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## SFC Prosecutes Mr Ho To Yan for Contravening the Commodity Trading Ordinance and the Protection of Investors Ordinance

26 Feb 2002

The SFC announced today that it had successfully prosecuted Mr Ho To Yan (Ho) for contravening the Commodity Trading Ordinance and the Protection of Investors Ordinance.

Between 5 February and 26 February 2001 Ho, on several occasions, placed an advertisement in a local Chinese newspaper offering to give investment advice on trading Hang Seng Index futures contracts for remuneration. Ho had not been registered with the SFC as a commodity trading advisor. By offering to give such investment advice whilst unregistered, he was in breach of the Commodity Trading Ordinance.

In the advertisement, Ho also guaranteed potential clients a monthly profit of 5-10% from such investment. As the issue of any advertisement containing an invitation to the public to enter into an agreement for the purpose of securing a profit by reference to fluctuations in Hang Seng Index futures requires to be authorized by the SFC, Ho was also in breach of the Protection of Investors Ordinance.

Ho pleaded guilty to 9 summonses before Ms Polly Lo at Western Magistracy. He was fined a total of HK\$22,500 and ordered to pay investigation costs of HK\$6,000 to the SFC.

An SFC spokesman said, "investors should view with caution any advertisements for such services placed by individuals and they can ascertain whether an investment advisor is registered with the SFC by visiting the Public Register section on the SFC's website."

Page last updated : 1 Aug 2012

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## 證監會檢控何道因，指其違反《商品交易條例》及《保障投資者條例》

2002年2月26日

證監會今天公布，本會成功檢控何道因 (何氏)，指其違反《商品交易條例》及《保障投資者條例》。

在2001年2月5日至2月26期間，何氏先後數次在本地中文報章刊登廣告，提出可以就恒生指數期貨合約的買賣給予投資意見，並會就此而收取報酬。由於何氏在沒有註冊為證監會的商品交易顧問的情況下，提出給予該等投資意見，因而違反《商品交易條例》。

何氏亦在廣告中向準客戶保證可以從有關的投資獲得每月5-10%的利潤。由於發出任何廣告，邀請公眾訂立以跟據恒生指數期貨價格升跌來賺取利潤為目的之協議，均須獲得證監會的認可，何氏因而違反了《保障投資者條例》。

何氏在西區裁判法院向盧恒福裁判官承認9項控罪，被判處罰款22,500元及被下令須向證監會支付調查費用6,000元。

證監會發言人說："投資者應該小心看待由個別人士就該等服務而刊登的廣告。他們可以到證監會網站的"註冊記錄"欄，查核某投資顧問是否已獲得證監會註冊。"

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