

Court convicts licence applicant for providing SFC with false information

27 Jul 2017

The Eastern Magistrates' Court today convicted Ms Yan Ching Ching after she pleaded guilty to three counts of making false or misleading representations in support of her licence application to the Securities and Futures Commission (SFC).

Yan, among other things, failed to disclose her previous criminal convictions in her SFC licence application in 2015. She was fined \$15,000 and also ordered to pay the SFC's investigation costs (Note 1).

The SFC expects applicants to make complete, true and correct disclosure of all information required to be submitted with a licence application. Failure to do so might affect their fitness and properness to be licensed.

End

Note:

1. Under section 383 of the Securities and Futures Ordinance, a person commits an offence if he in a licensing application makes a representation that is false or misleading in a material particular and he knows that or is reckless about that.

Applicants are required to disclose prior criminal convictions, other than a minor traffic or littering offence, including those which the Rehabilitation of Offenders Ordinance applies to, whether they have been charged with an offence other than a minor traffic or littering offence, whether they have been investigated about offences involving fraud and dishonesty, and whether they have been subject to any order of the court or other competent authority for fraud, dishonesty or misfeasance.

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法院裁定牌照申請人向證監會提供虛假資料罪成

2017年7月27日

殷晴晴（女）為了支持其向證券及期貨事務監察委員會（證監會）提出的牌照申請而作出虛假或具誤導性的陳述，東區裁判法院今天在殷承認三項控罪後，裁定其罪名成立。

除其他事項外，殷於2015年在向證監會提交的牌照申請中，未有披露其刑事定罪紀錄。她被罰款15,000元，並被命令繳付證監會的調查費（註1）。

證監會要求申請人完整、真實和正確地披露所有須就牌照申請而提交的資料，否則他們作為持牌人的適當人選資格可能會受到影響。

完

備註：

1. 根據《證券及期貨條例》第383條，任何人如在牌照申請中作出明知在要項上屬虛假或具誤導性的陳述，或罔顧該陳述在要項上屬虛假或具誤導性，即屬犯罪。

申請人須披露除輕微交通或拋棄垃圾的罪行以外的刑事定罪紀錄（包括《罪犯自新條例》所適用的定罪）；是否曾被控以除輕微交通或拋棄垃圾的罪行以外的罪行；是否曾就涉及詐騙或不誠實行為的罪行而被調查；以及是否曾因欺詐、不誠實行為或不當行為而遭法院或其他主管當局頒令。

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