Former responsible officer convicted and fined for illegal short selling

9 Jun 2017

The Eastern Magistrates' Court has convicted Mr Sammy Shiu Kin Keung after he pleaded guilty to illegal short selling in the shares of Share Economy Group Limited (formerly known as Vitop Bioenergy Holdings Limited) , Global Tech (Holdings) Limited and China Ocean Industry Group Limited (formerly known as China Ocean Shipbuilding Industry Group Limited) on 14 occasions.

Shiu was fined a total of $35,000 and was ordered to pay the Securities and Futures Commission's (SFC) investigation costs.

In April and May 2014, Shiu placed orders to sell shares of the three companies through his personal trading account at China Rise Securities Asset Management Company Limited when he did not have sufficient quantities of the shares to sell. Shiu later bought back shares to cover some of his short sales and in doing so, made a profit of approximately $22,500.

By short selling the shares, Shiu was in contravention of section 170 of the Securities and Futures Ordinance (SFO) (Note 2).

End

Notes:

1. During the material times, Shiu was the chief executive officer and a responsible officer of China Rise Securities Asset Management Company Limited. Shiu currently does not hold a licence with the SFC.
2. Section 170(1) of the SFO prohibits the sale of securities when the person does not have a presently exercisable and unconditional right to sell them.

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前負責人員非法賣空罪成及被判罰款

2017年6月9日

東區裁判法院裁定蕭健強（男）非法賣空的罪名成立。蕭早前承認曾14次非法賣空共享經濟集團有限公司（前稱天年生物控股有限公司）、耀科國際（控股）有限公司及中海重工集團有限公司（前稱中海船舶重工集團有限公司）的股份。

蕭被判處罰款共35,000元，並被命令支付證券及期貨事務監察委員會（證監會）的調查費用。

蕭於2014年4月及5月透過其在華晉證券資產管理有限公司的個人交易帳戶發出指令以出售上述三家公司的股份，而他當時並無足夠數量的股份可供出售。蕭隨後購回股份，為他的部分賣空交易平倉，並從中賺取了約22,500元的利潤。

蕭因賣空股份而違反了《證券及期貨條例》第170條的規定（註2）。

完

備註：

1. 在關鍵時間，蕭是華晉證券資產管理有限公司的行政總裁兼負責人員。他目前並無持有證監會的牌照。
2. 《證券及期貨條例》第170(1)條禁止任何人在沒有一項即時可行使而不附有條件的權利以將有關證券售賣的情況下，售賣該等證券。

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