



I. Important announcements ([Chinese](#))

1. Legislative Yuan passed amendments to the Securities and Exchange Act to strengthen cooperative cross-border supervision capabilities and promote real-time public announcement and regulatory filing of financial information to protect the interests of the investing public and strengthen regulations regarding insider trading

Amendments to Articles 21-1, 36, 157-1, 178, and 183 of the Securities and Exchange Act passed the third reading of the Legislative Yuan on 4 May 2010.

Key provisions of the amendments include:

- (1) To strengthen cross-border supervision and promote international cooperation: the competent authority is granted additional authority to request information from a relevant institution, juristic person, body, or natural person to provide necessary information and pass on to a foreign government, institution, or international organization pursuant to the relevant treaties or agreements signed. The competent authority may also require such institution, juristic person, body, or natural person to present account books and documentation with respect to securities transactions, or require such party to come forward to provide explanation.
- (2) To promote timely information disclosure the time frame within which annual financial statements must be filed and publicly announced is shortened: beginning in 2011, annual financial statements by Taiwan Stock Exchange (and Gre-Tai Securities Market) listed companies must be publicly announced and filed 3 months, rather than the previous 4 months, after the end of the fiscal year.
- (3) To strengthen procedures for the convening of shareholders meetings, the effect of not convening such meetings on a regular basis is specified: regular shareholders meetings for companies listed on Taiwan Stock Exchange, Gre-Tai Securities Market, and Emerging Market must be convened within 6 months from the end of each fiscal year and may not be postponed for other reasons.
- (4) Rules regarding insider trading augmented to safeguard the interests of the investing public: to make insider trading regulations more comprehensive, prohibited insider trading now also includes trades made under the name of another party and non-equity type corporate bonds. Having considered situations in which a company announces material information in the evening, making investors who trade before market opening

on the next day but who are unaware of such information before market opening unable to react in a timely manner, the cooling-off period following the announcement of material information is also extended from 12 hours to 18 hours. To clarify the language used in the rules prohibiting insider trading, the term "learning" is also amended to read "actually know", and the phrase "after the information is conclusive" is added.

2. Regulations Governing the Offering and Issuance of Overseas Securities by Issuers amended in response to development needs of enterprise globalization and balance provisions regarding domestic and foreign fund-raising cases

On 11 May 2010 the Financial Supervisory Commission (FSC) amended and issued the Regulations Governing the Offering and Issuance of Overseas Securities by Issuers. Restrictions that previously prohibited issuers from providing security for loans of other parties except where, for business purposes, such security was provided for a loan of a subsidiary in which the issuer holds 50 percent of the shares, are eased. Provisions that previously permitted the FSC to reject registration cases for the offering and issuance of securities due to an issuer's excessive idle funds are also amended such that financial holding companies, or banking, securities, futures, or insurance enterprises are exempted from such provisions. Other amendments provide that if information announced by an issuer or disclosed in its financial forecast is inconsistent with the information in its registration documents, and such discrepancy has a material impact on the securities price or shareholder interests, the FSC may void or revoke the issuer's effective registration case. To coordinate with actual enterprise practice, existing issuance methods for sponsoring and issuing overseas depositary receipts, previously limited to public issue of the full amount or partial subscription by specified parties, were expanded to include permission to deliver such overseas depositary receipts in full to holders of overseas depositary receipts already sponsored and issued by a company that was split off from the issuer.

3. Regulations regarding Taiwan Depositary Receipts (TDR) amended to make supervision of fund raising by domestic and foreign enterprises more balanced and establish diversified issuance channels

On 19 May 2010 the FSC amended and issued the Regulations Governing the Offering and Issuance of Securities by Foreign Securities Issuers to diversify issuance channels for TDRs and provide more balanced supervision of fund raising by domestic and foreign enterprises. Main points of the amendments include the introduction of a TDR shelf registration system and unsponsored TDRs, and the inclusion of foreign enterprises that conduct fund raising in Taiwan or on an overseas market, supplemental public issuances, issuance of employee stock warrants, and capital reductions to the rules that apply to domestic enterprises. Matters required to be recorded in prospectuses and annual reports were also expanded, and provisions regarding the rejection of filings were added.

4. Procedures adopted for handling cases in which holders of overseas depositary receipts acquire stocks of a domestic company as a result of a demerger and capital

reduction conducted by an Taiwan Stock Exchange (or Gre-Tai Securities Market) listed company that has already sponsored the issuance of TDRs

A company listed on Taiwan Stock Exchange (TWSE) or Gre-Tai Securities Market that undergoes demerger and capital reduction that results in the holders of its overseas depositary receipts acquiring shares in a transferee company, or shares in the surviving company following the merger of the transferee company and another company, shall have the domestic agent designated by the depositary institution hold the shares referred to above on behalf of the ODR holders and submit the relevant documentation to the Taiwan Depository & Clearing Corporation (TDCC) to open an account in the name of the "Depositary institution collective custody account for OOO company shares acquired by holders of XXX company overseas depositary receipts as a result of a demerger and capital reduction". If subsequent to a demerger, a transferee company or the surviving company resulting from a merger of a transferee company and another company, is a non-listed company, or is an TWSE (or Gre-Tai) listed company but has not issued overseas depositary receipts, within one year from the record date of the demerger the domestic agent designated by the depositary institution may sell the shares under the name of the abovementioned collective account on behalf of the holders, and pursuant to Regulations Governing the Declaration of Foreign Exchange Receipts and Disbursements or Transactions conduct foreign exchange settlement of funds, for which the domestic agent need not apply to the Investment Commission, Ministry of Economic Affairs for approval.

5. Taiwan Stock Exchange, Gre-Tai Securities Market, and Emerging Market companies encouraged to use eXtensible Business Reporting Language (XBRL) format to file financial reports to enhance Taiwan securities market information transparency

To enhance information transparency in the Taiwan securities market, the Taiwan Stock Exchange (TWSE) and Gre-Tai Securities Market (Gre-Tai) are encouraging listed companies to use the eXtensible Business Reporting Language (XBRL) format to file financial reports. Before the end of May 2010, the listed companies (TWSE, Gre-Tai and Emerging Market) may voluntarily file their fiscal 2009 financial reports and fiscal 2010 Q1 financial reports in the XBRL format. Before the end of September 2010 it is expected that all exchange-listed, Gre-Tai listed, and emerging stock companies will use the XBRL format to announce and file their half-year financial reports for 2010.

6. Amendment of provisions requiring legal compliance units of securities and futures enterprises to report to general manager

Pursuant to Article 27 of the Regulations Governing the Establishment of Internal Control Systems by Service Enterprises in Securities and Futures Markets, any TWSE or Gre-Tai listed securities firm, enterprise exclusively engaged in futures business, or securities firm concurrently engaged in futures business, any enterprise engaged exclusively in futures trust business or that concurrently operates a futures trust business, and any of a financial holding company's securities or futures subsidiaries or their sub-subsidiaries, or any

securities subsidiary that concurrently operates a futures business shall establish a unit reporting to the general manager that is responsible for the planning, management, and implementation of a legal compliance system. The legal compliance unit established pursuant to the above cited Regulations need not be a dedicated, independent unit, provided that it still meets the requirements in paragraph 1 of that same Article, and reports to the general manager. If an existing legal compliance unit reports to the board of directors, then within 6 months after the issuance of the above cited Regulations adjustments to the unit's organizational structure shall be completed and the internal control system amended.

7. Regulations Governing the Operation of Futures Introducing Broker Business by Securities Firms amended to enhance internal audits of futures introducing brokers

To coordinate with and promote the establishment of full-time internal auditors, or a mechanism by which self-audit personnel are assigned to conduct self-audit operations, at branches of securities firms that operate futures introducing broker business ("futures introducing broker") and strengthen internal audits of futures introducing brokers, on 3 May 2010 the FSC issued amendments to the Regulations Governing the Operation of Futures Introducing Broker Business by Securities Firms. Under the amendments, self-audit personnel of a futures introducing broker are included under the "associated person" designation. In addition, referencing the provisions of the Regulations Governing Responsible Persons and Associated Persons of Futures Commission Merchants, qualification requirements of futures introducing broker internal auditors were also amended.

8. Securities firms permitted to accept customer subscriptions for offshore funds on a systemic investment plan with varying amount

Considering offshore fund investor needs to lower average carrying costs and spread investment risk with respect to offshore fund subscriptions, on 21 May 2010 the FSC, pursuant to Article 10, paragraph 1 of the Regulations Governing Brokerage Trading of Foreign Securities by Securities Firms, announced that securities firms are permitted to accept customer subscriptions for offshore funds on a systemic investment plan with varying amount basis.

9. Deleted provisions prohibiting a futures trust fund from exceeding the original offering amount and amended provisions regarding the percentage of a futures trust fund for which a futures trust fund may give full discretionary authority to another professional institution

To allow the cap for funds utilized by a professional institution engaged by a futures trust fund to reflect the fund's performance, and allow a futures trust enterprise, after a futures trust fund is successfully offered and established, to allow funds of the investors subscribing to the fund to be placed under discretionary investment operations, on 29 April 2010 the FSC issued the amended Point 3 of the Directions for Futures Trust Enterprises

Providing Full Discretionary Authority to Another Professional Institution for Utilization of a Futures Trust Fund, deleting provisions prohibiting a futures trust fund from exceeding 30 percent of the amount of its initial offering or follow-on offering. The amended provisions prohibit the percentage of a futures trust fund for which a futures trust enterprise grants full discretionary authority to another professional institution from exceeding 50 percent of the fund's daily net asset value.

10. The official work calendar for government administrative agencies for the year 2010 is available online at the Executive Yuan's Central Personnel Administration website: [Central Personnel Administration-Work Calendar](#)

(<http://www.cpa.gov.tw/ct.asp?xItem=7242&ctNode=319&mp=10>)

2010 Non-weekend Holidays (securities and futures markets closed) and make-up days

Date	Day	Holiday
January 1	Friday	Republic of China Memorial Day
February 6	Saturday	Adjusts to work
February 10	Wednesday	Last trading day before holidays
February 15	Monday	Lunar New Year Holiday
February 16	Tuesday	Lunar New Year Holiday
February 17	Wednesday	Makeup holiday
February 18	Thursday	Makeup holiday
February 19	Friday	Adjusts to holiday
February 22	Monday	Trading resumes
April 5	Monday	Tomb Sweeping Day
June 16	Wednesday	Dragon Boat Festival
September 22	Wednesday	Mid-Autumn Festival

11.A "Summary of Indictments and Sentences for Major Securities Crimes" is available online in Chinese and English. The English information can be downloaded at : [Indicments and Sentences](#)

(http://www.sfb.gov.tw/MultiMedia_FileDownload.ashx?guid=32c99d60-9ffc-4bdc-8dc9-51acf4402376)

12. Information on the competitiveness of Taiwan's financial industry is available online in English at: [Taiwan's International Financial Competitiveness](#) (http://www.fsc.gov.tw/Layout/main_en/ArtHtml_Show.aspx?ID=594624e4-0911-4394-9ea6-1c0432f08aa6&path=2927)

II. Market Wrap-up

As of the end of April 2010, 740 companies were listed on the Taiwan Stock Exchange. The total capital issued was NT\$ 5,834.59 billion, a decrease of NT\$ 3.65 billion over the preceding month, and the market capitalization was NT\$ 20,646.72 billion, an increase of NT\$ 220.68 billion over the preceding month.

As of the end of April 2010, 550 companies were listed on the GreTai Securities Market. The total capital issued was NT\$ 787.32 billion, an increase of NT\$ 6.71 billion against the preceding month, and the market capitalization was NT\$ 1,941.22 billion, an increase of NT\$ 58.21 billion against the previous month.

In April 2010, the trading value of shares on the Taiwan Stock Exchange was NT\$2,569.26 billion, an increase of NT\$ 243.86 billion over the previous month, while the trading volume was 75.30 billion shares, an increase of 8.06 billion shares compared with the previous month.

As of the end of April 2010, the accumulated net inward remittance of foreign investors was US\$ 160.34 billion, an increase of US\$ 4.63 billion over the preceding month.

There are currently 127 securities firms, 20 futures commission merchants, 39 securities investment trust enterprises and 110 securities investment consulting enterprises.

III. Measures related to futures trading, please refer to the website of Taiwan Futures Exchange (http://www.taifex.com.tw/eng/eng_home.htm)

IV. Q&A

1. Assets may be freely transferred between offshore overseas Chinese or foreign nationals with different ID numbers

(1) Asset transfers are allowed, subject to the principle that the ultimate beneficiary remains unchanged. Examples include:

- i. For reasons of a merger or spin-off of a fund or company, or an adjustment or change to internal organization.
- ii. As required based on a trust agreement relationship.
- iii. For reasons of ETF in-kind creation/redemption.
- iv. Upon obtaining a court order or judgment.
- v. Under an umbrella fund, the transfer by a master fund to a subfund.
- vi. Such "other" asset transfers that do not violate off-exchange transaction rules.

(2) A foreign investor may open multiple depository accounts in Taiwan, as long as each

account bears the same investor registration number. Assets may be transferred freely between such accounts, without the need for a buy-sell process.

2. Current prepaid fund issues in Taiwan

- (1) Securities firms' requirements of prepaid fund for foreign investment customers are not compulsory under laws or regulations. They are risk control methods employed by securities firms for some of their customers to avoid the possibility of having to report customer default subsequently. In addition, small-cap securities firms fear the inability to conduct settlement on behalf of their customers, and therefore make inquiries requiring funds and securities beforehand. These measures are basically proprietary judgments and risk control measures employed by securities firms. Some foreign investors, however, view these measures as prepaid fund enforcement by law imposing on them. In addition, as the positions held by foreign investment customers are all extremely large, any report of settlement default will result in negative repercussions on their credit risk and fund allocation status. Accordingly, before they place orders, some foreign investment customers authorize or instruct the securities firm to contact the custodial institution and inquire as to whether their funds or securities positions are sufficient for settlement.
- (2) In May of 2004, Taiwan granted permission for domestic financial institutions to provide intraday credit services to help foreign investors resolve time-difference issues that previously made them unable to remit funds in a timely manner to conduct settlement.
- (3) On 4 May 2005 the Taiwan securities markets announced a settlement grace period that allows foreign investors that encounter certain circumstances such as overlapping holidays, interruption of telecommunications, or natural disasters, to file for delay settlement until 6 p.m. on the third business day after the transaction date, or to delay settlement from the deadline date on which the securities firm is required to report default to the third business day after the transaction date.
- (4) The Taiwan Stock Exchange Corporation (TWSE) also amended Article 76 of its Operating Rules on 1 August 2005, deleting the provision prohibiting investors whose settlement default case has not been resolved for at least three years from opening a trading account.
- (5) On 20 June, 13 September, and 15 November of 2006 the FSC granted permission for offshore overseas Chinese and foreign nationals to borrow funds from securities firms, securities finance enterprises, and domestic financial institutions to meet settlement needs for the purchase of exchange or OTC listed securities.
- (6) The FSC also implemented a T+2 delivery-versus-payment (DVP) settlement system on 2 February 2009.

3. Investment quotas for foreign investors

Under the Regulations Governing Investment in Securities by Overseas Chinese and Foreign Investors, foreign investors are divided into two categories: foreign institutional investors (FINIs) and foreign individual investors (FIDIs). Effective from October 20, 2008, the investment cap of offshore FIDIs was also lifted. However, in a few specific industries

foreign investors are still subject to investment ceilings under relevant acts or regulations.

4. Investment scope for offshore foreign investors

The scope of investment in Taiwan securities markets open to offshore foreign investors is as follows:

- (1) Stocks, bond conversion entitlement certificates, and Taiwan Depository Receipts issue privately placed by listed, over-the-counter (“OTC”), or emerging-stock companies.
- (2) The beneficial interest certificates of a publicly or privately offered securities investment trust fund or futures trust fund.
- (3) Government bonds, financial bonds, ordinary corporate bonds, convertible corporate bonds, and corporate bonds with warrants.
- (4) Beneficial securities placed publicly or privately by trustee institutions, or asset- backed securities placed publicly or privately by special-purpose companies.
- (5) Call warrants and Put warrants.
- (6) Other securities approved by the competent authority for the securities industry such as call (put) warrants underwritten prior to initial listing, beneficial interest securities of publicly or privately placed REITs or REATs, stocks underwritten prior to initial listing, stocks underwritten for a cash capital increase, New Taiwan Dollar-denominated bonds issued domestically by an international financial institution, preferred stock issued by an exchange or OTC listed company, and securities or foreign currency-denominated bonds issued by a primary or secondary exchange (OTC) listed, or emerging stock, company.

Additionally, Funds that have been duly remitted into Taiwan for the purchase of domestic securities and that have not yet been invested may be used as follows (with the total value of such use not to exceed 30 percent of the amount remitted in and outright trading in government bonds is limited to bonds with remaining maturities of longer than one year):

- (1) Investment in government bonds, money market instruments and money market funds, and the net amount paid on NT dollar premiums for engaging in trading of OTC equity derivatives, OTC NT dollar interest rate derivatives, and NTD premium on the option portion of convertible bond asset swaps, and on settling the price difference of swaps.
- (2) Investments in money market instruments, limited to bills and negotiable certificates of deposit within 90 days of expiration.
- (3) OTC New Taiwan Dollar interest rate derivatives include New Taiwan Dollar forward rate agreements, interest rate swaps, and interest rate options; OTC equity derivatives include options and equity swaps involving Taiwan or foreign equities and denominated in New Taiwan Dollars or foreign currency; OTC structured instruments include products linked to domestic or foreign equity and interest rates, and denominated in either New Taiwan Dollars or foreign currency.

5. Requirements over the outward remittance of investment principal, capital gains and other investment gains by foreign investors.

- (1) After receiving permission to invest in Taiwan, foreign investors may apply to remit investment capital and investment earnings out of the ROC. However, outward

remittances of capital gains and stock dividends may be made from realized earnings only.

- (2) Applications for foreign exchange remittance for investment capital and earnings shall be handled in accordance with the Act for the Regulation of Foreign Exchange (under the purview of the Central Bank).
- (3) When a foreign investor intends to repatriate investment earnings, the investor's agent or representative shall submit documents evidencing the filing of a tax return and payment of taxes by an agent/representative approved by the tax authorities and carry out exchange settlement in accordance with the Act for the Regulation of Foreign Exchange; however, during a period when assessment of ROC income tax on capital gains from securities transactions is suspended, the agent or representative may submit a tax clearance certificate from the tax authorities and carry out exchange settlement in accordance with the Act for the Regulation of Foreign Exchange.
- (4) A foreign investor that borrows funds in New Taiwan Dollars from a domestic financial institution under the restriction that the funds be used only to pay for domestic securities settlement may not apply for foreign exchange settlement of the funds.

6. Do the overseas employees of a company lists on TWSE, Gre Tai Securities Market or emerging-stock need to make an application to a certain agency in order to sell bonus shares? When making an outward remittance after the sale of bonus shares, what documents should they submit to the bank for verification?

- (1) No application to the Securities and Futures Bureau or the MOEA Investment Commission is necessary in regard to bonus shares for overseas employees of an exchange-listed, OTC-listed, or emerging-stock company, or sale of those shares. The employee will need to submit a photocopy of their passport and related documents to a securities firm to open an account for the sale of the shares. For exchange-listed companies, this shall be done in accordance with Article 77, paragraph 1, subparagraph 2 of the Operating Rules of the Taiwan Stock Exchange Corporation; for OTC-listed and emerging stock companies, Article 46, paragraph 1, subparagraph 2 of the GreTai Securities Market Rules Governing Securities Trading on Over-the-Counter Markets will apply.
- (2) With regard to the documents necessary for outward remittances in connection with sales of bonus shares, in accordance with Point 5, paragraph 5 of the rules issued by the Foreign Exchange Department of the Central Bank, the Directions for Banking Enterprises Assisting Customers in Declaring Foreign Exchange Receipts and Disbursements or Transactions, the employee's company must fill out a foreign exchange transaction declaration and a listing of the given shares, after which the proceeds from the sale of shares can be remitted.

7. Exercising shareholder's rights for offshore foreign investors

- (1) The voting rights of a foreign institutional investor outside of Taiwan ("offshore foreign institutional investor") holding shares in a public company in Taiwan may be exercised

as follows:

- a. Exercise electronically or by means of a written form in accordance with Article 177-1 of the Company Act;
 - b. Exercise through appointment of a company conforming to Article 3, paragraph 2 of the Regulations Governing Handling of Stock Affairs by Public Companies;
 - c. Exercise through appointment of a domestic agent or representative to exercise voting rights at the shareholder meeting;
 - d. Exercise through an appointment by the domestic agent or representative, as authorized by the offshore foreign institutional investor, of a party other than the domestic agent or representative to exercise voting rights at the shareholder meeting.
- (2) An offshore foreign institutional investor that appoints a company as indicated in item 2 of the preceding paragraph or a person as indicated in points 3 and 4 therein to exercise voting rights at a shareholder meeting shall in each case clearly indicate in the letter of appointment its instructions regarding the exercise of voting rights on each proposal.
- (3) An offshore foreign institutional investor may not give a proxy form issued by the public company to a proxy solicitor or proxy agent.

8. Restrictions on investment of money market instruments for offshore foreign investors

The liberalization of Taiwan's securities market for offshore foreign investors is primarily oriented toward drawing investment into securities on the centralized exchange market. Investing in money market instruments is mainly for short-term cash management needs. The cap of 30 percent should be sufficient for this purpose. Therefore, currently there are no plans to raise the ceiling.

9. Disclosure of the investment positions of foreign investors

The FSC does not disclose investment information of individual foreign investors, but foreign investors are nevertheless obligated to comply with reporting requirements.

10. Lock-in period of stocks

The trading of stocks held by foreign investors is not subject to a "lock-in period".

11. Off-exchange transactions

- (1) Article 150 of the Securities and Exchange Act provides that trading of listed securities shall be conducted on a centralized securities trading market operated by a stock exchange. However, paragraph 4 of the same Article empowers the Competent Authority to make provisions for permitting off-exchange transactions in certain situations. For example, a foreign investor who has received approval from the Investment Commission of the Ministry of Economic Affairs under the Act Governing Investment by Foreign Nationals to transfer assets to another foreign investor may do so through off-exchange trading. Many foreign investors have invested in Taiwan stocks through such off-exchange channels over the years.

- (2) Under current law, securities listed on the GreTai Securities Market (GTSM) can be traded off-market. But, in those cases of securities for which the relevant authorities have duly set a foreign investment ceiling in accordance with law, foreign investors (who must have obtained approval or registration in accordance with the Regulations Governing Securities Investment by Overseas Chinese and Foreign Investors) are required to trade such securities through the GTSM trading system. However, only a very few OTC stocks are subject to this requirement. Most GTSM stocks can also be traded by foreign investors via price negotiation at the business places of securities firms.
- (3) After each market close, the TWSE also provides paired block trades and auction and tender offer systems in which securities prices are negotiable to satisfy various investors' demands.

12. The latest changes to block trading system in Taiwan

Three changes have been introduced to further improve the block trading system: (1) block trade prices were formerly limited to within 3.5% of the previous day's closing market price, but the allowable range has now been increased to 7% (the same as the limit applying to ordinary trades); (2) the minimum size of paired trades has been reduced to match the minimum for non-paired trades; and (3) block trades can now be used for SBL short sales (i.e. a specific type of short selling carried out pursuant to securities borrowing and lending rules). The use of block trades for SBL short sales will be allowed beginning from 28 July while the other two measures took effect on 12 May 2008.

In addition, beginning on 12 January 2009, trading hours for non-paired block trades were adjusted to 9 a.m. to 5 p.m., and trading hours for paired block trades were adjusted to 8 a.m. to 8:30 a.m. and 9 a.m. to 5 p.m. These adjustments were designed to provide investors with extra trading time and avoid the loss of trading time due to non-continuous trading hours, while allowing more investors to conduct share transfers by means of block trades.

13. Foreign ownership restrictions

Taiwan lifted limits on total/individual foreign shareholding in public companies from 30 December 2000. Applicable acts and regulations may in a few instances limit the percentage of equity holdings by foreign nationals in companies in certain industries (such as postal industry, telecommunications, and shipment) to meet policy needs related to national interests in the economic, social, or cultural spheres. Most developed countries have similar policies, and the practice in Taiwan is in line with developed-market standards.

14. Odd-lot trading

In the past, offshore foreign investors were permitted to sell stocks in odd lots, but not to buy them. To meet the varied trading and investment demands of foreign investors, the FSC announced on 22 July 2005 that offshore foreign investors are also permitted to buy

odd lots.

15.Update: FTSE reforms

In its country advisory report issued in September of 2004, the global index compiler FTSE upgraded the Taiwan and South Korea securities markets from its Provisional Watch List for Developed Markets to its Watch List for Developed Markets. The FSC therefore set up a task force in November of that same year to review the domestic securities market system and gradually implement relevant reform measures while actively publicizing those measures abroad.

To continue to attract foreign investors to invest in Taiwan, in addition to simplifying registration procedures and asset transfer methods, allowing foreign investors access to a broader range of investment vehicles, and expanding the capital raising and securities borrowing channels open to foreign investors, furthermore, with the implementation of T+2 DVP settlement, effective 2 February 2009, the block trading system has been further improved, so as to align it with international practices.

To strengthen block trading capabilities and accommodate the needs of block trade investors, the FSC made a number of adjustments to the block trading system on 14 April 2008, including measures expanding the paired trading period before market opening to 8 a.m. to 8:30 a.m. and adjusting the tick size for block trade quotes to NT\$0.01.

Three additional changes are now further being introduced to improve the block trading system: (1) the daily price limit on block trade prices has been relaxed from 3.5 percent to 7 percent (the same as the limit for ordinary trades); (2) the threshold volume for paired trades has been reduced to the same as that for non-paired trades; and (3) sale of securities obtained on loan through the securities borrowing and lending system will be permitted in block trading. The sale of borrowed securities in block trading was allowed beginning from 28 July 2008, while the other two measures were implemented from 12 May 2008.

In addition, beginning on 12 January 2009, trading hours for non-paired block trades were adjusted to 9 a.m. to 5 p.m., and trading hours for paired block trades were adjusted to 8 a.m. to 8:30 a.m. and 9 a.m. to 5 p.m. These adjustments were designed to provide investors with extra trading time and avoid the loss of trading time due to non-continuous trading hours, while allowing more investors to conduct share transfers by means of block trades.

The FSC has approved the following measures as proposed by the TWSE:

(1) Securities borrowing and lending (SBL) transaction restrictions eased.

The Taiwan Securities Association has been given approval to adopt a securities borrowing agreement template drafted with reference to international trading practice and securities acts and regulations, without being required to further file the template with the FSC for approval and recordation.

(2) Mechanism for free transfer of assets

Asset transfers are freely permitted provided they do not violate off-exchange transaction regulations. Also, the requirement to have relevant documents notarized has been canceled.

16. Agencies designated to accept and process individual investment cases in which an overseas Chinese or foreign national acquires 10 percent or more of the equity in an exchange-listed, OTC-listed, or emerging stock company

As restrictions on fund transfer amounts no longer exist for overseas Chinese or foreign national investing in exchange-listed, OTC-listed, or emerging stock companies, a resolution adopted at a meeting of the Securities and Futures Bureau and the Investment Commission of the Ministry of Economic Affairs abolish, beginning 1 April 2008, the existing requirement that an application be submitted to the Investment Commission for any single case of an overseas Chinese or foreign national making an investment of US\$50 million or more in such a company. Instead, after that date, an overseas Chinese or foreign national acquiring 10 percent or more of the equity rights of such a company will be required to submit an application to the Investment Commission, respective science park administration, or the Export Processing Zone Administration of the Ministry of Economic Affairs.

17. Are offshore overseas Chinese and foreign nationals permitted to engage in bond reverse repo (resell; RS) trades?

Bond reverse repo (resell; RS) trades involve using bonds as collateral for financing. This does not comply with Article 21, subparagraph 3 of the Regulations Governing Investment in Securities by Overseas Chinese and Foreign Nationals, which prohibits the provision of collateral by an offshore overseas Chinese or foreign national investing in domestic securities with inwardly remitted collateral. RS trading also does not fall within the permitted scope of use for inwardly remitted funds by offshore overseas Chinese and foreign nationals under Article 4, paragraph 2 of those Regulations.

18. Who is exempt from issuing a declaration to the effect that their capital is not from the mainland area?

A foreign institutional investor who is a fund management company is not required to issue a declaration stating that its capital is not from the mainland area. However, a non-fund type foreign investor must still declare on the registration form that their inwardly remitted funds for securities investments or futures trading do not come from the mainland area when registering with the Taiwan Stock Exchange Corporation (TWSE).

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重要公告

一、為強化跨國監理合作能力，增進財務資訊公告及申報之即時性，以保護投資大眾權益，及強化內線交易之相關規範，立法院三讀修正通過證券交易法

99年5月4日立法院院會三讀修正通過證券交易法第21條之1、第36條、157條之1、第178條及第183條，修正重點如下：

- (一) 強化跨國監理，促進國際合作：增列主管機關得要求有關之機構、法人、團體及自然人依該條約或協定提供必要資訊予外國政府、機構或國際組織，以及主管機關得要求與證券交易有關之機構、法人、團體或自然人，提示相關之帳簿、文據或到達辦公處所說明，以賦予主管機關資訊提供之權限。
- (二) 促進資訊公開時效，縮短年度財務報告申報公告期限：上市（櫃）公司年度財務報告之公告申報期限，自公告申報100年年度財務報告起，由會計年度終了後4個月縮短為3個月。
- (三) 強化股東會召開程序，明定股東會未定期召開之效力：規定上市（櫃）及興櫃公司股東常會應於每會計年度終了後6個月內召開，不得以其他理由主張延期召開。
- (四) 完備內線交易之規範，以保障投資大眾權益：為周延規範，將以他人名義買賣及非股權性質公司債均納入禁止內線交易規範，並考量公司於晚間發布重大消息，投資人於隔日開盤前可能尚未獲悉該重大消息而無法為即時之反應，爰將重大消息之沉澱時間由12小時延長至18小時，餘為使禁止內線交易規範更為明確而酌作文字修正，如將「獲悉」修正為「實際知悉」，並增加「消息明確後」之文字等。

二、因應企業全球化發展需要，並衡平國內外籌資案件規定，修正「發行人募集與發行海外有價證券處理準則」部分條文

金管會於99年5月11日修正發布「發行人募集與發行海外有價證券處理準則」，放寬發行人除因業務需要為持股百分之五十之子公司借款提供擔保者外，不得為他人借款提供擔保之退件規定；放寬金融控股公司、銀行業、證券業或期

貨業暨保險業得不適用因大量閒置資金本會得退回申報案件之規定；增訂發行人對外公開財務預測資訊或發布之資訊與申報書件不符，且對證券價格或股東權益有重大影響者，得撤銷或廢止其申報生效案件；及為配合企業實務運作，將現行參與發行海外存託憑證僅限全數公開發行或部分洽特定人認購之發行方式，放寬為得全數交付被分割公司已參與發行海外存託憑證之持有人。

三、修正臺灣存託憑證(TDR)相關規定，以衡平國內外企業募資之管理及建構多元化之發行管道

為使臺灣存託憑證(TDR)發行管道多元化及衡平國內外企業募資之管理，金管會於99年5月19日修正發布「外國發行人募集與發行有價證券處理準則」，修正重點包括引進TDR總括申報制及非參與型TDR，並比照國內企業，將外國企業於我國、海外募資、補辦公開發行、發行員工認股權憑證及減資等納入規範，並強化公開說明書與年報應行記載事項及增訂退件條款等。

四、訂定已參與發行海外存託憑證之上市(櫃)公司因辦理分割減資致海外存託憑證持有人取得國內公司股票之處理程序

上市(櫃)公司辦理分割減資，致其海外存託憑證持有人取得受讓公司股份或受讓公司與他公司合併後之存續公司股份，應由存託機構指定之國內代理人，為旨揭海外存託憑證持有人持有上述股份，並以「存託機構受託保管XXX公司因分割減資致海外存託憑證持有人取得000公司股份集合專戶」名義，檢具相關書件，向臺灣集中保管結算所股份有限公司辦理開戶。分割後之受讓公司或受讓公司與他公司合併後之存續公司如為未上市(櫃)公司，或為上市(櫃)公司但未發行海外存託憑證，存託機構指定之國內代理人得於分割基準日起一年內，以前揭集合專戶名義代理出售持股，並依外匯收支或交易申報辦法規定辦理資金結匯，得免向經濟部投資審議委員會申請核准。

五、提升我國證券市場資訊透明度，鼓勵上市櫃(興櫃)公司採行XBRL格式申報財務報告

為提升我國證券市場資訊透明度，證交所及櫃買中心推動上市櫃(興櫃)公司以XBRL格式申報財務報告計畫，上市櫃(興櫃)公司得於99年5月底前以XBRL格式自願申報98年度及99年度第1季財務報告，預計上市櫃及興櫃公司於99年9月底前全面以XBRL格式公告申報99年半年度財務報告。

六、修正證券期貨業法令遵循單位應隸屬於總經理

依「證券暨期貨市場各服務事業建立內部控制制度處理準則」第27條規定，已上市、上櫃之證券商、專營期貨商、證券商兼營期貨業務者、專、兼營期貨信託事業、金融控股公司之證券子公司、期貨子公司與孫公司及證券子公司兼營期貨

業務者應設置隸屬於總經理之單位，負責法令遵循制度之規劃、管理與執行。依前開準則規定設置之法令遵循單位得免設專責獨立單位，惟仍應符合同條第 1 項規定，設置隸屬於總經理之單位。已設置之法令遵循單位如隸屬於董事會，應於前開準則發布後 6 個月內完成調整組織架構及修正內部控制制度。

七、強化期貨交易輔助人內部稽核之素質，修正「證券商經營期貨交易輔助業務管理規則」

為配合推動證券商經營期貨交易輔助業務者（下稱期貨交易輔助人）分支機構設置專任內部稽核或指派自行查核人員辦理自行查核作業之機制，及強化期貨交易輔助人內部稽核之素質，金管會於 99 年 5 月 3 日發布修正「證券商經營期貨交易輔助業務管理規則」部分條文，將自行查核人員納入期貨交易輔助人業務員範圍，並參酌期貨商負責人及業務員管理規則之規定修正期貨交易輔助人內部稽核人員之資格條件等相關規定。

八、開放證券商得接受委託人以定時不定額方式申購境外基金

考量境外基金投資人對境外基金申購有降低平均持有成本與分散投資風險之需求，爰依證券商受託買賣外國有價證券管理規則第十條第一項規定，金管會於 99 年 5 月 21 日發布開放證券商得接受委託人以定時不定額方式申購境外基金。

九、刪除期貨信託基金有關不得超過基金初始募集金額及修正全權委託其他專業機構運用期貨信託基金之比率

為使期貨信託基金委託專業機構操作之額度反映基金操作績效，並使期貨信託基金募集成立後，期貨信託事業可將投資人申購基金之資金投入於委外操作，金管會於 99 年 4 月 29 日發布修正「期貨信託事業全權委託其他專業機構運用期貨信託基金應注意事項」第三點，刪除有關不得超過基金初始募集金額及追加募集發行額度之百分之三十之規定，規範期貨信託事業全權委託其他專業機構運用期貨信託基金之比率，不得超過基金每日淨資產價值之百分之五十。

十、中華民國九十九年政府行政機關辦公日曆表請參考行政院人事行政局網站 <http://www.cpa.gov.tw/ct.asp?xItem=7243&CtNode=402&mp=1>

彙整九十九年非週六、日之假日（證券期貨市場休市日）及補行上班日如下：

日期	星期	節日名稱
一月一日	五	中華民國開國紀念日
二月六日	六	補行上班日
二月十日	三	最後交易日
二月十五日	一	春節初二

二月十六日	二	春節初三
二月十七日	三	補假
二月十八日	四	補假
二月十九日	五	調整放假日
二月二十二日	一	開始交易日
四月五日	一	清明節
六月十六日	三	端午節
九月二十二日	三	中秋節

十一、重大證券犯罪起訴及判決情形中英文資訊請參考**證券期貨局網站**

(http://www.sfb.gov.tw/MultiMedia_FileDownload.ashx?guid=78ee4e8a-c247-4c7e-baf3-a6b0d1a31741)

十二、有關我國金融競爭力相關資訊可參考本會**金融競爭力專區網站**

(http://www.fsc.gov.tw/Layout/main_en/ArtHtml_Show.aspx?ID=594624e4-0911-4394-9ea6-1c0432f08aa6&path=2927)

貳、重要指標

截至 2010 年 4 月底止，上市公司計有740家，較上月減少1家；資本額新臺幣58,345.9億元，較上月減少新臺幣36.5億元；上市市值新臺幣206,467.2億元，較上月增加新臺幣2,206.8億元。

上櫃公司計有550家，較上月增加1家；資本額新臺幣7,873.2億元，較上月增加新臺幣67.1億元；上櫃市值新臺幣19,412.2億元，較上月增加新臺幣582.1億元。

集中市場股票總成交值新臺幣25,692.6億元，較上月增加新臺幣2,438.6億元；成交量753.0億股，較上月增加80.6億股。外資總累積匯入淨額1,603.4億美元，較上月增加46.3億美元。

證券商計 127 家，期貨商計 20 家，投資信託公司計 39 家，投資顧問公司計 110 家。

參、交易人從事期貨交易相關措施請參考臺灣期貨交易所網站

<http://www.taifex.com.tw/chinese/home.htm>

肆、Q&A

一、不同 ID 之境外華僑及外國人得進行資產自由移轉

答：

- (一) 現行資產移轉，在不變更最終受益人原則下，得進行資產移轉，例如：
 1. 因基金或公司合併、分拆，或因組織內部調整、改變
 2. 基於信託契約關係而須資產移轉
 3. 因 ETF 實物申購/買回
 4. 取得法院之命令或判決
 5. 傘型基金旗下由主基金移轉至子基金
 6. 不違反場外交易規定之「其他」資產移轉
- (二) 同一 ID 之外資得開立多元帳戶，其資產亦得自由移轉而毋需透過買賣程序。

二、目前在台灣面臨的預繳款項問題

答：

- (一) 證券商對外資客戶要求資金提前到位之情形，並非法規強制規定，係證券商對部分客戶的風險控管方式，以避免事後申報客戶違約，且部分證券商資本較小恐無能力代辦交割，故有事先查詢款券動作，此行為本屬證券商之自行判斷與風險控管，惟該項行為被部分外資投資人指稱我國市場對外資要求資金提前到位之情形。另因外資客戶所持有之部位均非常龐大，若申報其違約交割將使其蒙受信用風險及資金調度困擾等效應，致有部分外資客戶會授權或指示證券商於下單前洽保管機構查詢款券部位是否足敷交割之服務。
- (二) 我國已於 2004 年 5 月份開放國內金融機構得對外國投資人辦理「日中墊款」，以協助解決外國投資人因為時差原因，而未能及時匯入資金進行交割之問題。
- (三) 我國證券市場於 2005 年 5 月 4 日公布「遲延交割」方案，允許外資投資人若遇特定情況如假日交錯、電信中斷、天然災害，得申報遲延交割至成交日後第三營業日下午六時；或證券商申報違約之最後期限延後為成交日後第三營業日。
- (四) 臺灣證券交易所另於 94 年 8 月 1 日修正該公司「營業細則」第 76 條，廢止投資人違約交割已結案未滿 3 年不得開戶買賣之規定。
- (五) 金管會分別於 95 年 6 月 20 日、9 月 13 日及 11 月 15 日開放境外華僑及外國人得因購買上市、櫃有價證券交割需求，向證券商、證券金融事業及國內金融機構辦理資金融通。
- (六) 金管會業自 98 年 2 月 2 日起開始實施 T+2 款券同步交割 (DVP) 制度。

三、外資申請投資證券之限額及持股比例

答：依「華僑及外國人投資證券管理辦法」，外國投資人將區分為境外自然人及境外機構投資人二類。金管會已於 97 年 10 月 20 日公告取消境外華僑及外國自然人投資國內證券之限額規定。至外資持股比例限制，目前僅少數特定產業依法律規定仍然對外資持股有上限限制。

四、 外資之投資範圍

答：外資投資台灣證券市場之投資範圍以下列為限：

- (一) 上市、上櫃公司及興櫃股票公司發行或私募之股票、債券換股權利證書及台灣存託憑證。
 - (二) 公募或私募證券投資信託基金或期貨信託基金受益憑證。
 - (三) 政府債券、金融債券、普通公司債、轉換公司債及附認股權公司債。
 - (四) 受託機構公開招募或私募受益證券、特殊目的公司公開招募或私募資產基礎證券。
 - (五) 認購(售)權證。
 - (六) 其他經證券主管機關核定之有價證券，如初次上市前承銷之認購(售)權證、公開招募或私募之不動產投資信託及資產信託受益證券、初次上櫃前承銷、現金增資承銷股票、國際金融組織來台發行之新臺幣債券、上市或上櫃公司發行之特別股及第一、第二上市(櫃)、興櫃公司發行之有價證券及外幣計價國際債券。
- 另，依規定期限內匯入資金尚未投資於國內證券之運用，(總額度上限不得超過其匯入資金之百分之三十，但投資買賣斷公債其剩餘年限逾一年者，不在此限)：
1. 投資於公債、貨幣市場工具、貨幣市場基金之總額度，併計從事店頭新臺幣利率衍生性商品、店頭股權衍生性商品及轉換公司債資產交換選擇權端交易所支付之新臺幣權利金、店頭結構型商品及交換結算差價淨支付金額。
 2. 投資於貨幣市場信用工具者，以距到期日九十天以內之票券為限。
 3. 店頭新臺幣利率衍生性商品包括新臺幣遠期利率協定、利率交換及利率選擇權；店頭股權衍生性商品包括以新臺幣或外幣計價涉及台股股權之選擇權及股權交換，暨以新臺幣或外幣計價涉及外國股權之選擇權及股權交換；店頭結構型商品包括以新臺幣或外幣計價連結國內、外股權與利率之商品。

五、 外資之本金、資本利得及其他投資收益之匯出規定

答：

- (一) 依規定，外資經許可投資國內證券，其投資本金及投資收益，得申請結匯。外資投資國內證券所得之收益申請結匯，其資本利得及股票股利部分以已實現者為限。
- (二) 外資投資本金及收益申請結匯，應依管理外匯條例(中央銀行法規)等有關規定辦理結匯。

- (三) 外資投資收益之結匯，應檢附經稽徵機關核准委託代理申報及繳納稅捐之證明文件，依管理外匯條例等有關規定辦理結匯。惟於證券交易所所得稅停徵期間，代理人或代表人檢附該管稽徵機關出具之完稅證明，依管理外匯條例等有關規定辦理結匯。
- (四) 外資向國內金融機構辦理新臺幣借款限供支付國內有價證券交割款項之用，不得申請結匯。

六、 上市、上櫃公司及興櫃股票公司海外員工出售配股是否需向何單位申請？國外員工出售配股後匯出時應提供何文件供銀行確認？

答：

- (一) 有關上市、上櫃公司及興櫃股票公司海外員工配股及出售配股事宜，無須向證券期貨局或經濟部投審會申請；上市公司部分，依「臺灣證券交易所股份有限公司營業細則」第 77 條第 1 項第 2 款規定，上櫃公司及興櫃股票公司部分，依「財團法人中華民國證券櫃檯買賣中心證券商營業處所買賣有價證券業務規則」第 46 條第 1 項第 2 款規定，檢具本人護照影本及相關文件向證券商開戶賣出股票。
- (二) 至於售出配股匯出及應檢附文件乙節，應依據中央銀行外匯局「銀行業輔導客戶申報外匯收支或交易應注意事項」第 5 點第 5 項規定，由上開公司填報申報書及出售股票清冊後辦理匯出出售公司股票價款。

七、 外資如何行使股東權利

答：

- (一) 境外外國機構投資人持有公開發行公司之股份者，其表決權之行使方式如下：
 1. 依公司法第 177 條之 1 規定以書面或電子方式行使；
 2. 指派符合「公開發行股票公司股務處理準則」第 3 條第 2 項規定條件之公司行使之；
 3. 指派國內代理人或代表人出席行使之；
 4. 由指定之國內代理人或代表人依境外外國機構投資人之授權，指派國內代理人或代表人以外之人出席行使之。
- (二) 境外外國機構投資人指派符合前項 2 之公司或 3、4 之人員出席股東會，均應於指派書上就各項議案行使表決權之指示予以明確載明。
- (三) 境外外國機構投資人不得將公司印發之委託書交付徵求人或受託代理人。

八、 外資投資貨幣市場工具之限制

答：政府開放外資投資國內證券市場是希望外資以投資集中交易市場證券為主，投資

於短期貨幣市場工具為短期資金調度需要（詳見第二題）。30%上限投資於短期貨幣市場工具應足以因應資金調度需要，故目前暫無提高30%上限的計畫。

九、 外資投資資料之揭露

答：個別外資投資之資料，係屬投資人之投資行為，金管會不對外揭露，但外資仍有申報之義務。

十、 外資投資當地股票有無閉鎖期之限制

答：現行規定，外資投資台灣證券市場，所持有股票之買賣並無須持有一定期限之限制。

十一、 場外交易

答：

- (一) 證交法第一五〇條規定，上市有價證券之買賣，應於證券交易所開設之有價證券集中交易市場為之。但該條文第四款亦授權主管機關得規範允許場外交易之例外情況，例如經濟部投審會依外國人投資條例核准讓售予其他外國人之外資亦可採場外交易。歷年來已有多家外資藉此管道投資台股。
- (二) 依現行規定，上櫃股票可進行場外交易，但經依華僑及外國人投資證券管理辦法核准或登記之華僑及外國人，其所買賣之上櫃股票為依法經各該目的事業主管機關訂有投資比例上限者，應透過櫃檯買賣中心之交易系統買賣。惟受此規範之上櫃股票為數甚少，大部分之上櫃股票，外資亦可與證券商以議價之方式進行交易。
- (三) 目前集中交易市場收盤後，尚提供鉅額配對、拍賣、標購等交易制度，其交易價格具有相當彈性，可滿足投資人之需求

十二、 我國鉅額交易制度之近期主要調整內容

答：為進一步強化鉅額交易功能，調整鉅額交易制度包括放寬買賣價格範圍由原來的3.5%調整為7%（與目前一般交易的範圍相同）、降低配對交易最低數額標準與逐筆交易相同及開放鉅額交易得借券賣出等三項措施，除開放鉅額交易得借券賣出措施於97年7月28日實施外，其餘二項措施已於97年5月12日實施。另為增加投資人交易時間，避免因交易時間不連續，可能錯失交易時間，並為讓更多投資人可利用鉅額交易進行股權轉讓，鉅額逐筆交易時間調整為09:00-17:00、鉅額配對交易時間調整為08:00-08:30及09:00-17:00，該措施自98年1月12日實施。

十三、 有關外資持股比例之限制

答：我國已於 89 年 12 月 30 日取消華僑及外國人對發行公司股票之整體暨個別投資比例限制，惟少數產業（例如郵政、電信、航運）基於民生、經濟、社會及文化政策考量，依其主管機關之法令仍存在對外資投資之比例限制。鑒於其他已開發國家亦有基於類似考量及政策需求，設定類似之限制，我國情形應符合已開發市場國家之標準。

十四、 零股交易

答：過去境外華僑及外國人僅得賣出、不得買入零股，為滿足外資各種交易及投資需求，本會已於 2005 年 7 月 22 日發函開放境外華僑及外國人得買賣零股股票。

十五、 推動富時專案情形

答：國際知名指數編製機構英國富時指數有限公司（FTSE）於 2004 年 9 月發布之「國家諮詢報告」，宣布將我國及南韓之證券市場由「已開發市場臨時觀察名單」提昇至「已開發市場觀察名單」，是以金管會於 2004 年 11 月組成專案小組，除就制度面進行檢討並陸續開放相關措施外，積極對外界進行宣導。

為持續吸引外資來台投資，金管會除簡化外資登記流程及資產移轉方式、放寬外資投資標的、及增加外資籌資及借券管道外，已進一步改善鉅額交易制度及於 98 年 2 月 2 日實施 T+2 日 DVP，俾與國際接軌。

為強化鉅額買賣功能，符合鉅額買賣投資人需求，金管會於 97 年 4 月 14 日實施調整鉅額交易制度，包括增加開盤前配對交易時間為上午 8:00 至 8:30 及調整鉅額交易申報買賣價格升降單位為 0.01 元等措施。

為進一步強化鉅額交易功能，調整鉅額交易制度包括放寬買賣價格範圍由原來的 3.5% 調整為 7%（與目前一般交易的範圍相同）、降低配對交易最低數額標準與逐筆交易相同及開放鉅額交易得借券賣出等三項措施，除開放鉅額交易得借券賣出措施於 97 年 7 月 28 日實施外，其餘二項措施則於 97 年 5 月 12 日實施。另為增加投資人交易時間，避免因交易時間不連續，可能錯失交易時間，並為讓更多投資人可利用鉅額交易進行股權轉讓，鉅額逐筆交易時間調整為 09:00-17:00、鉅額配對交易時間調整為 08:00-08:30 及 09:00-17:00，該措施自 98 年 1 月 12 日實施。

金管會同意開放臺灣證券交易所所報下列事項

（一）放寬借券交易限制

同意券商公會參酌國際交易實務並兼顧證券管理法令規定，訂定借券合約範本，無需再報本會核備。

（二）資產自由移轉機制

在不違反場外交易規定下，即可適用資產移轉，並取消相關文件須公證之規定。

十六、有關華僑及外國人投資上市（櫃）及興櫃公司單次投資取得投資事業 10%以上股權案件之受理單位

答：由於華僑及外國人投資上市（櫃）及興櫃公司已無匯款額度限制，經證券期貨局與經濟部投資審議委員會開會決議，自本（97）年 4 月 1 日起，取消現行僑外人投資上市（櫃）及興櫃公司單次投資金額達 5 千萬美元以上須向投審會提出申請之規定，改為華僑及外國人投資上市（櫃）及興櫃公司單次投資取得投資事業 10% 以上股權，須向投審會、各科學工業園區管理局或經濟部加工出口區管理處提出申請。

十七、境外華僑及外國人可否從事債券附賣回交易（RS）

答：從事債券附賣回交易（RS）涉及以債券作為擔保融資，與「華僑及外國人投資證券管理辦法」第 21 條第 3 款，境外華僑及外國人匯入投資資金投資國內證券不得提供擔保之規定不符，亦非屬上述管理辦法第 4 條第 2 項規定，境外華僑及外國人匯入資金之運用範圍。

十八、何者得免出具資金非來自大陸地區之聲明

答：基金型態之外國機構投資人免出具資金非來自大陸地區之聲明，至於非基金型態之外資於向臺灣證券交易所辦理登記時，仍須於登記表聲明擬匯入投資有價證券或從事期貨交易之資金非來自大陸地區。