts), and the proposals contained in the consultative paper represent an evolution of the HKMA's existing requirements. In developing these proposals the HKMA's primary objective has been further to enhance the existing disclosure regime applicable to AIs to bring Hong Kong requirements broadly into line with the recommendations contained in Pillar 3 of Basel II thus ensuring Hong Kong AIs' disclosures will be comparable to those required in other major financial centres.

3. The HKMA has today released the Banking (Disclosure) Rules ("the Rules") for statutory consultation. The Rules have been developed after extensive consultation with the two industry Associations and several working groups including the Basel II Consultation Group, the Working Party on Financial Disclosure, and the

Joint Technical Working Group on Financial Disclosure (which includes representatives of both the Hong Kong Stock Exchange and the Securities and Futures Commission). In addition, the HKMA has also taken into account comments received from several rounds of prior consultation with the banking industry, accounting profession, and other interested parties such as rating agencies and analysts.

### **Banking (Disclosure) Rules**

4. The purpose of the Rules is to set out the minimum standards for public disclosure which AIs must make in respect of their profit and loss, state of affairs or capital adequacy. The Rules are being made pursuant to section 60A of the BO as amended by the Banking (Amendment) Ordinance 2005 which provides the Monetary Authority (MA) with a statutory power to make rules for the purpose of implementing the requirements of Basel II. They also prescribe the manner in which the disclosures should be made as well as the timing of disclosures including periods during which such information shall be so disclosed.

5. The Rules have the status of subsidiary legislation and are subject to negative vetting by the Legislative Council (LegCo). Failure to comply with the Rules by the AI could amount to a breach of the authorization criteria in the Seventh Schedule to the Ordinance, and would also involve the commission of a criminal offence by the directors, chief executive and managers of the AI carrying the penalties set out in subsection (4) of section 60A of the BO. In addition, the HKMA intends to make use of its powers under section 7(3) of the BO to issue guidelines on the manner in which it interprets and proposes to operate the Rules. The Guidelines will not be subsidiary legislation although the Gazetting requirement will nonetheless still apply to them.

6. The Rules are intended to come into effect on 1 January 2007 and will apply to both Hong Kong incorporated AIs (including those that are subsidiaries of foreign banks) and overseas incorporated AIs, except for those falling within the

exemption criteria as specified in section 3 of the Rules. The intention is that the Rules will replace the existing Financial Disclosure Guidelines<sup>1</sup> issued by the HKMA as modules of the Supervisory Policy Manual and will apply to all Disclosure Statements issued on and after the first day of the AI's first financial year commencing after 31 December 2006.

### **Key Features of the Rules**

7. Pillar 3 envisages an enhanced role for market discipline in supplementing and supporting supervision. This pillar lays out, for the first time, international standards on the nature and type of information which bank regulators should expect AIs to disclose to their counterparties and other market participants. The recommended disclosures mirror the emphasis in the new capital adequacy framework on a more risk- and principles-based approach to regulation that focuses closely on the AI's own assessment and management of the risks facing the business. In line with these recommendations, and consistently with the "through the eyes of management" approach adopted by International Financial Reporting Standards (IFRS), the HKMA has introduced a larger risk-focused element into AIs' disclosures than hitherto. The objective is to allow market participants to obtain key pieces of information on the capital, risk exposures, risk assessment processes, and hence the capital adequacy of banks. The primary purpose of the required disclosures is to encourage banks to demonstrate that their risk management systems are robust and that all relevant risks have been identified and controlled. As such, the scope and extent of disclosures required under the Rules depend largely to the nature, size, and level of complexity and sophistication of the business of individual AIs.

8. As well as the changes flowing from the implementation of Pillar 3, the HKMA has also taken the opportunity to up-date its disclosure regime in a variety of other ways. Since the HKMA first issued its Financial Disclosure Guidelines, the

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<sup>1</sup> "Financial Disclosure Guidelines"–

(a) FD-1 ("Financial Disclosure by Locally Incorporated Authorized Institutions");  
(b) FD-2 ("Interim Financial Disclosure by Locally Incorporated Authorized Institutions"); and  
(c) FD-3 ("Financial Disclosure by Overseas Incorporated Authorized Institutions"),  
which are available on the HKMA website [www.hkma.gov.hk](http://www.hkma.gov.hk).

accounting profession has also begun to require significantly more disclosures under the Financial Reporting Standards, especially *Hong Kong Financial Reporting Standard 7* Financial Instruments: Disclosures. The HKMA has needed to take these additional disclosures into account, as well as changes to the balance sheet and income statement that flowed from the adoption in Hong Kong of International Accounting and Financial Reporting Standards (IAS/IFRS) at the beginning of 2005. In addition, the HKMA has also conducted an extensive consultation exercise with the users of financial disclosures to ascertain whether there was any additional information that they might find useful. This exercise identified a clear demand for enhanced information about AIs' exposures to Mainland China, and the Rules will therefore include provisions to this effect. Other than these changes, the disclosure regime for overseas incorporated AIs will be substantially the same as now.

### **Contents of the Banking (Disclosure) Rules**

9. The consultation draft of the Banking (Disclosure) Rules sets out in detail the disclosure requirements applicable to the different calculation approaches that can be adopted for credit, market and operational risks, which are substantially the same as the consultative proposals already issued by the HKMA. The Rules are divided into eight parts.

#### Part 1 – Preliminary

##### Definition

10. This part contains definitions of the terms used generally throughout the Banking (Disclosure) Rules. Any term or expression used in the Rules has the same meaning as assigned to it in the Banking (Capital) Rules unless otherwise defined in the Rules. As such, the Rules contain appropriate cross references to the relevant parts of the Banking (Capital) Rules. Thus the Rules need to be read in conjunction with the Banking (Capital) Rules to ascertain the meaning of many of the terms or expressions used in the Rules.

### Application

11. Section 3 specifies the AIs to which the various Parts of the Rules apply. A locally incorporated AI will be exempted only if it can meet the criteria specified in section 3(7). Further exemptions in respect of interim reporting are available for an AI which is a wholly owned subsidiary of an AI incorporated in Hong Kong and is unlisted on the Hong Kong Stock Exchange by virtue of section 3(8). For overseas incorporated AIs, the exemption criteria are specified in section 3(9). In all cases, the exemption criteria mirror the HKMA's existing practice.

### Part 2 – General Requirements for AIs Incorporated in Hong Kong

#### Disclosure Policy and Medium and Location of Disclosure

12. Part 2 specifies the general disclosure requirements applicable to local AIs, including the requirement for a clearly documented disclosure policy approved by the institution's board of directors (section 5) and the requirement that an AI publishes a Disclosure Statement (section 6). Section 6(3) is particularly important in that it provides an AI with the choice of either publishing a Disclosure Statement that contains all the disclosures required under the Rules, or a prescribed summary of the required disclosures. In the event that the AI publishes the prescribed summary of its Disclosure Statement, it is obliged to make clear in the prescribed summary where and by what means the complete disclosures may be readily accessed by the general public. For example, an AI that published a prescribed summary of its Disclosure Statement may make its complete disclosures on an internet website, or in its annual report and accounts, or by some combination of these means. This part also specifies the period for which the disclosures should be made, the places at which the Disclosure Statement should be exhibited, and the hours during which the Disclosure Statement should be made available to the general public for inspection. Disclosures made under the Rules must remain available until at least the next equivalent reporting period.

*Interaction with Other Requirements and Group-wide Disclosures made by Parent Bank*

13. The HKMA has endeavoured to avoid the need for AIs to make disclosures under the Rules that duplicate disclosures made for other purposes. Where similar disclosures are made under accounting or listing requirements, AIs may in accordance with sections 7(d) and (e) rely on them to fulfil the applicable requirements in the Rules. An AI is also permitted to rely on disclosures made at the parent level provided that the disclosures have also been prepared according to the Pillar 3 standards and provided that they meet the criteria specified in section 15, in particular by providing a sufficient level of detail about the group's operations in Hong Kong.

*Verification and Proprietary and Confidential Information*

14. Although no audit is required for disclosures made under the Rules, the senior management of an AI is required to ensure that the information disclosed is subject to sufficient scrutiny and is not false or misleading in any material respect (section 8). Subject to the prior consent of the HKMA, section 9 permits an AI to disclose general information as a substitute for that specifically required under the Rules should such a disclosure fall within the definition of "proprietary or confidential information" as specified in section 9(2),

*Basis of Disclosure*

15. Section 12 provides that different disclosure requirements will be applied to locally incorporated AIs in accordance with the specific approach in use for the calculation of regulatory capital for credit risk, market risk and operational risk. Where an AI may use a combination of two or more approaches under the Banking (Capital) Rules to calculate its regulatory capital for credit risk, market risk or operational risk, the AI should make disclosures based on the relevant approach in use for each of the exposure classes, business units, risk categories or parts of its business, as the case requires, and disclose each of these approaches separately.

### Part 3 – Interim Financial Disclosures to be made by AIs Incorporated in Hong Kong

16. Part 3 specifies the disclosures a local AI will be required to make in relation to information relating to the institution's interim reporting period. Since the disclosures an AI is required to make under this Part are broadly similar to those it must make under Hong Kong Financial Reporting Standards (HKFRS), the HKMA expects that an AI will be able to satisfy these requirements by relying to a large extent on disclosures made under HKFRS.

### Part 4 – Annual Financial Disclosures to be made by AIs Incorporated in Hong Kong

17. Part 4 specifies the disclosures an AI incorporated in Hong Kong will be required to make in respect of every financial year of the institution. As is the case in Part 3, disclosures required under this Part will generally be satisfied by disclosures made under HKFRS. Where an AI relies on disclosures made in its annual accounts to fulfil the requirements of this Part, it must make clear in the prescribed summary of its Disclosure Statement the location where the general public may access the complete disclosure.

### Part 5 – Additional Annual Disclosures to be made by AI using Standardized Approach to Calculate its Credit Risk for Non-Securitization Exposures

18. Part 5 specifies the additional disclosures an AI incorporated in Hong Kong is required to make in respect of its financial year if it uses the Standardized Approach to calculate its credit risk for non-securitization exposures.

19. AIs adopting the Standardized Approach will be required to make more extensive disclosures than in the past, particularly relating to derivatives and counterparty credit risk, credit risk mitigation, asset securitization, market risk, operational risk and interest rate exposures in the banking book. These enhanced disclosures reflect both the relatively more sophisticated nature of these institutions'

business, and the broader range of risks captured by the Standardized Approach compared to Basel I.

Part 6 – Additional Annual Disclosures to be made by AI using Basic Approach to Calculate its Credit Risk for Non-Securitization Exposures

20. Part 6 specifies the additional disclosures an AI incorporated in Hong Kong is required to make in respect of its financial year if it uses the Basic Approach to calculate its credit risk for non-securitization exposures.

21. The disclosure requirements that will apply to AIs adopting the Basic Approach for the calculation of credit risk will be fundamentally little changed from the current Financial Disclosure Guidelines, with the exception of additional disclosures required in respect of market risks, interest rate exposures in the banking book and their role as investors in securitized assets. This is in recognition of the fact that these AIs will have relatively small and simple operations, except for those adopting the Basic Approach on a transitional basis, to which the HKMA may apply a higher disclosure standard on a case-by-case basis.

Part 7 – Additional Annual Disclosures to be made by AI using IRB Approach to Calculate its Credit Risk for Non-Securitization Exposures

22. Part 7 specifies the additional disclosures an AI incorporated in Hong Kong is required to make in respect of its financial year if it uses the Internal-ratings Based (IRB) Approach to calculate its credit risk for non-securitization exposures.

23. AIs using the Internal-ratings Based (IRB) approaches are required to make the most extensive disclosures, given the sophistication of their business operations and the comparatively broad range of risks that they incur. Although the disclosure requirements for IRB banks are broadly similar to those for banks adopting the Standardized Approach, the key difference between them is the greater level of detail required in the disclosures made by IRB AIs. In particular, IRB AIs will be required

to make sufficient additional disclosures, both qualitative and quantitative, to enable market participants to form a considered view of the robustness and effectiveness of their internal risk rating systems. They will also be required to make additional disclosures in terms of risk exposures by risk sub-classes, as well as their methodology in calculating loan loss estimates and provisions. In other words, an IRB AI must be prepared to demonstrate to other market participants the fundamental soundness of its internal risk-management systems.

#### Part 8 – Disclosures to be made by AIs Incorporated Outside Hong Kong

24. Part 8 specifies the disclosures an AI incorporated outside Hong Kong is required to make in respect of every financial year and in respect of every 6 month period immediately after the close of the institution's financial year. Disclosures required under this Part track closely the requirements under the existing Financial Disclosure Guideline FD-3: Financial Disclosure by Overseas Incorporated Authorized Institutions, although enhanced disclosures of their activities in Mainland China will be required.

#### Impact of the Banking (Disclosure) Rules

25. The HKMA has made extensive efforts to reduce the burden of complying with the Rules. For example, those AIs with an overseas parent will be able to rely on disclosures made by the overseas parent provided that they meet certain criteria set out in the Rules. Some of the disclosures required under the Rules can be met by disclosures made for other purposes, for example under listing requirements or as part of the AI's annual report and accounts. Finally, the HKMA will also permit AIs to make their disclosures on an Internet website, thus avoiding the need to publish a lengthy physical document.

26. It may take a little time for the benefits of enhanced disclosures to become fully apparent, but the HKMA believes that over the long run they will more than

outweigh the compliance costs. As well as contributing to supervisory monitoring efforts and the enhanced stability of the banking system, AIs making the disclosures should see direct benefits to themselves. The ability to demonstrate that they have robust risk management systems might be expected to lead to a reduced cost of funds and improved borrowing conditions. Importantly, sounder risk disclosure and better comparability of accounts should in turn increase the ability of AIs to raise capital, and should also give them better access to sources of liquidity in times of market stress. To the extent that the market is currently requiring Hong Kong banks to hold a capital buffer against unforeseen risks, greater transparency should also help to demonstrate that these risks have been identified and controlled, thus leading to the more efficient allocation of capital.

### **Legislative and Implementation Timetable**

27. The MA is subject to a statutory duty to consult the Banking Advisory Committee, the Deposit-Taking Companies Advisory Committee, the Hong Kong Association of Banks, the DTC Association and the Financial Secretary when making the Rules. The Rules will also be published in the Gazette and subject to negative vetting by the LegCo.

28. Subject to the results of the consultation on the draft Rules, the final Banking (Disclosure) Rules, together with the Banking (Capital) Rules, will be published in the Gazette in late October and tabled in LegCo in early November, and will come into force on 1 January 2007.

Hong Kong Monetary Authority

1 September 2006

# Draft Banking (Disclosure) Rules

The Hong Kong Monetary Authority invites comments on this draft Banking (Disclosure) Rules. Comments should reach us by **23 September 2006**.

Comments may be sent by electronic submission to this email address:  
[Basel2@hkma.gov.hk](mailto:Basel2@hkma.gov.hk)

Alternatively, please send comments in writing to:  
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1 September 2006

**BANKING (DISCLOSURE) RULES**

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## **BANKING (DISCLOSURE) RULES**

(Made by the Monetary Authority under section 60A of the Banking Ordinance (Cap. 155) as amended by the Banking (Amendment) Ordinance 2005 (19 of 2005) after consultation with the Financial Secretary, the Banking Advisory Committee, the Deposit-taking Companies Advisory Committee, The Hong Kong Association of Banks and The DTC Association)

### PART 1

#### PRELIMINARY

##### **1. Commencement**

These Rules shall come into operation on the day appointed for the commencement of section 2 of the Banking (Amendment) Ordinance 2005 (19 of 2005).

## 2. Interpretation

(1) In these Rules, unless the context otherwise requires -  
"annual reporting period" ( ), in relation to an  
authorized institution, means the institution's last  
financial year;

"associate" ( ), in relation to an authorized  
institution, means a person (including a partnership) -

(a) over which the institution has significant  
influence; and

(b) which is neither a subsidiary nor a joint venture  
in which the institution has an interest;

"available-for-sale" ( ) has the meaning assigned to it  
by section 3.1 of the Capital Rules;

"capital requirements" ( ), in relation to -

(a) the measure of an authorized institution's non-  
securitization exposures to credit risk calculated  
in accordance with Part 4, 5 or 6, as the case  
requires, of the Capital Rules; and

(b) the measure of an authorized institution's  
securitization exposures to credit risk calculated  
in accordance with Part 7 of the Capital Rules,

means the amount of capital required to be held by the  
institution for that risk based on the risk-weighted amount  
for that risk multiplied by 8%;

"Capital Rules" ( ) means the Banking (Capital) Rules  
(L.N. [ ] of 2006);

"cash and balances with banks" ( ) means -

- (a) cash in the till;
- (b) demand deposits with banks; and
- (c) deposits with banks which have a residual contractual maturity of not more than one month;

"certificate of deposit" ( ) means any certificate of deposit (including a certificate of deposit held for trading purposes) regardless of maturity;

"debt securities" ( ) has the meaning assigned to it by section 3.1 of the Capital Rules;

"deposits and balances from banks" ( ), in relation to an authorized institution -

- (a) subject to paragraph (b), means all amounts which arise out of banking transactions owed by the institution to other banks;
- (b) does not include such amounts taking the form of debt securities and certificates of deposit issued by the institution;

"disclosure statement" ( ), in relation to an authorized institution -

- (a) means, except in Part 8, a disclosure statement prepared by the institution pursuant to section 6(1);
- (b) means, in Part 8, a disclosure statement prepared by the institution pursuant to section 88(1);

"effective interest method" ( ), in relation to a financial asset (including a group of financial assets) or financial liability (including a group of financial liabilities), means a method of -

- (a) calculating the amortized cost of the asset or liability, as the case may be; and
- (b) allocating the interest income of the asset or the interest expense of the liability, as the case may be,

over the expected life of the asset or liability, as the case may be;

"effective interest rate" ( ), in relation to a financial asset or financial liability, means an interest rate which is calculated by -

- (a) exactly discounting -
  - (i) the estimated future cash receipts and cash payments through the expected life (or, where appropriate, a shorter period) of the financial asset; or
  - (ii) the estimated future cash receipts and cash payments through the expected life (or, where appropriate, a shorter period) of the financial liability,

as the case may be, to the net carrying amount of the asset or liability, as the case may be; and

- (b) including all amounts received in respect of the asset or paid in respect of the liability, as the case may be, which are an integral part of the interest rate (including transaction costs and all other premiums or discounts);

"financial assets or financial liabilities measured at fair value through profit or loss" ( ), in relation to an authorized institution, means financial assets or financial liabilities -

- (a) which are classified by the institution as held for trading; or
- (b) which are designated by the institution upon initial recognition as at fair value through profit or loss;

"financial concerns" ( ) means -

- (a) investment companies including -
  - (i) companies in the business of investment in commodity futures, foreign currencies, gold bullion, shares, funds and securities;
  - (ii) unit trusts;
  - (iii) retirement funds; and
  - (iv) investment holding companies;
- (b) insurance companies;
- (c) futures brokers; and

- (d) finance companies and other persons engaged in the financial sector which are not authorized institutions or banks, including companies in the business of leasing, factoring, bills discounting, hire purchase, mortgage finance, commercial and industrial finance, gold bullion brokers, money lenders, pawnshops and credit card companies;

"foreign currency" ( ) means any currency other than the Hong Kong dollar;

"geographical segment" ( ), in relation to an authorized institution, means a business unit of the institution -

- (a) which is engaged in providing products or services within a particular economic environment;
- (b) which is subject to risks and returns which are different from those of business units of the institution operating in other economic environments; and
- (c) which is distinct from other business units of the institution due to factors relating to -
  - (i) similarity of economic and political conditions;
  - (ii) relationships between operations in different geographical areas;
  - (iii) proximity of operations;

- (iv) special risks associated with operations in a particular area;
- (v) exchange control regulations;
- (vi) underlying currency risks; or
- (vii) any combination of any of the matters referred to in subparagraphs (i) to (vi);

"held-to-maturity investments" ( ), in relation to an authorized institution -

(a) subject to paragraph (b), means financial assets of the institution (other than derivative contracts) with fixed or determinable payments and fixed maturity which the institution has the positive intention and ability to hold to maturity;

(b) does not include financial assets -

- (i) which the institution designates upon initial recognition as at fair value through profit or loss;
- (ii) which are available-for-sale; or
- (iii) which fall within the definition of "loans and receivables" in this section;

"Hong Kong Internet website" ( ), in relation to an authorized institution, means a website (or section of a website) of the institution which is specifically intended to be accessible by the general public in Hong Kong;

"interim reporting period" ( ), in relation to an authorized institution, means the 6 months period immediately after the close of the institution's last financial year;

"investment property" ( ), in relation to an authorized institution, means any immovable property -

(a) which is owned by the institution, or held by the institution as a lessee under a finance lease, to earn rentals or for capital appreciation, or both; and

(b) which is not held by the institution -

(i) for use in the production or supply of goods or services or for administrative purposes; or

(ii) for sale in the ordinary course of business;

"issued debt securities" ( ) means all negotiable securities other than loan capital, stocks, shares, import or export trade bills, or certificates of deposit;

"loan capital" ( ) means subordinated liabilities (including loans, debentures and floating rate notes);

"loans and advances to banks" ( ) means placements with banks which have a residual contractual maturity of more than one year;

"loans and receivables" ( ), in relation to an authorized institution -

(a) subject to paragraph (b), means financial assets of the institution (other than derivative contracts) with fixed or determinable payments which are not quoted in a liquid market;

(b) does not include -

- (i) financial assets which the institution -
  - (A) intends to sell immediately or in the near term; or
  - (B) designates upon initial recognition as at fair value through profit or loss;
- (ii) financial assets which the institution designates upon initial recognition as available for sale; or
- (iii) financial assets purchased by the institution, for which the institution may not recover substantially all of its initial investment for reasons not related to credit deterioration;

"premises and equipment expense" ( ), in relation to an authorized institution's operating expenses, includes rents and rates, insurance of premises and equipment, lighting, heating, maintenance costs and electronic data processing expenses;

"publish" ( ) includes distribute, make available and disseminate;

"reporting date" ( ), in relation to a disclosure required pursuant to these Rules, means the last day of the reporting period to which the disclosure relates;

"reporting period" ( ) means -

- (a) an annual reporting period; or
- (b) an interim reporting period;

"repossessed asset" ( ), in relation to an authorized institution, means an asset in respect of which the institution has acquired access or control (whether through court proceedings or otherwise) for the discharge in whole or in part of the obligations of an obligor;

"securities not held for trading purposes" ( ) has the meaning assigned to it by section 3.1 of the Capital Rules;

"surplus provisions" ( ), in relation to an authorized institution which uses the IRB approach to calculate its credit risk for non-securitization exposures, means that part of the excess of the institution's total eligible provisions over the institution's total EL amount which is included in the institution's supplementary capital in the determination of the institution's capital base;

"swap deposit arrangement" ( ), in relation to an authorized institution, means an arrangement entered into by the institution with an obligor whereby -

- (a) the institution sells foreign currency at spot rate to the obligor against another currency; and

- (b) at the same time, the obligor deposits the foreign currency so purchased with the institution and enters into a forward exchange rate contract with the institution to sell the foreign currency so purchased back to the institution against another currency at a specified exchange rate on a future date;

"trade bills" (                    ), in relation to an authorized institution, mean all bills of exchange purchased by the institution in relation to trade transactions.

(2) Section 1.2 of the Capital Rules applies to the interpretation of these Rules as that section applies to the interpretation of the Capital Rules.

(3) A disclosure required pursuant to these Rules is -

- (a) a disclosure to the general public; and
- (b) unless the context otherwise requires, a disclosure as at the reporting date.

### 3. Application

(1) Parts 2 and 4 apply to an authorized institution incorporated in Hong Kong except such an institution which is exempted under subsection (7).

(2) Part 3 applies to an authorized institution incorporated in Hong Kong except such an institution which is exempted under subsection (8).

(3) Part 5 applies to an authorized institution -

(a) to which Part 4 applies; and

(b) which uses the STC approach to calculate its credit risk for -

(i) non-securitization exposures; or

(ii) non-securitization exposures the subject of an exemption under section 2.9(2)(a) of the Capital Rules.

(4) Part 6 applies to an authorized institution -

(a) to which Part 4 applies; and

(b) which uses the BSC approach to calculate its credit risk for non-securitization exposures.

(5) Part 7 applies to an authorized institution -

(a) to which Part 4 applies; and

(b) which uses the IRB approach to calculate its credit risk for non-securitization exposures.

(6) Part 8 applies to an authorized institution incorporated outside Hong Kong except such an institution which is exempted under subsection (9).

(7) For the purposes of subsection (1), the Monetary Authority may, by notice in writing given to an authorized institution incorporated in Hong Kong, exempt the institution from the application of Parts 2 and 4 if -

- (a) the institution is a deposit-taking company or restricted licence bank; and
- (b) the institution demonstrates to the satisfaction of the Monetary Authority that it meets the following criteria -

- (i) it has total assets less provisions of less than \$1 billion (or the equivalent amount in any foreign currency); and
- (ii) it has total deposits from customers of less than \$300 million (or the equivalent amount in any foreign currency).

(8) For the purposes of subsection (2), the Monetary Authority may, by notice in writing given to an authorized institution incorporated in Hong Kong, exempt the institution from the application of Part 3 if -

- (a) the institution is exempted from the application of Parts 2 and 4 under subsection (7); or
- (b) the institution -
  - (i) is not listed on the Hong Kong Stock Exchange; and

(ii) is a wholly owned subsidiary of an authorized institution incorporated in Hong Kong.

(9) For the purposes of subsection (6), the Monetary Authority may, by notice in writing given to an authorized institution incorporated outside Hong Kong, exempt the institution from the application of Part 8 if the institution demonstrates to the satisfaction of the Monetary Authority that it meets the following criteria -

- (a) its local branches, together with its principal place of business in Hong Kong, have in aggregate total assets less provisions of less than \$10 billion (or the equivalent amount in any foreign currency); and
- (b) its local branches, together with its principal place of business in Hong Kong, have in aggregate total deposits from customers of less than \$2 billion (or the equivalent amount in any foreign currency).

(10) For the purposes of determining whether or not an authorized institution meets the criteria referred to in subsection (7)(b) or (9), the Monetary Authority shall make reference to the relevant average of the relevant figures over the relevant period of the institution.

(11) Where the Monetary Authority has determined that an authorized institution is not exempted under subsection (7)

because the institution does not meet the criteria referred to in subsection (7)(b), the institution shall not subsequently be exempted under subsection (7) unless -

- (a) the Monetary Authority makes a subsequent determination that the institution is exempted under subsection (7); and
- (b) the institution demonstrates to the satisfaction of the Monetary Authority that it is unlikely that it will cease to meet the criteria referred to in subsection (7)(b) in the foreseeable future.

(12) Where the Monetary Authority is satisfied that an authorized institution which is exempted under subsection (7) ceases to fall within the description of subsection (7)(a) or ceases to meet the criteria referred to in subsection (7)(b), the Monetary Authority may, by notice in writing given to the institution, inform the institution that it ceases to be so exempted from the date specified in the notice.

(13) Where the Monetary Authority is satisfied that an authorized institution which is exempted under subsection (8) ceases to fall within the description of subsection (8)(a) or (b), the Monetary Authority may, by notice in writing given to the institution, inform the institution that it ceases to be so exempted from the date specified in the notice.

(14) Where the Monetary Authority is satisfied that an authorized institution which is exempted under subsection (9) ceases to meet the criteria referred to in that subsection, the

Monetary Authority may, by notice in writing given to the institution, inform the institution that it ceases to be so exempted from the date specified in the notice.

(15) These Rules do not apply to or in relation to an authorized institution except on and after the first day of the institution's first financial year commencing after 31 December 2006.

(16) For the avoidance of doubt, it is hereby declared that subsection (15) shall not be construed to disapply, in respect of a reporting period of an authorized institution to which these Rules do not apply pursuant to the operation of that subsection, any of the provisions of the Ordinance (including of guidelines made under the Ordinance) -

(a) relating to disclosures by an authorized institution; and

(b) as in force immediately before the commencement of that subsection.

(17) In this section -

"relevant average" ( ), in relation to the relevant figures for an authorized institution, means the arithmetic mean of the relevant figures as at the end of each calendar month for the last relevant period of the institution;

"relevant figures" ( ), in relation to an authorized institution, means the figures as at the end of each calendar month relating to the institution's total assets less provisions and total deposits from customers, as set out in

the return relating to assets and liabilities submitted by the institution to the Monetary Authority for each calendar month pursuant to section 63 of the Ordinance;

"relevant period" ( ), in relation to an authorized institution, means each period of 12 calendar months ending on and including the fifth calendar month preceding the close of the institution's financial year.

PART 2

GENERAL REQUIREMENTS FOR AUTHORIZED INSTITUTIONS  
INCORPORATED IN HONG KONG

**4. References to authorized institution  
in Part 2**

Unless the context otherwise requires, a reference to an authorized institution in this Part is a reference to an authorized institution which falls within section 3(1).

**5. Disclosure policy**

An authorized institution shall have in place, not later than 3 months after the commencement of this section or after the date on which it became an authorized institution, whichever is the later, a clearly documented policy -

(a) which sets out -

(i) the approach used by the institution to determine the content, appropriateness and frequency of the information it discloses to the general public relating to its state of affairs, profit and loss and capital adequacy ratio; and

(ii) the institution's internal controls over its process for making such disclosures (including internal controls for verifying or reviewing the accuracy of the information disclosed); and

(b) which is approved by the institution's board of directors.

**6. Medium and location of disclosure and issue of press release**

(1) Subject to subsections (2) and (3), where an authorized institution is required under these Rules to disclose information (however described), it shall make that disclosure by -

(a) preparing a disclosure statement, in the Chinese and English languages, which contains the information;

(b) publishing the statement -

(i) not later than 4 months after the end of the reporting period to which the statement relates (except in the case of a statement which relates to Part 3);

(ii) not later than 3 months after the end of the reporting period to which the statement relates in the case of a statement which relates to Part 3; and

(c) complying with the other provisions of this section applicable to or in relation to the statement.

(2) An authorized institution shall make it clear in its disclosure statement which information contained in the statement has been audited and which information contained in the statement has not been audited.

(3) An authorized institution shall ensure that when its disclosure statement is published -

- (a) the statement contains -
  - (i) all the disclosures required under these Rules to be made by the institution for the reporting period to which the statement relates; or
  - (ii) a prescribed summary; and
- (b) neither the disclosures referred to in paragraph (a)(i) nor the prescribed summary referred to in paragraph (a)(ii) is false or misleading in any material respect.

(4) An authorized institution shall, at the same time as it publishes its disclosure statement, issue a press release, in the Chinese and English languages containing the statement or consisting of the statement.

(5) An authorized institution shall lodge a copy of its disclosure statement with the Monetary Authority before it publishes the statement.

(6) The Monetary Authority shall keep each copy of a disclosure statement lodged with it pursuant to subsection (5) with the register.

(7) Subject to subsections (8) and (9), an authorized institution shall -

- (a) keep one or more than one copy (referred to in this subsection as the "relevant copy") of each of its disclosure statements -

- (i) in its principal place of business in Hong Kong; and
  - (ii) if practicable, in each local branch of the institution; and
- (b) make a relevant copy available for inspection by the general public during the business hours of the institution at the place where the relevant copy is kept.

(8) Where an authorized institution publishes a disclosure statement which contains the disclosures referred to in subsection (3)(a)(i), it shall ensure that the statement is available for inspection under subsection (7) for a period -

- (a) in the case where the statement relates to an annual reporting period, not less than the period commencing on the date of the publication of the statement and ending on the date of publication in accordance with subsection (1) of its disclosure statement in respect of the immediately succeeding annual reporting period;
- (b) in the case where the statement relates to an interim reporting period, not less than the period commencing on the date of the publication of the statement and ending on the date of publication in accordance with subsection (1) of its disclosure statement in respect of the immediately succeeding interim reporting period.

(9) Where an authorized institution publishes a disclosure statement which contains a prescribed summary -

(a) it shall ensure that the statement is available for inspection under subsection (7) for a period -

(i) in the case where the statement relates to an annual reporting period, not less than the period commencing on the date of the publication of the statement and ending on the date of publication in accordance with subsection (1) of its disclosure statement in respect of the immediately succeeding annual reporting period;

(ii) in the case where the statement relates to an interim reporting period, not less than the period commencing on the date of the publication of the statement and ending on the date of publication in accordance with subsection (1) of its disclosure statement in respect of the immediately succeeding interim reporting period; and

(b) it shall not change the means as stated in the prescribed summary by which the general public may readily access the relevant complete disclosures unless it amends the summary in such a manner, and



- (iv) by any combination of the means referred to in subparagraphs (i), (ii) and (iii);  
and
- (b) the summary states the means by which the general public may readily access the complete disclosures.

## 7. Interaction of other requirements

Where -

- (a) an authorized institution makes a disclosure (referred to in this section as an "external disclosure") pursuant to a requirement (referred to in this section as an "external requirement"), whether in or outside Hong Kong, which is not a requirement under these Rules (referred to in this section as an "internal requirement");
- (b) the external requirement is similar, in whole or in part, to an internal requirement pursuant to which the institution is required to make a disclosure (referred to in this section as an "internal disclosure") similar to the external disclosure;  
and
- (c) the external disclosure is available to the general public in Hong Kong,

the institution may treat the external disclosure as complying with the internal requirement if -

- (d) the institution demonstrates to the satisfaction of the Monetary Authority that -
  - (i) the external disclosure substantially complies with the internal requirement;  
and
  - (ii) the institution's disclosure statement adequately explains, or is accompanied by

information which adequately explains, any material differences between the external disclosure and the internal disclosure which the institution would have made but for the operation of this section; and

- (e) the institution's disclosure statement states the means by which the general public may readily access the external disclosure (including the information, if any, referred to in paragraph (d)(ii)).

**8. Verification**

The senior management of an authorized institution shall ensure that the information which the institution is required to disclose pursuant to these Rules is, before being so disclosed, scrutinized and subjected to an independent internal review to ensure that the information is not false or misleading in any material respect.

**9. Proprietary and confidential information**

(1) An authorized institution may, with the prior consent of the Monetary Authority, decline to disclose proprietary or confidential information the disclosure of which would otherwise be required pursuant to a requirement of these Rules (referred to in this subsection as the "relevant requirement") if the institution -

- (a) discloses general information relating to the subject matter of the relevant requirement in its disclosure statement (whether or not pursuant to the relevant requirement); and
- (b) includes a statement in that disclosure statement stating what information it has declined to disclose pursuant to this section.

(2) In this section -  
"proprietary or confidential information" ( ), in relation to an authorized institution, means information -

- (a) which, if it became publicly available, would cause serious prejudice to the competitive position of the institution; or
- (b) in respect of which the institution has legally binding obligations to its customers or other counterparties which prevent the institution from disclosing the information.

**10. Materiality**

(1) The senior management of an authorized institution shall ensure that a disclosure made by the institution pursuant to these Rules contains all the material information.

(2) In this section -  
"material information" (                    ), means information -

- (a) which is required to be disclosed pursuant to these Rules; and
- (b) which, if it were not disclosed or were misstated, could change or influence the assessment or decision of a person relying on the disclosure concerned for the purposes of making investment or other economic decisions.

**11. Consolidated group level disclosures**

(1) Subject to subsections (2), (3) and (4), a disclosure made pursuant to these Rules by an authorized institution applies to the institution on a consolidated basis whether or not the institution is also required to calculate its capital adequacy ratio on a solo basis or solo-consolidated basis pursuant to the Capital Rules.

(2) Subsection (1) does not apply to an authorized institution which is only required to calculate its capital adequacy ratio on a solo basis pursuant to the Capital Rules.

(3) Subsection (1) does not operate to prevent an authorized institution from making a disclosure pursuant to these Rules on a solo basis or a solo-consolidated basis, as the case requires, in addition to a consolidated basis if the institution reasonably believes that to do so would provide greater clarity in understanding the institution's state of affairs, profit and loss, or capital adequacy ratio, for persons relying on the disclosures.

(4) Subsection (1) does not apply to disclosures required to be made by an authorized institution pursuant to any of -

- (a) sections 19 to 23;
- (b) sections 25 to 30;
- (c) sections 34 to 44; or
- (d) sections 46 to 52.

**12. Basis of disclosure**

An authorized institution shall make disclosures pursuant to these Rules on the basis of -

- (a) subject to paragraphs (b) and (c), the approach it uses under the Capital Rules to calculate its regulatory capital or capital charge for credit risk, market risk or operational risk, as the case requires;
- (b) subject to paragraph (c), if it uses a combination of 2 or more approaches under the Capital Rules to calculate its regulatory capital or capital charge for credit risk, market risk or operational risk, the respective approach it uses for each of its exposure classes, business units, risk categories, or parts of its business, as the case requires;
- (c) if it has, during any one reporting period, used different approaches under the Capital Rules to calculate its regulatory capital or capital charge for credit risk, market risk or operational risk for the same exposure classes, business units, risk categories, or parts of its business, the respective approach it uses for each of its exposure classes, business units, risk categories, or parts of its business, as the case requires, as at the reporting date for that period.

**13. Comparative information**

(1) Subject to subsections (2), (3) and (4), an authorized institution which makes a quantitative disclosure (referred to in this section as the "relevant disclosure") pursuant to these Rules shall ensure that the relevant disclosure is accompanied by, or contains, the like quantitative disclosure, if any, it made pursuant to that requirement -

(a) subject to paragraph (b), for its immediately preceding annual reporting period;

(b) in the case of profit and loss information and liquidity ratio -

(i) if the relevant disclosure relates to an annual reporting period, for the immediately preceding annual reporting period;

(ii) if the relevant disclosure relates to an interim reporting period, for the immediately preceding interim reporting period.

(2) Notwithstanding any case where subsection (1) did not apply to an authorized institution in a reporting period referred to in that subsection, the institution shall, if it is practicable for it to do so, ensure that the disclosure referred to in that subsection is accompanied by the equivalent to the like quantitative disclosure referred to in that subsection.

(3) Where an authorized institution uses, in 2 consecutive annual reporting periods, different approaches under the Capital Rules to calculate its regulatory capital or capital charge for credit risk, market risk or operational risk for the same exposure class, business unit, risk category, or part of its business, as the case requires, the institution is not required to comply with subsection (1) in respect of that exposure class, business unit, risk category, or part of its business, as the case may be, for the last of those periods if the quantitative disclosure concerned is accompanied by, or contains, a statement explaining the reason why subsection (1) has not been complied with in respect of that disclosure.

(4) Where the like quantitative disclosure contains a material restatement of information, the institution shall ensure that the relevant disclosure is accompanied by, or contains, a statement giving the nature of the restatement and the institution's reasons for the restatement.

**14. Frequency**

(1) An authorized institution shall make a disclosure in accordance with these Rules (other than Part 3) in respect of the institution's last financial year.

(2) An authorized institution shall make a disclosure in accordance with Part 3 in respect of the 6 months period immediately after the close of the institution's last financial year.

**15. Group-wide disclosures made by parent bank of authorized institution**

An authorized institution may treat disclosures (referred to in this section as "foreign disclosures") made by its parent bank, if any, as being part of the disclosures (referred to in this section as "local disclosures") the institution is required to make pursuant to these Rules if the institution demonstrates to the satisfaction of the Monetary Authority that -

- (a) the foreign disclosures are not materially different from the local disclosures;
- (b) the foreign disclosures are prepared in accordance with the relevant principles of the document entitled "International Convergence of Capital Measurement and Capital Standards: A Revised Framework (Comprehensive Version)" (published by the Basel Committee on Banking Supervision in June 2006) adopted by the relevant banking supervisory authority of the parent bank;
- (c) the characteristics of the institution's relevant risk exposures subject to requirements pursuant to these Rules are not materially different from the relevant risk exposures of the parent bank;
- (d) the foreign disclosures provide a sufficient level of detail on the range of risks incurred by the institution and on how those risks are managed to permit third parties to form a considered view of

the relevant aspects of the institution's operations;

- (e) the disclosure statement of the institution contains a statement of the location where all the foreign disclosures can be found;
- (f) the foreign disclosures are set out on an Internet website of the parent bank which is accessible by the general public; and
- (g) the institution has a Hong Kong Internet website which contains a link to the parent bank's Internet website referred to in paragraph (f).

## 16. Compliance

(1) An authorized institution shall, in addition to the disclosures it is required to make pursuant to other sections of these Rules, include in its disclosure statement such other information that it is necessary to so include to ensure that -

- (a) the information contained in the statement is not misleading in any material respect; and
- (b) the operations of the institution are clearly explained.

(2) Notwithstanding any other provision of these Rules, where it is not practicable for an authorized institution to make a disclosure required pursuant to these Rules for reasons not related to section 9, the institution -

- (a) shall, after consultation with the Monetary Authority, include in its disclosure statement -
  - (i) a statement that it is so unable and of the reasons why it is so unable; and
  - (ii) information which is the closest available alternative to the information which would have been the subject of those disclosures if the institution had not been so unable; and
- (b) shall not publish the disclosure statement except with the prior consent of the Monetary Authority.

PART 3

INTERIM FINANCIAL DISCLOSURES TO BE MADE BY  
AUTHORIZED INSTITUTIONS INCORPORATED  
IN HONG KONG

**17. References to authorized institution  
in Part 3**

Unless the context otherwise requires, a reference to an authorized institution in this Part is a reference to an authorized institution which falls within section 3(2).

**18. Scope of consolidation**

An authorized institution shall disclose -

(a) the basis of consolidation including -

(i) an outline of the differences between the basis of consolidation for accounting purposes and the basis of consolidation for regulatory purposes; and

(ii) a description of -

(A) the institution's subsidiaries which are members of its consolidation group; and

(B) the institution's subsidiaries in respect of which the institution's shareholdings therein are deducted from the institution's core capital and supplementary capital as determined in accordance with Part 3 of the Capital Rules; and

(b) any restrictions, or other major impediments, on the transfer of funds or regulatory capital between the members of the institution's consolidation group including any relevant regulatory, legal or taxation constraints on the transfer of capital.

**19. Income statement and equity information**

(1) An authorized institution shall disclose for the interim reporting period particulars of -

(a) the institution's net gains or net losses on -

- (i) financial assets or financial liabilities measured at fair value through profit or loss, showing separately the amount of net gains or net losses arising from financial assets or financial liabilities, as the case may be, which are -
  - (A) designated as such upon initial recognition; and
  - (B) classified as held for trading;
- (ii) available-for-sale financial assets, showing separately the amount of net gains or net losses recognized directly in equity during the interim reporting period and the amount of net gains or net losses removed from equity and recognized in profit or loss for the interim reporting period;
- (iii) held-to-maturity investments;
- (iv) loans and receivables; and
- (v) financial liabilities measured at amortized cost;

- (b) the institution's total interest income and total interest expense (calculated by using the effective interest method) for financial assets or financial liabilities which are not measured at fair value through profit or loss;
- (c) the institution's fees and commission income and expense (other than amounts included in determining the effective interest rate) which arise from -
  - (i) financial assets or financial liabilities which are not measured at fair value through profit or loss; and
  - (ii) trust and other fiduciary activities which result in the holding or investing of assets on behalf of individuals, trusts, retirement benefits plans, and other entities;
- (d) the institution's interest income on impaired financial assets;
- (e) the institution's dividend income, broken down into receipts from listed and unlisted companies;
- (f) the institution's operating expenses, broken down into -
  - (i) staff costs;
  - (ii) premises and equipment expenses, excluding depreciation charges (broken down if material);

- (iii) depreciation charges; and
  - (iv) other operating expenses (broken down if material);
- (g) the institution's net gains or net losses from the disposal or revaluation of investment properties;
- (h) the institution's gains less losses from the disposal of property, plant and equipment;
- (i) the institution's impairment losses and specific provisions and collective provisions for impaired assets, broken down into -
  - (i) available-for-sale financial assets;
  - (ii) held-to-maturity investments; and
  - (iii) loans and receivables;
- (j) the institution's tax expenses or tax income, broken down into -
  - (i) Hong Kong tax;
  - (ii) overseas tax; and
  - (iii) deferred tax, if any; and
- (k) the institution's transfers to or from reserves.

(2) Subject to subsection (3), an authorized institution shall disclose an explanatory statement relating to the activities of the institution and its profit (or loss) during the interim reporting period.

(3) An authorized institution shall ensure that a statement disclosed by it pursuant to subsection (2) -

- (a) includes any material information the disclosure of which is necessary for an informed assessment of the trend of the activities and profit (or loss) of the institution together with an indication of any special factor which has influenced those activities and the profit (or loss) during the interim reporting period; and
- (b) enables a comparison to be made with the immediately preceding interim reporting period.

(4) An authorized institution shall, in relation to income and expense, disclose the nature and amount of items of income and expense within profit or loss where such items are of such size, nature or incidence that their disclosure is necessary for understanding the performance of the institution for the interim reporting period.

**20. Balance sheet information**

An authorized institution shall disclose the carrying amounts of -

(a) each of the institution's assets, broken down into

-

- (i) cash and balances with banks;
- (ii) placements with banks which have a residual contractual maturity of more than one month but not more than 12 months;
- (iii) financial assets measured at fair value through profit or loss, showing separately those -
  - (A) designated as such upon initial recognition; and
  - (B) classified as held for trading;
- (iv) held-to-maturity investments;
- (v) loans and receivables, broken down into -
  - (A) loans and advances to customers;
  - (B) loans and advances to banks;
  - (C) accrued interest and other accounts (broken down if material); and
  - (D) provisions for impaired loans and receivables (broken down between those against loans and advances to customers, loans and advances to

banks, accrued interest and other accounts if material) which constitute the institution's -

- (I) collective provisions; and
- (II) specific provisions;
- (vi) available-for-sale financial assets;
- (vii) investments in associates; and
- (viii) property, plant and equipment and investment properties including, for each material class of such assets -
  - (A) the cost or valuation of the assets;
  - (B) any additions to, revaluations and disposals of, the assets made during the interim reporting period;
  - (C) the amount provided or written off for the depreciation or diminution in value of the assets during the interim reporting period;
  - (D) the accumulated depreciation of the assets; and
  - (E) the net book value of the assets;and

(b) each of the institution's equity and liabilities, broken down into -

- (i) deposits and balances from banks;

- (ii) deposits from customers, broken down into -
  - (A) demand deposits and current accounts;
  - (B) savings deposits; and
  - (C) time, call and notice deposits;
- (iii) certificates of deposit issued -
  - (A) measured at fair value through profit or loss, showing separately those -
    - (I) designated as such upon initial recognition; and
    - (II) classified as held for trading; and
  - (B) measured at amortized cost;
- (iv) issued debt securities -
  - (A) measured at fair value through profit or loss, showing separately those -
    - (I) designated as such upon initial recognition; and
    - (II) classified as held for trading; and
  - (B) measured at amortized cost;
- (v) deferred taxation, if any;
- (vi) other liabilities;

- (vii) provisions;
- (viii) loan capital (including particulars of types, coupon rates and maturities);
- (ix) minority interests;
- (x) share capital; and
- (xi) reserves, broken down into the regulatory reserve, other revaluation reserves where maintained, and other material types of reserves.

**21. Provisions supplementary to section 20**

(1) For the purposes of section 20, an authorized institution shall disclose -

- (a) the amount of impaired loans and advances to customers which are individually determined to be impaired;
- (b) the amount of specific provisions made for such loans and advances;
- (c) the value of collateral which has been taken into account in respect of such loans and advances to which the specific provisions relate; and
- (d) the percentage of such loans and advances to its total amount of loans and advances to customers.

(2) For the purposes of section 20, an authorized institution shall disclose -

- (a) the amount of impaired loans and advances to banks which are individually determined to be impaired;
- (b) the amount of specific provisions made for such loans and advances; and
- (c) the value of collateral which has been taken into account in respect of such loans and advances to which the specific provisions relate; and
- (d) the percentage of such loans and advances to its total amount of loans and advances to banks.

**22. Provisions supplementary to  
section 20: derivative  
transactions**

(1) An authorized institution shall disclose the total contractual or notional amounts of derivative transactions broken down into -

- (a) exchange rate contracts (excluding forward foreign exchange contracts arising from swap deposit arrangements);
- (b) interest rate contracts; and
- (c) others.

(2) An authorized institution shall disclose such risk exposure information as is necessary for understanding the underlying risks of the exposures incurred by the institution through the institution's use of derivative transactions.

(3) Without prejudice to the generality of subsection (2), an authorized institution shall -

- (a) disclose the total risk-weighted amount for credit risk and the total fair value of its exchange rate contracts, interest rate contracts and other derivative transactions, if any; and
- (b) indicate whether that amount or fair value takes into account the effect of a valid bilateral netting agreement.

**23. Off-balance sheet exposures  
(other than derivative  
transactions)**

(1) Subject to subsection (2), an authorized institution shall disclose the contractual or notional amounts of each material class of its off-balance sheet exposures.

(2) Without prejudice to the generality of subsection (1), an authorized institution shall disclose the contractual or notional amount of its off-balance sheet exposures which are -

- (a) direct credit substitutes;
- (b) transaction-related contingencies;
- (c) trade-related contingencies;
- (d) note issuance and revolving underwriting facilities;
- (e) forward asset purchases, amounts owing on partly paid-up shares and securities, forward deposits placed and asset sales with recourse; or
- (f) other commitments under which the institution is obliged to provide funds or to create off-balance sheet exposures in the future, which do not fall within any of the other classes of off-balance sheet exposures specified in paragraphs (a) to (e), broken down into -
  - (i) commitments which have an original maturity of not more than one year;
  - (ii) commitments which have an original maturity of more than one year;

(iii) commitments which may be cancelled at any time unconditionally by the institution or which provide for automatic cancellation due to a deterioration in the creditworthiness of the persons to whom the institution has made the commitments.

(3) Subject to subsection (4), an authorized institution shall disclose such risk exposure information as is necessary for understanding the underlying risks of the off-balance sheet exposures incurred by the institution.

(4) Without prejudice to the generality of subsection (3), an authorized institution shall disclose the total risk-weighted amount for credit risk of its off-balance sheet exposures, if any.

(5) In this section -  
"original maturity" (                    ), in relation to off-balance sheet exposure of an authorized institution, means the period between the date on which the exposure is entered into by the institution and the earliest date on which the institution can, at its option, unconditionally cancel the exposure.

## **24. Capital structure and adequacy**

(1) An authorized institution shall disclose the components of its capital base set out in the returns relating to capital adequacy it submitted to the Monetary Authority pursuant to section 63 of the Ordinance in respect of the interim reporting period.

(2) Without prejudice to the generality of subsection (1), the disclosure referred to in that subsection required of an authorized institution shall include -

(a) in the case of the institution's core capital -

- (i) the institution's paid-up ordinary share capital;
- (ii) the institution's paid-up irredeemable non-cumulative preference shares;
- (iii) the amount standing to the credit of the institution's share premium account;
- (iv) the institution's published reserves;
- (v) the amount of the institution's profit and loss account;
- (vi) minority interests in the equity of the institution's subsidiaries which are included in the core capital; and
- (vii) the total deductions from the core capital;

(b) in the case of the institution's supplementary capital -

- (i) the institution's reserves which are attributable to fair value gains on the revaluation of its holdings of land and buildings;
- (ii) the institution's reserves which are attributable to fair value gains on the revaluation of its holdings of securities not held for trading purposes;
- (iii) the institution's fair value gains arising from securities designated at fair value through profit or loss included in the supplementary capital;
- (iv) the amount of the institution's regulatory reserve for general banking risks;
- (v) the amount of the institution's collective provisions;
- (vi) the amount of the institution's surplus provisions;
- (vii) the institution's perpetual subordinated debt;
- (viii) the institution's paid-up irredeemable cumulative preference shares;
- (ix) the institution's term subordinated debt;
- (x) the institution's paid-up term preference shares; and

- (xi) minority interests in -
    - (A) the paid-up irredeemable non-cumulative preference shares of the institution's subsidiaries (being special purpose vehicles) in excess of the amount included in the institution's core capital which are included in the institution's supplementary capital; and
    - (B) the paid-up irredeemable cumulative preference shares and paid-up term preference shares of the institution's subsidiaries which are included in the institution's supplementary capital;
  - (c) the total deductions from the institution's core capital and supplementary capital;
  - (d) the institution's core capital after deductions;
  - (e) the institution's supplementary capital after deductions; and
  - (f) the institution's capital base.
- (3) An authorized institution shall disclose -
- (a) the total amount of relevant capital shortfall in any of its subsidiaries which are not included in its consolidation group for regulatory purposes; and

- (b) the names of its subsidiaries which are not included in its consolidation group.

(4) Subject to subsections (5) and (6), an authorized institution shall disclose -

- (a) its capital adequacy ratio; and
- (b) its core capital ratio.

(5) Where an authorized institution is required under section 98(2) of the Ordinance as read with Part 2 of the Capital Rules to calculate its capital adequacy ratio on a consolidated basis, the institution shall disclose -

- (a) its capital adequacy ratio on a consolidated basis; and
- (b) its core capital ratio.

(6) Where subsection (5) does not apply to an authorized institution, the institution shall disclose -

- (a) its capital adequacy ratio on a solo basis; and
- (b) its core capital ratio.

(7) Where an authorized institution has earmarked part of its retained earnings for maintaining its regulatory reserve to satisfy the provisions of the Ordinance for prudential supervision purposes, the institution shall -

- (a) disclose this fact; and
- (b) disclose the amount of retained earnings so earmarked.

(8) In this section -

"core capital ratio" ( ), in relation to an authorized institution, means the ratio, expressed as a percentage, of the amount of the institution's core capital after making the deductions therefrom required by Part 3 of the Capital Rules, to the sum of, subject to sections 2.26, 2.27 and 2.28 of the Capital Rules, the institution's risk-weighted amount for credit risk, risk-weighted amount for market risk and risk-weighted amount for operational risk as determined in accordance with the Capital Rules;

"relevant capital shortfall" ( ), in relation to a subsidiary of an authorized institution, means that amount -

- (a) by which the subsidiary is deficient in satisfying its minimum capital requirements; and
- (b) which is deducted from the institution's core capital and supplementary capital pursuant to Part 3 of the Capital Rules.

## 25. General disclosures

(1) An authorized institution shall disclose a breakdown of its cross-border claims by major countries or geographical segments in accordance with -

- (a) the location of the counterparties; and
- (b) the types of counterparties (broken down into banks, public sector entities and others).

(2) An authorized institution shall disclose the gross amount of loans and advances to customers by major countries or geographical segments in accordance with the location of the counterparties.

(3) An authorized institution shall disclose the basis of the country or geographical segment classification used for the purposes of subsections (1) and (2) including whether or not any recognized risk transfer has been taken into account.

(4) An authorized institution shall disclose -

- (a) the amount of impaired loans and advances to customers which are individually determined to be impaired and, if available, overdue loans and advances to customers, disclosed separately broken down by major countries or geographical segments;
- (b) the amounts of specific provisions allocated in respect of the loans and advances referred to in paragraph (a); and
- (c) that portion of its collective provisions which is allocated to any country or geographical segment.

(5) In this section -

"cross-border claims" (                      ), in relation to an authorized institution -

(a) subject to paragraph (b), include -

- (i) receivables and loans and advances;
- (ii) cash and balances and placements with banks (including loans and advances to banks);
- (iii) holdings of certificates of deposit, bills, promissory notes, commercial paper, other debt instruments and investments; and
- (iv) accrued interest and overdue interest on the assets referred to in subparagraphs (i), (ii) and (iii);

(b) does not include claims arising between the institution and its branches or subsidiaries;

"major country or geographical segment" (                      ) -

- (a) in relation to an authorized institution's cross-border claims, means a country or geographical segment, as the case may be, to which not less than 10% of the institution's total cross-border claims are attributable after taking into account any recognized risk transfer;
- (b) in relation to loans and advances to customers, means a country or geographical segment, as the

case may be, to which not less than 10% of the institution's total amount of loans and advances to customers are attributable after taking into account any recognized risk transfer;

"recognized risk transfer" ( ) -

(a) in relation to a cross-border claim of an authorized institution, means that -

(i) the claim is guaranteed by a person in a country which is different from that of the counterparty; or

(ii) the claim is on an overseas branch of a bank and the head office of the bank is located in a country which is different from that of the overseas branch;

(b) in relation to loans and advances to a customer of an authorized institution, means that the loans and advances are guaranteed by a person in a country which is different from that of the customer.

**26. Sector information**

(1) An authorized institution shall disclose the gross amount of loans and advances to customers, broken down into -

(a) loans and advances for use in Hong Kong -

(i) industrial, commercial and financial -

(A) property development;

(B) property investment;

(C) financial concerns;

(D) stockbrokers;

(E) wholesale and retail trade;

(F) manufacturing;

(G) transport and transport equipment;

(H) recreational activities;

(I) information technology; and

(J) others;

(ii) individuals -

(A) loans for the purchase of flats in the Home Ownership Scheme, Private Sector Participation Scheme and Tenants Purchase Scheme or their respective successor schemes;

(B) loans for the purchase of other residential properties;

(C) credit card advances; and

(D) others;

(b) trade finance; and

(c) loans and advances for use outside Hong Kong.

(2) An authorized institution shall disclose the extent to which loans and advances referred to in subsection (1) are covered by collateral or other security.

(3) Where an authorized institution's total amount of loans and advances to a counterparty type, or to a sector which has been classified by the institution as an industry sector, constitutes not less than 10% of the institution's total amount of loans and advances, the institution shall, in respect of that counterparty type or industry sector, as the case may be, disclose -

- (a) the amount of impaired loans and advances which are individually determined to be impaired and, if available, overdue loans and advances, set out separately;
- (b) the amounts of specific provisions and collective provisions; and
- (c) the amount of new provisions charged to profit and loss, and the amount of impaired loans and advances written off, during the interim reporting period.

**27. Overdue or rescheduled assets**

- (1) An authorized institution shall -
  - (a) disclose the gross amount of loans and advances to customers which have been overdue for -
    - (i) more than 3 months but not more than 6 months;
    - (ii) more than 6 months but not more than one year; and
    - (iii) more than one year;
  - (b) disclose the percentage of its total amount of loans and advances to customers which have been overdue for -
    - (i) more than 3 months but not more than 6 months;
    - (ii) more than 6 months but not more than one year; and
    - (iii) more than one year;
  - (c) ensure that the total amount of loans and advances to customers as disclosed pursuant to paragraphs (a) and (b) corresponds to the total amount of loans and advances for use in Hong Kong, trade finance, and loans and advances for use outside Hong Kong as disclosed pursuant to section 26(1).
- (2) An authorized institution shall -
  - (a) disclose the gross amount of loans and advances to banks which have been overdue for -

- (i) more than 3 months but not more than 6 months;
    - (ii) more than 6 months but not more than one year; and
    - (iii) more than one year;
  - (b) disclose the percentage of its total amount of loans and advances to banks which have been overdue for -
    - (i) more than 3 months but not more than 6 months;
    - (ii) more than 6 months but not more than one year; and
    - (iii) more than one year.
- (3) An authorized institution shall -
  - (a) disclose a description of any collateral held in respect of its overdue loans and advances and any other forms of credit risk mitigation and, unless impracticable, an estimate of the fair value of such collateral or such other forms of credit risk mitigation; and
  - (b) disclose the amount of specific provisions made on such overdue loans and advances.
- (4) An authorized institution shall disclose -
  - (a) the amount of rescheduled loans and advances to customers, excluding those which have been overdue

for more than 3 months and disclosed pursuant to subsection (1); and

(b) the percentage of such loans and advances to its total amount of loans and advances to customers.

(5) An authorized institution shall disclose -

(a) the amount of rescheduled loans and advances to banks, excluding those which have been overdue for more than 3 months and disclosed pursuant to subsection (2); and

(b) the percentage of such loans and advances to its total amount of loans and advances to banks.

(6) An authorized institution shall disclose the amount of other assets, broken down into major classes of assets (including trade bills and debt securities), which have been overdue for -

(a) more than 3 months but not more than 6 months;

(b) more than 6 months but not more than one year; and

(c) more than one year.

(7) An authorized institution shall disclose the amount of repossessed assets held, irrespective of the accounting treatment of the related loans and advances.

**28. Non-bank Mainland exposures**

An authorized institution shall disclose a breakdown of its Mainland exposures to non-bank counterparties, if the exposures are material, into the categories in the return for non-bank Mainland exposures submitted by the institution to the Monetary Authority pursuant to section 63 of the Ordinance in respect of the interim reporting period.

**29. Currency risk**

(1) Subject to subsections (2) and (3), an authorized institution shall disclose its foreign currency exposures which arise from trading, non-trading and structural positions in accordance with the return relating to foreign currency positions it submitted to the Monetary Authority pursuant to section 63 of the Ordinance in respect of the interim reporting period.

(2) Where an authorized institution's net position (in absolute terms) in a particular foreign currency constitutes not less than 10% of the institution's total net position in all foreign currencies, the institution shall disclose in respect of the particular currency its -

- (a) spot assets;
- (b) spot liabilities;
- (c) forward purchases;
- (d) forward sales;
- (e) net options position; and
- (f) net long (short) position.

(3) For the purposes of subsection (2), an authorized institution shall calculate its net options position on the basis of -

- (a) the delta-weighted position of its options contracts; or
- (b) the institution's internal reporting method.

(4) An authorized institution shall disclose the basis referred to in subsection (3) on which it calculates its net options position.

(5) Where an authorized institution's net structural position (assets less liabilities) in a particular foreign currency constitutes (in absolute terms) not less than 10% of the institution's total net structural position in all foreign currencies, the institution shall disclose that net structural position in that particular foreign currency.

(6) For the purposes of this section, an authorized institution shall convert all foreign currency amounts into their equivalents in Hong Kong dollars as at the reporting date in determining whether its net position or net structural position in a foreign currency constitutes not less than 10% of its total net position or total net structural position, as the case may be, in all foreign currencies.

### **30. Liquidity**

(1) Subject to subsection (2), an authorized institution shall disclose its average liquidity ratio for the interim reporting period.

(2) For the purposes of subsection (1), an authorized institution -

- (a) shall calculate its average liquidity ratio as the arithmetic mean of each calendar month's average liquidity ratio as submitted by the institution to the Monetary Authority pursuant to section 63 of the Ordinance in respect of the interim reporting period;
- (b) may, with the prior consent of the Monetary Authority, include overseas branches or subsidiaries of the institution, or both, in the calculation of its average liquidity ratio.

PART 4

ANNUAL FINANCIAL DISCLOSURES TO BE MADE BY  
AUTHORIZED INSTITUTIONS INCORPORATED  
IN HONG KONG

**31. References to authorized institution  
in Part 4**

Unless the context otherwise requires, a reference to an authorized institution in this Part is a reference to an authorized institution which falls within section 3(1).

### 32. Interpretation of Part 4

In this Part, unless the context otherwise requires -  
"cash flow hedge" ( ) has the meaning assigned to it by  
section 3.1 of the Capital Rules;

"corporate" ( ) has the meaning assigned to it by section  
6.2(1) of the Capital Rules;

"fair value hedge" ( ), in relation to a hedging  
relationship of an authorized institution, means a hedge of  
the exposure to changes in the fair value of -

- (a) a financial asset or financial liability which is  
recognized on the institution's balance sheet;
- (b) a firm commitment which is not recognized on the  
institution's balance sheet; or
- (c) an identified portion of such an asset, liability  
or firm commitment,

which is attributable to a particular risk and which could  
affect profit or loss;

"forecast transaction" ( ) has the meaning assigned to it  
by section 3.1 of the Capital Rules;

"hedges of net investments in foreign operation" ( ), in  
relation to a hedging relationship of an authorized  
institution, means a hedge of the institution's net  
investments in a foreign operation where -

- (a) a foreign operation is a subsidiary, associate,  
joint venture or branch of the institution -

(i) the activities of which are based or conducted in a country other than that of the institution; or

(ii) the annual accounts of which are prepared in a currency other than that in which the institution's annual accounts are prepared; and

(b) net investment in a foreign operation is the amount of the institution's interest in the net assets of that operation;

"highly probable forecast transaction" ( ), in relation to the forecast transaction which is the subject of a cash flow hedge, means the forecast transaction is highly probable and presents an exposure to variations in cash flows which could ultimately affect profit or loss;

"long lease" ( ) has the meaning assigned to it by the Tenth Schedule to the Companies Ordinance (Cap. 32);

"medium-term lease" ( ) has the meaning assigned to it by the Tenth Schedule to the Companies Ordinance (Cap. 32);

"related party" ( ), in relation to an authorized institution, means a person -

(a) who directly, or indirectly through one or more intermediaries -

(i) controls, is controlled by, or is under common control with, the institution;

- (ii) has an interest in the institution which gives the person significant influence over the institution; or
  - (iii) has joint control over the institution;
- (b) who is an associate of the institution;
- (c) who is a joint venture in which the institution has joint control;
- (d) who is a member of the key management personnel of the institution or of any holding company of the institution;
- (e) who is a relative, within the meaning of section 79(1) of the Ordinance, of any person falling within paragraph (a) or (d);
- (f) who is controlled, jointly controlled or significantly influenced by any person falling within paragraph (d) or (e);
- (g) significant voting power in which resides with, directly or indirectly, any person falling within paragraph (d) or (e); or
- (h) which is an entity which constitutes a post-employment benefit plan for the benefit of -
  - (i) the employees of the institution; or
  - (ii) the employees of any person falling within any of paragraphs (a) to (g) in relation to the institution;

"related party transaction" ( ) means a transfer of resources, services or obligations between related parties, regardless of whether a price is charged;

"short lease" ( ) has the meaning assigned to it by the Tenth Schedule to the Companies Ordinance (Cap. 32).

**33. Scope of consolidation**

An authorized institution shall disclose -

(a) the basis of consolidation including -

(i) an outline of differences between the basis of consolidation for accounting purposes and the basis of consolidation for regulatory purposes; and

(ii) a description of -

(A) the institution's subsidiaries which are members of its consolidation group; and

(B) the institution's subsidiaries in respect of which the institution's shareholdings therein are deducted from the institution's core capital and supplementary capital as determined in accordance with Part 3 of the Capital Rules; and

(b) any restrictions, or other major impediments, on the transfer of funds or regulatory capital between the members of the institution's consolidation group including any relevant regulatory, legal or taxation constraints on the transfer of capital.

**34. Principal accounting policies**

(1) An authorized institution shall disclose the principal accounting policies it uses in the preparation of its financial statements.

(2) Without prejudice to the generality of subsection (1), an authorized institution shall disclose -

- (a) the accounting policies, practices and methods it uses for credit risk exposures, in particular for loans and advances (including the measurement basis used for loans and advances at the time of their origination and at subsequent periods, and the recognition of interest income), and the determination of specific provisions, collective provisions and write-offs;
- (b) the accounting treatment of loans and advances upon the repossession of assets where such loans and advances to which the repossession of assets relate are material;
- (c) the accounting treatment of fees and expenses related to loans and advances (including whether any incentives relating to residential mortgage loans or other loans and advances have been written-off or amortized) where the fees and expenses are material;
- (d) the principal accounting policies used for derivative transactions and off-balance sheet

exposures (including an explanation of the accounting practices and major assumptions used for valuation and income recognition); and

(e) the accounting policies used for offsetting assets and liabilities arising from derivative transactions.

**35. Income statement and equity information**

(1) An authorized institution shall disclose for the annual reporting period particulars of -

(a) the institution's net gains or net losses on -

- (i) financial assets or financial liabilities measured at fair value through profit or loss, showing separately the amount of net gains or net losses arising from financial assets or financial liabilities, as the case may be, which are -
  - (A) designated as such upon initial recognition; and
  - (B) classified as held for trading;
- (ii) available-for-sale financial assets, showing separately the amount of net gains or net losses recognized directly in equity during the annual reporting period and the amount of net gains or net losses removed from equity and recognized in profit or loss for the annual reporting period;
- (iii) held-to-maturity investments;
- (iv) loans and receivables; and
- (v) financial liabilities measured at amortized cost;

- (b) the institution's total interest income and total interest expense (calculated by using the effective interest method) for financial assets or financial liabilities which are not measured at fair value through profit or loss;
- (c) the institution's fees and commission income and expense (other than amounts included in determining the effective interest rate) which arise from -
  - (i) financial assets or financial liabilities which are not measured at fair value through profit or loss; and
  - (ii) trust and other fiduciary activities which result in the holding or investing of assets on behalf of individuals, trusts, retirement benefits plans, and other entities;
- (d) the institution's interest income on impaired financial assets;
- (e) the institution's dividend income (broken down into receipts from listed and unlisted companies);
- (f) the institution's operating expenses broken down into -
  - (i) staff costs;
  - (ii) premises and equipment expenses, excluding depreciation charges (broken down if material);

- (iii) depreciation charges; and
- (iv) other operating expenses (broken down if material);
- (g) the institution's net gains or net losses from the disposal or revaluation of investment properties;
- (h) the institution's gains less losses from the disposal of property, plant and equipment;
- (i) the institution's impairment losses and specific provisions and collective provisions for impaired assets, broken down into -
  - (i) available-for-sale financial assets;
  - (ii) held-to-maturity investments; and
  - (iii) loans and receivables;
- (j) the institution's tax expense or tax income, broken down into -
  - (i) Hong Kong tax;
  - (ii) overseas tax; and
  - (iii) deferred tax, if any; and
- (k) the institution's transfers to or from reserves.

(2) An authorized institution shall, in relation to its tax expense or tax income, disclose the basis on which Hong Kong profits tax is calculated.

(3) An authorized institution shall disclose any material amount -

(a) set aside for provisions other than those for depreciation, renewals or diminution in the value of assets; or

(b) withdrawn from such provisions and not applied for the purposes thereof.

(4) An authorized institution shall, in relation to income and expense, disclose the nature and amount of items of income and expense within profit or loss where such items are of such size, nature or incidence that their disclosure is necessary for understanding the performance of the institution for the annual reporting period.

**36. Balance sheet information**

(1) An authorized institution shall disclose the carrying amounts of -

(a) each of the institution's assets, broken down into -

-

- (i) cash and balances with banks;
- (ii) placements with banks which have a residual contractual maturity of more than one month but not more than 12 months;
- (iii) financial assets measured at fair value through profit or loss, showing separately those -
  - (A) designated as such upon initial recognition; and
  - (B) classified as held for trading;
- (iv) held-to-maturity investments;
- (v) loans and receivables broken down into -
  - (A) loans and advances to customers;
  - (B) loans and advances to banks;
  - (C) accrued interest and other accounts (broken down if material); and
  - (D) provisions for impaired loans and receivables (broken down into those against loans and advances to customers, loans and advances to

banks, accrued interest and other accounts if material) which constitute the institution's -

- (I) collective provisions; and
- (II) specific provisions;
- (vi) available-for-sale financial assets;
- (vii) investments in associates; and
- (viii) property, plant and equipment and investment properties including, for each material class of such assets -
  - (A) the cost or valuation of the assets;
  - (B) any additions to, revaluations and disposals of, the assets made during the annual reporting period;
  - (C) the amount provided or written-off for the depreciation or diminution in value of the assets during the annual reporting period;
  - (D) the accumulated depreciation of the assets; and
  - (E) the net book value of the assets;and

(b) each of the institution's equity and liabilities broken down into -

- (i) deposits and balances from banks;

(ii) deposits from customers broken down into -

- (A) demand deposits and current accounts;
- (B) savings deposits; and
- (C) time, call and notice deposits;

(iii) certificates of deposit issued -

(A) measured at fair value through profit or loss, showing separately those -

- (I) designated as such upon initial recognition; and
- (II) classified as held for trading; and

(B) measured at amortized cost;

(iv) issued debt securities -

(A) measured at fair value through profit or loss, showing separately those -

- (I) designated as such upon initial recognition; and
- (II) classified as held for trading; and

(B) measured at amortized cost;

(v) deferred taxation, if any;

(vi) other liabilities;

- (vii) provisions;
- (viii) loan capital (including particulars of types, coupon rates and maturities);
- (ix) minority interests;
- (x) share capital; and
- (xi) reserves (broken down into the regulatory reserve, other revaluation reserves where maintained, and other material types of reserves).

(2) An authorized institution which maintains a regulatory reserve shall disclose the nature and purpose of the reserve.

(3) An authorized institution shall disclose particulars of any movements in provisions for impaired loans and receivables (including provisions against trade bills if material) during the annual reporting period.

(4) For the purposes of subsection (3), an authorized institution -

- (a) is not required to break down the movements in provisions referred to in that subsection into asset classes but is required to break down the movements into collective provisions and specific provisions; and
- (b) shall, in respect of the movements in provisions referred to in that subsection, disclose particulars of -

- (i) the amount of new provisions charged to the profit and loss in the annual reporting period for losses on impaired loans and receivables;
- (ii) the amount of provisions released back to the profit and loss in the annual reporting period;
- (iii) the amount of loans and receivables which were written off in the annual reporting period;
- (iv) the amount of recoveries in respect of loans and receivables which were written off in previous years; and
- (v) the amount of foreign exchange adjustments, if any, in the annual reporting period.

**37. Provisions supplementary to section 36**

(1) For the purposes of section 36(4)(b)(i) and (ii), an authorized institution shall (whether or not its accounting practices include the recording of recoveries and write-offs through the provision for impaired loans and receivables) ensure that -

- (a) the amount of new provisions includes any amount of loans and receivables directly written off through the profit or loss in the annual reporting period;
- (b) the amount of provisions released back includes any amount of loans and receivables recovered directly through the profit or loss in the annual reporting period; and
- (c) the net amount of the amount of new provisions referred to in paragraph (a) and the amount of provisions released back referred to in paragraph (b) is consistent with the amount of provisions disclosed in the profit and loss information referred to in section 35(1).

(2) For the purposes of section 36, an authorized institution shall disclose -

- (a) the amount of impaired loans and advances to customers which are individually determined to be impaired;

- (b) the amount of specific provisions made for such loans and advances;
- (c) the value of collateral which has been taken into account in respect of such loans and advances to which the specific provisions relate; and
- (d) the percentage of such loans and advances to its total amount of loans and advances to customers.

(3) For the purposes of section 36, an authorized institution shall disclose -

- (a) the amount of impaired loans and advances to banks which are individually determined to be impaired;
- (b) the amount of specific provisions made for such loans and advances;
- (c) the value of collateral which has been taken into account in respect of such loans and advances to which the specific provisions relate; and
- (d) the percentage of such loans and advances to its total amount of loans and advances to banks.

(4) For the purposes of section 36, an authorized institution shall -

- (a) subject to paragraph (b), disclose a breakdown of investments in securities (including treasury bills) into equity and debt securities and listed and unlisted securities;
- (b) ensure that the breakdown required by paragraph (a) is carried out separately for held-to-maturity

securities, available-for-sale securities and securities designated at fair value through profit or loss; and

- (c) disclose the total fair value of listed securities broken down into the securities groupings set out in paragraph (b).

(5) For the purposes of section 36, an authorized institution shall disclose separately a breakdown of the issuers of held-to-maturity securities, available-for-sale securities and securities designated at fair value through profit or loss into -

- (a) sovereigns;
- (b) public sector entities;
- (c) banks;
- (d) corporates; and
- (e) others.

(6) Subject to subsections (7) and (8), an authorized institution shall disclose a breakdown of the residual contractual maturity of its assets and liabilities into those which are repayable -

- (a) on demand;
- (b) within a period of not more than one month (except those repayable on demand);
- (c) within a period of more than one month but not more than 3 months;
- (d) within a period of more than 3 months but not more than one year;

- (e) within a period of more than one year but not more than 5 years;
- (f) within a period of more than 5 years; and
- (g) within an indefinite period.

(7) An authorized institution shall disclose a breakdown of its assets and liabilities referred to in subsection (6) into -

(a) for its assets -

- (i) loans and advances to customers;
- (ii) cash and balances with banks and placements with banks (including loans and advances to banks);
- (iii) certificates of deposit held; and
- (iv) debt securities held, which are measured at fair value through profit or loss, showing separately those -
  - (A) designated as such upon initial recognition; and
  - (B) classified as held for trading;
- (v) debt securities held as available-for-sale securities; and
- (vi) debt securities held as held-to-maturity securities; and

(b) for its liabilities -

- (i) deposits and balances from banks;
- (ii) deposits from customers;
- (iii) certificates of deposit issued; and

(iv) issued debt securities.

(8) An authorized institution shall base the breakdown referred to in subsection (6) on the remaining period to the contractual maturity date of the asset or liability concerned.

(9) For the purposes of section 36, an authorized institution shall -

- (a) disclose a breakdown of the gross amount (before accumulated depreciation) of property, plant and equipment, and investment properties into those included at cost and those included at valuation, if any;
- (b) in the case of fixed assets which have been included at valuation, disclose the years in which those assets were valued and the values; and
- (c) in the case of assets which have been valued during the annual reporting period, disclose -
  - (i) the names of the persons who valued them and particulars of their qualifications for doing so; and
  - (ii) the bases of valuation used by such persons.

(10) For the purposes of section 36, an authorized institution shall -

- (a) subject to paragraph (b), disclose a breakdown of real property, being real property included in the property, plant and equipment, or in the investment

properties, of the institution, into that held freehold and that held on a lease (broken down into long lease, medium-term lease and short lease);

- (b) ensure the breakdown referred to in paragraph (a) distinguishes between properties held on lease in Hong Kong and properties held on lease outside Hong Kong.

(11) For the purposes of section 36, an authorized institution shall disclose particulars of the movements in reserves during the annual reporting period, including the surplus or deficit on the revaluation of property.

**38. Provisions supplementary to  
section 36: derivative  
transactions**

(1) An authorized institution shall disclose a description of its objectives, policies and strategies for the use of derivative transactions (including the types of derivative contracts entered into for trading, those which do not qualify as hedges for accounting purposes but which are managed in conjunction with the financial instruments designated at fair value through profit or loss, those which qualify as hedges for accounting purposes, and whether they are exchange-traded or OTC derivative transactions).

(2) An authorized institution shall disclose the total contractual or notional amounts, total risk-weighted amount for credit risk and total fair value of derivative transactions broken down into -

- (a) exchange rate contracts (excluding forward foreign exchange contracts arising from swap deposit arrangements);
- (b) interest rate contracts; and
- (c) others.

(3) An authorized institution shall disclose a breakdown of the total contractual or notional amounts, risk-weighted amount for credit risk and fair value of each material class of derivative transactions into -

- (a) exchange rate contracts which are -
  - (i) forwards and futures contracts;

- (ii) swap contracts;
  - (iii) option contracts purchased; and
  - (iv) option contracts written;
- (b) interest rate contracts which are -
- (i) forwards and futures contracts;
  - (ii) swap contracts;
  - (iii) option contracts purchased; and
  - (iv) option contracts written; and
- (c) others (broken down if material).

(4) For the purposes of subsection (3), an authorized institution shall -

- (a) disclose whether any amount or fair value referred to in that subsection takes into account the effect of a valid bilateral netting agreement; and
- (b) disclose a breakdown of the total contractual or notional amounts of each material class of derivative transactions into -
  - (i) those entered into for trading;
  - (ii) those which do not qualify as hedges for accounting purposes but which are managed in conjunction with the financial instruments designated at fair value through profit or loss; or
  - (iii) those which qualify as hedges for accounting purposes.

**39. Off-balance sheet exposures  
(other than derivative  
transactions)**

(1) Subject to subsection (2), an authorized institution shall disclose the contractual or notional amounts of each material class of its off-balance sheet exposures.

(2) Without prejudice to the generality of subsection (1), an authorized institution shall disclose the contractual or notional amount of its off-balance sheet exposures which are -

- (a) direct credit substitutes;
- (b) transaction-related contingencies;
- (c) trade-related contingencies;
- (d) note issuance and revolving underwriting facilities;
- (e) forward asset purchases, amounts owing on partly paid-up shares and securities, forward deposits placed and asset sales with recourse; or
- (f) other commitments under which the institution is obliged to provide funds or to create off-balance sheet exposures in the future, which do not fall within any of the other classes of off-balance sheet exposures specified in paragraphs (a) to (e) broken down into -
  - (i) commitments which have an original maturity of not more than one year;
  - (ii) commitments which have an original maturity of more than one year; and

(iii) commitments which may be cancelled at any time unconditionally by the institution or which provide for automatic cancellation due to a deterioration in the creditworthiness of the persons to whom the institution has made the commitments.

(3) Subject to subsection (4), an authorized institution shall disclose such risk exposure information as is necessary for understanding the underlying risks of the off-balance sheet exposures incurred by the institution.

(4) Without prejudice to the generality of subsection (3), an authorized institution shall disclose the total risk-weighted amount for credit risk of its off balance sheet exposures, if any.

(5) In this section -  
"original maturity" (                    ), in relation to an off-balance sheet exposure of an authorized institution, means the period between the date on which the exposure is entered into by the institution and the earliest date on which the institution can, at its option, unconditionally cancel the exposure.

**40. Hedge accounting**

(1) An authorized institution shall separately disclose, in respect of its hedges which are fair value hedges, cash flow hedges or hedges of net investments in foreign operations -

- (a) a description of each type of hedge;
- (b) a description of the financial instruments designated as hedging instruments and their fair values; and
- (c) the nature of the risks being hedged.

(2) An authorized institution shall disclose in respect of its cash flow hedges -

- (a) the periods when the cash flows are expected to occur and when they are expected to affect the institution's profit or loss;
- (b) a description of any forecast transaction for which hedge accounting had previously been used but which is no longer expected to occur;
- (c) any amount which was recognized in equity for the annual reporting period;
- (d) any amount which was removed from equity and included in profit or loss for the annual reporting period, showing the amount included in each line item in the income statement; and
- (e) any amount which was removed from equity for the annual reporting period and included in the initial cost or other carrying amount of a non-financial

asset or non-financial liability the acquisition or incurrence of which was a hedged highly probable forecast transaction.

(3) An authorized institution shall separately disclose -

(a) in respect of its fair value hedges, gains or losses -

(i) on the hedging instrument; and

(ii) on the hedged item attributable to the hedged risk;

(b) any ineffectiveness recognized in the institution's profit or loss which arises from cash flow hedges; and

(c) any ineffectiveness recognized in the institution's profit or loss which arises from hedges of net investments in foreign operations.

(4) In this section -

"ineffectiveness" ( ), in relation to a hedge, means the degree to which changes in the fair value or cash flows of the hedged item concerned which are attributable to a hedged risk are not offset by changes in the fair value or cash flows of the hedging instrument.

**41. Fair value**

An authorized institution shall disclose the fair value of each class of its financial assets and financial liabilities in a way which permits such fair value to be compared with the carrying value of each such class.

**42. Cash flow statement**

An authorized institution shall disclose a cash flow statement.

**43. Related party transactions**

Where an authorized institution has entered into transactions with related parties, the institution shall disclose -

- (a) the nature of the related party relationships and such information about the transactions and outstanding balances as is necessary for understanding the potential effect of the relationships on the financial statements of the institution; and
- (b) the institution's policy for lending to related parties.

**44. Assets used as security**

An authorized institution shall disclose -

- (a) the total amount of its secured liabilities; and
- (b) the nature and carrying values of its assets used as security.

#### **45. Capital structure and adequacy**

(1) An authorized institution shall disclose a summary of the terms and conditions of the main features of all regulatory capital instruments issued by the institution, in particular in the case of innovative, complex or hybrid capital instruments.

(2) An authorized institution shall disclose the components of its capital base set out in the returns relating to capital adequacy it submitted to the Monetary Authority pursuant to section 63 of the Ordinance in respect of the annual reporting period.

(3) Without prejudice to the generality of subsection (2), the disclosure referred to in that subsection required of an authorized institution shall include -

(a) in the case of the institution's core capital -

- (i) the institution's paid-up ordinary share capital;
- (ii) the institution's paid-up irredeemable non-cumulative preference shares;
- (iii) the amount standing to the credit of the institution's share premium account;
- (iv) the institution's published reserves;
- (v) the amount of the institution's profit and loss account;
- (vi) minority interests in the equity of the institution's subsidiaries which are included in its core capital; and

- (vii) the total deductions from the core capital;
- (b) in the case of the institution's supplementary capital -
- (i) the institution's reserves which are attributable to fair value gains on the revaluation of its holdings of land and buildings;
  - (ii) the institution's reserves which are attributable to fair value gains on the revaluation of its holdings of securities not held for trading purposes;
  - (iii) the institution's fair value gains arising from securities designated at fair value through profit or loss included in the supplementary capital;
  - (iv) the amount of the institution's regulatory reserve for general banking risks;
  - (v) the amount of the institution's collective provisions;
  - (vi) the amount of the institution's surplus provisions;
  - (vii) the institution's perpetual subordinated debt;

- (viii) the institution's paid-up irredeemable cumulative preference shares;
- (ix) the institution's term subordinated debt;
- (x) the institution's paid-up term preference shares; and
- (xi) minority interests in -
  - (A) the paid-up irredeemable non-cumulative preference shares of the institution's subsidiaries (being special purpose vehicles) in excess of the amount included in the institution's core capital which are included in the institution's supplementary capital; and
  - (B) the paid-up irredeemable cumulative preference shares and paid-up term preference shares of the institution's subsidiaries which are included in the institution's supplementary capital;
- (c) the total deductions from the institution's core capital and supplementary capital;
- (d) the institution's core capital after deductions;
- (e) the institution's supplementary capital after deductions; and
- (f) the institution's capital base.

(4) An authorized institution shall disclose -

- (a) the total amount of any relevant capital shortfall in any of its subsidiaries which are not included in its consolidation group for regulatory purposes; and
- (b) the names of its subsidiaries which are not included in its consolidation group.

(5) Subject to subsections (6) and (7), an authorized institution shall disclose -

- (a) its capital adequacy ratio; and
- (b) its core capital ratio.

(6) Where an authorized institution is required under section 98(2) of the Ordinance as read with Part 2 of the Capital Rules to calculate its capital adequacy ratio on a consolidated basis, the institution shall disclose -

- (a) its capital adequacy ratio on a consolidated basis; and
- (b) its core capital ratio.

(7) Where subsection (6) does not apply to an authorized institution, the institution shall disclose -

- (a) its capital adequacy ratio on a solo basis; and
- (b) its core capital ratio.

(8) Where an authorized institution has earmarked part of its retained earnings for maintaining its regulatory reserve to satisfy the provisions of the Ordinance for prudential supervision purposes, the institution shall -

- (a) disclose this fact; and
- (b) disclose the amount of retained earnings so earmarked.

(9) For the purposes of this section -

"core capital ratio" (                    ), in relation to an authorized institution, means the ratio, expressed as a percentage, of the amount of the institution's core capital after making the deductions therefrom required by Part 3 of the Capital Rules, to the sum of, subject to sections 2.26, 2.27 and 2.28 of the Capital Rules, the institution's risk-weighted amount for credit risk, risk-weighted amount for market risk and risk-weighted amount for operational risk as determined in accordance with the Capital Rules;

"relevant capital shortfall" (                    ), in relation to a subsidiary of an authorized institution, means that amount -

- (a) by which the subsidiary is deficient in meeting its minimum capital requirements; and
- (b) which is deducted from the institution's core capital and supplementary capital pursuant to Part 3 of the Capital Rules.

**46. General disclosures**

(1) Subject to subsection (2), an authorized institution shall -

- (a) disclose a description of each of its major business activities which is consistent with its internal management classifications;
- (b) subject to paragraph (c), disclose a breakdown of its major business activities expressed in absolute terms or in the case of each activity as a percentage of its total business activities; and
- (c) if the breakdown referred to in paragraph (b) is expressed in absolute terms, ensure that the breakdown is consistent with the figures in the institution's audited income statement.

(2) An authorized institution shall, for each major business activity -

- (a) subject to subsection (3), disclose the amount of operating assets of the major business activity; and
- (b) disclose particulars of the major business activity in relation to -
  - (i) total operating income (net of interest expense);
  - (ii) profit or loss before impairment losses and specific provisions and collective provisions for impaired assets;

- (iii) profit or loss after impairment losses and specific provisions and collective provisions for impaired assets;
- (iv) profit or loss before taxation; or
- (v) any combination of any of the matters referred to in subparagraphs (i), (ii), (iii) and (iv).

(3) For the purposes of subsection (2)(a), the operating assets of a major business activity of an authorized institution are those assets -

- (a) which are employed in the course of the operating activities of the major business activity; and
- (b) which are directly attributable to the major business activity or which can be reasonably allocated to that activity.

(4) Where not less than 10% of an authorized institution's -

- (a) total operating income (net of interest expense);
- (b) profit or loss before taxation;
- (c) total assets;
- (d) total liabilities; or
- (e) contingent liabilities and commitments,

arises from, or is booked in, a single country or geographical segment, the institution shall disclose, for the item specified in each of paragraphs (a) to (e), the absolute amount in respect of the country or geographical segment, as the case requires.

(5) For the purposes of subsection (4), an authorized institution shall -

(a) disclose the information required by that subsection -

(i) where the activity concerned is conducted by the institution's subsidiary, on the basis of the location of the principal operations of the subsidiary;

(ii) where the activity concerned is conducted by the institution, on the basis of the location of the institution's branch responsible for reporting the results or booking the assets; and

(b) state which basis referred to in paragraph (a) it uses.

(6) For the purposes of subsections (1) to (4), an authorized institution shall ensure that the figures used in determining the breakdown and disclosure of the major business activities referred to in those subsections (including the item specified in each of paragraphs (a) to (e) of subsection (4)) are consistent with the figures disclosed in the institution's audited financial statements.

(7) Where the fees and commission income from a product line of an authorized institution constitutes not less than 10% of the total amount of fees and commission income of the institution, the

institution shall separately disclose the fees and commission income attributable to that product line.

(8) An authorized institution shall disclose a breakdown of its cross-border claims by major countries or geographical segments in accordance with -

- (a) the location of the counterparties; and
- (b) the types of counterparties (broken down into banks, public sector entities and others).

(9) An authorized institution shall disclose the gross amount of loans and advances to customers by major countries or geographical segments in accordance with the location of the counterparties.

(10) An authorized institution shall disclose the basis of the country or geographical segment classification used for the purposes of subsections (8) and (9) including whether or not any recognized risk transfer has been taken into account.

(11) An authorized institution shall disclose -

- (a) the amount of impaired loans and advances to customers which are individually determined to be impaired and, if available, overdue loans and advances to customers, disclosed separately broken down by major countries or geographical segments;
- (b) the amounts of specific provisions allocated in respect of the loans and advances referred to in paragraph (a); and

(c) that portion of its collective provisions which is allocated to any country or geographical segment.

(12) In this section -

"cross-border claim" ( ), in relation to an authorized institution -

(a) subject to paragraph (b), includes -

- (i) receivables and loans and advances;
- (ii) cash and balances and placements with banks (including loans and advances to banks);
- (iii) holdings of certificates of deposit, bills, promissory notes, commercial paper, other debt instruments and investments; and
- (iv) accrued interest and overdue interest on the assets referred to in subparagraphs (i), (ii) and (iii);

(b) does not include claims arising between the institution and its branches or subsidiaries;

"major business activity" ( ), in relation to an authorized institution, means the business activity constitutes not less than 10% of the total amount of the institution's -

(a) total operating income (net of interest expense);

- (b) profit or loss before impairment losses and specific provisions and collective provisions for impaired assets;
- (c) profit or loss after impairment losses and specific provisions and collective provisions for impaired assets; or
- (d) profit or loss before taxation;

"major country or geographical segment" ( ) -

- (a) in relation to an authorized institution's cross-border claims, means a country or geographical segment, as the case may be, to which not less than 10% of the institution's total cross-border claims are attributable after taking into account any recognized risk transfer;
- (b) in relation to loans and advances to customers, means a country or geographical segment, as the case may be, to which not less than 10% of the institution's total amount of loans and advances to customers are attributable after taking into account any recognized risk transfer;

"recognized risk transfer" ( ) -

- (a) in relation to a cross-border claim of an authorized institution, means that -
  - (i) the claim is guaranteed by a person in a country which is different from that of the counterparty; or

- (ii) the claim is on an overseas branch of a bank and the head office of the bank is located in a country which is different from that of the overseas branch;
- (b) in relation to loans and advances of a customer of an authorized institution, means that the loans and advances are guaranteed by a person in a country which is different from that of the customer.

**47. Sector information**

(1) An authorized institution shall disclose the gross amount of loans and advances to customers, broken down into -

(a) loans and advances for use in Hong Kong -

(i) industrial, commercial and financial -

(A) property development;

(B) property investment;

(C) financial concerns;

(D) stockbrokers;

(E) wholesale and retail trade;

(F) manufacturing;

(G) transport and transport equipment;

(H) recreational activities;

(I) information technology; and

(J) others;

(ii) individuals -

(A) loans for the purchase of flats in the Home Ownership Scheme, Private Sector Participation Scheme and Tenants Purchase Scheme or their respective successor schemes;

(B) loans for the purchase of other residential properties;

(C) credit card advances; and

(D) others;

(b) trade finance; and

(c) loans and advances for use outside Hong Kong.

(2) An authorized institution shall disclose the extent to which loans and advances referred to in subsection (1) are covered by collateral or other security.

(3) Where an authorized institution's total amount of loans and advances to a counterparty type, or to a sector which has been classified by the institution as an industry sector, constitutes not less than 10% of the institution's total amount of loans and advances, the institution shall, in respect of that counterparty type or industry sector, as the case may be, disclose -

- (a) the amount of impaired loans and advances which are individually determined to be impaired and, if available, overdue loans and advances, set out separately;
- (b) the amounts of specific provisions and collective provisions; and
- (c) the amount of new provisions charged to profit and loss, and the amount of impaired loans and advances written off during the annual reporting period.

**48. Overdue or rescheduled assets**

- (1) An authorized institution shall -
  - (a) disclose the gross amount of loans and advances to customers which have been overdue for -
    - (i) more than 3 months but not more than 6 months;
    - (ii) more than 6 months but not more than one year; and
    - (iii) more than one year;
  - (b) disclose the percentage of its total amount of loans and advances to customers which have been overdue for -
    - (i) more than 3 months but not more than 6 months;
    - (ii) more than 6 months but not more than one year; and
    - (iii) more than one year; and
  - (c) ensure that the total amount of loans and advances to customers as disclosed pursuant to paragraphs (a) and (b) corresponds to the total amount of loans and advances for use in Hong Kong, trade finance, and loans and advances for use outside Hong Kong as disclosed pursuant to section 47(1).
- (2) An authorized institution shall -
  - (a) disclose the gross amount of loans and advances to banks which have been overdue for -

- (i) more than 3 months but not more than 6 months;
    - (ii) more than 6 months but not more than one year; and
    - (iii) more than one year;
  - (b) disclose the percentage of its total amount of loans and advances to banks which have been overdue for -
    - (i) more than 3 months but not more than 6 months;
    - (ii) more than 6 months but not more than one year; and
    - (iii) more than one year.
- (3) An authorized institution shall -
  - (a) disclose a description of any collateral held in respect of its overdue loans and advances and any other forms of credit risk mitigation and, unless impracticable, an estimate of their fair value of such collateral or such other forms of credit risk mitigation; and
  - (b) disclose the amount of specific provisions made on such overdue loans and advances.
- (4) An authorized institution shall disclose -
  - (a) the amount of rescheduled loans and advances to customers, excluding those which have been overdue

for more than 3 months and disclosed pursuant to subsection (1); and

(b) the percentage of such loans and advances to its total amount of loans and advances to customers.

(5) An authorized institution shall disclose -

(a) the amount of rescheduled loans and advances to banks, excluding those which have been overdue for more than 3 months and disclosed pursuant to subsection (2); and

(b) the percentage of such loans and advances to its total amount of loans and advances to banks.

(6) An authorized institution shall disclose the amount of other assets, broken down into major classes of assets (including trade bills and debt securities) which have been overdue for -

(a) more than 3 months but not more than 6 months;

(b) more than 6 months but not more than one year; and

(c) more than one year.

(7) An authorized institution shall disclose the amount of repossessed assets held, irrespective of the accounting treatment of the related loans and advances.

**49. Non-bank Mainland exposures**

An authorized institution shall disclose a breakdown of its Mainland exposures to non-bank counterparties, if the exposures are material, into the categories in the return for non-bank Mainland exposures submitted by the institution to the Monetary Authority pursuant to section 63 of the Ordinance in respect of the annual reporting period.

**50. Currency risk**

(1) Subject to subsections (2) and (3), an authorized institution shall disclose its foreign currency exposures which arise from trading, non-trading and structural positions in accordance with the return relating to foreign currency positions it submitted to the Monetary Authority pursuant to section 63 of the Ordinance in respect of the annual reporting period.

(2) Where an authorized institution's net position (in absolute terms) in a particular foreign currency constitutes not less than 10% of the institution's total net position in all foreign currencies, the institution shall disclose in respect of the particular currency its -

- (a) spot assets;
- (b) spot liabilities;
- (c) forward purchases;
- (d) forward sales;
- (e) net options position; and
- (f) net long (short) position.

(3) For the purposes of subsection (2), an authorized institution shall calculate its net options position on the basis of -

- (a) the delta-weighted position of its options contracts; or
- (b) the institution's internal reporting method.

(4) An authorized institution shall disclose the basis referred to in subsection (3) on which it calculates its net options position.

(5) Where an authorized institution's net structural position (assets less liabilities) in a particular foreign currency constitutes (in absolute terms) not less than 10% of the institution's total net structural position in all foreign currencies, the institution shall disclose that net structural position in that particular foreign currency.

(6) For the purposes of this section, an authorized institution shall convert all foreign currency amounts into their equivalents in Hong Kong dollars as at the reporting date in determining whether its net position or net structural position in a foreign currency constitutes not less than 10% of its total net position or total net structural position, as the case may be, in all foreign currencies.

**51. Liquidity**

(1) Subject to subsection (2), an authorized institution shall disclose its average liquidity ratio for the annual reporting period.

(2) For the purposes of subsection (1), an authorized institution -

(a) shall calculate its average liquidity ratio as the arithmetic mean of each calendar month's average liquidity ratio as submitted by the institution to the Monetary Authority pursuant to section 63 of the Ordinance in respect of the annual reporting period;

(b) may, with the prior consent of the Monetary Authority, include overseas branches or subsidiaries of the institution, or both, in the calculation of its average liquidity ratio.

**52. Corporate governance**

An authorized institution shall disclose -

- (a) the roles, functions and composition of any key committees established by its board of directors including any executive committee, credit committee, asset and liability committee or audit committee;
- (b) the extent of its compliance with the guideline in the Supervisory Policy Manual module CG - 1 issued by the Monetary Authority and entitled "Corporate Governance of Locally Incorporated Authorized Institutions"; and
- (c) particulars of, and the reasons for, any failure by it to comply with the guideline referred to in paragraph (b).

PART 5

ADDITIONAL ANNUAL DISCLOSURES TO BE MADE BY  
AUTHORIZED INSTITUTION USING STC APPROACH  
TO CALCULATE ITS CREDIT RISK FOR  
NON-SECURITIZATION EXPOSURES

**53. References to authorized institution, etc.  
in Part 5**

(1) Unless the context requires otherwise, a reference to an authorized institution in this Part is a reference to an authorized institution which falls within section 3(3).

(2) For the avoidance of doubt, it is hereby declared that a reference to a securitization exposure in this Part includes a securitization exposure which is subject to the STC(S) approach in consequence of an exemption under section 2.9(2)(a) of the Capital Rules.

**54. Interpretation of Part 5**

Section 4.2 of the Capital Rules applies to the interpretation of this Part as that section applies to the interpretation of Part 4 of the Capital Rules.

**55. Capital adequacy**

An authorized institution shall disclose -

- (a) a summary of the approach it uses to assess the adequacy of its capital to support current and future activities;
- (b) its capital requirements separately for each class of exposures in respect of which it uses the STC approach;
- (c) its capital requirements for securitization exposures;
- (d) subject to section 61(1), its capital charge for market risk calculated in accordance with -
  - (i) the approach it uses under the Capital Rules to calculate its market risk; or
  - (ii) the approach it has consent under section 2.20(2)(a) of the Capital Rules to use to calculate its market risk,as the case requires;
- (e) its capital charge for operational risk calculated in accordance with the approach it uses under the Capital Rules to calculate its operational risk.

**56. General qualitative disclosures**

(1) Subject to subsection (2), an authorized institution shall disclose a description of the main types of risk which arise from its business.

(2) Without prejudice to the generality of subsection (1), an authorized institution shall ensure that the description it discloses pursuant to that subsection -

- (a) includes its credit, market, operational, liquidity, interest rate and foreign exchange risks (referred to in this subsection as "principal risks");
- (b) covers the policies, procedures and controls it uses for identifying, measuring, monitoring and controlling the principal risks and for managing the capital required to support its exposures to the principal risks; and
- (c) includes a description of -
  - (i) the title or position of the board and senior management members who -
    - (A) oversee risk management;
    - (B) set the strategy and policy for each type of principal risk; and
    - (C) set the means for ensuring that the strategy and policy referred to in sub-subparagraph (B) is implemented;

- (ii) the methods it uses to identify and measure the various types of principal risk;
- (iii) the particulars relating to the approval of transactions (including the delegation of credit authority) and the approval process for new products and activities;
- (iv) the methods it uses to monitor and control the principal risks;
- (v) the use of limits for controlling the principal risks;
- (vi) the particulars of operational controls;  
and
- (vii) the role of internal audit.

**57. Credit risk: specific disclosures**

An authorized institution shall disclose -

- (a) the names of the ECAIs it used in relation to its exposures during the annual reporting period and the institution's reasons for the differences, if any, between its disclosure under this paragraph and the last disclosure it made under this paragraph;
- (b) the class of exposure for which each ECAI so named is so used;
- (c) a description of the process it used during the annual reporting period to map ECAI issuer ratings or ECAI issue specific ratings to exposures booked in the institution's banking book if that process is not a process prescribed in Part 4 of the Capital Rules;
- (d) for each separately disclosed class of exposures, the total amount of exposures (being the principal amount for on-balance sheet exposures or the credit equivalent amount for off-balance sheet exposures, as the case requires, net of specific provisions) covered by the STC approach;
- (e) for each separately disclosed class of exposures after the effect of recognized credit risk mitigation under the STC approach has been taken into account -

- (i) the total amount of outstanding exposures (distinguishing between exposures which have an ECAI issue specific rating and those which do not); and
  - (ii) the respective risk-weighted amounts; and
- (f) the amount of credit exposures deducted from the institution's core capital and supplementary capital.

**58. General disclosures for counterparty credit risk-related exposures**

(1) An authorized institution shall disclose, in respect of its counterparty credit risk which arises from OTC derivative transactions, repo-style transactions and credit derivative contracts (other than recognized credit derivative contracts) booked in its banking book or trading book (referred to in this section as "relevant transactions"), a description of -

- (a) the methodology it uses to assign internal capital and credit limits for counterparty credit exposures; and
- (b) its policies for securing collateral and establishing provisions.

(2) An authorized institution shall disclose a breakdown of the major classes of its exposures by counterparty type.

(3) An authorized institution shall disclose, in respect of the relevant transactions -

- (a) the gross total positive fair value of the relevant transactions which are not repo-style transactions;
- (b) the credit equivalent amounts, after taking into account the effect of valid bilateral netting agreements, for the relevant transactions which are not repo-style transactions;
- (c) the net credit exposures to counterparties, after taking into account the effect of any valid

- bilateral netting agreements, for the relevant transactions which are repo-style transactions;
- (d) the recognized collateral (broken down by type of collateral) held by the institution for the relevant transactions;
  - (e) the credit equivalent amounts, or the net credit exposures, for the relevant transactions after taking into account the effect of any recognized collateral;
  - (f) the respective risk-weighted amounts for the relevant transactions;
  - (g) the notional amounts of recognized credit derivative contracts which provide credit protection for the relevant transactions; and
  - (h) the breakdown of the institution's credit equivalent amounts, or net credit exposures, and the risk-weighted amount of its credit exposures for each type of relevant transaction.

(4) An authorized institution shall disclose the notional amounts of credit derivative contracts which create exposures to counterparty credit risk -

- (a) segregated between those used for the institution's credit portfolio and those used in the institution's intermediation activities, and broken down into each type of credit derivative contracts used; and

(b) broken down into the protection bought and the protection sold within each type of such contract.

(5) A reference in this section to a relevant transaction which is a repo-style transaction means a transaction which falls within -

(a) subject to paragraph (b), paragraph (c) of the definition of "repo-style transaction" in section 1.2(1) of the Capital Rules;

(b) paragraph (d) of that definition in any case where the collateral provided by the authorized institution concerned is money.

**59. Credit risk mitigation**

(1) An authorized institution shall disclose, in respect of credit risk mitigation used by it other than for transactions and contracts which fall within section 58(1) -

- (a) its policies and processes for, and an indication of the extent to which it makes use of, on-balance sheet and off-balance sheet recognized netting;
- (b) its policies and processes for the valuation and management of collateral;
- (c) a description of the main types of recognized collateral taken by the institution;
- (d) the main types of guarantor and credit derivative counterparty and their creditworthiness for the recognized guarantees and recognized credit derivative contracts which constitute its credit risk mitigation; and
- (e) information about both credit and market risk concentrations within the credit risk mitigation used by it.

(2) An authorized institution shall disclose, for each separately disclosed class of exposures in respect of which the institution uses the STC approach -

- (a) the total exposure (after, if applicable, the effect of any on-balance sheet or off-balance sheet recognized netting has been taken into account) which is covered by recognized collateral after the

application of any haircuts required under the Capital Rules;

- (b) the total exposure (after, if applicable, the effect of any on-balance sheet or off-balance sheet recognized netting has been taken into account) which is covered by recognized guarantees or recognized credit derivative contracts after the application of any haircuts required under the Capital Rules.

(3) An authorized institution -

- (a) shall not make disclosures under this section in respect of credit derivative contracts which are treated as part of synthetic securitization transactions; and

- (b) shall make disclosures under section 60 in respect of such credit derivative contracts.

**60. Asset securitization**

(1) An authorized institution which is an originating institution in securitization transactions shall disclose, in respect of the securitization transactions -

- (a) the institution's objectives in relation to securitizing the underlying exposures in the securitization transactions and the extent to which the securitization transactions transfer credit risk in respect of the underlying exposures away from the institution to other parties to the transaction;
- (b) a summary of the institution's accounting policies for the securitization transactions, including -
  - (i) whether the transactions are treated as sales or financings;
  - (ii) recognition of gain-on-sale;
  - (iii) key assumptions for valuing the securitization exposures retained (including any significant changes since the immediately preceding annual reporting period and the impact of such changes); and
  - (iv) the treatment of synthetic securitization transactions if this is not covered by other accounting policies;

- (c) the total outstanding underlying exposures which have been securitized by the institution and which are subject to Part 7 of the Capital Rules, broken down into traditional securitization transactions and synthetic securitization transactions and then broken down by class of exposure;
- (d) the total outstanding underlying exposures in the securitization transactions entered into by the institution in the annual reporting period and in which the institution did not, during the annual reporting period, retain any securitization exposure;
- (e) the securitization exposures of the institution resulting from the securitization transactions in which the institution only acted as a sponsor;
- (f) in the case of underlying exposures which have been securitized by the institution and which are subject to Part 7 of the Capital Rules -
  - (i) the amount of impaired or overdue exposures securitized, broken down by class of exposure;
  - (ii) the losses recognized by the institution during the annual reporting period, broken down by class of exposure;
- (g) the total amount of securitization exposures retained and securitization exposures repurchased

by the institution, broken down by class of exposure;

- (h) the total amount of securitization exposures retained and securitization exposures repurchased by the institution, the risk-weighted amounts of those exposures and the capital requirements for those exposures, in respect of which the institution uses the STC(S) approach;
- (i) the securitization exposures which have been fully deducted from the institution's core capital, broken down by class of exposure; and
- (j) the credit-enhancing interest-only strips and other exposures which have been deducted from the institution's core capital and supplementary capital, broken down by class of exposure.

(2) An authorized institution which is the originating institution in securitization transactions which are subject to an early amortization provision shall disclose -

- (a) the total principal amount of the drawn balances of the underlying exposures attributed to the originator's and investors' interests, broken down by class of exposure;
- (b) the total capital requirements, in respect of which the institution uses the STC(S) approach, incurred by the institution against the originator's retained shares of the principal amount of the

drawn balances and undrawn balances of the underlying exposures, broken down by class of exposure; and

- (c) the total capital requirements, in respect of which the institution uses the STC(S) approach, incurred by the institution against the investors' shares of the principal amount of the drawn balances and undrawn balances of the underlying exposures, broken down by class of exposure.

(3) An authorized institution which is the originating institution in securitization transactions shall disclose a summary of the securitization transactions it has entered into during the annual reporting period including -

- (a) the underlying exposures which have been securitized, broken down by class of exposure; and
- (b) the amount of recognized gain or loss on sale, broken down by class of exposure.

(4) An authorized institution shall disclose, in respect of its securitization transactions and the securitization exposures assumed by it (whether it is the originating institution or an investing institution) -

- (a) the roles played by the institution in the securitization transactions including a description of its involvement in each of the securitization transactions; and

- (b) the names of the ECAIs the institution used in relation to the securitization exposures during the annual reporting period and the class of securitization exposure for which each such ECAI was so used.

(5) An authorized institution which is an investing institution in securitization transactions shall disclose, in respect of the related securitization exposures assumed by it -

- (a) the total amount of the securitization exposures, broken down by class of exposure;
- (b) the total amount of the securitization exposures, the risk-weighted amount of the securitization exposures, and the capital requirements for the securitization exposures, in respect of which the institution uses the STC(S) approach; and
- (c) the securitization exposures which the institution has deducted from its core capital and supplementary capital, broken down by class of exposure.

(6) Section 7.1(1) of the Capital Rules applies to the interpretation of this section as that section applies to the interpretation of Part 7 of the Capital Rules.

**61. Market risk**

(1) An authorized institution which has an exemption under section 2.22(1) of the Capital Rules shall disclose that fact.

(2) An authorized institution which uses the STM approach to calculate its market risk shall disclose -

(a) its positions covered by the approach; and

(b) its market risk capital charge for its -

- (i) interest rate exposures (including options exposures if applicable);
- (ii) equity exposures (including options exposures if applicable);
- (iii) foreign exchange exposures including gold (including options exposures if applicable); and
- (iv) commodity exposures (including options exposures if applicable).

(3) An authorized institution which uses the IMM approach to calculate its market risk capital charge shall -

(a) disclose the positions covered by the approach;

(b) subject to paragraph (c), disclose a description of -

- (i) the methodologies it uses to ensure it complies with section 10.3(3) of the Capital Rules in respect of its valuation of market risk positions; and

- (ii) the extent to which the methodologies referred to in subparagraph (i) are so used;
- (c) ensure that the description referred to in paragraph (b) includes -
  - (i) an articulation of the soundness standards on which the institution's internal capital adequacy assessment is based; and
  - (ii) a description of the methodologies the institution uses to achieve a capital adequacy assessment which is consistent with the soundness standards;
- (d) for each position covered by the approach -
  - (i) disclose the characteristics of the internal models it uses;
  - (ii) disclose a description of the stress-testing the institution applies to the position; and
  - (iii) disclose a description of the approach the institution uses to back-test or validate the accuracy and consistency of the internal models it uses and the modelling processes; and

- (e) for each position covered by the approach and for each internal model used by the institution for the position, separately disclose -
  - (i) the institution's average, high, and low VaR for the annual reporting period and the VaR as at the last trading day of the annual reporting period; and
  - (ii) a comparison of VaR estimates with actual gains or losses experienced by the institution and a breakdown of important exceptions in back-test results.

(4) Where pursuant to section 2.20(2)(a) of the Capital Rules an authorized institution uses an approach (referred to in this subsection as the "relevant approach") other than the STM approach or IMM approach to calculate its market risk, then subsection (3), with all necessary modifications, applies to and in relation to the institution and the relevant approach as that subsection applies to and in relation to an authorized institution which uses the IMM approach to calculate its market risk.

(5) The Monetary Authority may, by notice in writing given to an authorized institution which falls within subsection (4), require the institution to make such disclosures, in addition to any other disclosures required under this section to be made by the institution, as the Monetary Authority considers necessary to understand the institution's market risk positions.

(6) An authorized institution shall comply with the requirements of a notice given to it under subsection (5).

(7) Sections 9.2 and 10.2 of the Capital Rules apply to the interpretation of this section as those sections apply to the interpretation of Parts 9 and 10 of the Capital Rules.

**62. Operational risk**

An authorized institution shall disclose each approach for operational risk capital assessment it uses to calculate its exposure to operational risk.

**63. Equity exposures: disclosures  
for banking book positions**

An authorized institution shall, in respect of its equity exposures booked in its banking book -

(a) disclose how it differentiates between its equity holdings taken for relationship and strategic reasons and its equity holdings taken for other reasons (including the reason of capital gains);

(b) disclose a description of its main policies covering the valuation and accounting of equity holdings, including -

- (i) the accounting techniques and valuation methodologies the institution uses;
- (ii) the key assumptions and practices affecting such valuation; and
- (iii) any significant changes in those practices during the annual reporting period; and

(c) disclose -

- (i) the cumulative realized gains or losses arising from sales and liquidations of its equity holdings in the annual reporting period; and
- (ii) the total unrealized gains or losses recognized in the institution's reserves but not through the profit and loss

account, and any amount of unrealized gains included in, or unrealized losses deducted from, the institution's supplementary capital for capital adequacy ratio purposes.

**64. Interest rate exposures  
in banking book**

An authorized institution shall, in respect of its interest rate exposures which arise from its banking book positions, disclose -

- (a) the nature of the risk;
- (b) the key assumptions the institution uses in its measurement of the risk (including assumptions regarding loan prepayments and the behaviour of deposits without a fixed maturity);
- (c) the frequency of its measurement of the risk; and
- (d) the variations in earnings or economic value (or other relevant measure used by the institution) for significant upward and downward interest rate movements in accordance with the method the institution uses for stress-testing, broken down by currency, if relevant.

PART 6

ADDITIONAL ANNUAL DISCLOSURES TO BE MADE BY  
AUTHORIZED INSTITUTION USING BSC APPROACH  
TO CALCULATE ITS CREDIT RISK FOR  
NON-SECURITIZATION EXPOSURES

**65. References to authorized institution  
in Part 6**

Unless the context otherwise requires, a reference to an authorized institution in this Part is a reference to an authorized institution which falls within section 3(4).

**66. Interpretation of Part 6**

Section 5.2 of the Capital Rules applies to the interpretation of this Part as that section applies to the interpretation of Part 5 of the Capital Rules.

**67. Capital adequacy**

An authorized institution shall disclose -

- (a) its capital requirements for exposures in respect of which the institution uses the BSC approach;
- (b) its capital requirements for securitization exposures;
- (c) subject to section 70(1), its capital charge for market risk calculated in accordance with -
  - (i) the approach it uses under the Capital Rules to calculate its market risk; or
  - (ii) the approach it has consent under section 2.20(2)(a) of the Capital Rules to use to calculate its market risk,as the case requires;
- (d) its capital charge for operational risk calculated in accordance with the approach it uses under the Capital Rules to calculate its operational risk.

**68. General qualitative disclosures**

(1) Subject to subsection (2), an authorized institution shall disclose a description of the main types of risk which arise from its business.

(2) Without prejudice to the generality of subsection (1), an authorized institution shall ensure that the description it discloses pursuant to that subsection -

- (a) includes its credit, market, operational, liquidity, interest rate and foreign exchange risks (referred to in this subsection as "principal risks");
- (b) covers the policies, procedures and controls it uses for identifying, measuring, monitoring and controlling the principal risks and for managing the capital required to support its exposures to the principal risks; and
- (c) includes a description of -
  - (i) the title or position of the board and senior management members who -
    - (A) oversee risk management;
    - (B) set the strategy and policy for each type of principal risk; and
    - (C) set the means for ensuring that the strategy and policy referred to in sub-subparagraph (B) is implemented;

- (ii) the methods it uses to identify and measure the various types of principal risk;
- (iii) the particulars relating to the approval of transactions (including the delegation of credit authority) and the approval process for new products and activities;
- (iv) the methods it uses to monitor and control the principal risks;
- (v) the use of limits for controlling the principal risks;
- (vi) the particulars of operational controls;  
and
- (vii) the role of internal audit.

**69. Asset securitization**

(1) An authorized institution which is an investing institution in securitization transactions shall disclose, in respect of the securitization transactions and the securitization exposures assumed by it -

- (a) the roles played by the institution in the securitization transactions including a description of its involvement in each of the securitization transactions;
- (b) the names of the ECAIs the institution used in relation to the securitization exposures during the annual reporting period and the class of securitization exposure for which each such ECAI was so used;
- (c) the total amount of the securitization exposures, broken down by class of exposure;
- (d) the total amount of the securitization exposures, the risk-weighted amount of the securitization exposures, and the capital requirements for the securitization exposures, in respect of which the institution uses the STC(S) approach; and
- (e) the securitization exposures which the institution has deducted from its core capital and supplementary capital, broken down by class of exposure.

(2) Section 7.1(1) of the Capital Rules applies to the interpretation of this section as that section applies to the interpretation of Part 7 of the Capital Rules.

**70. Market risk**

(1) An authorized institution which has an exemption under section 2.22(1) of the Capital Rules shall disclose that fact.

(2) An authorized institution which uses the STM approach to calculate its market risk shall disclose -

(a) its positions covered by the approach; and

(b) its market risk capital charge for its -

- (i) interest rate exposures (including options exposures if applicable);
- (ii) equity exposures (including options exposures if applicable);
- (iii) foreign exchange exposures including gold (including options exposures if applicable); and
- (iv) commodity exposures (including options exposures if applicable).

(3) An authorized institution which uses the IMM approach to calculate its market risk capital charge shall -

(a) disclose the positions covered by the approach;

(b) subject to paragraph (c), disclose a description of -

- (i) the methodologies it uses to ensure it complies with section 10.3(3) of the Capital Rules in respect of its valuation of market risk positions; and

- (ii) the extent to which the methodologies referred to in subparagraph (i) are so used;
- (c) ensure that the description referred to in paragraph (b) includes -
  - (i) an articulation of the soundness standards on which the institution's internal capital adequacy assessment is based; and
  - (ii) a description of the methodologies the institution uses to achieve a capital adequacy assessment which is consistent with the soundness standards;
- (d) for each position covered by the approach -
  - (i) disclose the characteristics of the internal models it uses;
  - (ii) disclose a description of the stress-testing the institution applies to the position; and
  - (iii) disclose a description of the approach the institution uses to back-test or validate the accuracy and consistency of the internal models it uses and the modelling processes; and

- (e) for each position covered by the approach and for each internal model used by the institution for the position, separately disclose -
  - (i) the institution's average, high and low VaR for the annual reporting period and the VaR as at the last trading day of the annual reporting period; and
  - (ii) a comparison of VaR estimates with actual gains or losses experienced by the institution and a breakdown of important exceptions in back-test results.

(4) Where pursuant to section 2.20(2)(a) of the Capital Rules an authorized institution uses an approach (referred to in this subsection as the "relevant approach") other than the STM approach or IMM approach to calculate its market risk, then subsection (3), with all necessary modifications, applies to and in relation to the institution and the relevant approach as that subsection applies to and in relation to an authorized institution which uses the IMM approach to calculate its market risk.

(5) The Monetary Authority may, by notice in writing given to an authorized institution which falls within subsection (4), require the institution to make such disclosures, in addition to any other disclosures required under this section to be made by the institution, as the Monetary Authority considers necessary to understand the institution's market risk positions.

(6) An authorized institution shall comply with the requirements of a notice given to it under subsection (5).

(7) Sections 9.2 and 10.2 of the Capital Rules apply to the interpretation of this section as those sections apply to the interpretation of Parts 9 and 10 of the Capital Rules.

**71. Interest rate exposures in banking book**

An authorized institution shall, in respect of its interest rate exposures which arise from its banking book positions, disclose -

- (a) the nature of the risk;
- (b) the key assumptions the institution uses in its measurement of the risk (including assumptions regarding loan prepayments and the behaviour of deposits without a fixed maturity);
- (c) the frequency of its measurement of the risk; and
- (d) the variations in earnings or economic value for significant upward and downward interest rate movements broken down, if relevant, by currency in accordance with the method used in the returns relating to interest rate risk exposures submitted by it to the Monetary Authority pursuant to section 63 of the Ordinance in respect of the annual reporting period.

PART 7

ADDITIONAL ANNUAL DISCLOSURES TO BE MADE BY  
AUTHORIZED INSTITUTION USING IRB APPROACH  
TO CALCULATE ITS CREDIT RISK FOR  
NON-SECURITIZATION EXPOSURES

**72. References to authorized institution, etc.  
in Part 7**

(1) Unless the context otherwise requires, a reference to an authorized institution in this Part is a reference to an authorized institution which falls within section 3(5).

(2) For the avoidance of doubt, it is hereby declared that -

- (a) a reference to a non-securitization exposure in this Part does not include a non-securitization exposure the subject of an exemption under section 2.9(2)(a) of the Capital Rules;
- (b) a reference to a securitization exposure in this Part does not include a securitization exposure which is subject to the STC(S) approach in consequence of an exemption under section 2.9(2)(a) of the Capital Rules.

**73. Interpretation of Part 7**

Section 6.2(1) of the Capital Rules applies to the interpretation of this Part as that section applies to the interpretation of Part 6 of the Capital Rules.

**74. Capital adequacy**

(1) Subject to subsection (2), an authorized institution shall disclose -

(a) a summary of the approach it uses to assess the adequacy of its capital to support current and future activities; and

(b) its capital requirements separately for each IRB class or IRB subclass, as the case may be, under the separately disclosed IRB calculation approach as specified in section 6.10 of the Capital Rules used by the institution, covering -

- (i) corporate (including small-and-medium sized corporates, specialized lending and purchased corporate receivables), sovereign and bank exposures;
- (ii) residential mortgages to individuals and property-holding shell companies (including purchased retail receivables if applicable);
- (iii) qualifying revolving retail exposures (including purchased retail receivables if applicable);
- (iv) other retail exposures to individuals and small business retail exposures (including purchased retail receivables if applicable); and

- (v) other exposures including cash items, and other exposures which do not fall within the IRB class of corporate, sovereign, bank, retail or equity exposures or the IRB subclass of cash items.

(2) For the purposes of a disclosure under subsection (1) by an authorized institution, the institution shall distinguish between qualifying revolving retail exposures and other retail exposures to individuals and small business retail exposures unless -

- (a) those IRB subclasses are insignificant in size relative to the overall credit exposures of the institution; and
- (b) the risk profiles of those IRB subclasses are so similar that to make that distinction would not assist in understanding the risk profile of the institution's retail businesses.

(3) An authorized institution shall disclose its capital requirements for its securitization exposures.

(4) An authorized institution shall disclose -

- (a) subject to paragraph (b), its capital requirements for the IRB class of equity exposures booked in its banking book; and
- (b) a breakdown of such equity exposures into -
  - (i) equity exposures subject to the market-based approach further broken down into -

- (A) equity exposures subject to the simple risk-weight method; and
    - (B) equity exposures subject to the internal models method;
  - (ii) equity exposures subject to the PD/LGD approach.
- (5) An authorized institution shall disclose -
  - (a) its capital charge for market risk calculated in accordance with -
    - (i) the approach it uses under the Capital Rules to calculate its market risk; or
    - (ii) the approach it has consent under section 2.20(2)(a) of the Capital Rules to use to calculate its market risk,  
as the case requires;
  - (b) its capital charge for operational risk calculated in accordance with the approach it uses under the Capital Rules to calculate its operational risk.

**75. General qualitative disclosures**

(1) Subject to subsection (2), an authorized institution shall disclose a description of the main types of risk which arise from its business.

(2) Without prejudice to the generality of subsection (1), an authorized institution shall ensure that the description it discloses pursuant to that subsection -

- (a) includes its credit, market, operational, liquidity, interest rate and foreign exchange risks (referred to in this subsection as "principal risks");
- (b) covers the policies, procedures and controls it uses for identifying, measuring, monitoring and controlling the principal risks and for managing the capital required to support its exposures to the principal risks; and
- (c) includes a description of -
  - (i) the title or position of the board and senior management members who -
    - (A) oversee risk management;
    - (B) set the strategy and policy for each type of principal risk; and
    - (C) set the means for ensuring that the strategy and policy referred to in sub-subparagraph (B) is implemented;

- (ii) the methods it uses to identify and measure the various types of principal risk;
- (iii) the particulars relating to the approval of transactions (including the delegation of credit authority) and the approval process for new products and activities;
- (iv) the methods it uses to monitor and control the principal risks;
- (v) the use of limits for controlling the principal risks;
- (vi) the particulars of operational controls;  
and
- (vii) the role of internal audit.

**76. Credit risk: disclosures for exposures  
subject to supervisory estimates  
in use of IRB approach**

Where any exposures of an authorized institution are subject to the supervisory estimates under the use of the IRB approach (including any specialized lending subject to the supervisory slotting criteria approach and equity exposures under the simple risk-weight method), the institution shall disclose the total EAD of the exposures falling within each IRB class.

**77. Credit risk: specific disclosures**

(1) Where an authorized institution does not exclusively use the IRB approach to calculate its credit risk for non-securitization exposures (and has any of its non-securitization exposures the subject of an exemption under section 2.9(2)(a) of the Capital Rules), the institution shall disclose a description of the nature of the exposures within each IRB class which are subject to the separately disclosed IRB calculation approach, as specified in section 6.10 of the Capital Rules, used by the institution.

(2) An authorized institution shall disclose an explanation and review of -

- (a) the structure of its rating systems and the relationship between internal ratings and external ratings;
- (b) the use of internal estimates by the institution other than for the calculation of the institution's regulatory capital under the use of the IRB approach;
- (c) the process it uses for managing and recognizing credit risk mitigation; and
- (d) the control mechanisms it uses for its rating systems (including a description of the independence and accountability of the rating process, and the ratings system reviews).

(3) Subject to subsections (4) and (5), an authorized institution shall disclose a description of its internal ratings process separately for each IRB class or IRB subclass comprising -

- (a) corporate (including small-and-medium sized corporates, specialized lending, and purchased corporate receivables), sovereign and bank exposures;
- (b) equity exposures if the institution uses the PD/LGD approach for equity exposures booked in its banking book;
- (c) residential mortgages to individuals and property-holding shell companies (including purchased retail receivables if applicable);
- (d) qualifying revolving retail exposures (including purchased retail receivables if applicable); and
- (e) other retail exposures to individuals and small business retail exposures (including purchased retail receivables if applicable).

(4) An authorized institution shall ensure that the description required to be disclosed by it pursuant to subsection (3) of an IRB class or IRB subclass referred to in that subsection includes -

- (a) the type of exposure which falls within the IRB class or IRB subclass, as the case may be;
- (b) for exposures which fall within subsection (3)(a) or (b) -

- (i) a description of the definitions of the variables, methods and data for estimation and validation of the PD, LGD and EAD; and
- (ii) a description of the assumptions employed in the derivation of the variables referred to in subparagraph (i) except for -
  - (A) the LGD and EAD related disclosures which do not apply in the case of an authorized institution which uses the foundation IRB approach; and
  - (B) the LGD and EAD related disclosures which do not apply to equity exposures; and
- (c) for exposures which fall within subsection (3)(c),
- (d) or (e) -
  - (i) a description of the definitions of the variables, methods and data for the estimation and validation of the PD, LGD and EAD; and
  - (ii) a description of the assumptions employed in the derivation of the variables referred to in subparagraph (i).

(5) For the purposes of subsections (3) and (4), an authorized institution shall distinguish between qualifying

revolving retail exposures and other retail exposures to individuals and small business retail exposures unless -

- (a) those IRB subclasses are insignificant in size relative to the overall credit exposures of the institution; and
- (b) the risk profiles of those IRB subclasses are so similar that the distinction would not assist in understanding the risk profile of the institution's retail businesses.

(6) An authorized institution shall disclose a description of -

- (a) the approaches it uses for determining specific provisions and collective provisions; and
- (b) the statistical methods it uses for the purposes of those approaches.

**78. Credit risk: disclosures  
on risk assessment**

(1) An authorized institution shall, for each IRB class or IRB subclass referred to in section 77(3), disclose the amount of exposures (including the EAD for on-balance sheet exposures and off-balance sheet exposures) separately for each IRB calculation approach used by the institution to which the exposures concerned are subject.

(2) Subject to subsection (3), an authorized institution shall disclose -

- (a) for the IRB classes referred to in section 77(3)(a), the EAD for on-balance sheet exposures and off-balance sheet exposures, on a stand-alone or combined basis, in respect of the counterparties to the exposures;
- (b) for the IRB class referred to in section 77(3)(b), the EAD of its equity exposures; and
- (c) for each IRB class referred to in section 77(3)(a) and (b) -
  - (i) if the institution uses the advanced IRB approach, the exposure-weighted average LGD expressed as a percentage; and
  - (ii) the exposure-weighted average risk-weight.

(3) For the purposes of complying with subsection (2), an authorized institution shall ensure that -

- (a) the disclosure required by that subsection is across a number of obligor grades (including defaulted obligor grades) which is sufficient for a consistent, logical and cogent differentiation of the credit risk inherent in the exposures to which the information required to be disclosed under subsection (2)(a), (b) or (c) relates;
- (b) the disclosures of the PD, LGD and EAD take into account the effect of recognized collateral, recognized netting, recognized guarantees and recognized credit derivative contracts;
- (c) the disclosure of an obligor grade includes the exposure-weighted average PD for each grade; and
- (d) it does not aggregate obligor grades for the purposes of disclosure except in a manner which represents a breakdown of obligor grades, used in the IRB approach used by the institution, which provides for a consistent, logical and cogent differentiation of the credit risk inherent in the exposures.

(4) An authorized institution which uses the advanced IRB approach -

- (a) shall disclose the amount of undrawn commitments and exposure-weighted average EAD for each IRB class referred to in section 77(3)(a) and (b);

(b) only needs to disclose one estimate of the EAD for each such IRB class.

(5) An authorized institution shall, in respect of an IRB subclass referred to in section 77(3)(c), (d) or (e), disclose -

(a) on a pool basis the information required by subsections (2) and (3); or

(b) a breakdown of exposures (the EAD for on-balance sheet exposures and off-balance sheet exposures) on a pool basis into a number of EL grades which is sufficient to provide for a consistent, logical and cogent differentiation of the credit risk inherent in the exposures.

**79. Credit risk: disclosures  
on historical results**

- (1) An authorized institution shall -
  - (a) disclose the actual losses (including write-offs and specific provisions) for the annual reporting period for each IRB class or IRB subclass referred to in section 77(3); and
  - (b) in that disclosure -
    - (i) explain how the actual losses referred to in paragraph (a) differ from past actual losses in respect of the same such IRB class or IRB subclass; and
    - (ii) explain the factors which caused the losses referred to in paragraph (a).
- (2) An authorized institution shall -
  - (a) subject to paragraph (b), disclose the estimates made against actual outcomes over a period sufficient to permit understanding of the reliability of the information provided by the institution pursuant to section 78 over the long run;
  - (b) without prejudice to the generality of paragraph (a) -
    - (i) subject to subparagraph (ii), disclose information on the estimates of losses against actual losses in each IRB class

or IRB subclass referred to in section 77(3) over a period sufficiently long run to enable an assessment of the institution's performance of the internal rating processes for each such IRB class or IRB subclass;

(ii) where appropriate, disclose a breakdown of the information as disclosed pursuant to subparagraph (i) to provide an analysis of the PD and, if the institution uses the advanced IRB approach, the LGD and EAD outcomes against estimates provided in the disclosures it made pursuant to section 78;

(iii) if there are material differences between the PD, LGD or EAD estimates given by the institution and the actual outcomes over the long run, disclose -

(A) a breakdown of the PD and, if the institution uses the advanced IRB approach, the LGD and EAD outcomes against estimates provided in the disclosures it made pursuant to section 78; and

(B) an explanation of those differences.

(3) In this section -

"long run" ( ) means a period of time sufficient to capture a reasonable mix of high-default and low-default years of at least one economic cycle.

**80. General disclosures for counterparty credit risk-related exposures**

(1) An authorized institution shall disclose, in respect of its counterparty credit risk which arises from OTC derivative transactions, repo-style transactions and credit derivative contracts (other than recognized credit derivative contracts) booked in its banking book or trading book (referred to in this section as "relevant transactions"), a description of -

- (a) the methodology it uses to assign internal capital and credit limits for counterparty credit exposures; and
- (b) its policies for securing collateral and establishing provisions.

(2) An authorized institution shall disclose a breakdown of the major classes of its exposures by counterparty type.

(3) An authorized institution shall disclose, in respect of the relevant transactions -

- (a) the gross total positive fair value of the relevant transactions which are not repo-style transactions;
- (b) the credit equivalent amounts, after taking into account the effect of valid bilateral netting agreements, for the relevant transactions which are not repo-style transactions;
- (c) the net credit exposures to counterparties, after taking into account the effect of any valid

- bilateral netting agreements, for the relevant transactions which are repo-style transactions;
- (d) the recognized collateral (broken down by type of collateral) held by the institution for the relevant transaction;
  - (e) the credit equivalent amounts, or the net credit exposures, for the relevant transactions after taking into account the effect of any recognized collateral;
  - (f) the respective risk-weighted amounts for the relevant transactions;
  - (g) the notional amounts of recognized credit derivative contracts which provide credit protection for the relevant transactions; and
  - (h) the institution's EAD and the risk-weighted amount of its credit exposures for each type of relevant transaction.

(4) An authorized institution shall disclose the notional amounts of credit derivative contracts which create exposures to counterparty credit risk -

- (a) segregated between those used for the institution's credit portfolio and those used in the institution's intermediation activities, and broken down into each type of credit derivative contracts used; and

(b) broken down into the protection bought and the protection sold within each type of such contract.

(5) A reference in this section to a relevant transaction which is a repo-style transaction means a transaction which falls within -

(a) subject to paragraph (b), paragraph (c) of the definition of "repo-style transaction" in section 1.2(1) of the Capital Rules;

(b) paragraph (d) of that definition in any case where the collateral provided by the authorized institution concerned is money.

**81. Credit risk mitigation**

(1) An authorized institution shall disclose, in respect of credit risk mitigation used by it other than for transactions and contracts which fall within section 80(1) -

- (a) its policies and processes for, and an indication of the extent to which it makes use of, on-balance sheet and off-balance sheet recognized netting;
- (b) its policies and processes for the valuation and management of collateral;
- (c) a description of the main types of recognized collateral taken by the institution;
- (d) the main types of guarantor and credit derivative counterparty and their creditworthiness for the recognized guarantees and recognized credit derivative contracts which constitute its credit risk mitigation; and
- (e) information about both credit and market risk concentrations within the credit risk mitigation used by it.

(2) An authorized institution shall disclose -

- (a) for each separately disclosed IRB class of exposures under the foundation IRB approach, the total exposure (after, if applicable, the effect of any on-balance sheet or off-balance sheet recognized netting has been taken into account) which is covered by recognized collateral after the

application of any haircuts required under the Capital Rules;

- (b) for each separately disclosed IRB class of corporate, sovereign and bank exposures under the foundation IRB approach or advanced IRB approach, equity exposures under the PD/LGD approach and retail exposures under the retail IRB approach, the total exposure (after, if applicable, the effect of any on-balance sheet or off-balance sheet recognized netting has been taken into account) which is covered by recognized guarantees or recognized credit derivative contracts after the application of any haircuts required under the Capital Rules.

(3) An authorized institution -

- (a) shall not make disclosures under this section in respect of credit derivative contracts which are treated as part of synthetic securitization transactions; and
- (b) shall make disclosures under section 82 in respect of such credit derivative contracts.

**82. Asset securitization**

(1) An authorized institution which is an originating institution in securitization transactions shall disclose, in respect of the securitization transactions -

- (a) the institution's objectives in relation to securitizing the underlying exposures in the securitization transactions and the extent to which the securitization transactions transfer credit risk in respect of the underlying exposures away from the institution to other parties to the transaction;
- (b) a summary of the institution's accounting policies for the securitization transactions, including -
  - (i) whether the transactions are treated as sales or financings;
  - (ii) recognition of gain-on-sale;
  - (iii) key assumptions for valuing the securitization exposures retained (including any significant changes since the immediately preceding annual reporting period and the impact of such changes); and
  - (iv) the treatment of synthetic securitization transactions if this is not covered by other accounting policies;

- (c) the total outstanding underlying exposures which have been securitized by the institution and which are subject to Part 7 of the Capital Rules, broken down into traditional securitization transactions and synthetic securitization transactions and then broken down by class of exposure;
- (d) the total outstanding underlying exposures in the securitization transactions entered into by the institution in the annual reporting period and in which the institution did not, during the annual reporting period, retain any securitization exposure;
- (e) the securitization exposures of the institution resulting from the securitization transactions in which the institution only acted as a sponsor;
- (f) in the case of underlying exposures which have been securitized by the institution and which are subject to Part 7 of the Capital Rules -
  - (i) the amount of impaired or overdue exposures securitized, broken down by class of exposure;
  - (ii) the losses recognized by the institution during the annual reporting period, broken down by class of exposure;
- (g) the total amount of securitization exposures retained and securitization exposures repurchased

by the institution, broken down by class of exposure;

- (h) the total amount of securitization exposures retained and securitization exposures repurchased by the institution, the risk-weighted amounts of those exposures and the capital requirements of those exposures, in respect of which the institution uses the STC(S) approach, or the IRB(S) approach, or both, broken down into the respective risk-weights of those exposures;
- (i) the securitization exposures which have been fully deducted from the institution's core capital, broken down by class of exposure; and
- (j) the credit-enhancing interest-only strips and other exposures which have been deducted from the institution's core capital and supplementary capital, broken down by class of exposure.

(2) An authorized institution which is the originating institution in securitization transactions which are subject to an early amortization provision shall disclose -

- (a) the total principal amount of the drawn balances of the underlying exposures attributed to the originator's and investors' interests, broken down by class of exposure;
- (b) the total capital requirements, in respect of which the institution uses the STC(S) approach or IRB(S)

approach, or both, incurred by the institution against the originator's retained shares of the principal amount of the drawn balances and undrawn balances of the underlying exposures, broken down by class of exposure; and

- (c) the total capital requirements, in respect of which the institution uses the STC(S) approach or IRB(S) approach, or both, incurred by the institution against the investors' shares of the principal amount of the drawn balances and undrawn balances of the underlying exposures, broken down by class of exposure.

(3) An authorized institution which is the originating institution in securitization transactions shall disclose a summary of the securitization transactions it has entered into during the annual reporting period including -

- (a) the underlying exposures which have been securitized, broken down by class of exposure; and
- (b) the amount of recognized gain or loss on sale, broken down by class of exposure.

(4) An authorized institution shall disclose, in respect of its securitization transactions and the securitization exposures assumed by it (whether it is the originating institution or an investing institution) -

- (a) the roles played by the institution in the securitization transactions including a description of its involvement in each of the securitization transactions; and
- (b) the names of the ECAIs it used in relation to the securitization exposures during the annual reporting period and the class of securitization exposure for which each such ECAI was so used.

(5) An authorized institution which is an investing institution in securitization transactions shall disclose, in respect of the related securitization exposures assumed by it -

- (a) the total amount of the securitization exposures, broken down by class of exposure;
- (b) the total amount of the securitization exposures, the risk-weighted amount of the securitization exposures, and the capital requirements for the securitization exposures, in respect of which the institution uses the STC(S) approach or IRB(S) approach, or both, broken down into the respective risk-weights for the securitization exposures; and
- (c) the securitization exposures which it has deducted from its core capital and supplementary capital, broken down by class of exposure.

(6) Section 7.1(1) of the Capital Rules applies to the interpretation of this section as that section applies to the interpretation of Part 7 of the Capital Rules.

**83. Market risk**

(1) An authorized institution which has an exemption under section 2.22(1) of the Capital Rules shall disclose that fact.

(2) An authorized institution which uses the STM approach to calculate its market risk shall disclose -

(a) its positions covered by the approach; and

(b) its market risk capital charge for its -

- (i) interest rate exposures (including options exposures if applicable);
- (ii) equity exposures (including options exposures if applicable);
- (iii) foreign exchange exposures including gold (including options exposures if applicable); and
- (iv) commodity exposures (including options exposures if applicable).

(3) An authorized institution which uses the IMM approach to calculate its market risk capital charge shall -

(a) disclose the positions covered by the approach;

(b) subject to paragraph (c), disclose a description of -

- (i) the methodologies it uses to ensure it complies with section 10.3(3) of the Capital Rules in respect of its valuation of market risk positions; and

- (ii) the extent to which the methodologies referred to in subparagraph (i) are so used;
- (c) ensure that the description referred to in paragraph (b) includes -
  - (i) an articulation of the soundness standards on which the institution's internal capital adequacy assessment is based; and
  - (ii) a description of the methodologies the institution uses to achieve a capital adequacy assessment which is consistent with the soundness standards;
- (d) for each position covered by the approach -
  - (i) disclose the characteristics of the internal models it uses;
  - (ii) disclose a description of the stress-testing the institution applies to the position; and
  - (iii) disclose a description of the approach the institution uses to back-test or validate the accuracy and consistency of the internal models it uses and the modelling processes; and

- (e) for each position covered by the approach and for each internal model used by the institution for the position, disclose separately -
  - (i) the institution's average, high and low VaR for the annual reporting period and the VaR as at the last trading day of the annual reporting period; and
  - (ii) a comparison of VaR estimates with actual gains or losses experienced by the institution and a breakdown of important exceptions in back-test results.

(4) Where pursuant to section 2.20(2)(a) of the Capital Rules an authorized institution uses an approach (referred to in this subsection as the "relevant approach") other than the STM approach or IMM approach to calculate its market risk, then subsection (3), with all necessary modifications, applies to and in relation to the institution and the relevant approach as that subsection applies to and in relation to an authorized institution which uses the IMM approach to calculate its market risk.

(5) The Monetary Authority may, by notice in writing given to an authorized institution which falls within subsection (4), require the institution to make such disclosures, in addition to any other disclosures required under this section to be made by the institution, as the Monetary Authority considers necessary to understand the institution's market risk positions.

(6) An authorized institution shall comply with the requirements of a notice given to it under subsection (5).

(7) Sections 9.2 and 10.2 of the Capital Rules apply to the interpretation of this section as those sections apply to the interpretation of Parts 9 and 10 of the Capital Rules.

**84. Operational risk**

An authorized institution shall disclose each approach for operational risk capital assessment it uses to calculate its exposure to operational risk.

**85. Equity exposures: disclosures  
for banking book positions**

An authorized institution shall, in respect of its equity exposures booked in its banking book -

(a) disclose how it differentiates between its equity holdings taken for relationship and strategic reasons and its equity holdings taken for other reasons (including the reason of capital gains);

(b) disclose a description of its main policies covering the valuation and accounting of equity holdings, including -

- (i) the accounting techniques and valuation methodologies the institution uses;
- (ii) the key assumptions and practices affecting such valuation; and
- (iii) any significant changes in those practices during the annual reporting period; and

(c) disclose -

- (i) the cumulative realized gains or losses arising from sales and liquidations of its equity holdings in the annual reporting period; and
- (ii) the total unrealized gains or losses recognized in the institution's reserves but not through the profit and loss

account, and any amount of unrealized gains included in, or unrealized losses deducted from, the institution's supplementary capital for capital adequacy ratio purposes.

**86. Interest rate exposures  
in banking book**

An authorized institution shall, in respect of its interest rate exposures which arise from its banking book positions, disclose -

- (a) the nature of the risk;
- (b) the key assumptions the institution uses in its measurement of the risk (including assumptions regarding loan prepayments and the behaviour of deposits without a fixed maturity);
- (c) the frequency of its measurement of the risk; and
- (d) the variations in earnings or economic value (or other relevant measure used by the institution) for significant upward and downward interest rate movements in accordance with the method the institution uses for stress-testing, broken down by currency, if relevant.

PART 8

DISCLOSURES TO BE MADE BY AUTHORIZED  
INSTITUTIONS INCORPORATED  
OUTSIDE HONG KONG

**Division 1 - General provisions**

**87. References to authorized institution, etc.  
in Part 8**

(1) Unless the context otherwise requires, a reference to an authorized institution in this Part is a reference to an authorized institution which falls within section 3(6).

(2) A disclosure required to be made under Division 3 by an authorized institution is a disclosure only in respect of -

- (a) the institution's local branches; and
- (b) the institution's principal place of business in Hong Kong.

**Division 2 - General requirements**

**88. Medium and location of disclosure  
and issue of press release**

(1) Subject to subsection (2), where an authorized institution is required under this Part to disclose information (however described), it shall make that disclosure by -

- (a) preparing a disclosure statement, in the Chinese and English languages, which contains the information;
- (b) publishing the statement not later than 3 months after the end of the reporting period to which the statement relates; and
- (c) complying with the other provisions of this section applicable to or in relation to the statement.

(2) An authorized institution shall ensure that when its disclosure statement is published -

- (a) the statement contains -
  - (i) all the disclosures required under these Rules to be made by the institution for the reporting period to which the statement relates; or
  - (ii) a prescribed summary; and
- (b) neither the disclosures referred to in paragraph (a)(i) nor the prescribed summary referred to in

paragraph (a)(ii) is false or misleading in any material respect.

(3) An authorized institution shall, at the same time as it publishes its disclosure statement, issue a press release, in the Chinese and English languages containing the statement or consisting of the statement.

(4) An authorized institution shall lodge a copy of its disclosure statement with the Monetary Authority before it publishes the statement.

(5) The Monetary Authority shall keep each copy of a disclosure statement lodged with it pursuant to subsection (4) with the register.

(6) Subject to subsections (7) and (8), an authorized institution shall -

(a) keep one or more than one copy (referred to in this subsection as the "relevant copy") of each of its disclosure statements -

(i) in its principal place of business in Hong Kong; and

(ii) if practicable, in each local branch of the institution; and

(b) make a relevant copy available for inspection by the general public during the business hours of the institution at the place where the relevant copy is kept.

(7) Where an authorized institution publishes a disclosure statement which contains the disclosures referred to in subsection (2)(a)(i), it shall ensure that the statement is available for inspection under subsection (6) for a period -

(a) in the case where the statement relates to an annual reporting period, not less than the period commencing on the date of the publication of the statement and ending on the date of publication in accordance with subsection (1) of its disclosure statement in respect of the immediately succeeding annual reporting period;

(b) in the case where the statement relates to an interim reporting period, not less than the period commencing on the date of the publication of the statement and ending on the date of publication in accordance with subsection (1) of its disclosure statement in respect of the immediately succeeding interim reporting period.

(8) Where an authorized institution publishes a disclosure statement which contains a prescribed summary -

(a) it shall ensure that the statement is available for inspection under subsection (6) for a period -

(i) in the case where the statement relates to an annual reporting period, not less than the period commencing on the date of the publication of the statement and

ending on the date of publication in accordance with subsection (1) of its disclosure statement in respect of the immediately succeeding annual reporting period;

- (ii) in the case where the statement relates to an interim reporting period, not less than the period commencing on the date of the publication of the statement and ending on the date of publication in accordance with subsection (1) of its disclosure statement in respect of the immediately succeeding interim reporting period; and

- (b) it shall not change the means as stated in the prescribed summary by which the general public may readily access the relevant complete disclosures unless it amends the summary in such a manner, and at such time, that the summary at all times states the means by which the general public may readily access the relevant complete disclosures.

(9) Subsections (4) and (5) apply to an amendment referred to in subsection (8)(b) of a prescribed summary contained in an authorized institution's disclosure statement as they apply to the disclosure statement.

(10) In this section -

"prescribed summary" ( ), in relation to an authorized institution's disclosure statement, means a summary of all the disclosures required under these Rules to be made by the institution for the reporting period to which the statement relates where -

- (a) the complete disclosures are readily accessible by the general public (whether on an Internet website or by any other means or combination of means); and
- (b) the summary states the means by which the general public may readily access the complete disclosures.

**89. Materiality**

(1) The chief executive of an authorized institution shall ensure that a disclosure made by the institution pursuant to these Rules contains all the material information.

(2) In this section -  
"material information" (                    ), means information -

- (a) which is required to be disclosed pursuant to these Rules; and
- (b) which, if it were not disclosed or were misstated, could change or influence the assessment or decision of a person relying on the disclosure concerned for the purposes of making investment or other economic decisions.

**90. Comparative information**

(1) Subject to subsections (2) and (3), an authorized institution which makes a quantitative disclosure pursuant to these Rules shall -

- (a) for disclosures under Division 3, except for the profit and loss information disclosure under section 93 and the liquidity ratio disclosure under section 103, also disclose the corresponding amounts for the immediately preceding reporting period;
- (b) for the profit and loss information disclosure under section 93 and the liquidity ratio disclosure under section 103, also disclose the amounts for the corresponding period of the institution's immediately preceding financial year (being, for a disclosure statement which relates to the annual reporting period, the figures for the institution's immediately preceding annual reporting period and, for a disclosure statement which relates to the interim reporting period, the figures for the institution's immediately preceding interim reporting period);
- (c) for disclosures under Division 4, except for the pre-tax profit disclosure under section 106(1)(e), also disclose the corresponding amounts for the immediately preceding reporting period;

(d) for the pre-tax profit disclosure under section 106(1)(e), also disclose the amounts for the corresponding period of the institution's immediately preceding financial year (being, for a disclosure statement which relates to the annual reporting period, the figures for the institution's immediately preceding annual reporting period and, for a disclosure statement which relates to the interim reporting period, the figures for the immediately preceding interim reporting period).

(2) Where an authorized institution is unable to comply with subsection (1)(a), (b), (c) or (d) because interim consolidated information is not provided by the institution as a whole, the institution shall disclose the annual figures as comparatives.

(3) Where an authorized institution makes disclosures under this Part for the first time and it is not practicable for the institution to provide the comparative figures required by subsection (1)(a), (b), (c) or (d) (including that subsection as read with subsection (2)), the institution is not required to comply with that subsection for the first reporting period concerned.

**91. Frequency**

An authorized institution shall make a disclosure in accordance with this Part -

- (a) in respect of the institution's last financial year; and
- (b) in respect of the 6 months period immediately after the close of the institution's last financial year.

**92. Compliance**

(1) An authorized institution shall, in addition to the disclosures it is required to make pursuant to other sections of this Part, include in its disclosure statement such other information that it is necessary to so include to ensure that -

- (a) the information contained in the statement is not misleading in any material respect; and
- (b) the operations of the institution are clearly explained.

(2) Notwithstanding any other provision of these Rules, where it is not practicable for an authorized institution to make a disclosure required pursuant to this Part, the institution -

- (a) shall, after consultation with the Monetary Authority, include in its disclosure statement -
  - (i) a statement that it is so unable and of the reasons why it is so unable; and
  - (ii) information which is the closest available alternative to the information which would have been the subject of those disclosures if the institution had not been so unable; and
- (b) shall not publish the disclosure statement except with the prior consent of the Monetary Authority.

**Division 3 - Branch information disclosures****93. Income statement information**

(1) Subject to subsection (2), an authorized institution shall disclose its profit and loss information on -

- (a) interest income;
- (b) interest expense;
- (c) other operating income, broken down into -
  - (i) gains less losses arising from trading in foreign currencies;
  - (ii) gains less losses on securities held for trading purposes;
  - (iii) gains less losses from other trading activities;
  - (iv) net fees and commission income (including separate disclosure of gross fees and commission income and expenses); and
  - (v) others;
- (d) operating expenses (broken down if material);
- (e) impairment losses and provisions for impaired loans and receivables;
- (f) gains less losses from the disposal of property, plant and equipment and investment properties;
- (g) profit before taxation;
- (h) tax expense or tax income; and
- (i) profit after taxation.

(2) Where a disclosure under subsection (1) by an authorized institution does not give a full picture of the underlying performance of the institution's business in Hong Kong, the institution shall disclose such further explanation as is necessary for understanding the performance of that business.

**94. Balance sheet information**

An authorized institution shall disclose the carrying amounts of each of the institution's -

(a) assets, broken down into -

- (i) cash and balances with banks (except those included in amount due from overseas offices);
- (ii) placements with banks which have a residual contractual maturity of more than one month but not more than 12 months (except those included in amount due from overseas offices);
- (iii) amount due from overseas offices of the institution;
- (iv) trade bills;
- (v) certificates of deposit held;
- (vi) securities held for trading purposes;
- (vii) loans and receivables broken down into -
  - (A) loans and advances to customers;
  - (B) loans and advances to banks;
  - (C) accrued interest and other accounts (broken down if material); and
  - (D) provisions for impaired loans and receivables (broken down into those against loans and advances to customers, loans and advances to

banks, accrued interest and other accounts if material) which constitute the institution's -

- (I) collective provisions; and
- (II) specific provisions;
- (viii) investment securities;
- (ix) other investments;
- (x) property, plant and equipment and investment properties; and
- (xi) total assets;
- (b) liabilities, broken down into -
  - (i) deposits and balances from banks (except those included in amount due to overseas offices);
  - (ii) deposits from customers broken down into -
    - (A) demand deposits and current accounts;
    - (B) savings deposits; and
    - (C) time, call and notice deposits;
  - (iii) amount due to overseas offices of the institution;
  - (iv) certificates of deposit issued;
  - (v) issued debt securities;
  - (vi) other liabilities;

- (vii) provisions; and
- (viii) total liabilities.

**95. Provisions supplementary to sections 93 and 94**

(1) Where provisions for loans and advances or other exposures have been set aside for an authorized institution's local branches (including the institution's principal place of business in Hong Kong) and are maintained at the overseas head office of the institution, the institution shall disclose the provisioning policy of the head office including the amount of specific provisions allocated for exposures maintained in the local branches (including the institution's principal place of business in Hong Kong) of the institution.

(2) An authorized institution shall disclose -

- (a) the amount of impaired loans and advances to customers which are individually determined to be impaired;
- (b) the amount of specific provisions made for such loans and advances;
- (c) the value of collateral which has been taken into account in respect of such loans and advances to which the specific provisions relate; and
- (d) the percentage of such loans and advances to its total amount of loans and advances to customers.

(3) An authorized institution shall disclose -

- (a) the amount of impaired loans and advances to banks which are individually determined to be impaired;

- (b) the amount of specific provisions made for such loans and advances;
- (c) the value of collateral which has been taken into account in respect of such loans and advances to which the specific provisions relate; and
- (d) the percentage of such loans and advances to its total amount of loans and advances to banks.

**96. Provisions supplementary to  
section 94: derivative  
transactions**

(1) An authorized institution shall disclose the total contractual or notional amounts of derivative transactions broken down into -

- (a) exchange rate contracts (excluding forward foreign exchange contracts arising from swap deposit arrangements);
- (b) interest rate contracts; and
- (c) others.

(2) An authorized institution shall disclose such risk exposure information as is necessary for understanding the underlying risks of the exposures incurred by the institution through the institution's use of derivative transactions.

(3) Without prejudice to the generality of subsection (2), an authorized institution shall -

- (a) disclose the total fair value of its exchange rate contracts, interest rate contracts and other derivative transactions, if any; and
- (b) disclose whether any fair value referred to in paragraph (a) takes into account the effect of a valid bilateral netting agreement.

**97. Off-balance sheet exposures  
(other than derivative  
transactions)**

(1) An authorized institution shall disclose the contractual or notional amounts of each material class of its off-balance sheet exposures (broken down if material) including -

- (a) direct credit substitutes;
- (b) transaction-related contingencies;
- (c) trade-related contingencies;
- (d) note issuance and revolving underwriting facilities;
- (e) other commitments; and
- (f) others (including forward asset purchases, amounts owing on partly paid-up shares and securities, forward deposits placed, asset sales with recourse or other transactions with recourse).

(2) An authorized institution shall disclose such risk exposure information as is necessary for understanding the underlying risks of the off-balance sheet exposures incurred by the institution.

**98. General disclosures**

(1) An authorized institution shall disclose a breakdown of its cross-border claims by major countries or geographical segments in accordance with -

- (a) the location of the counterparties; and
- (b) the types of counterparties (broken down into banks, public sector entities and others).

(2) An authorized institution shall -

- (a) disclose the gross amount of loans and advances to customers by major countries or geographical segments in accordance with the location of the counterparties; and

(b) provide a breakdown of -

- (i) overdue loans and advances to customers, broken down by major countries and geographical segments; and
- (ii) impaired loans and advances to customers which are individually determined to be impaired, broken down by major countries or geographical segments.

(3) An authorized institution shall disclose the basis of the country or geographical segment classification used for the purposes of subsections (1) and (2) including whether or not any recognized risk transfer has been taken into account.

(4) In this section -

"cross-border claim" (                    ), in relation to an authorized institution -

(a) subject to paragraph (b), includes -

- (i) receivables and loans and advances;
- (ii) cash and balances and placements with banks (including loans and advances to banks);
- (iii) holdings of certificates of deposit, bills, promissory notes, commercial paper, other debt instruments and investments; and
- (iv) accrued interest and overdue interest on the assets referred to in subparagraphs (i), (ii) and (iii);

(b) does not include claims arising between the institution and its head office, branches or subsidiaries;

"major country or geographical segment" (                    ) -

(a) in relation to an authorized institution's cross-border claims, means a country or geographical segment, as the case may be, to which not less than 10% of the institution's total cross-border claims are attributable after taking into account any recognized risk transfer;

(b) in relation to loans and advances to customers, means a country or geographical segment, as the

case may be, to which not less than 10% of the institution's total amount of loans and advances to customers are attributable after taking into account any recognized risk transfer;

"recognized risk transfer" ( ) -

(a) in relation to a cross-border claim of an authorized institution, means that -

(i) the claim is guaranteed by a person in a country which is different from that of the counterparty; or

(ii) the claim is on an overseas branch of a bank and the head office of the bank is located in a country which is different from that of the overseas branch;

(b) in relation to loans and advances of a customer of an authorized institution, means that the loans and advances are guaranteed by a person in a country which is different from that of the customer.

**99. Sector information**

(1) An authorized institution shall disclose the gross amount of loans and advances to customers, broken down into -

(a) loans and advances for use in Hong Kong -

(i) industrial, commercial and financial -

(A) property development;

(B) property investment;

(C) financial concerns;

(D) stockbrokers;

(E) wholesale and retail trade;

(F) manufacturing;

(G) transport and transport equipment;

(H) recreational activities;

(I) information technology; and

(J) others;

(ii) individuals -

(A) loans for the purchase of flats in the Home Ownership Scheme, Private Sector Participation Scheme and Tenants Purchase Scheme or their respective successor schemes;

(B) loans for the purchase of other residential properties;

(C) credit card advances; and

(D) others;

(b) trade finance; and

(c) loans and advances for use outside Hong Kong.

(2) An authorized institution shall disclose the extent to which its loans and advances referred to in subsection (1) are covered by collateral or other security.

**100. Overdue or rescheduled assets**

(1) An authorized institution shall -

(a) subject to paragraph (b), disclose the gross amount of loans and advances to customers which have been overdue for -

(i) more than 3 months but not more than 6 months;

(ii) more than 6 months but not more than one year; and

(iii) more than one year;

(b) disclose the absolute amount of loans and advances to customers, and the percentage of its total amount of loans and advances to customers, which have been overdue for -

(i) more than 3 months but not more than 6 months;

(ii) more than 6 months but not more than one year; and

(iii) more than one year; and

(c) ensure that the total amount of loans and advances to customers as disclosed under paragraphs (a) and (b) corresponds to the total amount of loans and advances for use in Hong Kong, trade finance, and loans and advances for use outside Hong Kong, as disclosed pursuant to section 99(1).

(2) An authorized institution shall -

- (a) subject to paragraph (b), disclose the gross amount of loans and advances to banks which have been overdue for -
    - (i) more than 3 months but not more than 6 months;
    - (ii) more than 6 months but not more than one year; and
    - (iii) more than one year; and
  - (b) disclose the absolute amount of loans and advances to banks, and the percentage of its total amount of loans and advances to banks, which have been overdue for -
    - (i) more than 3 months but not more than 6 months;
    - (ii) more than 6 months but not more than one year; and
    - (iii) more than one year.
- (3) An authorized institution shall -
- (a) disclose a description of any collateral held in respect of the overdue loans and advances and other forms of credit risk mitigation and, unless impracticable, an estimate of the fair value of such collateral or such other forms of credit risk mitigation; and
  - (b) disclose the amount of specific provisions made on such overdue loans and advances.

(4) An authorized institution shall -

- (a) disclose the amount of rescheduled loans and advances to customers, excluding those which have been overdue for more than 3 months and disclosed pursuant to subsection (1); and
- (b) disclose the percentage of such loans and advances to its total amount of loans and advances to customers.

(5) An authorized institution shall -

- (a) disclose the amount of rescheduled loans and advances to banks, excluding those which have been overdue for more than 3 months and disclosed pursuant to subsection (2); and
- (b) disclose the percentage of such loans and advances to its total amount of loans and advances to banks.

(6) An authorized institution shall disclose the amount of other assets, broken down by major classes of assets (including trade bills and debt securities), which have been overdue for -

- (a) more than 3 months but not more than 6 months;
- (b) more than 6 months but not more than one year; and
- (c) more than one year.

(7) An authorized institution shall disclose the amount of repossessed assets held as at the reporting date, and the accounting treatment of the related loans and advances.

**101. Non-bank Mainland exposures**

An authorized institution shall disclose a breakdown of its Mainland exposures to non-bank counterparties, if the exposures are material, into the categories in the return for non-bank Mainland exposures submitted by the institution to the Monetary Authority pursuant to section 63 of the Ordinance in respect of the reporting period.

**102. Currency risk**

(1) Subject to subsections (2) and (3), an authorized institution shall disclose its foreign currency exposures which arise from trading, non-trading and structural positions in accordance with the returns relating to foreign currency positions it submitted to the Monetary Authority, pursuant to section 63 of the Ordinance, in respect of the reporting period.

(2) Where an authorized institution's net position (in absolute terms) in a particular foreign currency constitutes not less than 10% of the institution's total net position in all foreign currencies, the institution shall disclose in respect of the particular currency its -

- (a) spot assets;
- (b) spot liabilities;
- (c) forward purchases;
- (d) forward sales;
- (e) net options position; and
- (f) net long (short) position.

(3) For the purposes of subsection (2), an authorized institution shall calculate its net options position on the basis of -

- (a) the delta-weighted position of its options contracts; or
- (b) the institution's internal reporting method.

(4) An authorized institution shall disclose the basis referred to in subsection (3) on which it calculates its net options position.

(5) Where an authorized institution's net structural position (assets less liabilities) in a particular foreign currency constitutes (in absolute terms) not less than 10% of the institution's total net structural position in all foreign currencies, the institution shall report that net structural position in that particular foreign currency.

(6) For the purposes of this section, an authorized institution shall convert all foreign currency amounts into their equivalents in Hong Kong dollars as at the reporting date in determining whether its net position or net structural position in a foreign currency constitutes not less than 10% of its total net position or total net structural position, as the case may be, in all foreign currencies.

**103. Liquidity**

(1) Subject to subsection (2), an authorized institution shall disclose its average liquidity ratio for the reporting period.

(2) For the purposes of subsection (1), an authorized institution shall calculate its average liquidity ratio as the arithmetic mean of each calendar month's average liquidity ratio as submitted by the institution to the Monetary Authority, pursuant to section 63 of the Ordinance, in respect of the reporting period.

**Division 4 - Consolidated group level disclosures**

**104. Consolidated group level disclosures: general**

For the purposes of this Division, an authorized institution shall -

- (a) make consolidated group level disclosures based on the most recent consolidated accounts of the institution as at the publication date of the disclosure statement (being the most recent annual accounts or interim accounts, as the case requires, of the institution);
- (b) if the institution has a holding company and does not itself publish consolidated accounts -
  - (i) ensure that the information it is required to disclose under this Division is extracted from the corresponding information in the consolidated accounts of the group of companies of which the institution is a member; and
  - (ii) disclose the extracted information; and
- (c) if it does not publish interim accounts or only publishes unconsolidated information in its interim accounts, disclose the corresponding consolidated information from its most recent annual accounts.

## 105. Capital and capital adequacy

An authorized institution shall -

(a) subject to paragraph (b), disclose its consolidated capital adequacy ratio calculated in accordance with -

(i) the document entitled "International Convergence of Capital Measurement and Capital Standards: A Revised Framework (Comprehensive Version)" (published by the Basel Committee on Banking Supervision in June 2006); or

(ii) the Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (recast) and the Directive 2006/49/EC of the European Parliament and of the Council of 14 June 2006 on the capital adequacy ratio of investment firms and credit institutions (recast),

as at the date of its most recently available annual accounts or interim accounts;

(b) if its consolidated capital adequacy ratio is not calculated in accordance with the document or Directive referred to in paragraph (a), disclose

that fact with its consolidated capital adequacy ratio; and

- (c) disclose the total amount of shareholders' funds (being capital and reserves).

**106. Other financial information**

(1) Subject to subsection (2), an authorized institution shall disclose the following consolidated information as at the date of its most recently available annual or interim accounts -

- (a) total assets;
- (b) total liabilities;
- (c) total loans and advances;
- (d) total customer deposits (or total deposits); and
- (e) pre-tax profit.

(2) Where an authorized institution's total customer deposits referred to in subsection (1)(d) are not separately disclosed in its annual accounts or interim accounts, the institution shall -

- (a) disclose the amount of its total deposits (including those from banks); and
- (b) disclose the fact that the disclosure referred to in paragraph (a) is made pursuant to this subsection.

Monetary Authority

2006

### **Explanatory Note**

These Rules are made by the Monetary Authority under section 60A of the Banking Ordinance (Cap. 155) as amended by the Banking (Amendment) Ordinance 2005 (19 of 2005) to prescribe the information to be disclosed to the general public by authorized institutions relating to their state of affairs, profit and loss or capital adequacy ratio. The Rules also prescribe the manner in which, times at which and periods during which such information shall be so disclosed. The Rules need to be read in conjunction with the Banking (Capital) Rules (L. N. [ ] of 2006) to ascertain the meaning of many of the expressions used in the Rules.

2. Section 3 specifies the authorized institutions to which the various Parts of the Rules apply. Section 3(1) provides that Parts 2 and 4 apply to authorized institutions incorporated in Hong Kong except such institutions which are exempted under section 3(7). Section 3(2) provides that Part 3 applies to authorized institutions incorporated in Hong Kong except such institutions which are exempted under section 3(8). Section 3(6) provides that Part 8 applies to authorized institutions incorporated outside Hong Kong except such institutions which are exempted under section 3(9).

3. Part 2 specifies the general disclosure requirements applicable to authorized institutions incorporated in Hong Kong.

4. Part 3 specifies the disclosures an authorized institution incorporated in Hong Kong is required to make in respect of every

6 months period immediately after the close of the institution's financial year.

5. Part 4 specifies the disclosures an authorized institution incorporated in Hong Kong is required to make in respect of every financial year of the institution.

6. Parts 5, 6 and 7 specify the additional disclosures an authorized institution incorporated in Hong Kong is required to make in respect of its financial year if it uses the standardized (credit risk) approach (Part 5), basic approach (Part 6) or internal ratings-based approach (Part 7) to calculate its credit risk for non-securitization exposures.

7. Part 8 specifies the disclosures an authorized institution incorporated outside Hong Kong is required to make in respect of every financial year and in respect of every 6 months period immediately after the close of the institution's financial year.