

SFC Takes Action Against Unregistered Dealing

17 Jul 1997

The Securities and Futures Commission (SFC) announced that it had successfully prosecuted Ms Ng Tak Fun (Ng) on 15 July 1997 for acting as a dealer's representative of Yardley Securities Limited (Yardley) without being registered as such under the Securities Ordinance. The SFC also successfully prosecuted Mr Chan Kin Sun (Chan), managing director and dealing director of Yardley, for aiding and abetting Ng's unregistered dealing.

An investigation by the SFC found that, from 6 July 1994 to 31 December 1995, Ng performed the functions of a dealer's representative of Yardley by introducing clients to Yardley and receiving orders from such clients to buy or sell securities, making arrangements for execution of such orders, and confirming execution of such orders with the clients. Chan was responsible for recruiting Ng to perform such dealing functions during the period, knowing that she could not be granted a registration on account of her being an undischarged bankrupt.

Ng and Chan pleaded guilty before Ms Polly Lo at Western Magistracy, Ng to one summons in relation to a breach of Section 50 of the Securities Ordinance, which prohibits any person acting as a dealer's representative in Hong Kong unless he is registered under Part VI of this Ordinance, and Chan to aiding and abetting Ng. Ng and Chan were fined \$5,000 and \$35,000 respectively. They were also ordered to pay costs totalling \$17,316 to the SFC.

Page last updated : 1 Aug 2012

證監會對無牌證券交易活動採取行動

1997年7月17日

證券及期貨事務監察委員會（證監會）公布，該會在1997年7月15日成功檢控吳德芬（吳氏），指其未有根據《證券條例》註冊，但卻以溢利證券有限公司（溢利）的交易商代表的身分行事。此外，證監會亦成功檢控溢利的董事總經理兼交易董事陳建新（陳氏），指其協助及教唆吳氏無牌進行證券交易。

證監會的調查發現，由1994年7月6日至1995年12月31日期間（有關期間），吳氏執行溢利交易商代表的職能，負責轉介客戶予溢利及接收和安排執行客戶的證券買賣盤，以及向客戶覆盤。陳氏當時清楚知道，吳氏本身為未獲解除破產的人士，因而不能取得任何註冊資格。但是陳氏仍聘用吳氏，讓吳氏在有關期間執行上述的交易職能。

吳氏及陳氏在西區裁判法院向盧恆福裁判法官各自承認一項控罪。吳氏承認觸犯的控罪涉及《證券條例》第50條。根據該條規定，任何人士除非已根據該條例第VI部註冊為交易商代表，否則不得在香港以交易商代表的身分行事。陳氏則被控一項協助及教唆吳氏無牌進行證券交易的罪名。吳氏被判罰款5,000元，而陳氏則被判罰款35,000元。此外，吳氏及陳氏亦須向證監會支付合共17,316元的調查費用。

最後更新日期：2012年8月1日