

SFC Successfully Prosecutes Christopher Marshall, Bryan Kelly, Annette Michelle Houlihan and Daryl Paul Evans For the Issue of Unauthorised Promotional Materials in Relation to Investment Arrangements

14 Sep 1999

The Securities and Futures Commission (SFC) announced that on 13 September 1999 it had successfully prosecuted Christopher Marshall (Marshall), Bryan Kelly (Kelly), Annette Michelle Houlihan (Houlihan), and Daryl Paul Evans (Evans), who are presently or were previously employed by TMT Financial Services Limited, for the unauthorised issue of promotional documents in relation to certain investment arrangements which invited members of the public to subscribe for unit-linked insurance policies offered by a scheme provider and which guaranteed returns.

Marshall and Kelly were fined a total of \$7,000 by Mr. H. P. Chau at Western Magistracy in relation to four summonses for breaching Section 4 of the Protection of Investors Ordinance (PIO). Houlihan and Evans were fined a total of \$6,000 in relation to two summonses for breaching the same section. Section 4 of the PIO prohibits any person from issuing an advertisement inviting the public to participate in an investment arrangement unless previously authorised by the SFC. The four defendants were ordered to pay costs totalling \$1,500 to the SFC.

An investigation launched by the SFC found that the above four defendants had distributed flyers that invited members of the public to participate in certain investment arrangements. They had placed the flyers in letterboxes of the residents in the Discovery Bay area and had also faxed the information to potential clients. Marshall and Kelly had additionally distributed the promotional materials to SFC officers responding to the flyers campaign. These flyers and promotional materials had not been authorised by the SFC.

Page last updated : 1 Aug 2012

證監會成功檢控 Christopher Marshall、Bryan Kelly、Annette Michelle Houlihan 及 Daryl Paul Evans 指其發出關於投資安排的未經認可的宣傳資料

1999年9月14日

證券及期貨事務監察委員會（證監會）公布，本會在1999年9月13日成功檢控 Christopher Marshall（Marshall）、Bryan Kelly（Kelly）、Annette Michelle Houlihan（Houlihan）及 Daryl Paul Evans（Evans）（上述各人均為 TMT Financial Services Limited 的現任或前任僱員），指其未經認可而發出關於某些投資安排的宣傳推廣文件。該等投資安排邀請公眾投購由一家保險計劃供應商提供的與單位信託有關的保險計劃，而該等計劃同時就其投資回報給予保證。

Marshall 及 Kelly 在西區裁判法院被周慶澎裁判官就兩人違反《保障投資者條例》（該條例）第4條的4項控罪，判處罰款合共7,000元。Houlihan 及 Evans 則就兩人違反該條例同一條款的2項控罪，被判處罰款合共6,000元。該條例第4條規定，除非有關廣告事前已獲得證監會的認可，否則任何人不得發出廣告邀請公眾參與一項投資安排。上述4名被告亦被命令須向證監會支付調查費用合共1,500元。

證監會進行的調查發現，上述4名被告曾派發邀請公眾參與某些投資安排的宣傳單張。該4名被告將上述單張放置入愉景灣一帶的住戶的信箱內，並將有關資料傳真予可能有意參與有關計劃的人士。此外，當證監會人員調查上述透過派發單張而進行的宣傳活動時，Marshall 及 Kelly 更將有關宣傳資料派發予該等證監會人員。上述單張及宣傳資料事先均未獲證監會認可。

最後更新日期：2012年8月1日