

[Home](#) ▶ [News & announcements](#) ▶ [News](#) ▶ [All news](#)

## Bullion agents convicted of offering unauthorized gold scheme on Facebook

31 Jan 2013

The Eastern Magistrates Court today convicted two gold bullion agents, Mr Lai Ka Ki and Mr Lam Yiu Kwan, for issuing invitations to the public to participate in a collective investment scheme without first obtaining the authorization of the Securities and Futures Commission (SFC) (Note 1).

Acting Principal Magistrate Ms Bina Chainrai fined Lai and Lam \$3,000 each and ordered them to pay the SFC investigation costs after they pleaded guilty to the offence.

The Court heard that in September 2011, Lai and Lam posted a message on the webpage of their respective Facebook accounts, inviting people to participate in a scheme in which investors' funds would be pooled for the purpose of investing in gold. They also said at the time that the scheme promised no risk of loss.

Mr Mark Steward, SFC's Executive Director of Enforcement said, "A scheme that promises no risk of loss is too good to be true. The SFC detected this scheme very quickly after the invitation was posted and prevented any investors from losing money. Investors should ignore offers like this one."

End

Note:

1. Under section 103 of the Securities and Futures Ordinance, and subject to specified exemptions, it is an offence to issue advertisements, invitations or documents in relation to investments in a collective investment scheme without the authorization of the SFC.

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[主頁](#) ▶ [新聞稿及公布](#) ▶ [新聞稿](#) ▶ [執法消息](#)

## 黃金代理在Facebook發出未經認可黃金計劃邀請罪成

2013年1月31日

兩名黃金代理黎家奇（男）及林耀坤（男）在未獲證券及期貨事務監察委員會（證監會）認可下向公眾發出參與集體投資計劃的邀請，今天在東區裁判法院被裁定罪名成立（註1）。

黎及林均承認控罪，錢禮署任主任裁判官（Ms Bina Chainrai）判處二人各罰款3,000元，並命令他們向證監會繳付調查費用。

案情指，黎及林於2011年9月各自在其Facebook帳戶網頁上張貼一則訊息，邀請其他人參與一項計劃，藉此將投資者的資金匯集起來，用作投資黃金。二人當時均聲稱，該項計劃保證不會涉及任何虧蝕風險。

證監會法規執行部執行董事施衛民先生（Mr Mark Steward）表示：“那些保證不帶任何風險的計劃，均為言過其實。當涉案人士張貼有關邀請後，證監會迅即偵破該計劃，避免投資者蒙受金錢損失。投資者不應理會此類投資邀請。”

完

備註：

1. 根據《證券及期貨條例》第103條，除指明的豁免情況外，任何人如未獲證監會認可就某項集體投資計劃相關的投資發出廣告、邀請或文件，即屬違法。

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