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Trio Acquitted of Misleading SFC

30 Jan 2008

The Eastern Magistracy today acquitted Mr Hui Ngai Hon Edward, Mr Ho Tung Wan (formerly known as Ho Wai Chun) and Mr Lam Yiu Lun of three charges of misleading the SFC.

Today's acquittal by Magistrate Mr Joseph To Ho-shing followed an SFC investigation into a market manipulation case during which the three were alleged to have misled the SFC on a critical issue as to whether they knew each other.

In interviews with the SFC, Hui and Lam said they did not recognise Ho's name, and Ho said he did not recognise Lam's name. The SFC's allegations depended on the SFC's evidence from third parties including a statement from a travel agent, who said that Hui, Ho and Lam took holidays together.

The magistrate today ruled that there was insufficient evidence to prove that they had misled the SFC.

Mr To based his decision in part on his view that the SFC did not prove that the defendants knew one another's full Chinese names when they were shown to them by the SFC in the interview.

The SFC is reviewing the ruling.

Ends

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三名被告獲裁定誤導證監會罪名不成立

2008年1月30日

東區裁判法院今日裁定許巍瀚、何東叻（前稱何偉津）及林耀麟三項誤導證監會罪名不成立。

杜浩成裁判官今日作出無罪釋放的裁定，是關於證監會對一宗市場操縱案件的調查。在調查期間，三名被告涉嫌曾就他們是否互相認識一事，誤導證監會。

在接受證監會會見時，許及林表示他們不認得何的姓名，而何則表示他不認得林的姓名。證監會的指稱是倚賴來自第三方的證據，包括一名旅行社代理的口供，指許、何及林曾結伴旅行。

裁判官今日裁定並無足夠證據證明他們曾誤導證監會。

裁判官作出上述決定的部分原因，是因為他認為證監會未能證明各被告在會見期間，獲證監會向他們出示他們各人的中文全名時，是知道彼此的中文全名。

證監會正審閱該項裁定。

完

最後更新日期：2012年8月1日