

SFC Suspends the Registration of Mr Tam Po Kwok

11 Jun 2002

The Securities and Futures Commission (SFC) announces today that it has suspended the registration of Mr Tam Po Kwok (Tam), a registered securities dealer's representative, for a period of 6 months pursuant to section 56(2) of the Securities Ordinance, for misconduct and because his fitness and properness has been impugned.

The suspension followed an investigation into the activities of Tam during 2000 in respect of his handling of a client account when he was a dealer's representative of Sincere Securities Limited. Tam had, during the SFC's investigation, produced a signed written authorization that authorized him to operate a client's account. The SFC found that the client had not granted any authorization to Tam despite the existence of the purported authorization. The client was led to believe by Tam that she had signed a receipt when in fact it was an authorization. Tam failed to disclose the true nature of the document to his client despite his duty as a fiduciary and agent.

Tam's actions in this matter were unethical and prejudicial to his client's interest and reflected on his honesty and integrity. The SFC considered that a period of suspension had to be imposed in those circumstances.

The SFC issued its decision to suspend Tam's registration in December 2001. However, Tam appealed against the decision. On 3 June 2002, shortly before the appeal hearing scheduled for 5 June 2002, Tam was allowed to formally withdraw his appeal by the Securities and Futures Appeals Panel. His suspension therefore took effect on 3 June 2002.

An SFC spokesman said registered persons owed a duty to clients to act in their best interests. That duty includes ensuring at all times that documentation provided to clients is fully explained to them and information given is accurate and not misleading. The SFC will not hesitate to take strong disciplinary action when breaches of this fundamental duty occur.

證監會暫時吊銷譚保國的註冊

2002年6月11日

證券及期貨事務監察委員會（證監會）今天公布，本會已暫時吊銷註冊證券交易商代表譚保國（譚氏）的註冊，為期**6**個月。證監會是基於譚氏的失當行為，及其適當人選資格受到質疑，因而根據《證券條例》第**56(2)**條作出以上決定。

上述暫時吊銷註冊的決定源自證監會一項調查。該項調查涉及譚氏在**2000**年於訊匯證券有限公司任職交易商代表期間，處理某客戶的帳戶時所進行的活動。在調查期間，譚氏向證監會提供一份某客戶授權譚氏操作其帳戶的已簽署書面授權文件。不過，即使存在該份聲稱是授權書的文件，但證監會發現有關客戶並沒有給予譚氏任何授權。該客戶是在譚氏的引導之下，相信其簽署的文件是一份收據，但有關文件實際上卻是一份授權書。譚氏未有履行其作為受信人及代理人的責任，向其客戶披露該文件的真實性質。

譚氏這樣的行為是不道德的，也損害其客戶的利益，使其誠信及品格受到質疑。因此，證監會認為有必要施以暫時吊銷牌照的處分。

證監會在**2001**年**12**月作出暫時吊銷譚氏的註冊的決定，但譚氏就該項決定提出上訴。有關上訴聆訊原定於**2002**年**6**月**5**日進行，而譚氏在**2002**年**6**月**3**日獲證券及期貨事務上訴委員會給予許可，正式撤回上訴。因此，關於暫時吊銷其註冊的決定由**2002**年**6**月**3**日起生效。

證監會發言人表示，註冊人對客戶負有責任，必須顧及客戶的最佳利益行事。此項責任包括確保在任何時候都要向客戶詳細解釋其所提供的文件，而且所有資料都是準確及不含誤導成分的。若任何註冊人違反這項重要責任，證監會將會毫不猶疑地採取嚴厲的紀律處分行動。

最後更新日期：2012年8月1日