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Court convicts Gold Root Global Investments Limited of unlicensed dealing

27 Oct 2016

The Eastern Magistrates' Court today convicted Gold Root Global Investments Limited (GRG Investments) of dealing in futures contracts through its website between March and April 2013 without a licence from the Securities and Futures Commission (SFC) (Note 1).

GRG Investments pleaded guilty and was fined \$10,000 and ordered to pay the SFC's investigation costs.

Dealing in futures contracts for others as a business needs a SFC licence, but GRG Investments never applied to the SFC for a licence.

The SFC is also prosecuting Mr Jacky Chan Cheuk Ki and Mr Chiang Ching Fung, respectively, the former Dealing Director and Chief Executive Officer of GRG Investments, for aiding, abetting, counselling, procuring or inducing or consenting to or conniving in the commission of GRG Investments' offence. They both pleaded not guilty (Notes 2 & 3).

The case of Chan and Chiang was adjourned to 8 December 2016 for a pre-trial review.

The SFC reminds investors not to deal with unlicensed firms or people in order to protect their own interests. Investors can visit the SFC website (www.sfc.hk) to check whether a firm or person is licensed.

End

Notes:

1. Dealing in futures contracts is a type of regulated activity under the Securities and Futures Ordinance (SFO). Under section 114(1)(a) of the SFO, it is an offence to carry on a business in a regulated activity without a licence from the SFC.
2. Chan and Chiang were prosecuted for the same offence committed by GRG Investments under sections 114 and 390 of the SFO.
3. Under section 390 of the SFO, if an offence under the SFO by a corporation is proved to have been aided, abetted, counselled, procured or induced by, or committed with the consent or connivance of, or attributable to any recklessness on the part of, any officer of the corporation, or any person who was purporting to act in any such capacity, that person, as well as the corporation, is guilty of the offence and is liable to be proceeded against and punished accordingly.

Page last updated : 27 Oct 2016

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法院裁定金建環球投資有限公司無牌交易罪名成立

2016年10月27日

金建環球投資有限公司（金建環球投資）因於2013年3月至4月期間，在未獲證券及期貨事務監察委員會（證監會）發牌的情況下透過其網站進行期貨合約交易，今天被東區裁判法院裁定罪名成立（註1）。

金建環球投資承認該項控罪，被罰款10,000元，並被命令繳付證監會的調查費用。

以業務形式替他人進行期貨合約交易須領有證監會牌照，但金建環球投資從未向證監會申請牌照。

證監會亦向金建環球投資的前交易董事陳卓基（男）及前行政總裁蔣正峰（男）提出檢控，指二人協助、教唆、慫使、促致、誘使、同意或縱容金建環球投資觸犯有關罪行。他們均不承認控罪（註2及3）。

陳及蔣的案件已押後至2016年12月8日進行審前覆核。

證監會提醒投資者不應與無牌機構或無牌人士進行交易，以保障他們本身的利益。投資者可瀏覽證監會網站（www.sfc.hk），查核個別機構或人士是否領有牌照。

完

備註：

1. 《證券及期貨條例》訂明，期貨合約交易屬受規管活動。根據該條例第114(1)(a)條，任何人在未領有證監會牌照下經營某類受規管活動的業務，即屬犯罪。
2. 根據《證券及期貨條例》第114及390條，陳及蔣被控以金建環球投資所犯的同一罪行。
3. 根據《證券及期貨條例》第390條，如任何法團所犯的該條例所訂罪行，經證明是在該法團的任何高級人員或看來是以該身分行事的人協助、教唆、慫使、促致或誘使下犯的，或是在該人的同意或縱容下犯的，或是可歸因於該人罔顧實情或罔顧後果的，則該人與該法團均屬犯該罪行，並可據此予以起訴和處罰。

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