

SFC Reprimands and Fines Wong Ding Pong Allan and Yau Man Yuk Jabriel

13 Aug 2007

The SFC has issued reprimands to Mr Wong Ding Pong Allan, a responsible officer of South China Securities Limited, and to Ms Yau Man Yuk Jabriel, a former financial controller of South China and fined them \$65,000 and \$93,000 respectively (Notes 1 and 2).

An SFC investigation that followed an inspection of South China found that the company:

- failed to maintain the required liquid capital on various dates between May 2002 to October 2003 in breach of the Financial Resources Rules under the Securities Ordinance and the Securities and Futures (Financial Resources) Rules (collectively FRR);
- failed to segregate clients' monies fully in accordance with the Securities and Futures (Client Money) Rules (CMR); and
- did not have in place adequate internal controls to ensure compliance with applicable laws and regulations.

The SFC considers it is appropriate to sanction both Wong, a responsible officer of South China, and Yau who was the financial controller of South China and part of South China's senior management.

As a responsible officer, Wong signed most of the FRR returns. He acknowledged it was his responsibility to supervise FRR compliance. Yau, on the other hand, as financial controller, had a role in ensuring South China complied with the FRR and CMR. More importantly she arranged fund transfers that in fact caused South China's liquid capital deficiencies.

The SFC is especially concerned about the FRR breaches which occurred over 17 months. The extended period of default was an aggravating feature of this case. Nevertheless, the SFC took into account that South China had engaged an expert to review its compliance processes with both FRR and CMR compliance and Wong's co-operation in determining the amount of the fine.

Mr Mark Steward, SFC's Executive Director of Enforcement, said: "These rules are part of the regulatory framework designed to safeguard the interests of investors and the market. They are not technical requirements. The SFC will continue to take action to address failings of this kind and drive home to firms the message that these rules are important and cannot be ignored or avoided." (Note 3)

Ends

Notes:

1. Wong is licensed under the Securities and Futures Ordinance to carry on Type 1 (dealing in securities) and Type 2 (dealing in futures contracts) regulated activities.
2. Yau is unlicensed. She was a person involved in the management under the Securities and Futures Ordinance, and no longer works for South China.
3. The Securities and Futures Appeals Tribunal recently emphasised the importance of FRR in reviewing an SFC's decision to fine a firm and a responsible officer for FRR breaches. Please see [SFC press release](#) dated 16 April 2007 for details.

證監會譴責黃定邦及邱文玉並向其施加罰款

2007年8月13日

證監會譴責南華證券投資有限公司一名負責人員黃定邦(男)及南華證券前財務總監邱文玉(女)，並分別向他們施加罰款65,000元及93,000元(註1及2)。

證監會在視察南華證券後展開調查，當中發現該公司：

- 在2002年5月至2003年10月期間多個不同的日子，未能維持規定的速動資金，違反《證券條例》之下的《財政資源規則》及《證券及期貨(財政資源)規則》(統稱《財政資源規則》)；
- 未有按照《證券及期貨(客戶款項)規則》(《客戶款項規則》)的規定將客戶的資金完全分開存放；及
- 沒有採取充足的內部監控措施以確保符合適用的法例及規例。

證監會認為，鑑於黃是南華證券其中一名負責人員，而邱曾任南華證券財務總監，屬該公司高級管理層其中一員，因此向二人作出譴責是適當的做法。

黃作為其中一名負責人員，大部分《財政資源規則》報表均由他簽署。他承認他有責任監督其公司有否遵守《財政資源規則》。另一方面，邱身為財務總監，須負責確保南華證券符合《財政資源規則》和《客戶款項規則》的規定。更重要的是，實際上導致南華證券出現速動資金不足的資金調動便是由她所安排的。

證監會尤其關注到該公司在長達17個多月的期間內違反《財政資源規則》。持續長時間違反有關規定的情況，加重了此個案的嚴重性。然而，證監會在釐定罰款額時，已考慮到南華證券委聘了專家檢討其有關《財政資源規則》及《客戶款項規則》的合規程序，而且黃亦表現合作。

證監會法規執行部執行董事施衛民先生(Mr Mark Steward)表示："這些規則是為保障投資者和市場的利益而設的監管架構的一部分，並非技術性的要求。證監會將繼續就此類缺失採取行動，並向商號闡明這些重要的規則是不可忽視或規避的。"(註3)

完

備註：

1. 黃根據《證券及期貨條例》獲發牌從事第1類(證券交易)及第2類(期貨合約交易)受規管活動。
2. 邱並非持牌人士。她過去曾根據《證券及期貨條例》參與南華證券的管理，而目前已不再受僱於該公司。
3. 證券及期貨事務上訴審裁處最近在覆核證監會向某違反《財政資源規則》的商號及有關負責人員施加罰款的決定時，便曾強調《財政資源規則》的重要性。詳情請參閱證監會在2007年4月16日發出的新聞稿。

最後更新日期：2012年8月1日