

# SFC Takes Disciplinary Actions Against Prosperous Securities Limited, Miss Chan Man Ching and Mr Lee Po Wing

13 Sep 2001

The Securities and Futures Commission (SFC) announced today that it has reprimanded Prosperous Securities Limited (PSL), a dealer registered under the Securities Ordinance (SO), and its dealing director, Mr Lee Po Wing (Lee), also a registered dealer under the SO and suspended the registration of its managing director, Miss Chan Man Ching (Chan), a dealer's representative registered under the SO, for 1 week.

The actions taken followed inquiries into three incidents of misappropriation of clients' assets by employees of PSL that were reported to the SFC in December 1998, April 2000 and August 2000. The SFC found a number of inadequacies in PSL's organizational structure and reporting lines and account opening procedures as well as in its order handling, dealing and settlement procedures. The SFC also found that PSL's efforts during the period to remedy the inadequacies were ineffective.

Chan as the managing director of PSL and responsible for the overall control of PSL's business bears direct responsibility for the inadequacies identified. Lee as the sole dealing director at the time and part of the management of PSL also bears responsibility for the inadequacies identified.

In deciding on the appropriate penalties in this case, the SFC has taken into account that :-

- PSL had implemented the recommendations made by a firm of accountants appointed by them to review its operation;
- PSL strengthened its supervisory capabilities by the appointment of two additional dealing directors with specific responsibilities for compliance and dealing matters; and
- both Chan and Lee had fully co-operated with the SFC during its inquiry and had played an important role in the appointment of accountants and the implementation of the recommendations made.

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# 證監會對鴻利證券有限公司、陳文靜及李寶榮採取紀律處分行動

2001年9月13日

證券及期貨事務監察委員會（證監會）今天公布，本會已譴責根據《證券條例》註冊為交易商的鴻利證券有限公司（鴻利），及其交易董事李寶榮（李氏）（同樣根據《證券條例》註冊為交易商），以及暫時吊銷該公司的董事總經理陳文靜（陳氏）根據《證券條例》所獲得的交易商代表註冊，為期 1 個星期。

證監會曾分別於 1998 年 12 月、2000 年 4 月及 2000 年 8 月接獲有關鴻利的僱員擅自挪用客戶資產的舉報。上述的紀律處分行動便是源於證監會對有關事件進行的查訊。證監會發現鴻利的組織架構、匯報制度、開戶程序，以及其在處理買賣指示、進行交易和交收方面的程序均存在多項缺點。證監會又發現鴻利雖然曾在期間內就上述缺點採取補救措施，但效果並不顯著。

陳氏是鴻利的董事總經理，負責對鴻利的業務進行整體監控，因此須對有關缺點負上直接責任。李氏是當時的唯一交易董事，以及是鴻利管理層的成員之一，因而亦須對有關缺點承擔責任。

在就本個案的適當懲處作出決定時，證監會已考慮到以下因素：

- 鴻利已落實由該公司所委任的負責檢討其運作的會計師行所提出的建議；
- 鴻利已委任額外兩名交易董事，專責處理遵守法規和交易事宜，以加強其監督能力；及
- 陳氏和李氏在證監會的查訊期間通力合作，以及在委任會計師行和落實其提出的建議方面扮演著重要的角色。

最後更新日期：2012年8月1日