

## SFC Investigations and Enforcement Powers under the SFO

*Presenter:*

**Mark Johnson**, Partner, Debevoise & Plimpton

### Course Details:

<b>Date:</b>	9 November 2018, Friday	<b>Language:</b>	English	<b>CPD Law Points:</b>	3.0
<b>Time:</b>	9:30 am – 12:45 pm	<b>Level:</b>	Standard <sup>3</sup>	<b>CPD BC Law Points:</b>	3.0
<b>Venue:</b>	Room 201, 2/F Prosperous Building 48-52 Des Voeux Road Central Hong Kong	<b>Fee:</b>	HK\$2,200 / HK\$1,980 (for online registration)*	<b>CPT Hours<sup>1</sup>:</b>	3.0
				<b>CFA CE Credits<sup>2</sup>:</b>	3.0
				<b>ICA CPD Hours:</b>	3.0

This course will review the SFC's investigation and enforcement powers for misconducts or offences which may be committed by directors or officers of listed companies, and will also examine SFC's co-ordination with other enforcement bodies to penalize these persons. This course will also provide a comprehensive overview and practical guidance to the investigation and enforcement powers of the SFC.

### Highlights of the course include:

- Overview of the SFC's power of investigation and enforcement under the SFO
  - Introduction to the SFO
  - Areas of investigation by the SFC
    - Common types of corporate misconduct
  - Investigations by the SFC
    - Market misconduct offences under the SFO
  - The SFC's investigative powers
    - Power to require production of records and documents concerning listed corporations
    - Supervision of intermediaries and their associated entities
    - Investigations
    - Conduct of investigations
    - Preservation of secrecy
  - Co-operation with other enforcement agencies
    - Key areas of investigation
    - Areas of cooperation with the SFC
- The SFC's disciplinary regime and proceedings
  - Disciplinary regime
  - Civil proceedings
  - Criminal proceedings
- How to handle an SFC investigation:
  - Magistrate's warrants
  - Main objective when dealing with an SFC investigation
  - Power to require attendance at interview
  - Quick facts about SFC interviews
  - SFC investigations
  - Important points to note
  - Restrictive notices
- Considerations and factors in bringing judicial proceedings
  - MMT civil proceedings vs. criminal proceedings
- Challenging decisions: appeal procedures
  - The Securities and Futures Appeals Tribunal
- Case studies
- Recap and practical tips

**Note 1 – CPT Requirements:** Our courses can fulfil CPT requirements. The Securities & Futures Commission has advised that although formal endorsement will not be given for the training we provide, it does not mean that the training programmes we organize do not meet the CPT purpose. Registrants should note that your employer, as **the corporate licensee** of your SFC registration, **is responsible for determining** whether our courses or any training course satisfy CPT requirements i.e. **that the training you receive are of appropriate standard and relevance to your maintaining and enhancing the technical knowledge and professional expertise**. Please check with your employer before registering for our courses. C&S does not warrant that the attendance of our courses would automatically be recognized by the SFC as fulfilling your CPT requirements.

**Note 2 – C&S** is registered with CFA Institute as an Approved Provider of continuing education programs. This program is eligible for 3.0 CE credit hours, as granted by CFA Institute. If you are a CFA Institute member and would like to receive CE credit for your attendance at the approved program(s), please provide your name, CFA Institute member number and e-mail address.

**Note 3 – Standard:** for those who have basic knowledge of the topic.

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## Registration Form

### Course Details:

**Course Name:** SFC Investigations and Enforcement Powers under the SFO

**Course Code:** CPD1802058

### Participant(s) Details:

Firm / Company: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Nature of Business: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_

*Please make additional copies, if necessary:*

Name of Attendee 1: Dr. / Mr. / Mrs. / Ms.

*(as on practicing certificate or registration of trainee solicitor contract)*

Job Title: \_\_\_\_\_ E-mail: \_\_\_\_\_

Solicitor No. / CFA Member No.: \_\_\_\_\_ Place & Year of Admission: \_\_\_\_\_

CPD Law Pts required  CPT Hours required  CE CFA  Others: \_\_\_\_\_

Certificate required:  Yes  No

Name of Attendee 2: Dr. / Mr. / Mrs. / Ms.

*(as on practicing certificate or registration of trainee solicitor contract)*

Job Title: \_\_\_\_\_ E-mail: \_\_\_\_\_

Solicitor No. / CFA Member No.: \_\_\_\_\_ Place & Year of Admission: \_\_\_\_\_

CPD Law Pts required  CPT Hours required  CE CFA  Others: \_\_\_\_\_

Certificate required:  Yes  No

Name of Attendee 3: Dr. / Mr. / Mrs. / Ms.

*(as on practicing certificate or registration of trainee solicitor contract)*

Job Title: \_\_\_\_\_ E-mail: \_\_\_\_\_

Solicitor No. / CFA Member No.: \_\_\_\_\_ Place & Year of Admission: \_\_\_\_\_

CPD Law Pts required  CPT Hours required  CE CFA  Others: \_\_\_\_\_

Certificate required:  Yes  No

Cheque for HK\$ \_\_\_\_\_ enclosed

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Payment Methods:

To reserve your seat(s), please complete the registration form and forward full payment of course fee via one of the following methods:

- Make cheques payable to "Courses & Seminars Limited" and mail your payment together with this registration to our office (Rooms 201 & 203, 2/F Prosperous Building, 48-52 Des Voeux Road Central, Hong Kong).
- Submit cash / cheque payment in person at our office (Rooms 201 & 203, 2/F Prosperous Building, 48-52 Des Voeux Road Central, Hong Kong).
- Direct transfer to our account at HSBC (102-437431-001).

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