

Court convicts and fines Brilliance Capital Management Limited and its director for unlicensed activities

24 Jul 2020

The Eastern Magistrates' Court today convicted Brilliance Capital Management Limited (BCML) and its director Mr Law Sai Hung in a prosecution brought by the Securities and Futures Commission (SFC) for holding out as carrying on a business in advising on corporate finance without an SFC licence (Notes 1, 2 & 3).

They were fined a total of \$30,000 and ordered to pay the SFC's investigation costs.

The Court found on or around 8 January 2013 BCML held itself out to a company as carrying on a business in advising on corporate finance, namely advising on listing application, by entering into an Advisor Engagement Agreement whilst unlicensed.

The Court also found Law, in his capacity as an officer of BCML, aided, abetted, counselled, procured, induced BCML to hold itself out to a company as carrying on a business in advising on corporate finance or that the offence by BCML was committed with the consent, connivance of or was attributable to the recklessness of Law (Note 3).

The SFC reminds investors to check the SFC's Public Register of Licensed Persons and Registered Institutions on the SFC's website (www.sfc.hk) to ensure that people who provide advice on regulated activities are properly licensed.

End

Notes:

1. BCML is a Hong Kong incorporated company and its company registration number is 1456339.
2. Please see the SFC's press release dated [18 Jul 2019](#).
3. Under Schedule 5 of the Securities and Futures Ordinance (SFO), "advising on corporate finance" is a type of regulated activity under the SFO. Under section 114(1)(b) of the SFO, it is an offence to hold out as carrying on a business in a regulated activity without a licence from the SFC.
4. Under section 390 of the SFO, where the commission of an offence under the SFO

by a corporation is proved to have been aided, abetted, counselled, procured or induced by, or committed with the consent or connivance of, or attributable to any recklessness on the part of, any officer of the corporation, or any person who was purporting to act in any such capacity, that person, as well as the corporation, is guilty of the offence and is liable to be proceeded against and punished accordingly.

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