

PART VIII

SUPERVISION AND INVESTIGATIONS

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**178. Application to Court of First Instance  
relating to non-compliance with  
requirements under section 172,  
173, 174 or 176**

(1) If a person fails to do anything upon being required to do so by an authorized person under section 172, 173 or 174, or to do anything upon being required to do so by an investigator under section 176(1), (2) or (3), the authorized person or the investigator (as the case may be) may, by originating summons or originating motion, make an application to the Court of First Instance in respect of the failure, and the Court may inquire into the case and -

- (a) if the Court is satisfied that there is no reasonable ~~ground~~<sup>1</sup> ~~excuse~~ for the person not to comply with the requirement, order the person to comply with the requirement within the period specified by the Court;  
and

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<sup>1</sup> Technical amendment for consistency with clause 178(1)(b), in response to the comment made by a Member at the Bills Committee meeting on 14 January 2002.

(b) if the Court is satisfied that the failure was without reasonable excuse, punish the person, and any other person knowingly involved in the failure, in the same manner as if he and, where applicable, that other person had been guilty of contempt of court.

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Financial Services Bureau  
Securities and Futures Commission  
29 January 2002