

26 September 2011

Two people convicted of unlicensed activities

The Eastern Magistracy convicted Mr Law Look Tend and Mr Leung Bing Yiu of the offence of carrying on a business of advising on securities without a licence (Note 1). Law was also convicted of six other counts of issuing advertisements relating to a business of unlicensed advising on securities.

Law and Leung pleaded guilty to the summonses on 1 September 2011. Today they were fined a total of \$47,000 and ordered to pay investigation costs to the Securities and Futures Commission (SFC).

The court found that in January 2010, Law issued several advertisements in a newspaper promoting services of advising on securities, stating that subscribers who pay monthly fees of \$299 would receive daily messages via short messages services (SMS) containing instantaneous advice on securities and derivatives from Leung.

The court also found that between January and June 2010, Leung sent messages containing his advice on securities and derivatives to Law for onward transmission to the subscribers. Leung received \$5,000 monthly from Law's firm in return. Neither Leung nor Law were licensed to advise on securities.

In issuing the advertisements, Law had knowledge that Leung held himself out as being prepared to carry on a securities advisory business without a licence, in contravention of section 109 of the Securities and Futures Ordinance (SFO). Law, together with Leung, carried on a securities advisory business when not being licensed to do so, in contravention of section 114 of the SFO.

The SFC reminds investors to check the SFC's Public Register of Licensed Persons and Registered Institutions at www.sfc.hk to ensure that people who provide investment advice are licensed.

End

Note :

1. Leung is licensed to carry on Type 1 (dealing in securities) and Type 2 (dealing in futures contracts) accredited to Corporate Brokers Limited and Corporate Commodities Limited respectively since February 2004.

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兩名人士無牌進行受規管活動罪名成立

2011年9月26日

東區裁判法院裁定，羅樂天（男）及梁炳耀（男）未領有牌照而經營就證券提供意見的業務（註1），兩人罪名成立。此外，羅發出與未領有牌照而就證券提供意見的業務有關的廣告，被判六項罪名成立。

羅及梁於2011年9月1日承認控罪，今天被判罰款合共47,000元，並須向證券及期貨事務監察委員會（證監會）繳付調查費。

法院裁定，羅曾於2010年1月在某報章刊登多則廣告，推廣就證券提供意見的服務，並註明訂戶只要支付299元的月費，便可每日透過短訊服務收取梁即時就證券及衍生工具提供意見的短訊。

法院並裁定，梁曾於2010年1月至6月期間向羅發出載有梁對證券及衍生工具的意見的短訊，以安排將短訊傳送至訂戶。梁每月均從羅的公司收取5,000元作為回報。梁及羅均未領有就證券提供意見的牌照。

羅在發出廣告時知道，梁未領有就證券提供意見的牌照而在廣告中顯示自己準備經營這種業務，違反了《證券及期貨條例》第109條。此外，羅與梁未獲發牌而經營就證券提供意見的業務，違反了《證券及期貨條例》第114條。

證監會提醒投資者查閱在證監會網站（www.sfc.hk）登載的〈持牌人及註冊機構的公眾紀錄冊〉，確保向他們提供投資意見的人士均領有牌照。

完

備註：

1. 梁自2004年2月起獲發牌從事第1類（證券交易）及第2類（期貨合約交易）受規管活動，分別隸屬協聯證券有限公司及協聯期貨有限公司。

最後更新日期：2012年8月1日