

SFC Suspends Sheung Chi Keung, Thomas for Turning a Blind Eye to Possibly Illegal Activities, Breaching the Know-Your-Client Rule and Other Failings

20 Apr 2006

The SFC has suspended Mr Sheung Chi Keung, Thomas for three and a half months from 30 March to 13 July 2006 for turning a blind eye to possibly illegal activities and other failings (Note 1).

The suspension follows an SFC investigation which revealed that between December 2000 and November 2001, Mr Anthony Chew Chun Ming, an ex-employee of Peace Town Gold & Silver Company Limited, had solicited clients to open accounts with Peace Town Forex Limited (PT Forex) to trade in leveraged foreign exchange contracts whilst not licensed. Chew received commission for handling these trades. The SFC successfully prosecuted Chew on 1 April 2003 (Note 2).

The SFC found that Sheung, a representative of PT Forex, was responsible for processing the account opening for a number of clients referred to him by Chew. Sheung failed to take reasonable steps to verify the identity of the new clients before opening an account for them. He did not meet with these clients in person nor did he explain the account opening documents to them as required by internal policy of PT Forex. Instead, Sheung signed as a witness to these clients' signatures on their account opening documents notwithstanding that he was not present at the time when they signed.

The SFC's investigation further revealed that Sheung had turned a blind eye to possibly unlicensed foreign exchange trading by Chew. Even though Sheung knew that Chew was unlicensed, he accepted the account opening forms from Chew for processing without queries. After the clients' accounts were opened, Sheung continued to accept the forms from Chew in relation to these clients for withdrawal of funds and change of correspondence address without making reasonable enquiries. In particular, Sheung had accepted a client's cash withdrawal form from Chew and passed it to the accounts department for processing without checking the signature of the client. After he had received the cheque from the accounts department, instead of giving it directly to the client, he passed it to Chew in the knowledge that there was no written authorisation granted to Chew by the client to handle matters relating to the client's account.

Moreover, the SFC found that Sheung had conducted discretionary trades in two of his clients' accounts without written authorisation in breach of the Code of Conduct and the condition imposed on his licence. Further, Sheung had used his mobile phone to take clients' instructions in breach of the employer's internal policy.

In light of the above findings, the SFC concludes that the fitness and properness of Sheung has been called into question and decides to suspend Sheung for three and a half months. Sheung received a shorter suspension than the SFC originally intended to impose because he admitted his wrongdoing and co-operated with the SFC.

Mr Alan Linning, SFC's Executive Director of Enforcement, said: "A licensed person is not only accountable to their employer, but should also act with due skill, care and diligence in the best interests of the clients and the integrity of the market. Signing account opening documents without knowing the clients, turning a blind eye to suspicious illegal activities and conducting discretionary trades in breach of the conditions on SFC licence are acts that call into question a licensee's ability to perform efficiently and fairly. A suspension is warranted in this case."

Ends

Notes:

1. Sheung is licensed under the Securities and Futures Ordinance to carry on Type 3 (leveraged foreign exchange trading) regulated activity. He is a representative accredited to Peace Town Forex.
2. Please see [SFC press release dated 1 April 2003](#) for details.

主頁 ▶ 新聞稿及公布 ▶ 新聞稿 ▶ 執法消息

證監會暫時吊銷商志強的牌照 指其對可能違法活動視而不見、違反認識你的客戶規則 及犯有其他缺失

2006年4月20日

證監會已暫時吊銷商志強(男)的牌照，為其三個半月，由2006年3月30日至7月13日止，原因是商對可能違法活動視而不見及犯有其他缺失(註1)。

該項暫時吊銷牌照決定源自證監會的調查，當中證監會發現在2000年12月至2001年11月期間，平和金銀有限公司的前僱員趙俊名(男)曾在未獲發牌的情況下，招攬客戶在平和外匯有限公司(平和外匯)開立買賣槓桿式外匯合約的帳戶，而趙從處理該等交易中收取佣金。證監會在2003年4月1日成功檢控趙(註2)。

證監會發現，商當時身為平和外匯的代表，負責為不少由趙轉介的客戶處理開戶事宜。商在為該批新客戶開戶之前，沒有採取合理的步驟核實其身分。商沒有按平和外匯的內部政策的規定親自會見該批客戶，亦沒有向他們講解開戶文件。相反，儘管商在該等客戶簽署開戶文件時並不在場，他卻以該等客戶簽署的見證人身分在有關開戶文件上簽署。

我們的調查進一步發現，商對趙進行的可能屬無牌外匯交易視而不見。即使商明知趙是無牌人士，但商卻未經查詢便接納趙交予他處理的開戶文件。在該等客戶開戶後，商繼續在未有合理查詢的情況下，接納趙所提供涉及該等客戶就提取款項及更改通訊地址而提交的表格。特別是，商曾經從趙接獲一名客戶的現金提款表格，未經查核該客戶的簽署便交予會計部處理。商在接獲來自會計部門的支票後並無直接交予有關客戶，反而將支票交予趙，而商當時明知有關客戶先前並無書面授權趙處理涉及該客戶帳戶的事宜。

此外，證監會發現商曾經無書面授權而在其兩名客戶的帳戶內進行全權委託交易，因而違反《操守準則》的規定及就其牌照所施加的條件。再者，商亦曾以手提電話接收客戶指示，因而違反僱主的內部政策。

根據以上的調查結果，證監會經仔細研究後認為商的適當人選資格已受到質疑，因而決定暫時吊銷商的牌照三個半月。商被暫時吊銷牌照的期間，較證監會原先擬施加的為短，這是因為商承認過失且與證監會合作。

證監會法規執行部執行董事李顯能先生(Mr Alan Linning)表示：“持牌人不但要向僱主負責，而且應以適當的技能、小心審慎和勤勉盡責的態度行事，以維護客戶的最佳利益及確保市場廉潔穩健。在不認識客戶的情況下簽署開戶文件、對可疑交易視而不見及進行全權委託交易因而違反證監會牌照附載條件的行為，令人懷疑持牌人能否以有效率及公平的方式履行職責。就本個案而言，暫時吊銷牌照的決定是有充分理據支持的。”

完

備註：

1. 商根據《證券及期貨條例》獲發牌進行第3類(槓桿式外匯交易)受規管活動。商是隸屬平和外匯的代表。
2. 詳情請參閱證監會在2003年4月1日發出的新聞稿。

最後更新日期：2012年8月1日