

Joint Press Release by Securities and Futures Commission and the Stock Exchange of Hong Kong Limited - Action Against Hing Shing Investments Company

6 May 1999

The Securities and Futures Commission ("SFC") and The Stock Exchange of Hong Kong Limited ("the Exchange") jointly announce today that they have taken action against Ms Wong Yuen Fong ("Ms Wong") trading as Hing Shing, a Securities Dealer and a Member of the Exchange, and against Mr Ho Chung Shing, Tommy ("Mr Ho") and Ms Ho Kar Mei, Nancy ("Ms Ho"), dealer's representatives of Hing Shing and registered persons of the Exchange.

The action arose in August 1997 when Mr Kwan Chun Hung ("Mr Kwan"), manager of Hing Shing's Kwun Tong branch office, misappropriated funds and shares of clients of the Kwun Tong branch. The majority of these clients were cash clients. Mr Kwan's registration as a dealer's representative of Hing Shing was revoked by the SFC on 30 October 1997. The SFC also initiated an inquiry of Hing Shing's Kwun Tong branch operation from October 1995 to August 1997 which revealed that Hing Shing was deficient in developing and implementing adequate management, supervision and control over its Kwun Tong branch operation.

Ms Wong, being the sole proprietor and dealer of Hing Shing, had delegated her responsibilities for the securities business of Hing Shing to Mr Ho and Ms Ho.

Mr Ho was ultimately responsible for all cash clients and the securities business of Hing Shing and did not adequately supervise Hing Shing's securities business to the extent of preventing Hing Shing from possible theft or fraud by its employee, namely Mr Kwan.

Ms Ho was responsible for Hing Shing's settlement matters and had contributed, but to a lesser extent than Mr Ho, to the incident as mentioned above.

As a result of the above findings, the SFC has decided to publicly reprimand Ms Wong and Ms Ho and to suspend the registration of Mr Ho for six months. In addition, the Disciplinary Committee of the Exchange ("the Disciplinary Committee") has decided to publicly censure Ms Wong, Mr Ho and Ms Ho, and also fine Ms Wong HK\$40,000 and each of Mr Ho and Ms Ho HK\$25,000.

In deciding on this course of action, the SFC and the Disciplinary Committee took into account that:

- Ms Wong has undertaken to the SFC to voluntarily surrender her registration as a Securities Dealer.
- Hing Shing has incorporated as a limited company and has registered with the Exchange as a Corporate Member.
- Hing Shing has appointed an independent Dealing Director to be responsible for the day to day operation and management of its business.
- Hing Shing has engaged an independent firm of accountants to perform a review of its internal control procedures and to report the findings to the Exchange and has agreed to implement any recommendations made in the accountants' report to the satisfaction of the Exchange.
- All the employees of Hing Shing are co-operative in the SFC's and the Exchange's investigation.

Page last updated : 1 Aug 2012

證券及期貨事務監察委員會及香港聯合交易所聯合新聞稿 - 證監會及聯交所對興盛證券公司採取紀律行動

1999年5月6日

證券及期貨事務監察委員會（證監會）及香港聯合交易所（聯交所）今天聯合公布，已對經營興盛的註冊證券交易商及聯交所會員黃婉芳女士（黃女士），以及興盛的交易商代表及聯交所註冊人士何宗盛先生（何氏）及何嘉美女士（何女士）採取紀律行動。

此項行動源自1997年8月，興盛觀塘分行經理關鎮雄先生（關氏）挪用觀塘分行客戶的款項及股票。有關客戶大部份為現金客戶。證監會已於1997年10月30日撤銷關氏作為興盛的交易商代表的註冊。證監會亦對興盛觀塘分行在1995年10月至1997年8月期間的運作進行調查，發現興盛未有在其觀塘分行設立及實施足夠的管理、監督及監管。

身為興盛的獨資經營人及交易商的黃女士，已將其管理興盛證券業務的職責交予何氏及何女士。

何氏全權負責處理興盛所有現金客戶及興盛的證券業務，但何氏並未充份監督興盛的證券業務，因而未能避免興盛的僱員關氏作出盜竊或詐騙的行為。

何女士負責興盛的交收事宜，須對上述事件負責，但責任較何氏輕。

基於上述調查結果，證監會決定公開譴責黃女士及何女士，以及吊銷何氏的註冊6個月。同時，聯交所紀律委員會（紀律委員會）亦決定公開譴責黃女士、何氏及何女士，並向黃女士罰款港幣40,000元，以及向何氏及何女士各罰款港幣25,000元。

證監會及紀律委員會在決定採取紀律行動時，曾考慮下列各點：

- 黃氏已向證監會承諾，表示會自願撤回其證券交易商的註冊。
- 興盛成立為有限公司，並在聯交所註冊為公司會員。
- 興盛委任一名獨立的交易董事，負責興盛的日常運作及管理事宜。
- 興盛已委任一所獨立的會計師事務所檢討其內部監管程序及將檢討結果向聯交所報告。興盛已同意實施有關會計師報告內所提出的任何建議，以達致聯交所滿意的水平。
- 所有興盛的僱員在證監會及聯交所調查期間，均充份合作。

最後更新日期：2012年8月1日