

1: Securities industry in China - Wikipedia

Article 1 The present Law is formulated for the purpose of regulating the issuance and transaction of securities, protecting the lawful rights and interests of investors, safeguarding the economic.

Any listed trading of government bonds and share of securities investment funds shall be governed by the present Law. Where there is any special provision in any other law or administrative regulation, the special provision shall prevail. The measures for the administration of issuance and transaction of securities derivatives shall be prescribed by the State Council according to the principles of the present Law. Article 3 The issuance and transaction of securities shall adhere to the principles of openness, fairness and impartiality. Article 4 The parties involved in any issuance or transaction of securities shall have equal legal status and shall persist in the principles of free will, compensation and integrity and creditworthy. Article 5 The issuance and transaction of securities shall observe laws and administrative regulations. No fraud, insider trading or manipulation of the securities market may be permitted. Article 6 The divided operation and management shall be adopted by the industries of securities, banking, trust as well as insurance. The securities companies and the business organs of banks, trust and insurance shall be established separately, unless otherwise provided for by the state. Article 7 The securities regulatory authority under the State Council shall adopt a centralized and unified supervision and administration of the national securities market. The securities regulatory authority under the State Council may, in light of the relevant requirements, establish dispatched offices, which shall perform their duties and functions of supervision and administration upon the authorization. Article 8 Under the centralized and unified supervision and administration of the state regarding the issuance and transaction of securities, a securities industrial association shall be lawfully established, which shall adopt the self-regulating administration. Article 9 The auditing organ of the state shall carry out auditing supervision of stock exchanges, securities companies, securities registration and clearing institutions and securities regulatory bodies. Chapter II Issuance of Securities Article 10 A public issuance of securities shall satisfy the requirements of the relevant laws and administrative regulations and shall be reported to the securities regulatory authority under the State Council or a department upon authorization by the State Council for examination and approval according to law. Without any examination and approval according to law, no entity or individual may make a public issuance of any securities. It shall be deemed as a public issuance upon the occurrence of any of the following circumstances: For any securities that are not issued in a public manner, the means of advertising, public inducement or public issuance in any disguised form may not be adopted thereto. Article 11 An issuer that files an application for public issuance of stocks or convertible corporate bonds by means of underwriting according to law or for public issuance of any other securities, to which a recommendation system is applied, as is prescribed by laws and administrative regulations, shall employ an institution with the qualification of recommendation as its recommendation party. A recommendation party shall abide by operational rules and industrial norms and, on the basis of the principles of being honesty, creditworthy, diligent and accountable, carry out a prudent examination of application documents and information disclosure materials of its issuers as well as supervise and urge its issuers to operate in a regulative manner. The qualification of the recommendation party as well as the relevant measures for administration shall be formulated by the securities regulatory authority under the State Council. An application for public offer of stocks as well as the following documents shall be reported to the securities regulatory authority under the State Council: In case a recommendation party shall be employed, as prescribed by the present Law, the Recommendation Letter of Issuance as produced by the recommendation party shall be submitted as well. In case the establishment of a company shall be reported for approval, as prescribed by laws and administrative regulations, the relevant approval documents shall be submitted as well. Article 13 An initial public offer IPO of stocks of a company shall satisfy the following requirements: A listed company that makes any initial non-public offer of stocks shall satisfy the requirements as prescribed by the securities regulatory authority under the State Council, which have been approved by the State Council and shall be reported to the securities regulatory authority under the State Council for examination and approval. Article 14

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A company that makes an IPO of stocks shall apply for public offer of stocks as well as the following documents to the securities regulatory authority under the State Council:

2: KWM | Securities

The China Securities Regulatory Commission (CSRC) is an institution of the State Council of the People's Republic of China (PRC), with ministry-level rank. It is the main regulator of the securities industry in China.

Quote As the U. On December 3, the U. The auditors claim they are unable to comply without breaking Chinese law against sharing state secrets. That, in turn, may well lead to deregistration from U. Any action the Board takes will be a result of thorough and thoughtful deliberation. But ultimately, our charge is to implement and enforce policy decisions embedded in U. Doty noted that there has been progress since his talks began with Chinese regulators in summer The PCAOB participated in an observational visit of a Chinese regulatory auditor inspection in October and extended the proposal for joint inspections the following month. Today, the PCAOB carries out inspections of auditors in some 40 countries, recently reaching agreement with many European countries, such as Switzerland, Germany and the Netherlands, that had concerns about looser U. Knowledge Wharton High School For its part, the Chinese government is reluctant to open the door to foreign regulation of domestic entities. The bigger problem is that the financial system in China really needs a lot of reform to give access to small- and medium-sized enterprises. Reverse mergers, conducted correctly, are legitimate in the U. Through these transactions, companies "both domestic and foreign" can access U. The process gives the new owners operating and management control of the combined company "and access to capital more quickly and with fewer advisory, accounting and legal costs than a straightforward initial public offering IPO. In and , U. With the help of U. In , reports from U. One report, for example, asserted that a Chinese company claimed to own fictitious retail stores in financial statements to investors. Amidst such allegations, many auditors of Chinese reverse merger companies resigned, and the U. SEC started taking enforcement action against the companies and their advisors. The SEC has charged 64 individuals and companies with fraud so far and revoked the registration of 50 entities. Last year, one in four federal securities class action lawsuits involved Chinese reverse merger companies, according to a study by the Securities Class Action Clearinghouse at Stanford Law School and Cornerstone Research in Boston. A Larger Problem As the era of Chinese reverse mergers winds down and the cleanup begins, what are the lessons that can be learned? The reverse merger scandal is "just a symptom of a much larger problem," says Allen. The door to U. The alternative banking system, where investors find borrowers through mutual acquaintances, thrives because "there are a lot of people with cash and not very good places to invest," he says. Rather than rely on go-betweens who know borrowers personally, these banks are learning to employ more modern risk assessment tools to make lending decisions. As such, they may rely more heavily on auditors for their decisions. Chinese investors and Chinese regulators are better able to evaluate these companies than foreigners. But this will take some time. Yet, despite the unsavory experience of many U.

3: Securities Enforcement | Morrison Foerster

Securities industry in China is an article on the securities industry in mainland China.

Chapter I General Provisions Article 1 The present Law is formulated for the purpose of regulating the issuance and transaction of securities, protecting the lawful rights and interests of investors, safeguarding the economic order and public interests of the society and promoting the growth of the socialist market economy. Any listed trading of government bonds and share of securities investment funds shall be governed by the present Law. Where there is any special provision in any other law or administrative regulation, the special provision shall prevail. The measures for the administration of issuance and transaction of securities derivatives shall be prescribed by the State Council according to the principles of the present Law. Article 3 The issuance and transaction of securities shall adhere to the principles of openness, fairness and impartiality. Article 4 The parties involved in any issuance or transaction of securities shall have equal legal status and shall persist in the principles of free will, compensation and integrity and creditworthy. Article 5 The issuance and transaction of securities shall observe laws and administrative regulations. No fraud, insider trading or manipulation of the securities market may be permitted. Article 6 The divided operation and management shall be adopted by the industries of securities, banking, trust as well as insurance. The securities companies and the business organs of banks, trust and insurance shall be established separately, unless otherwise provided for by the state. Article 7 The securities regulatory authority under the State Council shall adopt a centralized and unified supervision and administration of the national securities market. The securities regulatory authority under the State Council may, in light of the relevant requirements, establish dispatched offices, which shall perform their duties and functions of supervision and administration upon the authorization. Article 8 Under the centralized and unified supervision and administration of the state regarding the issuance and transaction of securities, a securities industrial association shall be lawfully established, which shall adopt the self-regulating administration. Article 9 The auditing organ of the state shall carry out auditing supervision of stock exchanges, securities companies, securities registration and clearing institutions and securities regulatory bodies. Chapter II Issuance of Securities Article 10 A public issuance of securities shall satisfy the requirements of the relevant laws and administrative regulations and shall be reported to the securities regulatory authority under the State Council or a department upon authorization by the State Council for examination and approval according to law. Without any examination and approval according to law, no entity or individual may make a public issuance of any securities. It shall be deemed as a public issuance upon the occurrence of any of the following circumstances: For any securities that are not issued in a public manner, the means of advertising, public inducement or public issuance in any disguised form may not be adopted thereto. Article 11 An issuer that files an application for public issuance of stocks or convertible corporate bonds by means of underwriting according to law or for public issuance of any other securities, to which a recommendation system is applied, as is prescribed by laws and administrative regulations, shall employ an institution with the qualification of recommendation as its recommendation party. A recommendation party shall abide by operational rules and industrial norms and, on the basis of the principles of being honesty, creditworthy, diligent and accountable, carry out a prudent examination of application documents and information disclosure materials of its issuers as well as supervise and urge its issuers to operate in a regulative manner. The qualification of the recommendation party as well as the relevant measures for administration shall be formulated by the securities regulatory authority under the State Council. An application for public offer of stocks as well as the following documents shall be reported to the securities regulatory authority under the State Council: In case a recommendation party shall be employed, as prescribed by the present Law, the Recommendation Letter of Issuance as produced by the recommendation party shall be submitted as well. In case the establishment of a company shall be reported for approval, as prescribed by laws and administrative regulations, the relevant approval documents shall be submitted as well. Article 13 An initial public offer IPO of stocks of a company shall satisfy the following requirements: A listed company that makes any initial non-public offer of stocks shall satisfy the requirements as prescribed by the securities

regulatory authority under the State Council, which have been approved by the State Council and shall be reported to the securities regulatory authority under the State Council for examination and approval. Article 14 A company that makes an IPO of stocks shall apply for public offer of stocks as well as the following documents to the securities regulatory authority under the State Council: Article 15 The funds as raised through public offer of stocks as made by a company shall be used according to the plan approved by the State Council for examination and approval according to law. The funds as raised through public offer of stocks as made by a company shall be used according to the purpose as prescribed in the prospectus. Any alteration of the use of funds as prescribed in the prospectus shall be subject to a resolution of the general assembly of shareholders. In case a company fails to correct any unlawful alteration of its use of funds or where any alteration of its use of funds fails to be adopted by the general assembly of shareholders, the relevant company may not make any IPO of stocks. In the foregoing circumstance, a listed company may not make any non-public offer of stocks. Article 16 A public issuance of corporate bonds shall satisfy the following requirements: The funds as raised through public issuance of corporate bonds shall be used for the purpose as verified and may not be used for covering any deficit or non-production expenditure. The public issuance of convertible corporate bonds as made by a listed company may not only meet the requirements as provided for in paragraph 1 herein but also meet the requirements of the present Law on public offer of stocks, and shall be reported to the securities regulatory authority under the State Council for examination and approval. Article 17 With regard to an application for public issuance of corporate bonds, the following documents shall be reported to the department as authorized by the State Council or the securities regulatory authority under the State Council: Article 18 In any of the following circumstances, no more public issuance of corporate bonds may be carried out: Article 19 The formats and reporting ways of application documents as reported by an issuer for examination and approval of securities issuance according to law shall be prescribed by the legally competent organ or department in charge of examination and approval. Article 20 The application documents for securities issuance as reported by an issuer to the securities regulatory authority under the State Council or the department as authorized by the State Council shall be authentic, accurate and integrate. Article 21 Where an issuer files an application for an IPO of stocks, it shall, upon submitting the application documents, disclose the relevant application documents in advance according to the provisions of the securities regulatory authority under the State Council. Article 22 The securities regulatory authority under the State Council shall establish an issuance examination committee, which shall examine the applications for stock issuance according to law. The issuance examination committee shall be composed of the professionals from the securities regulatory authority under the State Council and other relevant experts from outside the said authority, adopt the means of voting for the determination of applications for stock issuance and set forth the opinions on examination. The specific formulation measures, tenure of members as well as work procedures of the issuance examination committee shall be formulated by the securities regulatory authority under the State Council. Article 23 The securities regulatory authority under the State Council shall take charge of the examination and approval of applications for stock issuance in light of the statutory requirements. The procedures for examination and approval shall be publicized and shall be subject to supervision according to law. The personnel participating in the examination and verification of stock issuance may not have any interest relationship with an issuance applicant, may not directly or indirectly accept any present of the issuance applicant, may not hold any stock as verified for issuance and may not have any private contact with an issuance applicant. The department as authorized by the State Council shall conduct the examination and approval of applications for issuance of corporate bonds by referring to the preceding 2 paragraphs herein. Article 24 The securities regulatory authority under the State Council or the department as authorized by the State Council shall, within 3 months as of acceptance of an application for securities issuance, make an decision on approval or disapproval according to the statutory requirements and procedures, whereby the time for an issuer to supplement or correct its application documents for issuance according to the relevant requirements may not be calculated within the aforesaid term for examination and approval. In the event of disapproval, an explanation shall be given in writing. Article 25 Where an application for securities issuance has been approved, the relevant issuer shall, in accordance with the provisions of the relevant laws and

administrative regulations, announce the relevant financing documents of public issuance before publicly issuing any securities and shall make the aforesaid documents available for public reference in designated places. Before the information of securities issuance is publicized according to law, no insider may publicize or indulge the relevant information. An issuer may not issue any securities before an announcement of the relevant financial documents of public issuance. The relevant issuer shall, according to the issuing price plus interests as calculated at the bank deposit rate for the corresponding period of time, return the funds to securities holders. A recommendation party shall bear the joint and several liabilities together with the relevant issuer, except for one who is able to prove his exemption of fault. Where any controlling shareholder or actual controller has any fault, he shall bear the joint and several liabilities together with the relevant issuer, Article 27 After a legal offer of stocks, an issuer shall be liable for any alteration of its operation or its profits by itself. The investment risk as incurred therefrom shall be borne by investors by themselves. Article 28 Where an issuer issues any securities to any non-specified object and if the said securities shall be underwritten by a securities company, as is provided for by laws and administrative regulations, the issuer shall conclude an underwriting agreement with a securities company. The forms of "sale by proxy" and "exclusive sale" shall be adopted for the underwriting operation of securities. The term "sale by proxy" refers to an underwriting form, whereby a securities company sells securities as a proxy of the relevant issuer and, upon the conclusion of the underwriting period, returns all the securities unsold to the relevant issuer. The term "exclusive sale" refers to an underwriting form, whereby a securities company purchases all of the securities of an issuer according to the agreement there between or purchases all of the residing unsold securities by itself upon the conclusion of the underwriting period. Article 29 An issuer that makes public issuance of securities has the right to select a securities company for underwriting according to law at its own will. A securities company may not canvass any securities underwriting business by any unjust competition means. Article 30 Where a securities company underwrites any securities, it shall reach an agreement with the relevant issuer on sale by proxy or exclusive sale, which shall indicate the following items: Article 31 A securities company that is engaged in the underwriting of securities shall carry out verification on the authenticity, accuracy and integrity of the financing documents of public issuance. Where any false record, misleading statement or major omission is found, no sales activity may be carried out. Where any securities have been sold out under the foregoing circumstances, the relevant sales activity shall be immediately terminated and measures for correction shall be taken. Article 32 Where the total face value of securities as issued to non-specified objects is beyond RMB 50 million yuan, the said securities shall be underwritten by an underwriting syndicate. An underwriting syndicate shall be composed of securities companies acting as principal underwriters and participant underwriters. Article 33 The term for sale by proxy or exclusive sale may not exceed 90 days at the most. A securities company shall, within the term of sale by proxy or exclusive sale, guarantee the priority of the relevant subscribers in purchasing securities under sale by proxy or exclusive sale. A securities company may not reserve in advance any securities under sale by proxy thereby or purchase in advance and sustain any securities under exclusive sale thereby. Article 34 Where any stock is issued at a premium, the issuing price thereof shall be agreed on through negotiation of the relevant issuer and the securities company that is engaged in underwriting. The relevant issuer shall return the issuing price plus interests as calculated at the bank deposit rate for the contemporary period of time to the subscribers of stocks. Article 36 In a public offer of stocks, when the term for sale by proxy or exclusive sale expires, an issuer shall report the information on stock issuance to the securities regulatory authority under the State Council for archival purpose within the prescribed time. Chapter III Transaction of Securities Section I General Provisions Article 37 The securities as purchased and sold by any party who is involved in any securities transaction shall be the securities that have been legally issued and delivered. No securities that have been illegally issued may be purchased or sold. Article 38 All stocks, corporate bonds or any other securities that have been legally issued, where there are any restrictive provisions of laws on the term of transfer thereof, may not be purchased or sold within the restrictive term. Article 39 All stocks, corporate bonds or any other securities that have been publicly issued according to law shall be listed in a stock exchange as legally established or in any other places for securities transaction as approved by the State Council. Article 40 The means of public and centralized transaction or

any other means as approval by the securities regulatory authority under the State Council shall be adopted for listed trading of securities in stock exchanges. Article 41 The securities as purchased or sold by the parties involved in securities transaction may be in paper form or in any other form as approved by the securities regulatory authority under the State Council. Article 42 The securities transaction shall be carried out in the form of spot goods as well as any other form as prescribed by the State Council. Article 43 The practitioners in stock exchanges, securities companies as well as securities registration and clearing institutions, the functionary of securities regulatory bodies as well as any other personnel who have been prohibited by laws and administrative regulations from engaging in any stock transaction shall, within their tenures or the relevant statutory term, not hold or purchase or sold any stock directly or in any assumed name or in a name of any other person, nor may they accept any stocks from any other person as a present. Anyone, when becoming any person as prescribed in the preceding paragraph herein, shall transfer the stocks he has held according to law. Article 44 The stock exchanges, securities companies as well as securities registration and clearing institutions shall keep secret for the accounts as opened for their clients according to law. Article 45 A securities trading service institution and the relevant personnel that produce such documents as auditing reports, asset appraisal reports or legal opinions for stock issuance may not purchase or sell any of the aforesaid stocks within the underwriting term of stocks or within 6 months as of the expiration of the underwriting term of stocks. Except for the provisions as prescribed in the preceding paragraph herein, a securities trading service institutions and the relevant personnel that produce such documents as auditing reports, asset appraisal reports or legal opinions for listed companies may not purchase or sell any of the aforesaid stocks within the period from the day when an entrustment of a listed company is accepted to the day when the aforesaid documents are publicized. Article 46 The charge for securities transaction shall be reasonable. The charging items, standards as well as methods shall be publicized. The charging items, standards and administrative measures of securities transaction shall be uniformly formulated by the relevant administrative department under the State Council. The board of directors of the company shall withdraw the proceeds. Where the board of directors of a company fails to implement the provisions as prescribed in the preceding paragraph herein, the shareholders concerned have the right to require the board of directors to implement them within 30 days. Where the board of directors of a company fail to implement the provisions as prescribed in paragraph 1 herein, the directors in charge shall bear the joint and several liabilities according to law. Section II Listing of Securities Article 48 An application for the listing of any securities shall be filed with a stock exchange and shall be subject to the examination and approval of the stock exchange according to law and a listing agreement shall be reached by both parties. The stock exchanges shall, according to the decision of the department as authorized by the State Council, arrange the listing of government bonds. Article 49 As for an application for the listing of any stocks, convertible corporate bonds or any other securities, to which a recommendation system is applied, as prescribed by laws and administrative regulations, an institution with the qualification of recommendation shall be employed as the recommendation party. The provisions of paragraphs 2 and 3 of Article 11 of the present Law shall be applied to the recommendation party of listing. Article 50 A stock-limited company that files an application for the listing of its stocks shall satisfy the following requirements: A stock exchange may prescribe the requirements of listing that are more strict than those as prescribed in the preceding paragraph herein, which shall be reported to the securities regulatory authority under the State Council for approval. Article 51 The state encourages the listing of corporate stocks that comply with the relevant industrial policies and fulfill the relevant requirements of listing.

4: China Securities Regulatory Commission (CSRC)

China Securities Regulatory Commission is the national regulatory body that oversees the securities and futures exchanges of the country.

Trading in stock index futures remains relatively less established in China than in other markets, having only been approved for use by Chinese securities firms and money managers in April. Prior to the issuance of the Guidelines, QFIIs were not allowed to trade stock index futures in any form in mainland China. This restriction may have been prompted by concerns that stock index futures may increase volatility on domestic stock markets. Hedging activities of QFIIs are also subject to value and volume limitations. Under the Guidelines, a QFII may not hold stock index futures with an aggregate value in excess of its investment quota at the end of any trading day or trade an amount of stock index futures in excess of its investment quota within any trading day. While the Guidelines are not clear on this point, "value" presumably is determined with reference to the notional value of the futures contracts held or traded by a QFII. If the value of futures contracts exceeds the quota due to price fluctuations, the QFII is required to reduce the value of futures contracts held, within ten trading days. The Guidelines also impose oversight and compliance responsibilities on custodian banks and futures firms, and these entities are required to report to the CSRC any irregular or illegal trading activity by QFIIs. QFIIs should benefit from the increased flexibility provided by the Guidelines. It is expected that Chinese regulators will closely monitor whether these Guidelines are successful in limiting the impact of securities index futures on market stability. If the Guidelines prove to be adequate, the CSRC may relax some of the restrictions, or permit QFIIs to trade futures on other reference assets or use other forms of derivatives. China to Permit U. At the summit, chaired by U. Treasury Secretary Timothy Geithner and Chinese Vice Premier Wang Qishan, China agreed to broaden its financial sector reforms as part of its new five-year plan for its economy. A press release from the U. Currently, overseas asset managers can access the Chinese fund market solely by means of joint ventures with Chinese companies, which can be costly to establish and burdensome to manage. As announced by the U. Treasury, China has agreed to permit U. These developments should assist non-Chinese firms in building brand awareness with Chinese investors. It does not appear, however, that the agreement paves the way for offering non-Chinese funds to Chinese retail investors. The practical impact of liberalisation remains to be seen. The timeline for implementation is not yet known. It also remains to be seen whether Chinese consumers will purchase funds from U. The Strategic and Economic Dialogue summit also yielded other agreements. China also committed to move toward "market-determined interest rates to better price risk and more efficiently allocate capital in its economy". The final Guidelines are substantially the same as the draft Guidelines published for consultation in January. Treasury, this liberalisation will also extend to foreign banks outside of the United States. The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

5: Securities Law of the People's Republic of China -- www.enganchecubano.com

China: Recent Developments in the Regulation of Private Placements of securities" does exist in the Securities Law of China ("Securities Law.

6: Hong Kong Securities Regulation

Internationalization of China's Securities Market and Adaptation of Foreign Securities Law. A. Experience with Listing Chinese Companies in Hong Kong. B. Future Regulatory Harmonisation Between China and Hong Kong. C. Adaptation of Foreign Securities Laws --VIII. Socialist Ideologies and Regulation of China's Securities Market.

7: Jim Hamilton's World of Securities Regulation: China, intellectual property drive hearing on CFIUS

SECURITIES REGULATION IN CHINA pdf

The board of directors of Central China Securities Co., Ltd. pursuant to Rules and B of the Rules Governing the Listing of Securities on The Stock Exchange of Hong Kong Limited and.

8: Reverse Mergers: A Looming U.S.-China Showdown over Securities Regulation? - Knowledge@Wharton

The Securities Commission Malaysia (SC), as the supervisor of the capital markets, has developed a robust supervisory framework that exhibits high levels of implementation of the International Organization of Securities Commissions Objectives and Principles of Securities Regulation (IOSCO Principles) in most areas.

9: Securities Law of the People's Republic of China (revised in)

securities regulation in china alone. 3 Consequently, the Chinese securities industry has emerged as a fairly large, integrated system in a very short time. 4.

DK online encyclopedia. The Letters Of Honore De Balzac Protection of officials of foreign states according to international law Regulating humanitarian intervention : the need for redirection Melissa Joan Rivers Patty takes the stand Verben mit prÃ¼positionen liste Play therapy primer Opportunities in word processing careers Visit Sesame ST Zoo Vasant desai project management Anecdote Biographies Of Thackeray And Dickens Last moment tuitions notes Easy way to learn autocad 2007 The geographical and historico-politico-economic contexts System admin interview questions and answers Sense of life, a sense of sin Coverage of sensation and disaster : the gaining and keeping of audiences Understanding Public Policy (10th Edition) VLF mapping of geological structure Sos your old man Linux user and group management Father son, the bond The best recipe cooks illustrated Promoting reading to boys Out of my keeping, A character Carnal and spiritual Christians Antinutrients and phytochemicals in food The Politics of Values Social Work Macro Practice Workbook The freud er Goa travel guide map Laboratory tests and interpretation of results Venous and Lymphatic Diseases The Patient Parasites Russell Bates The eugenic prospect The purple kangaroo Help for dBASE IV users and would-be users Birth of a dilemma Vulvar and vaginal disease and neoplasia