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FDRC
ANNUAL REPORT 2012
年報

FDRC  | 金融糾紛調解中心
FINANCIAL DISPUTE RESOLUTION CENTRE



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背景

Background

金融糾紛調解中心的成立

- 證券及期貨事務監察委員會（「證監會」）及香港金融管理局（「金管局」）於2008年12月向政府建議為香港金融業設立一個糾紛解決機制。
- 政府就此於2010年2月進行公眾諮詢。建議得到普遍支持，政府在2010年12月公布決定設立金融糾紛調解中心（「調解中心」），透過獨立、持平、便捷、有效及公開的解決金融爭議機制，幫助金融機構和其個人客戶解決金錢爭議。
- 調解中心於2011年11月18日以非牟利擔保有限公司的形式成立，並認為慈善機構，獲豁免繳稅。調解中心於2012年6月19日投入服務。

The Setting Up of the Financial Dispute Resolution Centre

- Both the Securities and Futures Commission (“SFC”) and the Hong Kong Monetary Authority (“HKMA”) proposed to the Government in December 2008 to set up a dispute resolution mechanism for the financial industry in Hong Kong.
- The Government launched a public consultation on the proposal in February 2010. The proposal received general support. The Government announced in December 2010 its decision to set up the Financial Dispute Resolution Centre (“FDRC”). The objective is to assist financial institutions and their individual customers in resolving monetary disputes through a financial dispute resolution mechanism that is independent, impartial, accessible, efficient and transparent.
- The FDRC was set up on 18 November 2011 as a non-profit company limited by guarantee and obtained charitable status for tax exemption purpose. It came into operation on 19 June 2012.

先 調解 後 仲裁
Mediation First
Arbitration Next

Financial Dispute Resolution Scheme

金融糾紛調解計劃

- 調解中心負責管理一個獨立持平的金融糾紛調解計劃(「調解計劃」)。調解計劃以「先調解，後仲裁」的方式，提供一站式的服務，協助解決個人客戶與金融機構之間不超過港幣500,000元的金錢爭議。
- 所有受金管局認可及/或證監會監管的金融機構(只從事提供信貸評級服務的機構除外)，均為調解計劃成員。
- 調解中心與證監會及金管局簽署了諒解備忘錄，清楚列明各自的角色。根據諒解備忘錄，證監會及金管局會尊重調解中心的持平和保密原則。
- 調解計劃的運作及個案受理準則受《職權範圍》所規管。
- 《個案受理準則指引》(「個案受理準則」)載於《職權範圍》內，並已上載於調解中心網頁 www.fdr.org.hk。個案受理準則的其中幾項重要條件包括：
 - ▶ 合資格申索人須為個人或獨資經營者。
 - ▶ 涉及爭議的金融機構須為調解計劃的成員。
 - ▶ 申索屬金錢性質，最高申索額為港幣500,000元。
 - ▶ 申索人已經向有關金融機構作出書面投訴，並已收到最後書面答覆，但爭議未能夠解決；又或書面投訴超過60天，申索人仍未收到最後書面答覆。
 - ▶ 申索人須於購買金融產品或服務，或首次得知蒙受金錢損失12個月內提出申索。
 - ▶ 申索個案不是目前正在或已經進行法院訴訟程序。
 - ▶ 申索並非與政策、收費及投資表現有關，但指稱涉及隱瞞、資料披露不足、失實陳述、疏忽、不正確施行、違反受信任義務、違反任何法律責任或職責，或行政失當的爭議除外。

- FDRC administers an independent and impartial Financial Dispute Resolution Scheme (“FDRS”). The Scheme provides a one-stop service for assisting individual customers and financial institutions resolve monetary disputes with a maximum claimable amount of HK\$500,000 by way of “Mediation First, Arbitration Next”.
- All financial institutions authorised by the HKMA and/or licensed by the SFC, except those which provide credit rating services only, are members of FDRS.
- FDRC signed a Memorandum of Understanding (“MOU”) with the SFC and the HKMA to set out clearly the respective roles. According to the MOU, the SFC and the HKMA would respect FDRC’s principle of impartiality and confidentiality.
- The operation of the FDRS and its Intake Criteria are governed by the Terms of Reference (“TOR”).
- A full FDRS Guidelines on Intake Criteria of Cases (“Intake Criteria”) is contained in the TOR. It is available at the FDRC website www.fdr.org.hk. Some key requirements of the Intake Criteria include:
 - ▶ An Eligible Claimant is an individual or a sole proprietor.
 - ▶ The financial institution involved in the dispute is a member of the FDRS.
 - ▶ The claim is of monetary nature with a maximum claimable amount of HK\$500,000.
 - ▶ The claimant has lodged a written complaint to the relevant financial institution. He has received a Final Written Reply but the dispute cannot be resolved or he has not received a Final Written Reply more than 60 days after he lodged a written complaint.
 - ▶ The claim is made within 12 months from the date of purchase of the financial product or service or the claimant first had knowledge of his loss.
 - ▶ The claim is not currently under or has gone through court proceedings.
 - ▶ The claim is not about policies, fees and investment performance, except a dispute concerning an alleged non-disclosure, inadequate disclosure, misrepresentation, negligence, incorrect application, breach of fiduciary duty, breach of any legal obligation or duty, or maladministration.

使命 Mission

提供獨立及不偏不倚的「先調解，後仲裁」的爭議解決程序，協助香港的金融機構及其個人客戶解決他們之間的金錢爭議。

To provide independent and impartial "Mediation First, Arbitration Next" processes of dispute resolution to facilitate the resolution of monetary disputes between individual customers and financial institutions in Hong Kong.

抱負 Vision

本中心致力成為香港提供解決金融業相關爭議服務的領導者，以具建設性的方法處理金融機構與其客戶之間的金融爭議，避免爭議升溫，並透過擴大我們服務的範圍及聯繫金融業界的持份者，一起鞏固香港的國際金融中心地位。

To be the leading provider of financial dispute resolution processes to deal with differences between financial institutions and their customers constructively before they escalate and to support Hong Kong as an international financial centre by extending our services and engaging stakeholders of the financial industry.



原則 The Guiding Principles



獨立 Independence

成立及管理金融糾紛調解計劃，並在不受任何外界干預的情況下，為金融機構及其客戶提供獨立的爭議解決服務。

To set up and operate an independent dispute resolution scheme for financial institutions and their customers without external interference.

持平 Impartiality

在維持及貫徹執行調解中心的程序上，不偏不倚對待金融機構及其客戶。

To maintain FDRC processes where both the financial institutions and their customers are treated in an impartial way.

便捷 Accessibility

制訂簡單直接、易於理解的爭議解決程序，為使用者提供便捷的服務。

To make FDRC accessible and user friendly by establishing dispute resolution processes which are straight forward, clear and easy to understand.

有效 Efficiency

確保金融爭議可盡快有效地獲得解決。

To ensure that financial disputes are settled in a timely and efficient manner.

公開 Transparency

在處理爭議時盡可能維持公開透明及按照有關保密及保障私隱的條例行事。

To be as transparent as possible in dealing with financial disputes, whilst also acting in accordance with confidentiality and privacy obligations under the laws of Hong Kong.



鄭若驊女士 GBS, SC, JP
Ms. Teresa Cheng Yeuk-wah, GBS, SC, JP

主席 Chairman

- 國際商事仲裁會副主席
- 國際商會國際仲裁院副主席
- 香港國際仲裁中心副主席

- Vice-President, International Council for Commercial Arbitration
- Vice-President, International Court of Arbitration of the International Chamber of Commerce
- Vice Chairperson, Hong Kong International Arbitration Centre



董事局

The Board of Directors



梁鳳儀女士 SBS, JP
Ms. Julia Leung Fung-ye, SBS, JP



戴敏娜女士 JP
Ms. Meena Datwani, JP



施衛民先生
Mr. Mark Robert Steward



馮煒能先生
Mr. Brian Fung Wei-lung

董事 Director

- 香港特別行政區政府
財經事務及庫務局副局長
- Under Secretary for Financial Services
and the Treasury, The Government of
HKSAR

董事 Director

- 香港金融管理局助理總裁(銀行操守)
- Executive Director (Banking Conduct),
Hong Kong Monetary Authority

董事 Director

- 證券及期貨事務監察委員會
法規執行部執行董事
- Executive Director, Enforcement Division,
Securities and Futures Commission

董事 Director

- 嘉信金融服務總經理
- 香港證券業協會主席
- 職業訓練局銀行及金融業訓練委員會委員
- General Manager, Kaiser Financial Services
- Chairman, Hong Kong Securities Association
- Member, Banking and Finance Industry
Training Board of the Vocational
Training Council



劉燕卿女士 JP
Ms. Connie Lau Yin-hing, JP



邵蓓蘭女士
Ms. Barbara Shiu



胡紅玉議員 GBS, JP
The Honourable Anna Wu Hung-yuk, GBS, JP



詹少弘女士
Ms. Sou Chiam

董事 Director

- 聯合國貿易發展會議
消費者保護國際專家顧問小組主席
- 財務匯報局委員
- 香港消費者委員會前任總幹事
- Chairman, International Advisory Group of Experts on Consumer Protection, UNCTAD, United Nations
- Member, Financial Reporting Council
- Former Chief Executive, Hong Kong Consumer Council

董事 Director

- 香港證券及投資學會資深會員
- 中國銀行(香港)有限公司操作風險及合規部總經理
- 財務匯報局財務匯報檢討委員團成員
- 證券及期貨事務監察委員會
產品諮詢委員會成員
- Fellowship, Hong Kong Securities and Investment Institute
- General Manager, Operational Risk and Compliance Department of Bank of China (Hong Kong) Limited
- Member, Financial Reporting Review Panel of the Financial Reporting Council
- Member, Products Advisory Committee of the SFC

董事 Director

- 香港特別行政區行政會議非官守議員
- 強制性公積金計劃管理局主席
- 香港國際仲裁中心理事
- 香港大學法律專業證書課程教務委員會主席
- Non-Official Member, Executive Council of HKSAR
- Chairman, Mandatory Provident Fund Schemes Authority
- Council Member, Hong Kong International Arbitration Centre
- Chair, Academic Board for Postgraduate Certificate in Laws of the University of Hong Kong

董事 Director

- 金融糾紛調解中心有限公司行政總裁
- Chief Executive Officer, FDRC



主席的話

Chairman's Message

鄭若驊 Teresa Cheng Yeuk-wah



調解中心的開幕，標誌着香港解決金融爭議的新一頁。在財經事務及庫務局、金管局以及證監會的支持下，調解中心於2012年6月19日開始運作，為金融界和廣大市民提供服務。

調解中心的使命是為金融業提供一個有效、獨立及持平的爭議解決機制。調解計劃亦按此原則而設立。調解計劃以「先調解，後仲裁」的方式，為消費者與金融機構提供一個快捷、簡便及易於負擔的途徑去解決爭議。

在成立的首六個月，調解中心全力投入相關的基礎工作，以妥善管理調解計劃。當中包括為有意成為本中心名單上調解員及仲裁員的人士舉辦培訓課程，為持份者舉辦講座並建立及保持聯繫，以及向公眾推廣中心的服務。

我們縱然是一個相對較新的機構，但董事局成員與員工的目標一致，致力令調解中心成為提供解決金融業爭議服務的領導者。我們亦希望能為金融業界提供一個平台，去討論和探求方案繼續提升解決爭議服務，旨在鞏固香港作為國際金融中心的地位。

我們明白有需要聆聽及考慮社會及金融業界的建議。調解中心仍有一些地方有待改善，以及有需要為長遠發展奠定鞏固的基礎。在董事局各成員和員工的支持下，調解中心會繼續努力，以滿足公眾和金融業界的需求。

最後，我要感謝調解中心工作小組於成立調解中心所作出的貢獻。我亦感謝董事局成員一直以來的指導和支持，以及各員工為共同實踐調解中心的使命及抱負所付出的努力和貢獻。

主席

The setting up of the FDRC marks a new chapter for the resolution of financial disputes in Hong Kong. With the support of the Financial Services and Treasury Bureau, the HKMA and the SFC, FDRC commenced operation on 19 June 2012 to serve the financial industry and the community.

Our mission is to provide an efficient, independent and impartial dispute resolution mechanism for the financial industry. The FDRS is accordingly devised, making available a quick, simple and affordable mechanism of "Mediation First, Arbitration Next", for resolving disputes between the consumers and the financial institutions.

In the initial six months, much effort has been devoted to ground work needed to properly administer the FDRS. Actions such as training for mediators and arbitrators for inclusion on our panels were conducted, seminars and liaison with stakeholders have been established and maintained, and promotion of FDRC to the public has been put in place.

Whilst we are still a relatively new organisation, the Board and members of the staff all share a common aim of making FDRC a leading dispute resolution service provider for the financial industry. We hope also to provide a platform for constructive discussions amongst industry stakeholders to explore ways to continue to enhance the dispute resolution services provided, with a view to help reinforce the position of Hong Kong as an international financial centre.

We appreciate the need to listen to and consider constructive comments from the community and the financial industry. There are probably still areas for improvement and solid foundation to be laid. With the support of the members of the Board and staff, the FDRC will continue to strive to meet the needs of the public and the financial sector.

Last but not least, I would like to express my gratitude to the FDRC Working Group which has contributed to the setting up of the FDRC, members of the Board of Directors who have been providing continuous guidance and support, and members of the staff whose dedication and contribution all go towards realising the mission and vision of the FDRC.

Chairman



行政總裁 報告

Chief Executive Officer's Report

詹少弘女士 Ms. Sou Chiam



2012年是充滿挑戰的一年。調解中心的團隊於這年為成立金融爭議解決機制這個核心服務，全力以赴。調解中心成立的籌備工作繁多，全都秉持五項原則：獨立、持平、便捷、有效和公開。

調解中心在首年的主要任務是建立其營運機制及職能，以提供並推廣調解及仲裁服務。有關措施包括：

- 制訂《職權範圍》，以推行調解計劃；
- 建立組織架構，聘請及培訓員工；
- 為有意加入調解中心調解員或調解中心仲裁員名單（「名單」）的申請人，舉辦有關金融產品及其銷售過程的培訓課程，並進行考核；
- 召開遴選委員會，委任符合資歷及經驗要求的調解員及仲裁員於名單內；及
- 向金融機構，尤其是法規部門及前線處理投訴的員工，介紹調解計劃。

調解中心於2012年6月19日開幕，引起傳媒不少的關注。我們建立了網頁 www.fdr.org.hk，並藉著電視的宣傳短片及電台的宣傳廣播，推廣中心的服務。我們亦繼續宣傳的工作，透過電視、電台、報章、雜誌、港鐵、巴士及網站的推廣活動，讓投資大眾認識調解中心。

在此，我非常感謝主席及各位董事的指導與支持。調解中心得以順利成立實在有賴每一位的貢獻，我謹此向他們致以由衷的謝意。作為一間新機構，調解中心將會迎接許多挑戰。我們必須齊心協力，使這持平獨立的金融爭議解決服務於香港持續發展。

行政總裁

2012 was a challenging year as it was devoted to the establishment of FDRC's core services for the resolution of financial disputes in Hong Kong. There was much preparatory work to be implemented according to the five Guiding Principles: *Independence, Impartiality, Accessibility, Efficiency and Transparency.*

The tasks of the FDRC in the first year were to build its capacity to provide and promote its mediation and arbitration services. These included:

- Formulating the Terms of Reference for the operation of the FDRS;
- Establishing the organisation structure, recruiting and training staff;
- Organising training and assessment on financial products and the selling processes for prospective applicants to the FDRC List of Mediators and FDRC List of Arbitrators ("the Lists");
- Convening an Appointment Committee to appoint mediators and arbitrators who met the qualifications and experience requirements to the Lists; and
- Introducing FDRS to financial institutions, especially compliance and front-line staff handling complaints

When FDRC held its opening on 19 June 2012, there was much interest from the media. We had set up our website www.fdr.org.hk and promoted our services through Announcements in the Public Interest on television and radio. We continue to sustain our promotional efforts through coverage on television, radio, newspapers, and magazines, MTR, bus and on-line portals so that the investing public could have knowledge of FDRC.

I am grateful to have the guidance and support of our Chairman and Directors. I wish to thank everyone who contributed to the successful setting up of the FDRC. Being a new organisation FDRC faces many challenges ahead. It is essential that we can all work together for the sustainability of an impartial and independent financial dispute resolution service for Hong Kong.

Chief Executive Officer

FDRRC



金融糾紛調解中心 FINANCIAL DISPUTE RESOLUTION CENTRE

《職權範圍》於調解中心開幕前制訂，規管調解中心於管理調解計劃方面的運作。

The Terms of Reference ("TOR") for the operation of FDRRC in relation to the FDRS was established before the opening.

調解中心於2012年6月19日正式開幕，開始提供金融糾紛調解及仲裁服務。

FDRRC officially opened and started providing its financial dispute resolution services from 19 June 2012.

調解中心的熱線及查詢服務共接獲1,054宗查詢。在所收到的查詢中，45% (474宗查詢)與金融服務及產品相關。

FDRRC hotline and enquiry services received 1,054 enquiries. Of the enquiries received, 45% (474 enquiries) were related to financial services and products.

調解中心的調解計劃主任面見了81位有意申請調解服務的人士，解釋調解計劃的程序和《職權範圍》中訂明的《個案受理準則指引》。共接獲16宗調解申請。

FDRRC Case Officers met with 81 potential applicants to explain the process of FDRS and the Guidelines on Intake Criteria of Cases set out in the TOR. 16 applications for mediation were filed.

已處理的個案中，80%個案在調解過程中成功解決。87%的調解服務使用者（包括爭議各方）對調解中心的服務給予滿意或以上的評分。

Of the cases handled, 80% of the cases were successfully settled in mediation. 87% of the mediation users (which covered the parties in disputes) rated FDRRC services at satisfied or above.

設立遴選委員會，審核有關成為名單上的調解員及仲裁員的申請。

Set up an Appointment Committee for reviewing applications of mediators and arbitrators for admission to the Lists.

全年

回顧

The Year at a Glance

Conducted 70 information seminars, talks, briefing sessions and visits on the FDRS and FDRRC's services, reached 1,670 staff members of financial institutions, members of professional bodies and general public.

舉辦了70個簡介會、講座、分享會及探訪，共向1,670名金融機構職員、專業團體會員及公眾人士，介紹調解計劃及調解中心的服務。

Held 4 two-day training courses for mediators and arbitrators. The training courses are part of the admission requirements for the Lists.

舉行了4個，每個為期兩天的調解員及仲裁員培訓課程。此課程為申請成為名單上的調解員和仲裁員的其中一個資格要求。

Held 2 mediation workshops on Time Limited Mediation for FDRRC List of Mediators to facilitate their handling of mediations within the specified mediation time under the FDRS.

舉辦了兩次有關特定時限調解工作坊，以協助名單上的調解員處理調解計劃下以指定調解時間模式進行的個案。

Held a Stakeholders Meeting and a User Feedback Forum with financial institutions to gather opinion and feedback on the provision of FDRRC's dispute resolution services.

與金融機構舉行了一次持份者會議及一次用家意見回饋研討會，收集他們對調解中心爭議解決服務的意見。

Rolled out promotional campaigns to build up public awareness of FDRRC's services. These promotions generated 48% of the enquiries to the FDRRC. Media covered TV, radio, newspapers, magazines, MTR, bus and online portals.

推出宣傳活動以增加公眾對調解中心服務的認識。在所收到的查詢中，48%均透過這些宣傳活動而認識調解中心。宣傳媒體包括電視、電台、報章、雜誌、港鐵、巴士和網站。



進行公眾及金融業界簡介會及調解員和
仲裁員培訓課程

Conduct information seminars for public
and financial practitioners, training courses
for mediators and arbitrators

專業 *Professional*

會議室可擴大，以進行不同形式
的研討會和會議

Expandable room setting allows for
different seminar and meeting set up

靈活 *Flexible*





宣傳

及社區推廣

Publicity and Reaching out to the Community



開幕 - 調解中心投入服務

調解中心於2012年6月19日開幕典禮中宣佈正式成立。財經事務及庫務局局長陳家強教授、調解中心主席鄭若驊女士與其他主禮嘉賓，包括財經事務及庫務局副局長梁鳳儀女士、證監會行政總裁歐達禮先生、金管局副總裁阮國恒先生及調解中心行政總裁詹少弘女士，一起主持剪綵及祝酒儀式。

儀式結束後，嘉賓及傳媒獲邀參觀調解會議室，由調解中心職員帶領及介紹中心的設施，讓大家了解中心如何為金融界及社會服務。

Our Opening - FDRC commences operation

The opening of FDRC was officially announced in its Opening Ceremony on 19 June 2012. A ribbon cutting and toasting ceremony was hosted by Professor K. C. Chan, the Secretary for Financial Services and the Treasury, Ms. Teresa Cheng, the Chairman of FDRC, and other officiating guests including Ms. Julia Leung, Under Secretary for Financial Services and the Treasury, Mr. Ashley Alder, CEO of SFC, Mr. Arthur Yuen, Deputy Chief Executive of HKMA and Ms. Sou Chiam, CEO of FDRC.

Guests and media were invited for a guided tour to the mediation rooms after the ceremony to learn more about the facilities of the FDRC and how it would serve the financial sector and community.



宣傳及社區

推廣

Publicity and Reaching Out to the Community

作為一間新成立的機構，調解中心一直不遺餘力地提高公眾認知，讓他們認識此簡易、快捷、有效，且費用相宜的糾紛處理機制。調解中心透過各種宣傳活動，將訊息推廣至公眾及持份者：

The FDRC, as a newly established organisation, has been going to great lengths to raise public awareness of easy access to a fast, effective and affordable dispute resolution mechanism. It is outreaching to the public and stakeholders by various means of promotional activities and publicity:

新聞發布會

正式開幕前，調解中心於2012年6月14日舉辦了一場新聞發布會，讓傳媒將中心的消息向市民報導。在發布會上，中心與逾20個媒體分享這個調解糾紛新機制的抱負及使命，並宣布於2012年6月19日舉行開幕典禮。

Media Briefing

On 14 June 2012, just prior to the FDRC's official opening, a media briefing, in which the vision and mission of this new dispute resolution avenue were shared with over 20 media and the opening event on 19 June 2012 was also announced so as to bring the FDRC to the attention of the public.

傳媒訪問

於投入運作的6個月期間，調解中心接受了9次傳媒訪問，於電子及傳統媒體，包括電視、電台、報章及財經網站的報導，向公眾介紹其服務。

Media Interviews

During its 6 months of operation, FDRC conducted 9 media interviews. Much publicity about the FDRC services was given to the public through online and offline media coverage, including TV, radio, newspapers and online financial portals.

廣告宣傳

調解中心亦推出了一連串的廣告活動，向公眾宣傳中心的成立，並推廣其服務。廣告分別於大眾媒體及針對目標羣眾的渠道發放。前者包括電視，電台，報章及公共交通工具，例如港鐵及巴士，藉此將訊息推廣至普羅大眾；後者則包括財經雜誌、投資網站及中環的戶外電視螢幕，用以接觸金融消費者。

Advertising Campaigns

Series of advertising campaigns were also launched to announce the setting up of FDRC and introduce its services to the public. Advertisements were placed in mass media for outreaching to the general public, including TV, radio, newspapers and on public transport, such as MTR and buses. Financial consumers were targeted through advertising in financial magazines, investment online portals and outdoor TV wall at Central.





講座及簡介會

調解中心也為金融機構及專業團體進行了25場講座及簡介會，講解調解計劃，並解答參加者對此糾紛調解新服務的問題，總出席人數達1,306人。

除了於調解中心辦事處為金融機構定期舉行的簡介會外，為了方便銀行及證券公司的員工，調解中心亦於他們的辦事處舉辦講座。

至於專業團體方面，調解中心曾為香港會計師公會、香港投資基金公會、香港證券學會、香港證券及投資學會、香港華商銀行公會及香港律師會舉辦簡介會。

Talks and Seminars for Financial Institutions and Professional Bodies

25 talks and seminars with a total attendance of 1,306 people were conducted for financial institutions and professional bodies to familiarise them with the FDRS and address their questions about the new dispute resolution services offered by FDRC.

Apart from the regular information seminars for financial institutions organised at the FDRC office, talks were also carried out at banks and securities firms for the convenience of their staff members.

Seminars were also conducted for professional bodies, including the Hong Kong Institute of Certified Public Accountants, the Hong Kong Investment Funds Association, the Hong Kong Securities Professionals Association, the Hong Kong Securities and Investment Institute, the Chinese Banks' Association and the Law Society.



公眾諮詢面談

調解中心於2012年進行了28場公眾諮詢面談，諮詢人士於面談中可以進一步認識中心的服務，以及調解及仲裁如何幫助他們解決金融糾紛。

Public Enquiry Meetings

28 Public Enquiry Meetings, in which enquirers could learn more about FDRC's services and how mediation and arbitration could help them to resolve their financial disputes, were held in 2012.



調解中心歡迎及分享會

為了與持份者建立更緊密的合作關係，調解中心舉辦了10場歡迎及分享會，向相關持份者介紹調解計劃。參加者包括來自證監會、消費者委員會、聯合調解專線辦事處、銀行及證券公司的代表，以及調解員和仲裁員，共249人。

Welcome to FDRC Briefings and Gatherings

10 welcome briefings and gatherings were organized to forge closer relations with stakeholders and brief their members of the FDRS. The 249 participants included representatives from the Securities and Futures Commission, Consumer Council, Joint Mediation Helpline Office, banks, securities firms, as well as mediators and arbitrators.

回顧過去6個月，調解中心積極向市民大眾，尤其是金融業界，推廣中心的服務。由於消費者的認知對中心服務的成功至關重要，調解中心將繼續努力推廣其服務至金融機構及廣大市民。

During the 6 months under review, the FDRC was actively working to introduce its services to the general public in general and the financial sector in particular. Since consumer awareness is essential for the success of FDRC's services, it will continue its efforts to engage with financial institutions and the general public about its services.



團隊活動

調解中心不時組織團隊活動，藉以加強員工的團隊精神，例如2012年9月的月餅烘焙班。調解中心員工親手製作迷你月餅，大家在享受製作過程之餘，亦為社會出一分力，將這些手製迷你月餅捐贈慈善團體，為有需要的人在佳節中送上一份暖意。

Team Building Activities

Team building activities were organised from time to time to foster staff relations, such as the mooncake bakery class held in September 2012. FDRC staff members spent an enjoyable evening making mini mooncakes. They also served the community by donating the hand-made mini mooncakes to a charitable organisation, giving those in need love and care during the festival.



國際金融申訴專員組織會議

國際金融申訴專員組織由各地的金融服務申訴專員及訴訟以外的金融糾紛處理機制計劃及機構所組成。成員於年會上互相交流技術性資訊和分享經驗，以增進糾紛處理方面的專業知識。調解中心行政總裁詹少弘女士獲邀參加會議，與其他專家交流經驗。

Conference of the International Network of Financial Services Ombudsman Schemes

The International Network of Financial Services Ombudsman Schemes ("INFO") is a network of financial services ombudsman schemes and offices operating as out-of-Court dispute resolution mechanisms in the financial sector. Members develop dispute resolution expertise through exchanging technical information and experiences during the INFO annual conference. Ms. Sou Chiam, FDRC CEO, was invited to join the meeting in September and shared experience with other experts.



替代性糾紛處理機制會議及探訪新加坡金融業糾紛調解中心(「新加坡金融調解中心」)

替代性糾紛處理機制會議由新加坡司法機構及當地的替代性糾紛解決機制組織於2012年10月4日及5日舉辦。當地及世界各地的業界代表，就替代性糾紛處理機制的主題多角度發表言論，並在會議上分享實際經驗。

詹女士應邀為主講嘉賓。演講圍繞替代性糾紛處理機制於香港的發展，當中談及香港於2009年生效的民事司法制度改革，以及如何促使調解於香港更為廣泛應用的替代性糾紛處理方法的政策發展。她亦向與會者講解《調解條例》及調解中心的角色。

詹女士也藉此機會探訪新加坡金融調解中心。該中心專責處理新加坡的金融糾紛。詹女士亦與新加坡金融管理局資本市場部主管兼副董事會面。

Alternative Dispute Resolution (ADR) Conference and Visit to the Financial Industry Disputes Resolution Centre (FIDReC) in Singapore

The ADR Conference was organised by the Singapore Judiciary and other ADR organisations of Singapore on 4 October to 5 October 2012. Local and international ADR practitioners gave presentations on a wide range of ADR topics and shared their practice experience at the Conference.

Ms. Chiam was invited as a keynote speaker on the topic of the ADR development in Hong Kong. Her talk covered the Civil Justice Reform that took effect in Hong Kong from 2009, and the policy development that led to the greater use of mediation in Hong Kong as a form of ADR. She also briefed the participants on the Mediation Ordinance and the role of FDRC.

Ms. Chiam took the opportunity to visit FIDReC which deals with financial disputes in Singapore. She also met with the Deputy Director and Head of Capital Markets Department of the Monetary Authority of Singapore.

經濟合作與發展組織(「經合組織」)亞洲研討會

金管局－證監會－經合組織亞洲研討會以「亞洲在保障及教育金融消費者方面之發展」為主題，於2012年12月13日舉行。詹女士於研討會上演說，講解調解中心的成立及其原則：獨立、持平、便捷、有效及公開，如何符合二十國集團保障金融消費者高層原則內第九條的要求。

研討會的參加者有亞洲各地的政府高層官員及公營機構，包括中央銀行、監管機構、財政部門、消費者及投資者教育組織、獨立的爭議解決中心及金融申訴專員的專家、私營機構的代表以及學者。

與會者包括加拿大銀行業申訴專員及南非銀行公會總經理更探訪了調解中心，與中心員工分享經驗。

Organisation for Economic Co-operation and Development (OECD) Asian Seminar

Ms. Chiam, spoke at the HKMA - SFC - OECD's Asian Seminar on the Evolution of Financial Consumer Protection and

Education on 13 December 2012. Ms. Chiam talked about the setting up of FDRC and how FDRC's guiding principles of Independence, Impartiality, Accessibility, Efficiency and Transparency are in line with the requirements of Principle 9 of the G20 High-level Principles on Financial Consumer Protection.

The seminar brought together high-level government officials and experts from public authorities, including central banks and regulatory and supervisory authorities, ministries of finance, consumer and investor education bodies, independent dispute resolution centres and financial ombudsmen, representatives from the private sector and universities in Asia.

Participants including the Canadian Banking Ombudsman and the South African Association of Bank's General Manager also visited FDRC and shared their experiences with staff.



內蒙古自治區高級人民法院代表團到訪調解中心

內蒙古自治區高級人民法院代表團訪問香港，以了解有關訴訟與非訴訟的銜接。代表團訪問過香港特別行政區司法機構後，亦到訪了調解中心。調解中心員工向代表團講解了中心的成立及服務。

Delegation of Higher People's Court of Neimenggu Visit to FDRC

The delegation of Higher People's Court of Neimenggu visited Hong Kong to learn about the interface of the court system and ADR. After visiting the HKSAR Judiciary, the delegation also visited FDRC. The setting up and services of FDRC were explained to the delegation.



圓桌會議室供調解時使用
Meeting room with round table
for mediation

和諧 *Amicable*

在白板上列出討論議程，
以便有效地磋商
List agenda on white board
for efficient discussion

有效 *Efficient*

房間備有隔音設施，以便在保
密環境下溝通
Rooms with soundproof facilities
for confidential communications

保密 *Confidential*

調解中心確立了調解中心調解員名單及調解中心仲裁員名單（「名單」），以便在調解計劃下提供專業的調解及仲裁服務。為了借助業界翹楚的專業知識，以及確保審核及取錄過程公平獨立，調解中心董事局（「董事局」）成立了遴選委員會（「委員會」）。委員會由董事局成員胡紅玉女士擔任主席。委員會的委員會為所有的申請作出審批，並就維持名單上的調解員及仲裁員資格水平的有關事宜向董事局提出建議。

委員會自2012年4月27日共召開了4次會議，會議涵蓋多個事項，包括：

- 向董事局提出建議，制定納入名單的標準和程序；
- 向董事局提出建議，制定委任調解員和仲裁員處理調解計劃個案的機制；
- 審批並批准了31份申請成為名單上調解員的申請；及
- 審批並批准了6份申請成為名單上仲裁員的申請。

為確保調解中心提供的調解及仲裁服務的質素，委員會亦已為名單上的調解員和仲裁員所設的持續專業發展要求作出批核。

FDRC maintains a FDRC List of Mediators and a FDRC List of Arbitrators (“the Lists”) to provide professional mediation and arbitration services under the FDRS. In order to leverage the expertise of highly respected practitioners and to ensure that the assessment and admission processes are fair and independent, the Board of Directors of the FDRC (“the Board”) set up an Appointment Committee (“Committee”). The Committee is chaired by Ms. Anna Wu who is also a member of the Board. Members of the Committee will consider applications for admission to the Lists. The Committee also makes recommendations to the Board on matters relating to the maintenance of standards of listed mediators and arbitrators.

The Committee met on 4 occasions since 27 April 2012 and covered a number of matters, including:

- Making recommendations to the Board on the establishment of the Standards and Procedures for Admission to the Lists;
- Making recommendations to the Board on the mechanism for appointment of mediators and arbitrators for cases filed under FDRS;
- Considering and approving 31 applications from mediators for admission to the FDRC List of Mediators; and
- Considering and approving 6 applications from arbitrators for admission to the FDRC List of Arbitrators.

In order to maintain the quality of mediation and arbitration services provided by FDRC, the Committee has also reviewed the Continuing Professional Development requirements for mediators and arbitrators on the Lists.

遴選委員會

The Appointment Committee



胡紅玉議員, GBS, JP
The Honourable Anna Wu Hung-yuk, GBS, JP



簡家驄先生
Mr. Fred Kan



Prof. Nadja Alexander



黃嘉純先生, LLB, MEd, JP
Mr. Lester G. Huang, LLB, MEd, JP

主席 Chairman

- 香港特別行政區行政會議非官守議員
- 強制性公積金計劃管理局主席
- 香港國際仲裁中心理事
- 香港大學法律專業證書課程教務委員會主席
- Non-Official Member, Executive Council of HKSAR
- Chairman, Mandatory Provident Fund Schemes Authority
- Council Member, Hong Kong International Arbitration Centre
- Chair, Academic board for Postgraduate Certificate in Laws of the University of Hong Kong

委員 Member

- 認可仲裁員
- 認可調解員
- 香港國際仲裁中心理事
- 香港調解會理事
- 簡家驄律師行高級合夥人
- Accredited arbitrator
- Accredited mediator
- Council Member, Hong Kong International Arbitration Centre
- Executive Committee Member, Hong Kong Mediation Council
- Senior Partner, Fred Kan & Co., Solicitors

委員 Member

- 仁大國際調解研究中心董事
- 香港樹仁大學教授
- 認可調解員 (香港, 澳洲)
- 香港調解督導委員會委員
- 新加坡調解工作小組成員
- 澳洲替代性糾紛處理機制諮詢委員會委員
- 國際調解學院會員
- 世界銀行國際替代性糾紛處理機制顧問
- Director, International Institute for Conflict Engagement and Resolution
- Professor, Hong Kong Shue Yan University
- Accredited mediator (Hong Kong, Australia)
- Member, Hong Kong Mediation Steering Committee
- Member, Singapore Mediation Working Group
- Member, Australian National ADR Advisory Council
- Member, International Mediation Institute
- International ADR consultant, World Bank Group

委員 Member

- 執業律師
- 認可調解員
- 國際公証人
- 中國委托公証人
- 香港金融管理局外匯基金諮詢委員會委員
- 香港按揭證券有限公司董事
- 香港電台顧問委員會主席
- 香港醫院管理局成員
- 胡百全律師事務所合夥人
- Solicitor
- Accredited mediator
- Notary Public
- China appointed Attesting Officer
- Member, Monetary Authority's Exchange Fund Advisory Committee
- Director, The Hong Kong Mortgage Corporation
- Chairman, Board of Advisors of Radio Television Hong Kong
- Member, Hospital Authority
- Managing Partner, P.C. Woo & Co.

* 調解中心的行政總裁為遴選委員會當然委員。
FDRC CEO is an ex officio member of the Appointment Committee.

培訓及

工作坊

Training & Workshop

為希望加入名單內之調解員及 仲裁員而設的培訓課程

Training Courses for Mediators
& Arbitrators who wish to be
admitted to the Lists

這些課程是專為希望加入名單的認可調解員和仲裁員而設。參加者必須遵守出席率要求，並通過考核。此乃為加入名單的其中一項資格要求。在2012年，調解中心與香港證券及投資學會和香港銀行學會合共舉辦了4個培訓課程。

這些課程為有意成為名單上調解員和仲裁員裝備，讓他們了解香港金融業、金融產品和銷售過程的規管架構。

共有242名參加者出席了這些培訓課程。



These courses were designed for accredited mediators and arbitrators who wish to be admitted to the Lists. Participants have to fulfill the attendance requirement and pass the assessment as one of the admission requirements. In 2012, FDRC co-organised 4 training courses with the Hong Kong Securities and Investment Institute and the Hong Kong Institute of Bankers.

These courses equip potential enlisted mediators and arbitrators with knowledge of the regulatory framework in Hong Kong financial sector, financial products and their selling processes.

242 participants attended these training courses.

特定時限調解工作坊

Time Limited Mediation Workshops

這些工作坊為名單上的調解員特別而設，使他們具備相關的技巧，以進行調解計劃下特定時間的調解。調解中心在2012年舉行了兩次工作坊。調解員從經驗分享和角色扮演中學習如何在特定時間的調解中有效地運用這些技巧。

These workshops were tailor-made for mediators on the FDRC List of Mediators to equip them with the techniques in conducting the limited time mediation under the FDRS. Two workshops were held in 2012 for the mediators to learn how to carry out efficiently the techniques in time limited mediation through experience sharing and role-play.





綠色主調及柔和音樂，
協助舒緩心情
The green theme colour
and soothing music help
parties relax

平和 *Tranquil*

調解室分別供共同會議
及個別會議使用
Mediation rooms for joint
meetings and caucuses

實用 *Functional*

查詢

Enquiries

查詢數字 Number of Enquiries

調解中心自2012年6月19日至2012年12月31日共接獲1,054宗查詢，平均每月有162宗查詢。

A total of 1,054 enquiries were received from 19 June 2012 to 31 Dec 2012, with an average of 162 enquiries per month.



83

六月
June

224

七月
July

195

八月
August

163

九月
September

137

十月
October

92

十一月
November

160

十二月
December

1054

總數
Total

查詢類別 Nature of Enquiries

接獲的1,054宗查詢中，474宗關於金融產品及服務，218宗關於調解中心服務，107宗關於調解中心的行政事宜，97宗關於調解員及仲裁員事宜，5宗關於調解中心的公關活動，153宗則關於其他事宜¹。

Out of all 1,054 enquires received, 474 were financial products and services related, 218 were about FDRC services, 107 related to FDRC administrative issues, 97 related to mediator and arbitrator issues, 5 related to FDRC's public relations activities and 153 related to other issues¹.

14.5%

其他事宜
Other Issues¹

20.7%

調解中心服務
FDRC Services

45%

金融產品及服務
Financial Products & Services

0.5%

調解中心的公關活動
FDRC Public Relations Activities

9.2%

調解員及仲裁員
Mediator & Arbitrator Issues

10.1%

調解中心的行政事宜
FDRC Administrative Issues

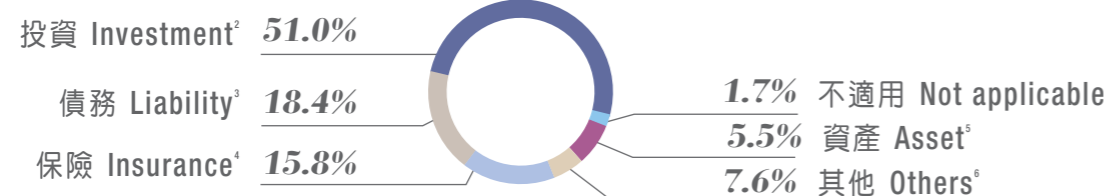
¹ 其他事宜包括：非金錢性質的監管問題、大廈管理糾紛、家庭糾紛、商業糾紛、債務追討、個人之間的財務糾紛、租賃糾紛及勞資糾紛等。

¹ Other issues include: regulatory issues not of monetary nature, building management disputes, family disputes, commercial disputes, debt collection, financial disputes between individuals, tenancy disputes and employment disputes, etc.

金融產品及服務性質 Nature of Financial Products and Services

於474宗與金融產品和服務相關的查詢當中，242宗關於投資²，87宗涉及債務³，75宗為保險⁴，26宗與資產⁵相關，36宗為其他產品⁶。

Out of the 474 enquiries related to financial products and services, 242 were about Investment², 87 were about Liability³, 75 were about Insurance⁴, 26 were about Asset⁵ and 36 were on others⁶.



² 「投資」包括債券、商品、衍生工具、非上市結構性產品、以及外匯買賣/槓桿式外匯買賣、股票及單位信托/互惠基金/管理基金。

² "Investment" includes bond, commodity, derivative, unlisted structured product and FX / leveraged FX, share/equity/stock, and unit trust/mutual fund/managed fund.

³ 「債務」包括信用卡、貸款及樓宇按揭。

³ "Liability" includes credit card, loan facility and mortgage.

⁴ 「保險」包括投資相連保險、人壽保險（非投資相連）、一般保險及團體保險。

⁴ "Insurance" includes investment-linked product, life (non-investment-linked), general and group insurance policies.

⁵ 「資產」包括綜合帳戶、支票、安全保險箱、儲蓄和存款、以及由金融機構提供的儲值卡。

⁵ "Asset" includes integrated account, cheque, safe deposit box, savings and deposit, and stored value card provided by financial institutions.

⁶ 「其他」包括強積金計劃、職業退休計劃、付款和現金管理、以及其他投資產品。

⁶ "Others" includes MPF, ORSO, payment and cash management, and other investment products.

根據表面資料，被列為不合資格的爭議 Prima Facie Ineligible Disputes

在接獲的1,054個查詢當中，有470宗的表面資料根據《職權範圍》中的個案受理準則，被列為不合資格爭議。不符合資格的三大原因為：

Among the 1,054 enquiries received, 470 were classified as prima facie ineligible disputes under the Intake Criteria in the TOR. The top three reasons for ineligibility were:

- 詢問者知悉蒙受金錢損失超過12個月的限期
- 爭議涉及的機構並非調解計劃成員⁷
- 申索額超過最高申索金額港幣500,000元

- Enquirer's knowledge of monetary loss exceeded the 12-month limitation period
- The disputes involved organisations which were not members of FDRS⁷
- Claim amount exceeded the maximum claimable amount of HK\$500,000

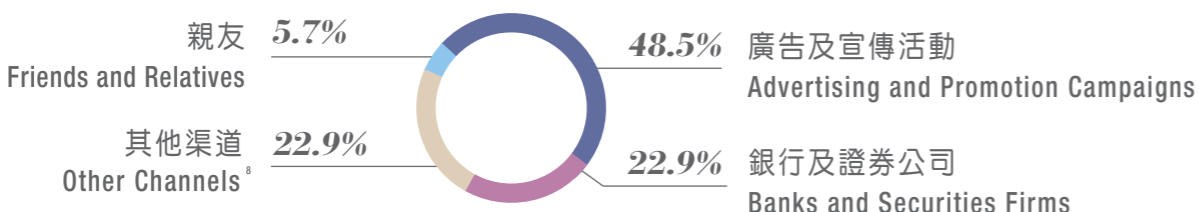
⁷ 非調解計劃成員包括保險公司、保險經紀、獨立財務顧問、放債人和大多數提供貴金屬(如倫敦金)交易平台的金融服務供應商。

⁷ Non-members of FDRS include insurers, insurance brokers, independent financial advisers, money lenders, and most financial services providers providing platforms for trading precious metals (e.g. London Gold).

知悉調解中心的途徑 Channels of Knowing FDRC

在接獲的1,054個查詢當中，有681宗透露了如何知悉調解中心的途徑。330宗來自廣告及宣傳活動，156宗由銀行及證券公司所轉介，39宗從親友中得知，156宗由其他渠道⁸得知。

Out of the 1,054 enquiries received, 681 disclosed the channels of knowing FDRC. 330 enquiries were generated by the advertising and promotion campaigns, 156 were referred by banks and securities firms, 39 were referred by friends and relatives and 156 by other channels⁸.



⁸ 其他渠道包括證監會、金管局、聯合調解專線辦事處、民政事務署及互聯網等。

⁸ Other Channels include SFC, HKMA, Joint Mediation Helpline Office, Home Affairs Department, and internet, etc.

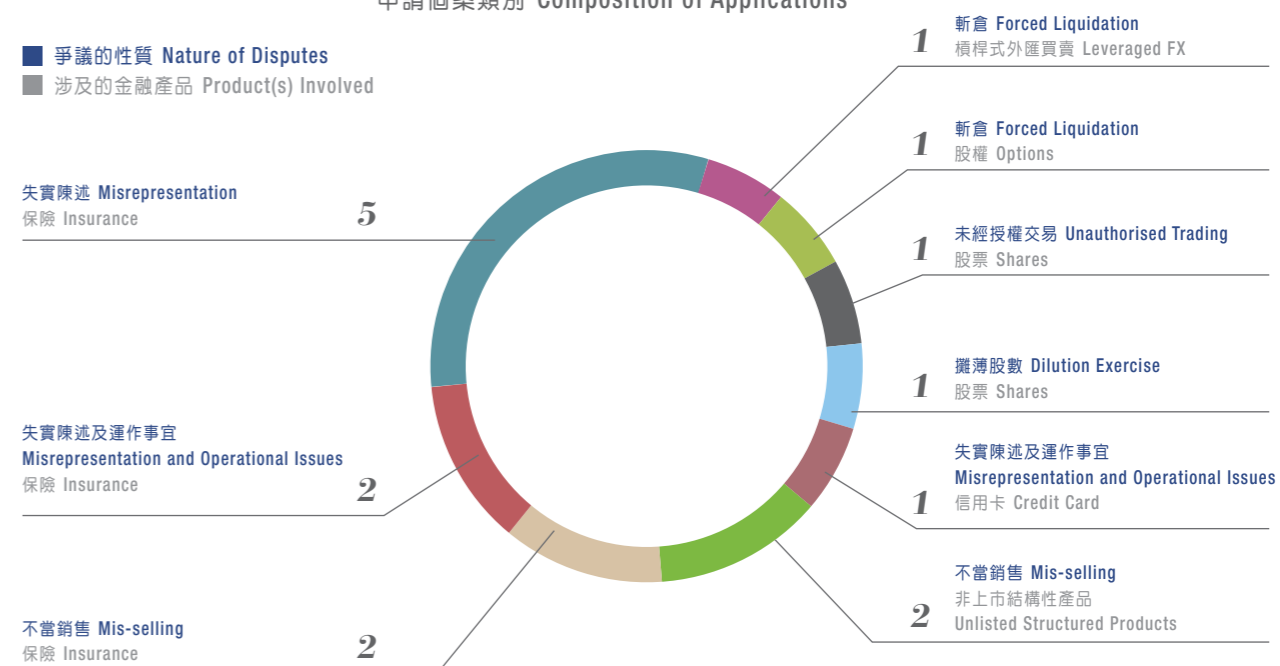
個案 Cases

2012年6月19日至2012年12月31日，調解中心接獲16宗使用調解計劃下的調解服務申請。

From 19 June 2012 to 31 December 2012, FDRC received 16 applications for mediation services under the FDRS.

申請個案類別 Composition of Applications

■ 爭議的性質 Nature of Disputes
■ 涉及的金融產品 Product(s) Involved



截至2012年12月31日的個案情況 Case status as at 31 December 2012

- 在16宗申請當中，1宗經個案管理已經解決（因有和解方案而撤回申請），13宗申請獲接納，2宗因不符合《職權範圍》中的個案受理準則而被拒絕。
- 獲接納的13宗申請中，11宗已完成了調解程序，2宗仍在調解程序中。
- 11宗完成了調解程序的個案中，9宗已經完結，1宗正考慮提交仲裁通知書，餘下1宗則進入了仲裁程序。
- 9宗完結個案中，7宗分別於不同的調解階段達成和解，未能和解的2宗申索人沒有進行仲裁而結案。
- 截至2012年12月31日，在10宗已結案的個案中，8宗獲得和解。在調解計劃下解決爭議的成功率達80%。

- Among the 16 applications, 1 was resolved by case management (withdrawn with settlement), 13 were accepted for mediation and 2 were rejected as not within the Intake Criteria in the TOR.
- Among the 13 cases accepted for mediation, 11 went through the mediation process and 2 were in the mediation process.
- Among the 11 cases that went through the mediation process, 9 were completed and closed, 1 was under consideration for submission of the Notice to Arbitrate and 1 proceeded to arbitration.
- Among the 9 completed and closed cases, 7 were settled at different stages of the mediation process and 2 were not settled in mediation (these cases were closed as the claimants did not proceed to arbitration).
- 8 applications reached settlement out of 10 closed cases as at 31 December 2012. The success rate of resolving disputes under the FDRS was 80%.



調解員不會提出意見，
亦不會對爭議作出判決
Mediators do not advise parties
or adjudicate the dispute

持平 *Impartial*

自然光營造舒適的環境
Natural light creates a
comfortable environment

舒適 *Comfortable*

分享的個案以調解中心真實個案為藍本。基於保密原則，有關資料包括申索人姓名、金融機構名稱、其職員姓名、實際申索金額及和解金額已被修改。

The case studies are based on actual FDRC cases. Various information including names of claimants, financial institutions and their staff, actual claim and settlement amounts have been altered to protect confidentiality of parties.

1 保險 Insurance

金錢之外的和解協議

There is more to a mediated settlement than just money

葉小姐為銀行的長期客戶。她偏好有固定收益回報的產品，故一直只投資債券。幾個月前，葉小姐發現她所購買的其中一項金融產品並非債券，而是一個沒有回報保證的保險產品。她表示銀行職員曾告知她該產品性質與債券相同，到期時可獲相等於本金6%的回報。然而，於到期日，葉小姐發現回報少於本金的6%，認為受到職員誤導，於是向銀行作出書面投訴，要求銀行按她認為職員曾承諾的回報與實際回報之間的差異作出賠償。

Ms. Ip maintained a long standing customer relationship with a bank. She invested in bonds only as she preferred fixed income products. A few months ago, Ms. Ip discovered that one financial product she purchased was not a bond but an insurance product with no guaranteed return. She claimed that the bank staff had told her that the nature of the product was similar to bond and that she would receive a return of 6% of the principal amount at maturity. However, when the product matured, Ms. Ip found that the return was less than 6%. She thought that the bank staff had misled her. She lodged a written complaint to the bank and claimed the difference between what she believed had been promised by the bank staff and the actual return.

銀行在完成內部調查後回覆葉小姐，稱該行職員在銷售過程中已向葉小姐清楚解釋該產品的性質，並沒有誤導葉小姐。葉小姐與銀行未能就個案達成共識。葉小姐遂向調解中心申請進行調解。

調解員協助促進雙方溝通。銀行代表誠懇地去理解和體諒葉小姐的感受，並聆聽她所關注的事項。葉小姐對於銀行代表真誠的聆聽，及為解決爭議所付出的努力，深表讚賞。

葉小姐曾透露自己是一名寵物愛好者，銀行代表於是提出一個非常具創意的和解方案：他將數字23和8加進和解方案內，當以普通話發音時，便與“愛心pet”字眼相似。葉小姐讚賞銀行提出此窩心又別具創意的和解方案。雙方的爭議最後圓滿解決。

After internal investigation, the bank replied to Ms. Ip that the staff has explained the product nature clearly to her and there was no mis-selling. Ms. Ip and the bank could not come to an agreement on the case. Ms. Ip then made an application for mediation at the FDRC.

The mediator facilitated communications between both parties. The bank representative stepped into Ms. Ip's shoes and tried to understand her concern with genuine sincerity. Ms. Ip appreciated the bank representative for his sincerity in listening to her and his efforts to try to resolve the dispute.

Ms. Ip revealed that she was a pet lover. The bank representative generated a very creative settlement option which incorporated the figures 23 and 8 which, when pronounced in Mandarin, resembled the pronunciation of the words “愛心 pet” (love for pet). Ms. Ip praised the bank representative for having such a sweet and creative idea and the case was settled to the satisfaction of both parties.

2 斬倉 Forced Liquidation

促進互相理解，良好溝通不可或缺

Good communication is essential to promote mutual understanding

李小姐於一家證券行投資證券發展多年。一天，市況非常波動，李小姐的經紀米高在早上十時致電給她，要求她於當天早上十一時前，將款項存入帳戶以維持保證金水平的要求(即「補倉」)。李小姐馬上存入款項並致電通知米高。米高要求李小姐將存款收據副本傳送給他以便確認，但李小姐當時無法傳真收據給他，她將交易參考編號告知米高，並表示如果此舉仍未能符合要求，請米高致電通知她。可是，米高於翌日才致電李小姐，最後因李小姐未能在指定時間內提交存款收據，替李小姐斬倉。

Ms. Lee had long been investing in stock margin trading with a brokerage firm. One day, the stock market was volatile and Ms. Lee received a call from Mike, her broker, at 10 am requesting her to deposit money into her account by 11 am that day in order to maintain the margin level requirement. She made the deposit right away and immediately called Mike to inform him of the deposit she made. Mike requested her to send him a copy of the pay-in slip as confirmation of the deposit. Ms. Lee did not have access to the fax machine at that time. She gave the transaction reference number to Mike instead and asked him to call back if it was not acceptable. Mike called back Ms. Lee the next day. He had liquidated her position on the ground that he did not receive her pay-in slip before the deadline.

李小姐對此不滿，認為自己已經在限期前按要求補倉，故向證券行作出投訴。證券行表示，在沒有存款收據的情況下無法確認客戶的存款，他們有權替客戶斬倉以管理風險。

李小姐向調解中心申請進行調解。爭議未能於調解中解決，李小姐選擇在調解中心以「只審理文件」的方式進行仲裁。

調解中心仲裁員名單的仲裁員在考慮過雙方所提交的文件和資料後，作出仲裁裁決：仲裁員認為證券行有權根據合約替李小姐斬倉，但由於證券行於事件中溝通欠妥善，於是裁決給予李小姐一筆細額的金錢補償。

Ms. Lee was upset. She thought that she had fulfilled the margin requirement before the deadline. She complained to the brokerage firm. The brokerage firm stated that they were unable to locate a client's deposit without a pay-in slip and they had the right to liquidate a client's position to manage risk.

Ms. Lee made an application for mediation at FDRC and the case did not settle. She then opted for a “papers-only” arbitration at the FDRC.

Having considered all the documents and information provided by both parties to the arbitration, the arbitrator from the FDRC List of Arbitrators proceeded to issue an arbitral award. In the arbitral award, the arbitrator held that the brokerage firm had the right to liquidate Ms. Lee's position under their contract but due to the poor communication on the part of the brokerage firm, a small amount of money was awarded to Ms. Lee.



教育保險計劃 Education Insurance Plan

理解雙方關注，促成和解協議

Meeting parties' interests in disputes can lead to settlement

陳先生於15年前向銀行購買了一份教育保險計劃，擬於計劃期滿時作為繳付兒子大學學費之用。今年其兒子獲大學取錄而保險計劃亦期滿，陳先生卻發現保單的現金價值比過去15年的供款總額還要少港幣100,000元，認為與當初銀行職員所述不符，因此向銀行提出書面投訴。

Mr. Chan bought an education insurance plan at a bank 15 years ago. He wanted to use the money, when the plan matured, to pay for his son's university tuition fees. This year, his son was admitted to the university and the plan also matured. However, Mr. Chan found out that the amount he could get from the plan was HK\$100,000 less than the total premium he had paid over the past 15 years. He felt that the situation was different from what the bank staff had told him. He lodged a written complaint to the bank.

銀行解釋期滿金額與預期有差異是因為陳先生數年前曾作部份現金提取，影響了保單的滾存現金價值，並指出職員於銷售時已清楚解釋所有條款，陳先生亦於有關文件上簽署確認明白有關條款。雙方未能解決爭議，陳先生於是使用中心的調解服務。

雙方在調解員協助下積極找出關注點，探求和擬訂解決方法。銀行同意為陳先生的兒子提供一筆小額學費資助，以表心意，再加上保單原有的期滿金額，陳先生得以解決兒子的學費問題，讓兒子繼續升學。銀行亦十分高興可以繼續維持這客戶關係。

The bank explained that the shortfall between the actual and the expected maturity values was caused by Mr. Chan's partial cash withdrawal several years ago which subsequently affected the roll-over cash value of the plan. The bank added that the bank staff had already explained all the policy provisions to him at the time of selling and Mr. Chan had signed the relevant documents to acknowledge his understanding of the provisions. Mr. Chan could not resolve the dispute with the bank. He made an application to FDRC for his case to be resolved by mediation.

The mediator helped both parties to identify the issues in dispute and assisted them to generate options for settlement. As a gesture of goodwill, the bank offered Mr. Chan a small sum of money to cover part of his son's tuition fees. Thus, Mr. Chan could pay his son's tuition fees with the maturity value of the insurance plan and the bank's offer. Mr. Chan was very happy that the tuition fee problem was resolved and his son could continue his university education. And the bank was pleased to keep the banking relationship with Mr. Chan.



往來賬戶 Current Account

調解員協助雙方在知情下作決定

Mediator helping parties to make informed decisions

黃先生就他的往來賬戶，與一間金融機構發生爭議。雙方就支票的兌現相關事宜各執一詞，爭議未能解決。黃先生向調解中心申請進行調解。

Mr. Wong had a dispute with a financial institution regarding his current account. As both parties had very strong views on the circumstances surrounding the cashing of a cheque, the dispute could not be resolved. Mr. Wong filed an application to mediate his case at the FDRC.

在調解會議中，調解員協助縮窄雙方的差距，他以提問形式，讓黃先生考慮一些問題，包括尋求專家協助所需的費用，以及將案件付諸訴訟為他的工作及財務上帶來的影響。銀行方面同樣要考慮一些問題，包括他們與黃先生的關係、處理個案所需的時間，以及如果進行訴訟，銀行與客戶的關係可能會進一步受到影響等。

雙方能夠從另一個角度，重新考慮他們的方案。雙方都很滿意調解員能夠協助他們作出知情決定。

During the mediation meeting, the mediator helped parties to bridge the gap by asking the claimant to consider a number of issues including the likely cost for hiring an expert and how his work and financial situation would be affected if he brought the claim to court. Similarly, the bank had to think about a number of issues including their relationship with Mr. Wong, the time to be spent on handling the case, and how their customer relationship would be further affected if the case was litigated.

Both parties, taking into account of the new perspective, were able to re-consider their offers and were satisfied with the mediator's assistance in helping them making an informed decision.



董事局報告書

Report of the directors

董事局全人謹將自二零一一年十一月十八日(註冊成立日期)至二零一二年十二月三十一日止期間的首份報告和經審核財務報表呈覽。

主要營業地點

金融糾紛調解中心有限公司(「本公司」)在香港註冊成立，並以香港為註冊地，註冊辦事處和主要營業地點均設於香港鰂魚涌英皇道743號樂基中心15樓。

主要業務

本公司是以擔保有限公司形式成立的非牟利機構。本公司為一家獨立公正管理一套金融糾紛調解計劃(「調解計劃」)的機構，為調解計劃轄下的金融機構成員及其客戶提供調解及仲裁服務，以解決他們之間的金錢爭議。本公司的成立目的是要更有效調解爭議，從而造福香港社群。

財務報表

本公司自二零一一年十一月十八日(註冊成立日期)至二零一二年十二月三十一日止期間的溢利和本公司於該日的財政狀況載列於第56至第74頁的財務報表內。

固定資產

本公司自二零一一年十一月十八日(註冊成立日期)至二零一二年十二月三十一日止期間的固定資產變動詳載於財務報表附註7內。

股本

本公司是以擔保有限公司形式成立，因此並無任何股本。

The directors have pleasure in submitting their first report together with the audited financial statements for the period from 18 November 2011 (date of incorporation) to 31 December 2012.

Principal place of business

Financial Dispute Resolution Centre Limited ("the Company") is a company incorporated and domiciled in Hong Kong and has its registered office and principal place of business at 15/F, Stanhope House, 743 King's Road, Quarry Bay, Hong Kong.

Principal activities

The Company is a non-profit making company limited by guarantee. It is an independent and impartial organisation administering the Financial Dispute Resolution Scheme ("FDRS") which provides mediation and arbitration services to financial institutions (which are members of FDRS) and their customers for the resolution of monetary disputes. The Company is established to promote more efficient dispute resolution for the benefit of the Hong Kong community.

Financial statements

The surplus of the Company for the period from 18 November 2011 (date of incorporation) to 31 December 2012 and the state of the Company's affairs as at that date are set out in the financial statements on pages 56 to 74.

Fixed assets

Movements in fixed assets during the period from 18 November 2011 (date of incorporation) to 31 December 2012 are set out in note 7 to the financial statements.

Share capital

The Company is limited by guarantee and therefore does not have any share capital.

儲備

本公司自二零一一年十一月十八日(註冊成立日期)至二零一二年十二月三十一日止期間的儲備變動詳載於第59頁的權益變動表內。

董事局

本財政期間內及截至本報告日期止的在任董事如下：

鄭若驊女士(於二零一二年三月一日獲委任)
詹少弘女士(於二零一二年三月一日獲委任)
戴敏娜女士(於二零一一年十一月十八日獲委任)
馮煒能先生(於二零一二年三月一日獲委任)
劉燕卿女士(於二零一二年三月一日獲委任)
梁鳳儀女士(於二零一一年十一月十八日獲委任)
邵蓓蘭女士(於二零一二年三月一日獲委任)
施衛民先生(於二零一一年十一月十八日獲委任)
胡紅玉女士(於二零一二年三月一日獲委任)

根據本公司的公司組織章程細則第36條，全體董事將於來年繼續留任。

本公司於期末或本期間內任何時間，均沒有訂立本公司董事擁有重大利益的任何重要合約。

核數師

畢馬威會計師事務所於二零一二年首次獲委任為本公司的核數師。

畢馬威會計師事務所任滿告退，並願膺選連任。本董事局將於即將召開的股東周年大會上，提呈由畢馬威會計師事務所連任本公司核數師的決議。

承董事局命

主席
香港，二零一三年四月三十日

Reserve

Movement in reserve during the period from 18 November 2011 (date of incorporation) to 31 December 2012 are set out in statement of changes in equity on page 59.

Director

The directors during the financial period and up to the date of this report are:

Ms <u>Cheng</u> Teresa Yeuk Wah	(appointed on 1 March 2012)
Ms <u>Chiam</u> Sou Hong	(appointed on 1 March 2012)
Ms <u>Meena</u> <u>Datwani</u>	(appointed on 18 November 2011)
Mr <u>Fung</u> Wei Lung Brian	(appointed on 1 March 2012)
Ms <u>Lau</u> Connie Yin Hing	(appointed on 1 March 2012)
Ms <u>Leung</u> Fung Yee Julia	(appointed on 18 November 2011)
Ms <u>Barbara</u> <u>Shiu</u>	(appointed on 1 March 2012)
Mr <u>Mark Robert</u> <u>Steward</u>	(appointed on 18 November 2011)
Ms <u>Wu</u> Hung Yuk Anna	(appointed on 1 March 2012)

In accordance with Article 36 of the Company's Articles of Association, all the directors shall continue in office for the ensuing year.

No contract of significance to which the Company was a party, and in which a director of the Company had a material interest, subsisted at the end of the period or at any time during the period.

Auditors

KPMG were first appointed as auditors of the Company in 2012.

KPMG retire and, being eligible, offer themselves for re-appointment. A resolution for the re-appointment of KPMG as auditors of the Company is to be proposed at the forthcoming Annual General Meeting.

By order of the board

Chairman
Hong Kong, 30 April 2013

獨立核數師報告書

致金融糾紛調解中心有限公司成員

(以擔保有限公司形式於香港註冊成立的有限公司)

Independent auditor's report to the members of Financial Dispute Resolution Centre Limited (Incorporated in Hong Kong and limited by guarantee)

本核數師(以下簡稱「我們」)已審核刊於第56至第74頁金融糾紛調解中心有限公司(「貴公司」)的財務報表,此財務報表包括於二零一二年十二月三十一日的財務狀況表和貴公司自二零一一年十一月十八日(註冊成立日期)至二零一二年十二月三十一日止期間的全面收益表、權益變動表和現金流量表,以及主要會計政策概要及其他附註解釋。

董事就財務報表須承擔的責任

貴公司董事須負責根據香港會計師公會頒布的《香港財務報告準則》及香港《公司條例》編製真實而公允的財務報表,並負責董事認為編製財務報表所必需的有關內部監控,以確保有關財務報表不存在由於欺詐或錯誤而導致的重大錯誤陳述。

核數師的責任

我們的責任是根據我們的審核對該等財務報表作出意見。我們是按照香港《公司條例》第141條的規定,僅向整體成員報告。除此以外,我們的報告書不可用作其他用途。我們概不就本報告書的內容,對任何其他人士負責或承擔法律責任。

我們已根據香港會計師公會頒布的《香港核數準則》進行審核。這些準則要求我們遵守道德規範,並規劃及執行審核,以合理確定此等財務報表是否存有任何重大錯誤陳述。

We have audited the financial statements of Financial Dispute Resolution Centre Limited ("the Company") set out on pages 56 to 74, which comprise the statement of financial position as at 31 December 2012, the statement of comprehensive income, statement of changes in equity and statement of cash flow for the period from 18 November 2011 (date of incorporation) to 31 December 2012 and a summary of significant accounting policies and other explanatory information.

Directors' responsibility for the financial statements

The directors of the Company are responsible for the preparation of financial statements that give a true and fair view in accordance with Hong Kong Financial Reporting Standards issued by the Hong Kong Institute of Certified Public Accountants and the Hong Kong Companies Ordinance and for such internal control as the directors determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. This report is made solely to FDRC, as a body, in accordance with section 141 of the Hong Kong Companies Ordinance, and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report.

We conducted our audit in accordance with Hong Kong Standards on Auditing issued by the Hong Kong Institute of Certified Public Accountants. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

審核涉及執行程序以獲取有關財務報表所載金額及披露資料的審核憑證。所選定的程序取決於核數師的判斷,包括評估由於欺詐或錯誤而導致財務報表存有重大錯誤陳述的風險。在評估該等風險時,核數師考慮與該公司編製真實而公允的財務報表相關的內部控制,以設計適當的審核程序,但並非為對公司的內部控制的效能發表意見。審核亦包括評價董事所採用的會計政策的合適性及所作出的會計估計的合理性,以及評價財務報表的整體列報方式。

我們相信,我們所獲得的審核憑證是充足和適當地為我們的審核意見提供基礎。

意見

我們認為,該等財務報表已根據《香港財務報告準則》真實而公允地反映貴公司於二零一二年十二月三十一日的事務狀況及貴公司自二零一一年十一月十八日(註冊成立日期)至二零一二年十二月三十一日止期間的溢利和現金流量,並已按照香港《公司條例》妥為編製。

畢馬威會計師事務所執業會計師

香港中環遮打道10號太子大廈8樓
二零一三年四月三十日

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements give a true and fair view of the state of the Company's affairs as at 31 December 2012 and of its surplus and cash flows for the period from 18 November 2011 (date of incorporation) to 31 December 2012 in accordance with Hong Kong Financial Reporting Standards and have been properly prepared in accordance with the Hong Kong Companies Ordinance.

KPMG Certified Public Accountants

8th Floor, Prince's Building 10 Chater Road, Central, Hong Kong
30 April 2013

全面收益表

2011年11月18日（註冊成立日期）至2012年12月31日

Statement of comprehensive income
for the period from 18 November 2011 (date of incorporation) to 31 December 2012

* 以港幣列示 Expressed in Hong Kong dollars

	附註 Note	自2011年11月18日 (註冊成立日期) 至2012年 12月31日止期間 Period from 18 November 2011 (date of incorporation) to 31 December 2012
收入 Income	3	\$ 72,010,200
其他收入 Other revenue	4	24,076
		<u>\$ 72,034,276</u>
支出 Expenditure		
員工成本 Staff costs		\$ 6,880,028
折舊 Depreciation		2,299,277
其他行政及經營費用 Other administrative and operating expenses		11,547,580
		<u>\$ 20,726,885</u>
期間溢利及全面收益總額 Surplus and total comprehensive income for the period	5	<u>\$ 51,307,391</u>

財務狀況表

2012年12月31日

Statement of financial position
at 31 December 2012

* 以港幣列示 Expressed in Hong Kong dollars

	附註 Note	2012年12月31日 31 December 2012
非流動資產 Non-current assets		
物業、廠房和設備 Property, plant and equipment	7	\$ 6,216,953
按金、預付款和其他應收款 Deposits, prepayment and other receivables	8	17,000
		<u>\$ 6,233,953</u>
流動資產 Current assets		
按金、預付款和其他應收款 Deposits, prepayment and other receivables	8	\$ 341,682
現金和現金等價物 Cash and cash equivalents	9	60,326,277
		<u>\$ 60,667,959</u>
流動負債 Current liabilities		
預收款項、應計款項和其他應付款 Receipts in advance, accruals and other payables	10	\$ 14,370,521
		<u>\$ 46,297,438</u>
流動資產淨值 Net current assets		
		<u>\$ 52,531,391</u>
非流動負債 Non-current liabilities		
應計款項和其他應付款 Accruals and other payables	10	1,224,000
		<u>\$ 51,307,391</u>
資產淨值 NET ASSETS		
		<u>\$ 51,307,391</u>

財務狀況表

2012年12月31日 (續)

Statement of financial position

at 31 December 2012 (continued)

* 以港幣列示 Expressed in Hong Kong dollars

	附註 Note	2012年12月31日 31 December 2012
儲備 RESERVES		
儲備 Reserves	11	\$ 51,307,391
儲備總額 TOTAL RESERVES		<u>\$ 51,307,391</u>

董事局於二零一三年四月三十日核准並許可發出。

Approved and authorised for issue by the board of directors on 30 April 2013

)
)
) 董事 Directors
)
)

權益變動表

2011年11月18日 (註冊成立日期) 至2012年12月31日

Statement of changes in equity

for the period from 18 November 2011 (date of incorporation) to 31 December 2012

* 以港幣列示 Expressed in Hong Kong dollars

	儲備 Reserves
於2011年11月18日 (註冊成立日期) At 18 November 2011 (date of incorporation)	\$ -
期間累計溢利及全面收益總額 Accumulated surplus and total comprehensive income for the period	<u>\$ 51,307,391</u>
於2012年12月31日 At 31 December 2012	<u>\$ 51,307,391</u>

現金流量表

2011年11月18日（註冊成立日期）至2012年12月31日

Cash flow statement

for the period from 18 November 2011 (date of incorporation) to 31 December 2012

* 以港幣列示 Expressed in Hong Kong dollars

自2011年11月18日
(註冊成立日期) 至2012年12月31日止期間
Period from 18 November 2011
(date of incorporation) to 31 December 2012

經營活動 Operating activities	
期間溢利 Surplus for the period	\$ 51,307,391
調整項目 Adjustments for:	
折舊 Depreciation	2,299,277
利息收入 Interest income	(1,010)
營運資金變動前的經營溢利	\$ 53,605,658
Operating surplus before changes in working capital	
按金、預付款和其他應收款增加	(358,682)
Increase in deposits, prepayment and other receivables	
預收款項增加 Increase in receipts in advance	10,500,000
應計款項和其他應付款增加 Increase in accruals and other payable	3,545,228
經營活動所產生的現金淨額	\$ 67,292,204
Net cash generated from operating activities	-----
投資活動 Investing activities	
購置固定資產款項 Payment for purchasing of fixed assets	\$ (6,966,937)
已收利息收入 Interest income received	1,010
投資活動所用的現金淨額 Net cash used in investing activities	\$ (6,965,927)
現金和現金等價物增加淨額	\$ 60,326,277
Net increase in cash and cash equivalents	
於2011年11月18日（註冊成立日期）的現金和現金等價物	-
Cash and cash equivalents as at 18 November 2011 (date of incorporation)	
於2012年12月31日的現金和現金等價物	\$ 60,326,277
Cash and cash equivalents as at 31 December 2012	=====

財務報表附註

Notes to the financial statements

1. 主要業務 Principal activities

本公司是以擔保有限公司形式成立的非牟利機構。本公司為一家獨立公正管理一套調解計劃的機構，為調解計劃轄下的金融機構成員及其客戶提供調解及仲裁服務，以解決他們之間的金錢爭議。本公司的成立目的是要更有效調解爭議，從而造福香港社群。

The Company is a non-profit making company limited by guarantee. It is an independent and impartial organisation administering the FDRS which provides mediation and arbitration services to financial institutions (which are members of FDRS) and their customers for the resolution of monetary disputes. The Company is established to promote more efficient dispute resolution for the benefit of the Hong Kong community.

2. 主要會計政策 Significant accounting policies

(a) 合規聲明

本財務報表是按照香港會計師公會頒布的所有適用的《香港財務報告準則》（此統稱包含所有適用的個別《香港財務報告準則》、《香港會計準則》和詮釋）、香港公認會計原則和香港《公司條例》的規定編製。以下是本公司採用的主要會計政策概要。

(a) Statement of compliance

These financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards ("HKFRSs"), which collective term includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards ("HKASs") and Interpretations issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA"), accounting principles generally accepted in Hong Kong and the requirements of the Hong Kong Companies Ordinance. A summary of the significant accounting policies adopted by the Company is set out below.

本公司並無採用任何在當前會計期間尚未生效的新準則或詮釋（參閱附註15）。

The Company has not applied any new standard or interpretation that is not yet effective for the current accounting period (see note 15).

(b) 固定資產及折舊

固定資產是以成本扣除累計折舊及減值虧損後列賬。

(b) Fixed assets and depreciation

Fixed assets are stated at cost less accumulated depreciation and impairment losses.

物業、廠房和設備項目的折舊是以直線法在以下預計可用期限內沖銷其成本(已扣除估計殘值(如有))計算：

Depreciation is calculated to write off the cost of items of property, plant and equipment, less their estimated residual value, if any, using the straight line method over their estimated useful lives as follows:

• 租賃改善	餘下租賃期
• 傢俱及固定裝置	5年
• 辦公室設備	3年
• 電腦設備及軟件	3年

• Leasehold improvements	Over the unexpired term of the lease
• Furniture and fixtures	5 years
• Office equipment	3 years
• Computer equipment and software	3 years

本公司會每年審閱資產的可用期限和殘值(如有)。

Both the useful life of an asset and its residual value, if any, are reviewed annually.

財務報表附註

Notes to the financial statements

(b) 固定資產及折舊 (續)

本公司會於每個報告期末審閱物業、廠房及設備的賬面值是否出現減值跡象。如資產賬面值高於其可收回數額，便會於損益中確認減值虧損。資產的可收回數額是其公允價值(已扣除銷售成本)與使用價值兩者中的較高額。在評估使用價值時，預計未來現金流量會按照能反映當時市場對貨幣時間值和資產特定風險的評估的稅前折現率，折現至其現值。如果用以釐定可收回數額的估計數額出現了正面的變化，有關的減值虧損便會轉回。

報廢或處置物業、廠房和設備項目所產生的損益以處置所得款項淨額與項目賬面金額之間的差額釐定，並於報廢或處置日在損益中確認。

(c) 按金、預付款和其他應收款

按金、預付款和其他應收款按公允價值初始確認，其後以實際利率法按攤銷成本減去呆賬減值準備後所得數額入賬；但如應收款為提供予關聯方並不設固定還款期的免息貸款或其折現影響並不重大則除外。在此情況下，應收款會按成本減去呆賬減值準備後所得數額入賬。

呆壞賬的減值虧損會於出現減值的客觀跡象時確認。如折現影響重大，減值虧損是以金融資產的賬面金額與以其初始實際利率折現的預計未來現金流量之間的差額計量。減值的客觀證據包括本公司注意到會對資產的預計未來現金流量有影響的可觀察數據，例如債務人出現重大的財務困難。

其他應收款的減值虧損的可收回性被視為可疑，但不是可能性極低時，會採用準備賬來記錄。

(b) Fixed assets and depreciation (continued)

The carrying amounts of property, plant and equipment are reviewed for indications of impairment at the end of each reporting period. An impairment loss is recognised in profit or loss if the carrying amount of an asset exceeds its recoverable amount. The recoverable amount of an asset is the greater of its fair value less costs to sell and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a discount rate that reflects current market assessments of the time value of money and the risks specific to the assets. An impairment loss is reversed if there has been a favourable change in estimates used to determine the recoverable amount.

Gains or losses arising from the retirement or disposal of an item of property, plant and equipment are determined as the difference between the net disposal proceeds and the carrying amount of the item and are recognised in profit or loss on the date of retirement or disposal.

(c) Deposit, prepayment and other receivables

Deposits, prepayment and other receivables are initially recognised at fair value and thereafter stated at amortised cost using the effective interest method, less allowance for impairment of doubtful debts, except where the receivables are interest-free loans made to related parties without any fixed repayment terms or the effect of discounting would be immaterial. In such cases, the receivables are stated at cost less allowance for impairment of doubtful debts.

Impairment losses for bad and doubtful debts are recognised when there is objective evidence of impairment and are measured as the difference between the carrying amount of the financial asset and the estimated future cash flows, discounted at the asset's original effective interest rate where the effect of discounting is material. Objective evidence of impairment includes observable data that comes to the attention of the Company about events that have an impact on the asset's estimated future cash flows such as significant financial difficulty of the debtor.

Impairment losses for other receivables whose recovery is considered doubtful but not remote are recorded using an allowance account.

財務報表附註

Notes to the financial statements

當本公司認為收回的可能性極低時，被視為不可收回的數額便會直接沖銷應收款，與該債項有關而在準備賬內持有的任何數額也會轉回。其後收回早前計入準備賬的數額會在準備賬轉回。準備賬的其他變動和其後收回早前直接沖銷的數額均在損益中確認。

(d) 預收款項、應計款項和其他應付款
預收款項、應計款項和其他應付款按公允價值初始確認，其後按攤銷成本入賬；但如折現影響並不重大，則按成本入賬。

(e) 現金和現金等價物

現金和現金等價物包括銀行存款和現金、存放於銀行和其他金融機構的活期存款，以及短期和高流動性的投資。這些投資可以隨時換算為已知的現金額、價值變動方面的風險不大，並在購入後3個月內到期。

(f) 所得稅

根據香港《稅務條例》第88條，本公司獲豁免繳納香港利得稅。

(g) 準備和或有負債

如果本公司須就已發生的事件承擔法定或推定義務，因而預期會導致含有經濟效益的資源外流，在可以作出可靠的估計時，本公司便會就該時間或數額不確定的其他負債計提準備。如果貨幣時間值重大，則按預計所需支出的現值計提準備。

如果含有經濟效益的資源外流的可能性較低，或是無法對有關數額作出可靠的估計，便會將該義務披露為或有負債，但資源外流的可能性極低則除外。如果本公司的義務須視乎某宗或多宗未來事件是否發生才能確定是否存在，亦會披露為或有負債，但資源外流的可能性極低則除外。

When the Company is satisfied that recovery is remote, the amount considered irrecoverable is written off against the receivable directly and any amounts held in the allowance account relating to that debt are reversed. Subsequent recoveries of amounts previously charged to the allowance account are reversed against the allowance account. Other changes in the allowance account and subsequent recoveries of amounts previously written off directly are recognised in profit or loss.

(d) Receipts in advance, accruals and other payables

Receipts in advance, accruals and other payables are initially recognised at fair value and are subsequently stated at amortised cost unless the effect of discounting would be immaterial, in which case they are stated at cost.

(e) Cash and cash equivalents

Cash and cash equivalents comprise cash at bank and on hand, demand deposits with banks and other financial institutions, and short-term, highly liquid investments that are readily convertible into known amounts of cash and which are subject to an insignificant risk of changes in value, having been within three months of maturity at acquisition.

(f) Income tax

The Company is exempt from Hong Kong Profits Tax by virtue of Section 88 of the Hong Kong Inland Revenue Ordinance.

(g) Provisions and contingent liabilities

Provisions are recognised for other liabilities of uncertain timing or amount when the Company has a legal or constructive obligation arising as a result of a past event, it is probable that an outflow of economic benefits will be required to settle the obligation and a reliable estimate can be made. Where the time value of money is material, provisions are stated at the present value of the expenditure expected to settle the obligation.

Where it is not probable that an outflow of economic benefits will be required, or the amount cannot be estimated reliably, the obligation is disclosed as a contingent liability, unless the probability of outflow of economic benefits is remote. Possible obligations, whose existence will only be confirmed by the occurrence or non-occurrence of one or more future events are also disclosed as contingent liabilities unless the probability of outflow of economic benefits is remote.

財務報表附註

Notes to the financial statements

(h) 收入確認

收入是按已收或應收價款的公允價值計量。如果經濟效益可能會流入本公司，而收入和成本(如適用)又能夠可靠地計量時，收入便會根據下列基準在損益中確認：

- (i) 服務費收入是於本公司已收取調解服務的申請費或已安排提供調解服務時確認。
- (ii) 利息收入是以實際利率法在產生時確認。

(i) 創辦成員的出資

當有合理憑證證明將會收到創辦成員的出資，而本公司將遵守有關出資附帶的條件(如有)時，便會於財務狀況表確認有關款項。本公司擬以這些補助金彌償的相關成本獲確認為支出的期間內，有關出資會有系統地於損益中確認。

(j) 僱員福利

薪金、年度獎金、有薪年假、界定供款退休計劃的供款和非貨幣福利成本在僱員提供相關服務的期間內累計。如果延遲付款或結算會造成重大的影響，則這些數額會以現值列賬。

(k) 經營租賃費用

如果本公司是以經營租賃獲得資產的使用權，則根據租賃作出的付款會在租賃期所涵蓋的會計期間內，以等額在損益中列支；但如有其他基準能更清楚地反映租賃資產所產生的收益模式則除外。租賃所涉及的激勵措施均在損益中確認為租賃淨付款總額的組成部分。或有租金在其產生的會計期間內在損益中列支。

(h) Revenue recognition

Revenue is measured at the fair value of the consideration received or receivable. Provided it is probable that the economic benefits will flow to the Company and the revenue and costs, if applicable, can be measured reliably, revenue is recognised in profit or loss as follows:

- (i) Service fee income is recognised when application fees for mediation services are received or in-house mediation services are arranged.
- (ii) Interest income is recognised as it accrues using the effective interest method.

(i) Contributions from founder members

Contributions from founder members are recognised in the statement of financial position initially when there is reasonable assurance that they will be received and that the Company will comply with the conditions attaching to them if any. Contributions are recognised in profit or loss on a systematic basis over the periods in which the Company recognises as expenses the related cost for which the grants are intended to compensate.

(j) Employee benefits

Salaries, annual bonuses, paid annual leave, contributions to defined contribution retirement plans and the cost of non-monetary benefits are accrued in the period in which the associated services are rendered by employees. Where payment or settlement is deferred and the effect would be material, these amounts are stated at their present values.

(k) Operating lease charges

Where the Company has the use of assets under operating leases, payments made under the leases are charged to profit or loss in equal instalments over the accounting periods covered by the lease terms, except where an alternative basis is more representative of the pattern of benefits to be derived from the leased asset. Lease incentives received are recognised in profit or loss as an integral part of the aggregate net lease payments made. Contingent rentals are charged to profit or loss in the accounting period in which they are incurred.

財務報表附註

Notes to the financial statements

(l) 關聯方

(A) 如屬以下人士，即該人士或該人士的近親是本公司的關聯方：

- (i) 控制或共同控制本公司；
- (ii) 對本公司有重大影響力；或
- (iii) 是本公司或本公司母公司的關鍵管理人員。

(B) 如符合下列任何條件，即企業實體是本公司的關聯方：

- (i) 該實體與本公司隸屬同一集團(即各母公司、附屬公司和同系附屬公司彼此間有關聯)。
- (ii) 一家實體是另一實體的聯營公司或合營企業(或另一實體所屬集團旗下成員公司的聯營公司或合營企業)。
- (iii) 兩家實體是同一第三方的合營企業。
- (iv) 一家實體是第三方實體的合營企業，而另一實體是第三方實體的聯營公司。
- (v) 該實體是為本公司或作為本公司關聯方的任何實體的僱員福利而設的離職後福利計劃。
- (vi) 該實體受到上述第(A)項內所認定人士控制或共同控制。
- (vii) 上述第(A)(i)項內所認定人士對該實體有重大影響力或是該實體(或該實體母公司)的關鍵管理人員。

一名個人的近親是指與有關實體交易並可能影響該個人或受該個人影響的家庭成員。

(l) Related parties

(A) A person, or a close member of that person's family, is related to the Company if that person:

- (i) has control or joint control over the Company;
- (ii) has significant influence over the Company; or
- (iii) is a member of the key management personnel of the Company or the Company's parent.

(B) An entity is related to the Company if any of the following conditions applies:

- (i) The entity and the Company are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).
- (ii) One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of a group of which the other entity is a member).
- (iii) Both entities are joint ventures of the same third party.
- (iv) One entity is a joint venture of a third entity and the other entity is an associate of the third entity.
- (v) The entity is a post-employment benefit plan for the benefit of employees of either the Company or an entity related to the Company.
- (vi) The entity is controlled or jointly controlled by a person identified in (A).
- (vii) A person identified in (A)(i) has significant influence over the entity or is a member of the key management personnel of the entity (or of a parent of the entity).

Close members of the family of a person are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity.

財務報表附註

Notes to the financial statements

* 以港幣列示 Expressed in Hong Kong dollars

3. 收入 Income

收入是指創辦成員的出資，以及因申索人提出申請及本公司提供調解服務所賺取的服務費用。本公司所收到的出資並不附帶特定條件。

Income represents the contributions from founder members and the service fees earned from claimants' applications and in-house mediation. No specific conditions are attached to the Company's contributions received.

期內於收入中確認的每項重大收入分類的金額如下：

The amount of each significant category of revenue recognised in income during the period is as follows:

自2011年11月18日
(註冊成立日期) 至2012年12月31日止期間
Period from 18 November 2011
(date of incorporation) to 31 December 2012

創辦成員的出資 Contributions from founder members	\$ 72,000,000
調解服務申請費 Application fee for mediation service	3,200
本公司提供的調解服務 In-house mediation service	7,000
	<hr/>
	\$ 72,010,200
	<hr/> <hr/>

4. 其他收入 Other revenue

Period from
18 November 2011
(date of incorporation)
to 31 December 2012

加入調解計劃轄下調解員 / 仲裁員名單的費用 Admission fee to FDRC List of Mediators/Arbitrators	\$ 19,400
利息收入 Interest income	1,010
雜項收入 Sundry income	3,666
	<hr/>
	\$ 24,076
	<hr/> <hr/>

財務報表附註

Notes to the financial statements

5. 溢利 Surplus

有關溢利是計及以下各項後得出：
Surplus is arrived at after charging:

自2011年11月18日
(註冊成立日期) 至2012年12月31日止期間
Period from 18 November 2011
(date of incorporation) to 31 December 2012

(a) 員工成本 Staff costs

薪金、工資和其他福利 Salaries, wages and other benefits	\$ 6,730,477
界定供款退休計劃供款 Contributions to defined contribution retirement plan	149,551

(b) 其他項目 Other items

辦公室物業的經營租賃費用 Operating lease charges in respect of office premises	\$ 2,951,389
核數師酬金 Auditors' remuneration	135,000
折舊 Depreciation	2,299,277
	<hr/>
	\$ 5,385,666
	<hr/> <hr/>

6. 董事酬金 Directors' remuneration

根據香港《公司條例》第161條列報的董事酬金如下：
Directors' remuneration disclosed pursuant to section
161 of the Hong Kong Companies Ordinance is as follows:

自2011年11月18日
(註冊成立日期) 至2012年12月31日止期間
Period from 18 November 2011
(date of incorporation) to 31 December 2012

董事酬金 Directors' fee	\$ -
薪金、津貼和實物利益 Salaries, allowance and benefits in kind	2,008,006
酌定花紅 Discretionary bonus	111,476
退休計劃供款 Retirement scheme contribution	11,750
	<hr/>

上述披露的所有董事酬金已支付予作為本公司行政人員而提供服務的執行董事，或應由他們收取。

All directors' remuneration disclosed above were paid to or receivable by the executive director(s) in respect of services rendered as executive(s) of the Company.

財務報表附註

Notes to the financial statements

* 以港幣列示 Expressed in Hong Kong dollars

7. 物業、廠房和設備 Property, plant and equipment

成本 Cost:	租賃改善 Leasehold improvements	傢俱及固定裝置 Furniture and fixtures	辦公室設備 Office equipment	電腦設備及軟件 Computer equipment and software	總額 Total
於2011年11月18日 (註冊成立日期) At 18 November 2011 (date of incorporation)	\$ -	\$ -	\$ -	\$ -	\$ -
增置 Additions	6,731,068	543,272	378,113	863,777	8,516,230
於2012年12月31日 At 31 December 2012	\$ 6,731,068	\$ 543,272	\$ 378,113	\$ 863,777	\$ 8,516,230
累計攤銷及折舊： Accumulated amortisation and depreciation:					
於2011年11月18日 (註冊成立日期) At 18 November 2011 (date of incorporation)	\$ -	\$ -	\$ -	\$ -	\$ -
本期間的攤銷及折舊 Charge for the period	(1,869,741)	(90,545)	(103,360)	(235,631)	(2,299,277)
於2012年12月31日 At 31 December 2012	\$ (1,869,741)	\$ (90,545)	\$ (103,360)	\$ (235,631)	\$ (2,299,277)
賬面淨值： Net book value:					
於2012年12月31日 At 31 December 2012	\$ 4,861,327	\$ 452,727	\$ 274,753	\$ 628,146	\$ 6,216,953

財務報表附註

Notes to the financial statements

8. 按金、預付款和其他應收款 Deposits, prepayment and other receivables

2012年12月31日 31 December 2012

按金 Deposits	\$ 136,720
預付款 Prepayment	218,415
其他應收款 Other receivables	3,547
	<u>\$ 358,682</u>

本公司預計於逾一年後收回或確認為開支的按金及預付款數額為17,000元，並披露為非流動資產。所有其他應收款預期可於一年內收回或確認為開支。

The amount of the Company's deposits and prepayment expected to be recovered or recognised as expense after more than one year is \$17,000 and is disclosed under non-current assets. All of the other receivables are expected to be recovered or recognised as expense within one year.

9. 現金和現金等價物 Cash and cash equivalents

現金和現金等價物包括：Cash and cash equivalents comprise:

2012年12月31日 31 December 2012

銀行存款和現金 Cash at bank and in hand	\$ 60,326,277
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10. 預收款項、應計款項和其他應付款 Receipts in advance, accruals and other payables

2012年12月31日 31 December 2012

預收創辦成員的出資 Founder members contributions received in advance	\$ 10,500,000
應計款項 Accruals	2,038,574
其他應付款 Other payables	3,055,947
	<u>\$ 15,594,521</u>

本公司預計於逾一年後結算的應計款項數額為1,224,000元，並披露為非流動負債。所有預收款項、應計款項和其他應付款預期可於一年內結算或按要求償還。

The amount of the Company's accruals expected to be settled after more than one year is \$1,224,000 and is disclosed under non-current liabilities. All of the receipts in advance, accruals and other payables are expected to be settled within one year or are repayable on demand.

財務報表附註

Notes to the financial statements

11. 資本和儲備 Capital and reserve

(a) 股本和成員

本公司是以擔保有限公司形式成立的非牟利機構，因此並無任何股本。根據本公司的公司組織章程細則條文，如本公司面臨清盤，各成員必須因應可能需要的情况出資，以應付本公司的負債，但各成員的出資額不得超過100元。

本公司的創辦成員分別為財經事務及庫務局、香港金融管理局（「金管局」）及證券及期貨事務監察委員會（「證監會」）。

(b) 資本管理

本公司將「資本」界定為由本公司持有的儲備。按此基準計算，於二零一二年十二月三十一日的資本額為51,307,391元。本公司管理資本的主要目的是保障本公司可持續經營。

本公司會定期檢討及管理其資本架構，以確保能有效運用儲備及本公司的財政狀況穩健。

根據本公司就調解計劃訂立的職權範圍，財經事務及庫務局、金管局及證監會撥付本公司首三年（即自二零一二年一月一日至二零一四年十二月三十一日止）的創立成本及營運開支。自二零一五年一月一日起，本公司的資金將來自自由金管局認可或由證監會發牌監管的金融機構或金融服務供應商，但不包括根據《證券及期貨條例》第571章只可從事第10類受規管活動的金融機構，從而公平有效地調解爭議，實踐金融行業對公眾的承諾。

本公司毋須遵守外間訂立的資本規定。

(a) Share capital and members

The Company is a non-profit making company limited by guarantee and therefore does not have any share capital. Under the provisions of the Company's memorandum of association, every member shall, in the event of the Company being wound up, contribute such amount as may be required to meet the liabilities of the Company, but not exceeding \$100 each.

The founder members of the Company are the Financial Services and the Treasury Bureau ("FSTB"), the Monetary Authority ("HKMA") and the Securities and Futures Commission ("SFC").

(b) Capital management

The Company defines "capital" as the reserves maintained by the Company. On this basis the amount of capital employed at 31 December 2012 was \$51,307,391. The Company's primary objectives when managing capital are to safeguard the Company's ability to continue as a going concern.

The Company regularly reviews and manages its capital structure to ensure effective use of reserves and the sound financial status of the Company.

Under the Terms of Reference for the Company in relation to the FDRS, the FSTB, the HKMA and the SFC shall fund the set-up costs and the operational costs of the Company in the first three years, i.e. from 1 January 2012 to 31 December 2014. With effect from 1 January 2015, the Company shall be funded by the financial institutions, or financial services providers authorised by the HKMA or licensed by the SFC, but excluding those financial institutions which only carry on Type 10 regulated activities under the Securities and Futures Ordinance (Chapter 571), as part of the financial industry's commitment to the general public to resolve disputes in a fair and efficient manner.

The Company was not subject to externally imposed capital requirements.

財務報表附註

Notes to the financial statements

12. 金融風險管理和公允價值 Financial risk management and fair values

本公司須在正常業務過程中承受信貸、流動資金、利率和貨幣風險。

本公司對這些風險的承擔額以及為管理這些風險所採用的金融風險管理政策和慣常做法載列於下文。

(a) 流動資金風險

本公司的政策是定期監察現時及預期的流動資金需求，以確保維持充裕的現金儲備。

下表顯示了於報告期末本公司財務負債的最早訂約結算日期：

應計款項和其他應付款
Accruals and other payables

(b) 信貸風險

本公司承受的最大信貸風險額度是指於資產負債表中各項金融資產在扣除任何減值準備後的賬面金額。

本公司的信貸風險主要來自銀行現金存款、按金和其他應收款。於期末當日，由於有關現金存放於一家信譽良好的銀行，因此，本公司的信貸風險不大。管理層會持續監管與銀行現金存款、按金和其他應收款有關的信貸風險。本公司並無任何逾期或出現減值的按金和其他應收款。

Exposure to credit, liquidity, interest rate and currency risks arises in the normal course of the Company's business.

The Company's exposure to these risks and the financial risk management policies and practices used by the Company to manage these risks are described below.

(a) Liquidity risk

The Company's policy is to regularly monitor current and expected liquidity requirements to ensure that it maintains sufficient reserves of cash.

The following table represents the earliest contractual settlement dates of the Company's financial liabilities at the end of reporting period:

	2012年12月31日 31 December 2012	
	賬面金額 Carrying amount	1年內或按要求償還 Within 1 year or on demand
應計款項和其他應付款 Accruals and other payables	\$ 3,870,521	\$ 3,870,521

(b) Credit risk

The maximum exposure to credit risk is represented by the carrying amount of each financial asset in the balance sheet after deducting any impairment allowance.

The Company's credit risk is primarily attributable to cash placed with a bank and deposits and other receivables. At the date of the period end, the credit risk is not significant as the cash was placed with a reputable bank. The management monitors the credit risk associated with cash placed with a bank and deposits and other receivables on an ongoing basis. No amounts of deposits and other receivables are past due or impaired.

財務報表附註

Notes to the financial statements

(c) 利率風險

本公司承受的利率風險只限於其就儲蓄戶口的現金存款所賺取的銀行利息收入。於二零一二年十二月三十一日，本公司並無就儲蓄戶口的現金存款承受重大的利率風險。

(d) 貨幣風險

由於本公司的所有金融資產和金融負債均以港幣列值，因此毋須就此承受任何貨幣風險。

13. 承擔 Commitments

(a) 於二零一二年十二月三十一日就電腦設備及軟件未償付而又未在財務報表內提撥準備的資本承擔如下：

已訂約 Contracted for

(b) 於二零一二年十二月三十一日，根據一份不可解除的經營租賃在日後應付的最低物業租賃付款總額如下：

1年內 Within 1 year

1年後但5年內 After 1 year but within 5 years

上述租賃的初始期限由二零一二年三月一日起計為期三年，而本公司及業主有權選擇在符合某些預設條件下事先發出6個月的書面通知，於租賃期滿18及24個月後終止有關租賃。各項租賃均不包含或有租金。

(c) Interest rate risk

The Company is exposed to interest rate risk only to the extent that it earns bank interest income on cash deposited in savings accounts. As at 31 December 2012, the Company was not exposed to significant interest rate risk arising from cash deposited in savings accounts.

(d) Currency risk

As all the Company's financial assets and financial liabilities are denominated in Hong Kong dollars, the Company is not subject to any currency risk associated with them.

(a) Capital commitments outstanding at 31 December 2012 in respect of computer equipment and software not provided for in the financial statements were as follows:

2012年12月31日 31 December 2012

\$ 1,487,520

(b) At 31 December 2012, the total future minimum lease payments to properties under a non-cancellable operating lease are payable as follows:

2012年12月31日 31 December 2012

\$ 3,750,000

625,000

\$ 4,375,000

The above lease runs for an initial period of 3 years from 1 March 2012, with the Company and the landlord having an option to terminate after 18 months and 24 months with certain pre-conditions respectively, by serving a 6 months' advance written notice. The lease does not include contingent rentals.

財務報表附註

Notes to the financial statements

14. 重大關聯方交易 Material related party transactions

(a) 與關鍵管理人員進行的交易

本公司的所有關鍵管理人員均為董事，有關酬金已於附註6中披露。

(a) Transactions with key management personnel

All members of key management personnel are directors of the Company, and their remuneration is disclosed in note 6.

(b) 與其他關聯方進行的交易

本公司於期內進行的主要關聯方交易如下：

(b) Transactions with other related parties

During the period, the Company entered into the following material related party transactions:

	附註 Note	自2011年11月18日 (註冊成立日期) 至2012年 12月31日止期間 Period from 18 November 2011 (date of incorporation) to 31 December 2012
創辦成員的出資 Contributions from founder members	3	\$ 72,000,000
預收創辦成員的出資 Founder members contributions received in advance	10	\$ 10,500,000

財務報表附註

Notes to the financial statements

15. 已頒布但尚未在截至二零一二年十二月三十一日止期間生效的修訂、新準則和詮釋可能帶來的影響

Possible impact of amendments, new standards and interpretations issued but not yet effective for the period ended 31 December 2012

截至本財務報表刊發日，香港會計師公會已頒布多項自二零一一年十一月十八日（註冊成立日期）至二零一二年十二月三十一日止期間尚未生效，亦沒有在本財務報表採用的修訂和新準則。這些準則變化包括下列可能與本公司有關的項目。

Up to the date of issue of these financial statements, the HKICPA has issued a number of amendments and new standards which are not yet effective for the period from 18 November 2011 (date of incorporation) to 31 December 2012 and which have not been adopted in these financial statements. These include the following which may be relevant to the Company.

在以下日期或之後開始的會計期間生效
Effective for accounting periods beginning on or after

《香港會計準則》第1號修訂 Amendments to HKAS 1, Presentation of financial statements	「財務報表的列報其他全面收益項目的列報」 Presentation of items of other comprehensive income	2012年7月1日 1 July 2012
《香港財務報告準則》第9號 HKFRS 9	「金融工具」 Financial instruments	2015年1月1日 1 January 2015

本公司正在評估這些修訂對初始採用期間的影響。截至目前為止，本公司相信，採納這些修訂不大可能會嚴重影響本公司的營運業績及財政狀況。

The Company is in the process of making an assessment of what the impact of these amendments is expected to be in the period of initial application. So far it has concluded that the adoption of them is unlikely to have a significant impact on the Company's results of operations and financial position.