



財國  
法人  
證券投資人及期貨交易人保護中心  
Securities and Futures Investors Protection Center



中華民國95年年報  
ANNUAL REPORT 2006

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# 壹 · 前言

## I. Preface





朱兆銓／董事長  
Jaw-Chyuan Chu/Chairman

近年來，證券市場屢再發生重大不法事件。涵蓋財報不實、內線交易及違法炒作等類型，致使投資人遭受鉅額之損失，亦嚴重影響市場交易秩序及投資人對市場之信心。

本中心於92年1月成立後，即戮力踐行投資人保護法所賦與本中心之任務，向保障投資人權益及促進市場健全發展之目標前進，經過本中心全體同仁近4年來的努力，除原有之申訴調處及執行歸入權之業務外，在為投

資人提起團體訴訟向當事人求償方面更有長足之進步，獲得勝訴判決確定之案件有6件，另一審判決勝訴案件亦有5件，勝訴之類型包含財報不實、公開說明書不實、操縱股價及內線交易等不同類型，應負賠償責任人亦含括公司負責人、會計師及承銷商等，對建立市場秩序有一定程度的貢獻；再者，本中心替投資人與被告等達成新台幣8.78億餘元之補償和解金，可望使投資人之損害獲得部分之實質補償。

為提高辦理相關業務之執行效率，今年以來已就諮詢申訴、調處、團體訴訟、歸入權及參與股東會等業務，陸續完成本中心有關業務之標準作業程序規範，有利於中心業務之順利推展；除建立前述標準化作業程序，本中心亦於今年（95年）與美國證券投資人保護公司簽署合作備忘錄，落實保障本國及美國之投資人跨國界市場交易的權益，並就證券交易法及投資人保護法等攸關投資人權益等重要法案予以全面性的檢討，提出具體修正意見供主管機關做為擬訂法案之參考；另亦配合主管機關積極實踐股東行動主義，如派員參與上市櫃公司之股東會質詢攸關股東權益之重要事項，並在其財務業務存有重大疑慮時採行適當之法律程序，俾保障大多數小股東權益。經由上述之作為，期能強化本中心保護投資人之功能。

展望未來，本中心除持續推展申訴、調處之業務，改進團體訴訟業務之執行效率，努力推動團體訴訟案件之和解程序外，亦會擴大本中心宣導工作，將宣導重點延伸至教導投資人瞭解投資風險及避免損害發生之防制面，期使投資人能作出正確之投資判斷，另擬與國內外相關機構展開密切合作，對相

關不法行為人之不當利得予以追償，並配合主管機關修訂相關法規，持續參與上市櫃公司股東會及密切注意有損害或影響股東權益重大事項之情事，採取必要及有效的措施，以積極實踐股東行動主義之相關事宜，期能保障投資人權益及健全證券及期貨市場之發展。



詹彩虹／總經理  
Tsai-Hung Chan/President

In recent years, illegal activities, such as accounting fraud, insider trading and stock speculation, have repeatedly occurred in the securities market. These have consequently caused investors to suffer significant losses, while severely affecting the market order and investor confidence.

Since its inauguration in January 2003, the Securities and Futures Investors Protection Center ("SFIPC" or the "Center") has been

dedicated to the duties assigned by the Securities Investor and Futures Trader Protection Act in order to protect the interests and rights of investors and promote sound market development. With the endeavors of the entire staff over the past four years, the Center not only demonstrated respectable performance in complaint mediation and disgorgement case handling, but also advanced considerably in initiating class-action litigation for indemnification from defendants. Six cases were rendered

with irrevocable and favorable judgment, and five cases prevailed in the first instance. The prevailing cases ranged from issuance of false financial statements, issuance of false prospectus, and manipulation of security prices, to insider trading. The persons liable for indemnification included responsible persons of the company, as well as accountants and underwriters. These achievements provided remarkable assistance in establishing market order. Furthermore, the NT\$878 million settlement that the Center successfully negotiated with defendants on behalf of investors partially compensated investors for their losses.

In order to advance the efficiency of service, the Center has completed the standard operating procedures for the smooth operation of services, which include: consulting and complaint filing, mediation, class-action litigation, disgorgement, and participation in shareholders' meetings. Aside from developing the above standard operating procedures, the Center also signed a Memorandum of Understanding with the U.S. Securities Investors Protection Company in 2006, to protect the rights and interests of Taiwan and U.S. investors who engage in cross-border transactions, and comprehensively

reviewed critical bills relevant to investors' rights, such as the Securities and Exchange Act and Securities Investor and Futures Trader Protection Act, and proposed revisions for the regulatory authorities' reference for drafting the above. Additionally, the Center has proactively fulfilled the active role of shareholders in accordance with the regulatory authority, such as attending shareholders' meeting for interpellation relevant to shareholders' rights, and taking appropriate legal procedures upon any significant concerns in the finance and business of the company, in order to protect the interests and rights of a vast majority of small shareholders. The Center took the aforementioned actions in the hope of strengthening its investor protection functions.

The Center plans to persist in promoting complaint filing and mediation services, reinforce the efficiency of class-action service, and strive to drive the settlement procedures of class-action litigation. The center will also highlight an investor awareness campaign with the focus on risk prevention. The campaign is geared to educate investors for a deeper understanding of investment risks and the prevention of loss, in order that investors can make correct judgments while investing. In addition, the Center is planning



to cooperate closely with related domestic and foreign organizations to request indemnification from the law-breaking party for unlawful profit. The Center will also collaborate with authorities to revise related regulations, continue to attend TSE and OTC-listed companies' shareholders' meetings, pay extra attention to any possible

damages or detrimental effect on shareholders' rights, and take necessary and effective measures to fulfill the active role of shareholders. With these goals, it is hoped that investors' interests and rights will be safeguarded, and a sound development of securities and futures markets, ensured.



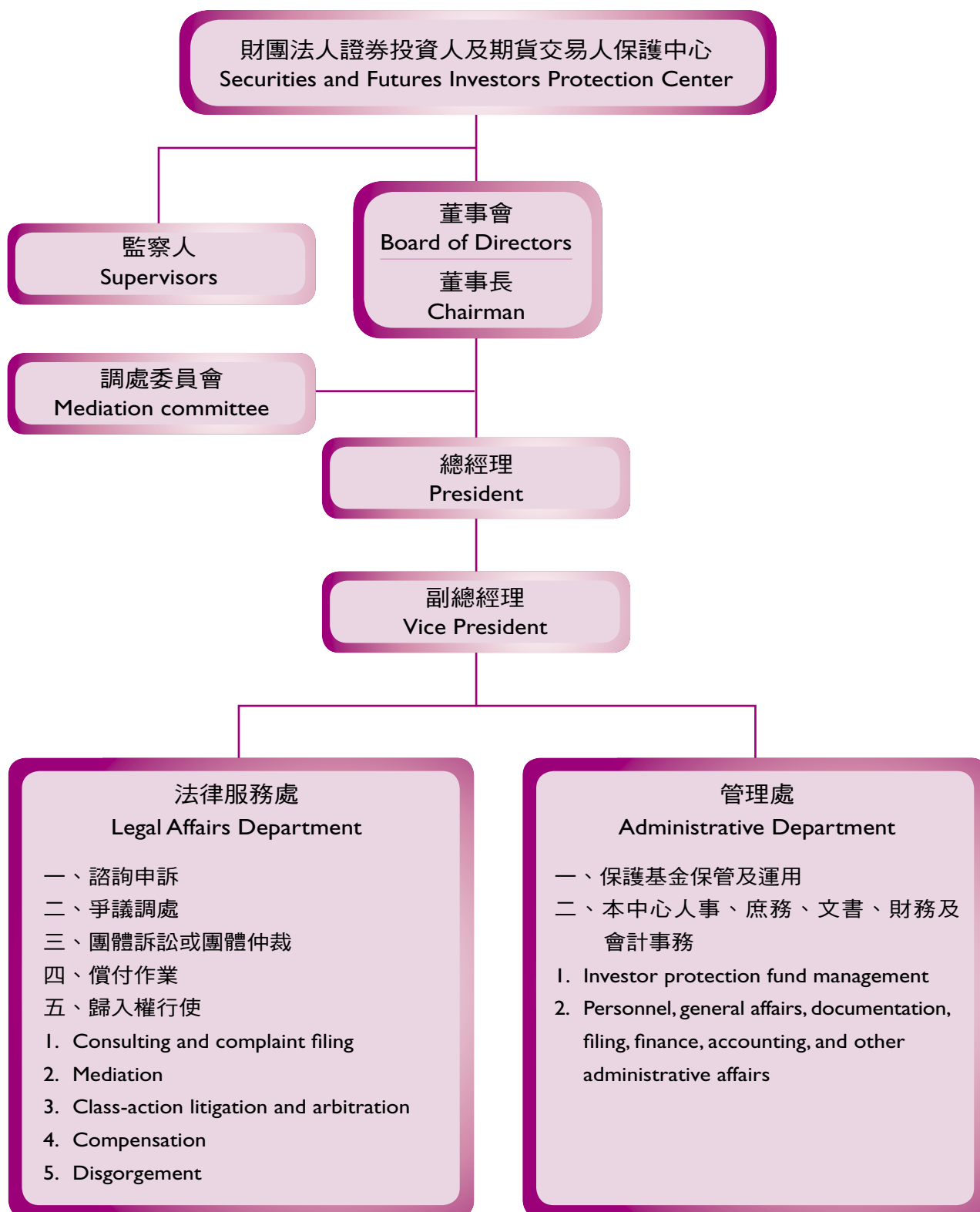
## 貳・組織結構

### II. Organization



## 一、組織系統

### A.Organizational Structure



## 二、人事結構

本中心除董事長、總經理、副總經理外，現有專職員工二十三人。其中男性十一人，女性十二人；配置法律服務處十七人，管理處六人；全體員工平均年齡三十五歲；員工教育程度具碩士學位者七人，大專學位者十五人。

### B.Staff

In addition to the chairman, president, and vice-president, the Center has 23 employees, with 11 males and 12 females; 17 of whom work at the Legal Affairs Department and 6 at the Administrative Department. The average age of employees is 35. In terms of employees' educational background, seven hold a master's degree, and 15 hold a bachelor's degree.









## 參・董事、監察人名錄

### III. Directors and Supervisors



董事長  
朱兆銓  
財團法人證券投資人及期貨交易人保護中心董事長  
Chairman  
**Jaw-Chyuan Chu**  
Chairman, Securities and Futures Investors Protection Center



董事  
許仁壽  
臺灣證券交易所股份有限公司總經理  
Director  
**Samuel J.S.**  
President, Taiwan Stock Exchange



董事  
吳榮義  
臺灣期貨交易所股份有限公司董事長  
Director  
**Rong-I Wu**  
Chairman, Taiwan Futures Exchange



董事  
簡鴻文  
中華民國證券商業同業公會理事長  
Director  
**Hung-Wen Chien**  
Chairman, Taiwan Securities Association



董事  
林仁光  
臺灣大學法律學系助理教授  
Director  
**Andrew Jen-Guang Lin**  
Assistant Professor of Law,  
National Taiwan University



董事  
陳春山  
財團法人公共電視文化事業基金會董事長  
Director  
**Louis C. S. Chen**  
Chairman, Television Culture Foundation



董事  
邱聰智  
考試院考試委員  
Director  
**Tsong-Juh Chiu**  
Member, The Examination Yuan



董事  
葉景成  
臺灣集中保管結算所股份有限  
公司董事長  
Director  
**Andy Yeh**  
Chairman, Taiwan Depository &  
Clearing Corporation



董事  
周行一  
政治大學商學院院長  
Director  
**Edward H. Chow**  
Dean, College of Commerce,  
National Chengchi University



董事  
劉連煜  
政治大學法學院教授  
Director  
**Len-Yu Liu**  
Professor of Law, National  
Chengchi University



董事兼總經理  
詹彩虹  
財團法人證券投資人及期貨交易  
人保護中心總經理  
Director and President  
**Tsai-Hung Chan**  
President, Securities and Futures  
Investors Protection Center



監察人  
呂東英  
財團法人中華民國證券櫃檯買  
賣中心董事長  
Supervisor  
**Danng-Yen Lu**  
Chairman, GreTai Securities  
Market



監察人  
杜榮瑞  
臺灣大學會計學系教授  
Supervisor  
**Rong-Ruey Duh**  
Professor of Accounting, National  
Taiwan University



監察人  
林筠  
臺灣大學財務金融學系教授  
Supervisor  
**Yun Lin**  
Professor of Finance, National  
Taiwan University



## 肆・調處委員會名錄

### IV. Members of the Mediation Committee



稱謂	姓名	現職
主任委員	朱兆銓	財團法人證券投資人及期貨交易人保護中心董事長
委員	王文宇	臺灣大學法律學系教授
委員	尤錦芳	中華民國證券商業同業公會副秘書長
委員	李家慶	中華民國律師公會全國聯合會秘書長
委員	邱顯比	臺灣大學財務金融學系暨研究所教授
委員	馬秀如	政治大學會計學系教授
委員	張世興	安達法律事務所律師
委員	陳伯松	財團法人中華民國會計研究發展基金會秘書長
委員	黃古彬	寶來金融集團副董事長
委員	曾宛如	臺灣大學法律學院專任副教授
委員	劉玉珍	政治大學財務管理學系教授
委員	薛富井	臺北大學會計學系教授
委員	謝國松	中華民國會計師公會全國聯合會秘書長
委員	謝夢龍	中華民國期貨業商業同業公會秘書長
委員	蕭碧燕	中華民國證券投資信託暨顧問商業同業公會秘書長

Title	Name	Position
Chairman	Jaw-Chyuan Chu	Chairman, Securities and Futures Investors Protection Center
Member	Wen-Yeu Wang	Professor of Law, National Taiwan University
Member	Chin-Fang You	Deputy Secretary General, Taiwan Securities Association
Member	Chia-Ching Li	Secretary General, Taiwan Bar Association
Member	Shean-Bii Chiu	Professor, Department of Finance, National Taiwan University
Member	Shiaw-Ru Ma	Professor of Accounting, National Chengchi University
Member	Lawrence Chang	Attorney at Law, Anda Law Offices
Member	Po-Sung Chen	Secretary General, Accounting Research and Development Foundation
Member	Peter Huang	Vice Chairman, Polaris Financial Group
Member	Wan-Ju Tseng	Associate Professor, College of Law, National Taiwan University
Member	Yu-Jane Liu	Professor of Public Finance, National Chengchi University
Member	Fu-Jiing Shiue	Professor of Accounting, Taipei University
Member	Kuo-Sung Hsieh	Secretary General, National Federation of Certified Public Accountants Association of the R.O.C.
Member	Simon Hsieh	Secretary General, Chinese National Futures Association
Member	Pi-Yen Hsiao	Secretary General, Securities Investment Trust & Consulting Association of the R.O.C.

## 伍・業務報告

### V. Business Report





## 一、保護基金

本中心之創立基金為新台幣十億三千一百萬元，由證券及期貨市場相關機構捐助，包括：臺灣證券交易所股份有限公司、臺灣期貨交易所股份有限公司、財團法人中華民國證券櫃檯買賣中心、臺灣證券集中保管股份有限公司、中華民國證券商業同業公會、中華民國證券投資信託暨顧問商業同業公會、台北市期貨商業同業公會、復華證券金融股份有限公司、環華證券金融股份有限公司、富邦證券金融股份有限公司及安泰證券金融股份有限公司。

為有效推動各項證券投資人及期貨交易人保護及服務工作，健全及擴大市場規模，依投保法第十八條規定，保護基金除依該法第七條第二項之捐助財產外，各證券商應於每月十日前按其前月份受託買賣證券成交金額提撥萬分之零點零二八五，各期貨商按其前月受託買賣成交契約數依契約別提撥新臺幣一點零六元、零點六六元或零點四四元，證券交易所、期貨交易所及櫃檯買賣中心按其前月份經手費收入提撥百分之五之款項作為本中心保護基金之來源。自九十二年一月至九十五年十二月止，本中心共收受撥保護基金金額約計二十億七千八百萬元。

依投保法第十九條規定，保護基金應以

## A. Investor Protection Fund

The Center raised NT\$1.031 billion as its inauguration fund, which was donated by relevant organizations in the securities and futures market, including: Taiwan Stock Exchange, Taiwan Futures Exchange, GreTai Securities Market (GTSM), Taiwan Securities Central Depository, Taiwan Securities Association, Securities Investment Trust and Consulting Association, Taipei Futures Association, Fuhwa Securities, Global Securities Finance, Fubon Securities, and Entie Securities.

In order to effectively serve and protect securities investors and futures traders, to help establish a sound market, and to expand the market size, securities and futures firms and organizations shall contribute a portion of their assets to the investor protection fund, in accordance with Article 7, Section 2 of the Securities and Futures Investors Protection Act. Article 18 of the Act requires the contribution to be made by the tenth of each month from the following securities and futures firms and organizations: 0.000285% (2.85 millionths) of the total volume of consigned securities transactions in the previous month from securities firms; NT\$1.06, NT\$0.66 or NT\$0.44, respectively for each consigned futures transaction executed in the previous month from futures commission merchants; and 5% of total transaction fees received in the previous month from the Taiwan Stock Exchange Corporation, the Taiwan Futures Exchange Corporation, and the GreTai Securities Market, respectively. From January 2003 to December 2006, the total contribution to the protection fund amounted to approximately

購入政府債券或存入金融機構之方式保管，惟經主管機關核准係於合計不超過保護基金淨額百分之三十之範圍內，可運用於不超過捐助財產總額百分之十之自用不動產、原始投資不超過一千股之上市上櫃公司股票及其他有利基金保值之投資，經訂定「本中心基金及保管運用作業要點」執行有關保護基金之保管運用，至九十五年十二月止含創立基金、前述受撥保護基金、其他受贈及基金孳息計約三十三億一千餘萬元，保管於銀行存款及政府債券約佔百分之七十五，運用於自用不動產、上市上櫃股票及金融債券等約佔百分之二十五。

## 二、諮詢申訴

當投資人對證券期貨法令有疑義或與發行人、證券商、證券服務事業、期貨業、交易所、櫃檯買賣中心、結算機構或其他利害關係人間，因有價證券募集、發行、買賣或期貨交易及其他相關事宜發生民事爭議時，均可以電話撥打投資人服務專線或親自來本中心諮詢；若投資人與前述機構間發生民事爭議時，亦可以電話、書面(含傳真、網路等)或親臨本中心之方式提出申訴。

統計本年度迄十二月底止，本中心接獲電話諮詢五千二百餘通，書面申訴案共

NT\$2.078 billion.

Article 19 of the Act stipulates that the protection fund shall be under custody by means of government bond purchases or deposit with financial institutions. However, subject to approval by the regulatory authority, amounts totaling no more than 30% of the fund's net value may be utilized for the purchase of real estate for self use (not exceeding 10% of the total contributed asset) or investment in TSE and OTC stocks and other investments beneficial to the fund's capital maintenance, with each original investment being no more than 1,000 shares. The Center developed the Guidelines to the Investor Protection Fund Management to fully exercise sound management of the protection fund. The total value of the fund, which includes the inauguration fund, the aforementioned contributions by securities firms and organizations, and other donations and accrued interests, amounted to over NT\$3.31 billion as of December 2006, of which 75% was deposited in banks or used to purchase government bonds, and the remaining 25% was invested in real estate for self use, financial bonds, as well as TSE and OTC stocks.

## B. Consultation and Complaint Filing

When an investor faces a dubious interpretation regarding any of the securities and futures regulations, or a civil dispute occurs between a securities investor and an issuer, a securities firm, a securities service provider, a futures commission merchant, the Taiwan Stock



六百一十七件。電話諮詢主要係諮詢法令制度等相關規定，亦有申訴發行公司違法情事、與證券商、期貨商、投顧、證金公司間之交易糾紛。書面申訴之類型，主要係發行公司撤銷合併、公司大幅調降財測或財務資訊不實造成股價下跌、公司債發生無法如期履約清償、電子交易紛爭、未經許可買賣客戶股票、買賣未上市櫃股票、融資融券追繳、期貨保證金追繳、投顧退費糾紛及投顧分析誤導等為最大宗。

本中心處理投資人申訴證券暨期貨交易糾紛案件時，均本熱誠服務態度積極協助投資人解決問題，除以電話向申訴人說明原委或函請受申訴單位提出說明，協助雙方解決紛爭外，若案情較為複雜或求償金額較高，

Exchange, the GreTai Securities Market, a clearing house, or another interested party, where the dispute arises out of offerings, issuance, trading, futures transactions, or other securities-related matters, the investor may call the investor hotline, come to the Center in person for consultation, or file a complaint by phone or in writing (via fax or Internet/e-mail).

As of the end of December 2006, the Center had received more than 5,200 telephone inquiries and 617 written complaints. The phone inquiries were mostly about relevant laws and regulations, as well as complaints against illegal activities of issuers, and transaction disputes against securities firms, futures commission merchants, investment consulting firms or securities finance companies. The written complaints were focused mostly on stock price declines due to merger withdrawal by issuers, major downgrading of the financial forecast or false financial statements, companies' inability to honor their corporate bonds, disputes from online transactions, transactions made without clients' permission, trading of non-TSE/OTC stocks, collection of margin, collection of futures margin, request for refund from investment consulting firms, and misleading analyses made by investment consulting firms.

When processing investors' complaints regarding transactions of securities and futures, the Center always makes every effort to assist investors in resolving disputes, in a devotional and proactive manner. In addition to clarifying the confusion to the plaintiff by telephone or requesting explanation from the respondents/defendants by written notice, if the dispute is

則建議投資人申請調處；另針對投資人檢舉之不法案件，視案件之性質，移請司法或有關機關處理。

### 三、爭議調處

證券投資人或期貨交易人因有價證券之募集、發行、買賣或期貨交易致其權益受損，欲主張權利時，受限於訴訟程序之繁瑣，致多數權益受損之投資人或交易人均未能依法主張權益。惟若於起訴前，透過本中心調處委員調停排解，避免進入訴訟程序，尋求救濟，自為最佳途徑；故投保法第二十二條規定，投資人有前開民事爭議時，得向本中心申請調處。

本中心本年度迄十二月底止共受理三十三件調處案，其中調處成立七件，不成

complex or if a large amount of indemnification is demanded, the Center will suggest that investors apply for mediation. According to the nature of the complaint made by investors with regard to illegal matters, the Center may also transfer such cases to related judicial or other authorities.

### C. Mediation

As securities investors or futures traders face difficulties or lack the ability to make a claim for their rights due to the highly complicated lawsuit procedures in filing a civil lawsuit on disputes arising from public offering, issuance, and trading of securities or futures, mediation through the Center has become an ideal approach for settling the case and avoiding court procedure. Article 22 of the Act stipulates that securities investors or futures traders may apply to the Center for mediating civil disputes.

As of the end of December, 2006, the Center had received 33 mediation requests,, among which seven cases were established, six cases not established, one case withdrawn by the plaintiff, and 19 cases were refused for mediation by the interested parties.

In order to maximize the mediation function of the Center, the Securities and Futures Bureau of the Financial Supervisory Commission, Executive Yuan, which is the regulatory authority of the Center, negotiated with the Center and other related securities agencies, and concluded that all complaints or cases received by various agencies shall be referred to the Center regardless of the severity of the violations, in order to fully protect investors' rights and ensure



立六件，申請人撤回調處一件，相對人拒絕調處者十九件。

為發揮本中心申訴調處功能，主管機關行政院金融監督管理委員會證券期貨局，邀集證券周邊單位及本中心協商，決議為充分保障投資人權益，期使受害投資人獲得實質民事上之補償，各單位接獲投資人申訴或檢舉個案，無論違規或違法情節輕重，若有明確之雙方當事人，且涉及民事求償事宜，均可先移由本中心進行調處，對於協助投資人解決民事爭議，應有助益。

#### 四、團體訴訟

鑑於我國證券投資人參與市場者以散戶居多，其權益受損時，因缺乏相關資訊，且提起訴訟須耗費相當時間、金錢，故多裹足不前。本中心依投保法第二十八條之規定，對於造成多數證券投資人或期貨交易人受損害之同一證券、期貨事件，得由二十人以上證券投資人或期貨交易人授與訴訟或仲裁實施權後，由本中心提起團體訴訟或仲裁。

本中心成立以來，已就紐新、楊鐵南港、台肥、訊碟-89年內線、大穎-財報、大穎-內線、京元-新竹、京元-台北、東榮纖維、榮美、博達-公開說明書、博達-財報、久津、太電、訊碟-財報及內線、皇

that all investors receive material compensation. Should cases involve clear and definite parties and civil compensation, such cases may be referred to the Center for mediation, which shall be beneficial in assisting investors to resolve the civil disputes.

#### D. Class-Action Litigation

As individual investors stand for the majority in the securities investment market in Taiwan, these investors usually hesitate to take any legal action in response to the damage of their rights, because they lack sufficient information, and filing of litigation normally takes substantial time and money. The Center may, pursuant to Article 28 of the securities Investor and Futures Trader Protection Act, file a class-action litigation or arbitration on behalf of securities investors or futures traders if the Center receives the empowerment of action and arbitration from 20 or more of such securities investors or futures traders, who suffer from the same securities or futures matter.

Since its inauguration in January 2003, the Center has filed litigations for 26 illegal charges, which include: New Sun Metal, Yang Iron Works, Nan Kang Rubber Tire, Taiwan Fertilizer, Infodisc (insider trading in 2000), Dayin (false financial statements), Dayin (insider trading), KYEC-Hsinchu, KYEC-Taipei, Tung Zong Textile, Aceland-Dynasty, Procomp Informatics (misleading prospectus), Procomp Informatics (false financial statements), Chou Chin Industrial, Pacific Electric Wire & Cable, Infodisc (false financial statements and insider trading), Summit





統、宏傳、宏達科、勁永-財報、勁永-內線、協和國際、亞瑟、合機電纜、銳普、茂矽、欣煜等二十六件不法案件提起訴訟，計有五萬六千餘名投資人授與訴訟實施權進行民事求償，金額共約新台幣(以下同)二百一十六億四千七百餘萬元，截至本年度止，連同接續辦理原證基會受理投資人求償案件共計四十二件繫屬於各級法院。此外，九十五年度就受理投資人求償登記之案件，有勁永-財報、勁永-內線、協和國際、亞瑟、合機電纜、銳普、茂矽、欣煜及華映等案，人數共計五千七百餘人，金額合計約二十二億六千二百餘萬元。

前揭團體訴訟案件截至本年度，計有東隆五金(財報不實，公開說明書不實)，順大裕(財報不實，公開說明書不實)，訊碟(89年內線)，大穎(內線)，榮美(操縱股價)，台肥(操縱股價)等六案業已勝訴判決確定；正

Computer Technology, Well Communication, National Aerospace Fasteners, Power Quotient International (false financial statements), Power Quotient International (insider trading), Sayho, CIS Technology, Hold Key, Xepex Electronics, Mosel Vitelic, and Sainfoin Technology. These litigations signify empowerment of legal action and arbitration by more than 56,000 investors for civil compensation totaling more than NT\$21.647 billion. As of the end of 2006, 42 cases in total, including indemnification cases referred from Securities & Futures Institute, were pending in courts. In addition, during 2006, indemnification cases filed by investors included those against: Power Quotient International (for false financial statements and insider trading), Sayho, CIS Technology, Hold Key, Xepex Electronics, Mosel Vitelic, Sainfoin Technology and Chuanghwa Picture Tubes. These cases involved more than 5,700 people and over NT\$2.262 billion.

As of the end of 2006, among the aforementioned class-action litigations, the Center had received finalized judgment in its favor for six cases, including: Tong Lung Metal Industry (false financial statements and false prospectus), Tai Yu Products (false financial statements and false prospectus), Infodisc (insider trading in 2000), Dayin (insider trading), Aceland-Dynasty (securities price manipulation) and Taiwan Fertilizer (securities price manipulation). Also, the Center fully or partially acquired winning suit in the first instance for five cases, including: Cheng I Food (false financial statements), Tah Chung Steel (false financial statements), Tritronic (insider trading), Lita (false

義(財報不實)，大中鋼(財報不實)，廣大興業(內線交易)，立大(財報不實)，東榮纖維(內線交易)等五案業經地院一審判決全部或部分勝訴，發行公司，不法行為人及部分民事被告等應對受有損害投資人負連帶賠償責任。此外，針對團體訴訟案件，本中心亦與部分刑事被告，董監事，會計師，承銷商等達成和解，截至本年度止，本中心已替投資人取得高達八億七千八百餘萬元之和解金，其中九十三年度為二千二百餘萬元，九十四年度為三億二百餘萬元，九十五年度為五億五千四百餘萬元，投資人之損害可望獲得部分之實質補償。

## 五、歸入權行使

依證券交易法第一百五十七條及其施行細則第十一條規定，上市(櫃)公司之董事，監察人，經理人及持股超過百分之十之大股東，對公司之股票及具有股權性質之其他有價證券，於取得後六個月內再行賣出，或於賣出後六個月內再行買進，因而獲得利益者，公司應請求將其利益歸於公司。本中心成立後業依主管機關函示，接續原證基會辦理上市(櫃)公司內部人涉短線交易歸入權之行使業務，以股東身分要求公司行使歸入權。

按督促上市(櫃)公司行使歸入請求權，

financial statements), and Tung Zong Textile (insider trading), where issuers, perpetrators and some of the civil defendants would be held jointly liable for damages to investors. Also in terms of class-action litigations, the Center has reached settlement with a number of criminal defendants, directors, supervisors, accountants, and underwriters. As of the end of 2006, the Center has collected settlements amounting to more than NT\$878 million on behalf of investors; of these, approximately NT\$22 million was collected in 2004, NT\$302 million in 2005, and NT\$554 million in 2006. Investors could thus be expected to receive material compensations for some of their damages.

## E. Disgorgement

According to Article 157 of the Securities and Exchange Act and Article 11 of the Securities and Exchange Act Enforcement Rules, in the event that any director, supervisor, the management, or shareholder, who holds more than 10% of the shares of a listed/OTC company, profited from the selling of listed securities or other negotiable securities with shareholding within six months after acquisition, or repurchase of securities within six months after its sale, the respective company shall claim for any profit realized from such sale and purchase. The Center is required by the written order of its regulatory authority to continue the Securities & Futures Institute's work and act as a shareholder to enforce disgorgement against the short-term trading of securities by listed/OTC company insiders.

To urge listed and OTC companies to

係就台灣證券交易所及櫃檯買賣中心提供之每半年短線交易彙總資料，函請公司依法行使歸入權。本中心成立後，本年度共處理九十四年下半年度上市(櫃)公司及九十五年上半年度上市(櫃)公司之案件計二百四十二件，已結案二百二十五件，另有二件申復，一五件仍催促行使中。總計辦理八十三年度至九十五年度歸入權案件計四千三百三十八件，截至本年度結案計四千二百八十九件，催促行使二十件，申復二件，進入訴訟程序二十七件。

## 六、基金償付

為落實對於小額證券投資人權益的保護，本中心依投保法設置保護基金，當投資

enforce disgorgement, the Center will refer to the semiannual reports on short-term trading from the Taiwan Stock Exchange and the GTSM, and deliver the written request to companies for disgorgement enforcement. Since its foundation, the Center has handled 242 cases for listed and OTC companies between the second half of 2005 and the first half of 2006. Of such cases, 225 have been closed, two were appealed and are being re-examined, and 15 are still pending. In total, the Center had processed 4,338 disgorgement cases from 1994 to 2006, of which 4,289 cases have been closed, 20 are still pending, two were appealed and are being reexamined, and 27 had entered legal proceedings.

## F. Compensation

As required by the Act, the Center has set up a protection fund to carry out the protection of the rights of small securities investors. When securities or futures brokerages consigned by the investors become insolvent due to financial difficulties, and thus result in investors' failure to acquire the securities, proceeds, deposits, or royalties entitled to them, the Center may utilize the protection fund and compensate the investors in advance, in order to reduce investors' loss.

However, given the limit of the protection fund and the possibility that a significant payment of one single compensation can seriously hamper the operation of the protection fund and the Center, instead of compensating investors' full loss, the Center will place a limit on the compensation made in consideration of the fair



人所委託之證券商或期貨商因財務困難失去清償能力，而無法獲取其應得之有價證券，價款或應得之保證金、權利金，本中心得動用保護基金先行償付予投資人，以降低投資人的損失。

惟因保護基金總額有限，主管機關為避免單一之鉅額償付事件即嚴重影響保護基金及本中心之運作，在考量個別證券商或期貨商對保護基金貢獻之公平性，保護基金之運作及對小額投資人權益之保護，而無法完全滿足投資人所有受損額度，故有償付限額，即對每一投資人一次之償付，以新臺幣一百萬元為限；對每家證券商或期貨商之全體證券投資人或期貨交易人一次之償付總額，以證券商或期貨商最近一年或最近三年平均提撥保護基金數額(取其數額高者為準)之一千倍為準，並不超過新台幣十億元為償付總額上限，前開計算金額最高未達一億元者，以一億元為準。本年度尚無應進行償付作業案件。

## 七、保護宣導

本中心本年度撰寫與投資人投資權益息息相關之「投資人權益之保護－證券市場不法案件分析及投資人救濟管道」宣導手冊等宣導品免費提供投資人取閱參考。本中心並

contribution of an individual securities firm and future commission merchant to the protection fund, in order to safeguard and maintain both the Center and the fund's operation, and to protect the rights of small securities investors. The maximum compensation for a single payment is set at NT\$1 million for any single investor. For all securities investors or futures traders of the same securities or futures firm, such maximum amount is limited to 1,000 times the average amount contributed by the firm to the Center over the past one or three years, whichever is higher, and the amount shall not exceed NT\$1 billion. Any amount less than NT\$100 million will be calculated as NT\$100 million. The Center did not receive any compensation request involving such use of the fund during 2006

## G. Investor Education

In 2006, the Center published and distributed free handbooks on "Guidelines for Investor Protection – Analysis of Illegal Cases and Remedial Channels for Investors" for investors. In addition, the Center also promoted the protection of investors' rights by co-organizing a series of three seminars with the press media. Seminar topics included: (1) Problems of shareholders' meetings convened by TSE & OTC listed companies; (2) Viewing the protection of investors' rights from the aspect of securities investment consulting firms' outsourcing of marketing services; and (3) How to solve the problems of excessive dummy accounts in the securities market. The Center also publishes columns in newspapers and magazines to provide



透過與報章媒體合辦座談會之方式，進行投資人權益保護宣導，本年度辦理「投資人權益保護系列座談會」計有(一)上市上櫃公司召開股東會問題面面觀座談會；(二)從證券投資顧問事業將行銷外包手法看投資人權益之維護座談會；(三)如何解決證券市場人頭戶氾濫之問題座談會，共計三場次座談會；另亦在報章媒體撰寫投資人保護中心專欄宣導各項與投資人權益有關之議題，提醒投資人建立正確之投資觀念，並重視本身之合法權益，促使我國證券暨期貨市場之發展更趨健全。

## 八、其他

本年度六月間與美國證券投資人保護公司(SIPC)簽署合作備忘錄(MOU)，除可落實保障投資人跨國界市場交易的權益外，亦為本

investors with information on protecting their rights and interests, and to remind investors to develop correct investment strategies and to value their legal rights. Such educational campaigns are aimed at promoting the sound development of Taiwan's securities and futures markets.

## H. Other Activities

In June 2006, the Center signed the Memorandum of Understanding with the U.S. Securities Investors Protection Company (SIPC). This memorandum, which provides great momentum for the realization of investor protection, not only safeguards the rights of investors in cross-border transactions, but also offers an excellent platform for information exchange and cooperation, and for indemnification claims against illegal activities in domestic and US securities markets. The Center is also proactively approaching foreign authorities, including countries such as United Kingdom and Canada that trade intensively with Taiwan or which hold a mutually beneficial relationship in terms of seeking recoveries in indemnification cases, in order to further protect investors' rights.

In order to fulfill corporate governance and protect investors' rights, the Center is also proactively implementing the active role of shareholders, and taking an active approach in accordance with the regulatory authority. In 2006, the Center engaged in more active strategies for critical matters regarding shareholders' rights. The Center attended the shareholders' meetings



國與美國間就證券市場不法事件求償案之追償工作及資訊交流合作提供良好的平台，有助於投資人保護工作之推展。另就如英國及加拿大等與我國貿易往來密切或對不法事件求償案之追償工作有互利關係之國家進行接洽中，俾利進一步保障投資人之權益。

為落實公司治理之理念以維護投資人權益，本中心亦配合主管機關積極實踐股東行動主義保障股東權益，在本年度中就攸關股東權益之事項採取較積極性的作法，除參加陞技〔改名欣煜〕，太電，聯電等數十家公司之股東會，擬具相關股東權益之重大議題請公司答詢，會後並持續追蹤管理外，另對陞技公司於95年度私募案不符召集程序而有損股東權益部分，已向法院提出撤銷決議訴訟，並已獲地方法院判決勝訴。此外，對博達公司部分，本中心依公司法規定為該公司聲請臨時管理人並經法院確認，以確實有效的保障投資人權益。

另有關本中心依投資人保護法辦理之各項業務，往往涉及投資人，上市櫃公司，證券期貨相關單位之權益事項，為使處理業務有一致之準繩，經就本中心成立以來之相關實際運作主要業務(投資人電話諮詢，爭議事件書面申訴程序，調處，歸入權，股東會及團體訴訟)內容分別訂定標準作業程序，俾供同仁遵行之參考。

of dozens of companies, such as: Abit (later renamed as Sainfoin Technology), Pacific Electric Wire & Cable, and United Microelectronics, prepared inquiries for companies on critical issues of shareholders' rights, and conducted follow-up management. In addition, regarding Abit's violation of the convening procedures and conducting private fundraising in 2006, the Center has filed a petition for annulment of the resolution with the district court, and has won a judgment in favor of the Center. Also, in order to effectively protect investors' rights, the Center applied a temporary manager for Procomp Informatics in accordance with Company Law, and received confirmation from the court.

The various services that the Center offers according to the Securities Investor and Futures Trader Protection Act usually concern the interests and rights of investors, listed and OTC companies, as well as securities and futures firms. Consequently, the Center has developed a set of standard operating procedures (SOP) for the Center's services (phone consultation for investors, written application procedures for controversial incidents, mediation, disgorgement, attendance in shareholders' meeting, and class-action litigation) for all staff to comply with.

## 陸 · 財務報告

### VI. Financial Statements



## 會計師查核報告

財團法人證券投資人及期貨交易人保護中心民國九十五年十二月三十一日及民國九十四年十二月三十一日之資產負債表，暨民國九十五年一月一日至十二月三十一日及民國九十四年一月一日至十二月三十一日之收支餘絀表、保護基金變動表及現金流量表，業經本會計師查核竣事。上開財務報表之編製係管理階層之責任，本會計師之責任則為根據查核結果對上開財務報表表示意見。

本會計師係依照會計師查核簽證財務報表規則暨一般公認審計準則規劃並執行查核工作，以合理確信財務報表有無重大不實表達。此項查核工作包括以抽查方式獲取財務報表所列金額及所揭露事項之查核證據、評估管理階層編製財務報表所採用之會計原則及所作之重大會計估計，暨評估財務報表整體之表達。本會計師相信此項查核工作可對所表示之意見提供合理之依據。

依本會計師之意見，第一段所述財務報表在所有重大方面係依照行政院金融監督管理委員會頒布之「行政院金融監督管理委員會主管財團法人監督管理要點」及一般公認會計原則編製，足以允當表達財團法人證券投資人及期貨交易人保護中心民國九十五年十二月三十一日及民國九十四年十二月三十一日之財務狀況，暨民國九十五年一月一日至十二月三十一日及民國九十四年一月一日至十二月三十一日之收支結果、基金變動與現金流量。

如財務報表附註三所述，財團法人證券投資人及期貨交易人保護中心之金融商品自民國九十五年一月一日起，依財務會計準則公報第三十四號「金融商品之會計處理準則」與第三十六號「金融商品之表達與揭露」之規定處理。

此 致

財團法人證券投資人及期貨交易人保護中心 公鑒

致遠會計師事務所

會計師：

楊文安



中華民國九十六年一月二十三日

## REPORT OF INDEPENDENT AUDITORS

Securities and Futures Investors Protection Center

We have audited the accompanying balance sheets of Securities and Futures Investors Protection Center as of December 31, 2006 and 2005, and the related statements of income and disbursements, changes in institute fund, and cash flows for the years ended December 31, 2006 and 2005. These financial statements are the responsibility of the Center's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with "Guidelines for Certificated Public Accountants' Examination and Reporting on Financial Statements" and auditing standards generally accepted in the Republic of China in Taiwan. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by the Center's management, as well as evaluating the overall financial statements presentation. We believe that our audit provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to in the first paragraph present fairly, in all material respects, the financial position of Securities and Futures Investors Protection Center as of December 31, 2006 and 2005, and the results of its operations, changes in institute fund and its cash flows for the years ended December 31, 2006 and 2005 in conformity with "Guidelines Regarding the Supervision and Governance of Funds with Juridical Person Status" stipulated by Financial Supervisory Commission, Executive Yuan and accounting principles generally accepted in the Republic of China in Taiwan.

As discussed in Note 3 to the financial statement, effective from January 1, 2006, Securities and Futures Investors Protection Center adopted the R.O.C. Statement of Financial Accounting Standards No. 34 "Accounting for Financial Instruments" and R.O.C. Statement of Financial Accounting Standards No. 36 "Disclosure and Presentation of Financial Instruments."

January 23, 2007  
Taipei, Taiwan  
Republic of China

Ernst & Young

財團法人證券投資人及期貨交易人保護中心

資產負債表

民國九十五年十二月三十一日  
及民國九十四年十二月三十一日

資 產	九十五年十二月三十一日		九十四年十二月三十一日	
	金 額	%	金 額	%
流動資產				
現金及約當現金	\$744,620,614	20.28	\$598,587,589	20.94
應收帳款	46,975,774	1.28	57,912,804	2.03
其他流動資產	40,151,247	1.09	28,421,483	0.99
流動資產合計	831,747,635	22.65	684,921,876	23.96
基金及投資				
備供出售金融資產-非流動	55,908,346	1.52	29,930,008	1.05
持有至到期日之金融資產-非流動	2,077,043,320	56.56	1,703,773,900	59.59
基金及投資合計	2,132,951,666	58.08	1,733,703,908	60.64
固定資產				
土地	71,070,000	1.93	71,070,000	2.49
房屋及裝修設備	35,527,377	0.97	35,527,377	1.24
辦公設備	6,277,111	0.17	6,081,249	0.21
成本小計	112,874,488	3.07	112,678,626	3.94
減：累計折舊	(6,055,847)	(0.16)	(4,072,706)	(0.14)
預付設備款	396,900	0.01	-	-
固定資產淨額	107,215,541	2.92	108,605,920	3.80
其他資產				
受限制資產	549,187,068	14.95	285,672,205	9.99
存出保證金	51,280,331	1.40	46,153,090	1.61
其他資產合計	600,467,399	16.35	331,825,295	11.60
資產總計	\$3,672,382,241	100.00	\$2,859,056,999	100.00

單位：新台幣元

負債、基金及累積餘絀	九十五年十二月三十一日		九十四年十二月三十一日	
	金 額	%	金 額	%
流動負債				
應付費用	\$12,535,387	0.34	\$11,269,512	0.39
其他流動負債	276,074	0.01	640,941	0.02
流動負債合計	12,811,461	0.35	11,910,453	0.41
其他負債				
代收款	533,503,568	14.53	282,047,863	9.87
存入保證金	15,693,500	0.43	3,635,059	0.13
其他負債合計	549,197,068	14.96	285,682,922	10.00
負債總計	562,008,529	15.31	297,593,375	10.41
基金及累積餘絀				
創立基金	1,031,000,000	28.07	1,031,000,000	36.06
增撥基金	1,530,463,624	41.67	1,035,845,012	36.23
待轉撥基金	525,195,258	14.30	494,618,612	17.30
備供出售金融商品未實現損益	23,714,830	0.65	-	-
基金及累積餘絀總計	3,110,373,712	84.69	2,561,463,624	89.59
負債、基金及累積餘絀總計	\$3,672,382,241	100.00	\$2,859,056,999	100.00



# SECURITIES AND FUTURES INVESTORS PROTECTION CENTER

## ***BALANCE SHEETS***

December 31, 2006 and 2005  
(Expressed in New Taiwan Dollars)

ASSETS	December 31,	
	2006	2005
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	\$744,620,614	\$598,587,589
Accounts receivable	46,975,774	57,912,804
Other current assets	40,151,247	28,421,483
Total Current Assets	831,747,635	684,921,876
<b>INVESTMENTS AND FUNDS</b>		
Available-for-sale financial assets-non current	55,908,346	29,930,008
Held-to-maturity financial assets-non current	2,077,043,320	1,703,773,900
Total Investments and funds	2,132,951,666	1,733,703,908
<b>PROPERTY AND EQUIPMENT</b>		
Land	71,070,000	71,070,000
Buildings and renovation equipment	35,527,377	35,527,377
Office equipment	6,277,111	6,081,249
Total Cost	112,874,488	112,678,626
Less : accumulated depreciation	(6,055,847)	(4,072,706)
Advance payment for equipment	396,900	-
Net Property and Equipment	107,215,541	108,605,920
<b>OTHER ASSETS</b>		
Restricted assets	549,187,068	285,672,205
Refundable deposits	51,280,331	46,153,090
Total Other Assets	600,467,399	331,825,295
<b>TOTAL ASSETS</b>	<b>\$3,672,382,241</b>	<b>\$2,859,056,999</b>

LIABILITIES, FUNDS AND ACCUMULATED SURPLUS	December 31,	
	2006	2005
<b>CURRENT LIABILITIES</b>		
Accrued expenses	\$12,535,387	\$11,269,512
Other current liabilities	276,074	640,941
Total Current Liabilities	12,811,461	11,910,453
<b>OTHER LIABILITIES</b>		
Receipts in custody	533,503,568	282,047,863
Guarantee deposits received	15,693,500	3,635,059
Total Other Liabilities	549,197,068	285,682,922
<b>TOTAL LIABILITIES</b>	562,008,529	297,593,375
<b>FUNDS AND ACCUMULATED SURPLUS</b>		
Institute fund	1,031,000,000	1,031,000,000
Additional capitalized fund	1,530,463,624	1,035,845,012
Fund to be transferred	525,195,258	494,618,612
Unrealized gain on available-for-sale financial assets	23,714,830	-
<b>TOTAL FUNDS AND ACCUMULATED SURPLUS</b>	3,110,373,712	2,561,463,624
<b>TOTAL LIABILITIES, FUNDS AND ACCUMULATED SURPLUS</b>	\$3,672,382,241	\$2,859,056,999

財團法人證券投資人及期貨交易人保護中心

收支餘絀表

民國九十五年一月一日至十二月三十一日  
及民國九十四年一月一日至十二月三十一日

單位：新台幣元

項 目	九十五年度		九十四年度	
	金 額	%	金 額	%
收入				
財務收入	\$60,770,985	99.95	\$46,876,200	78.38
處分投資收益	24,367	0.04	-	-
其他收入	6,665	0.01	4,000	0.01
基金撥用業務	-	-	12,926,217	21.61
合 計	60,802,017	100.00	59,806,417	100.00
支出				
人事支出	45,243,689	74.41	45,743,544	76.49
業務支出	14,389,514	23.67	14,062,873	23.51
業務撥回基金	1,168,814	1.92	-	-
合 計	60,802,017	100.00	59,806,417	100.00
本期餘絀	\$-	-	\$-	-

## SECURITIES AND FUTURES INVESTORS PROTECTION CENTER

### **STATEMENTS OF INCOME AND DISBURSEMENTS**

For the years ended December 31, 2006 and 2005  
(Expressed in New Taiwan Dollars)

	2006	2005
<b>REVENUES</b>		
Financial income	\$60,770,985	\$46,876,200
Gain on disposal of investments	24,367	-
Other income	6,665	4,000
Income from fund transferred to operation	-	12,926,217
Total Revenues	60,802,017	59,806,417
<b>EXPENSES</b>		
Personnel expenses	45,243,689	45,743,544
Operating expenses	14,389,514	14,062,873
Operation transferred to institute fund	1,168,814	-
Total Expenses	60,802,017	59,806,417
Surplus (deficit) for the year	\$-	\$-

財團法人證券投資人及期貨交易人保護中心

保護基金變動表

民國九十五年一月一日至十二月三十一日  
及民國九十四年一月一日至十二月三十一日

單位：新台幣元

項 目	創立基金	增撥基金	待轉撥基金	備供出售金融資產未實現損益	累積餘絀	合 計
民國九十四年一月一日餘額	\$1,031,000,000	\$452,939,001	\$582,906,011	\$-	\$-	\$2,066,845,012
待轉撥基金轉入		582,906,011	(582,906,011)			-
受撥收入			514,044,706			514,044,706
捐贈收入			5,000			5,000
訴訟仲裁動用基金			(6,504,877)			(6,504,877)
業務支出動用基金			(12,926,217)			(12,926,217)
九十四年度餘絀					-	-
民國九十四年十二月三十一日餘額	1,031,000,000	1,035,845,012	494,618,612	-	-	2,561,463,624
待轉撥基金轉入		494,618,612	(494,618,612)			-
受撥收入			538,415,964			538,415,964
訴訟仲裁動用基金			(14,389,520)			(14,389,520)
業務撥回基金			1,168,814			1,168,814
備供出售金融資產會計原則變動累積影響數				10,104,471		10,104,471
備供出售金融資產未實現損益				13,610,359		13,610,359
九十五年度餘絀					-	-
民國九十五年十二月三十一日餘額	<u>\$1,031,000,000</u>	<u>\$1,530,463,624</u>	<u>\$525,195,258</u>	<u>\$23,714,830</u>	<u>\$-</u>	<u>\$3,110,373,712</u>



# SECURITIES AND FUTURES INVESTORS PROTECTION CENTER

## STATEMENTS OF CHANGES IN INSTITUTE FUND

For the years ended December 31, 2006 and 2005  
(Expressed in New Taiwan Dollars)

	Institute Fund	Additional Capitalized Fund	Fund To Be Transferred	Unrealized Gain On Available-for-sale Financial Assets	Accumulated Surplus (Deficit)	Total
Balance, January 1, 2005	\$1,031,000,000	\$452,939,001	\$582,906,011	\$-	\$-	\$2,066,845,012
Fund capitalized from fund to be transferred		582,906,011	(582,906,011)			-
Contribution income to fund			514,044,706			514,044,706
Donation income to fund			5,000			5,000
Allocation to litigation and arbitration			(6,504,877)			(6,504,877)
Allocation to operation revenue			(12,926,217)			(12,926,217)
Surplus (deficit) for 2005					-	-
Balance, December 31, 2005	1,031,000,000	1,035,845,012	494,618,612	-	-	2,561,463,624
Fund capitalized from fund to be transferred		494,618,612	(494,618,612)			-
Contribution income to fund			538,415,964			538,415,964
Allocation to litigation and arbitration			(14,389,520)			(14,389,520)
Operation transferred to institute fund			1,168,814			1,168,814
Cumulative effect of change in accounting principles on available-for-sale financial assets				10,104,471		10,104,471
Unrealized gain on available-for-sale financial assets				13,610,359		13,610,359
Surplus (deficit) for 2006					-	-
Balance, December 31, 2006	<u>\$1,031,000,000</u>	<u>\$1,530,463,624</u>	<u>\$525,195,258</u>	<u>\$23,714,830</u>	<u>\$-</u>	<u>\$3,110,373,712</u>

財團法人證券投資人及期貨交易人保護中心

現金流量表

民國九十五年一月一日至十二月三十一日  
及民國九十四年一月一日至十二月三十一日

單位：新台幣元

項 目	九十五年度	九十四年度
業務活動之現金流量：		
本期餘絀	\$-	\$-
調整項目：		
折舊	1,983,141	1,957,191
處分長期投資利益	(24,367)	-
業務用資產及負債增減淨額		
公平價值變動列入損益之金融資產-流動	-	70,500,000
應收帳款	10,937,030	(20,768,513)
其他流動資產	(11,729,764)	(3,267,860)
應付費用	1,265,875	1,278,003
其他流動負債	(364,867)	455,280
代收款	251,455,705	282,047,863
受限制資產增加	(263,514,863)	(285,672,205)
存入保證金	12,058,441	3,635,059
業務活動之淨現金流入	2,066,331	50,164,818
投資活動之現金流量：		
備供出售金融資產增加數	(2,301,520)	(2,241,670)
備供出售金融資產減資退回股款	12,977	2,170
備供出售金融資產處分價款	49,402	-
持有至到期日之金融資產增加數	(373,269,420)	(710,415,935)
購置固定資產	(592,762)	(140,000)
存出保證金增加	(5,127,241)	(41,473,090)
投資活動之淨現金流出	(381,228,564)	(754,268,525)
融資活動之現金流量：		
待轉撥基金增加	525,195,258	494,618,612
融資活動之淨現金流入	525,195,258	494,618,612
本期現金增加(減少)數	146,033,025	(209,485,095)
期初現金及約當現金餘額	598,587,589	808,072,684
期末現金及約當現金餘額	\$744,620,614	\$598,587,589

# SECURITIES AND FUTURES INVESTORS PROTECTION CENTER

## STATEMENTS OF CASH FLOWS

For the years ended December 31, 2006 and 2005  
(Expressed in New Taiwan Dollars)

	2006	2005
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Surplus (deficit)	\$-	\$-
Adjustments to reconcile net surplus (deficit) to net cash provided by operating activities:		
Depreciation expense	1,983,141	1,957,191
Gain on disposal of long-term investments	(24,367)	-
Net changes in operating assets and liabilities		
Financial assets at fair value through profit or loss-current	-	70,500,000
Accounts receivable	10,937,030	(20,768,513)
Other current assets	(11,729,764)	(3,267,860)
Accrued expenses	1,265,875	1,278,003
Other current liabilities	(364,867)	455,280
Receipts in custody	251,455,705	282,047,863
Restricted assets	(263,514,863)	(285,672,205)
Guarantee deposits received	12,058,441	3,635,059
Net cash provided by operating activities	2,066,331	50,164,818
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Increase in available-for-sale financial assets	(2,301,520)	(2,241,670)
Proceeds from capital reduction of available-for-sale financial assets	12,977	2,170
Proceeds from disposal of available-for-sale financial assets	49,402	-
Increase in held-to-maturity financial assets	(373,269,420)	(710,415,935)
Purchases of property and equipment	(592,762)	(140,000)
Increase in refundable deposits	(5,127,241)	(41,473,090)
Net cash used in investing activities	(381,228,564)	(754,268,525)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
Increase in fund to be transferred	525,195,258	494,618,612
Net cash provided by financing activities	525,195,258	494,618,612
<b>NET INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS</b>	146,033,025	(209,485,095)
<b>CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR</b>	598,587,589	808,072,684
<b>CASH AND CASH EQUIVALENTS AT END OF YEAR</b>	\$744,620,614	\$598,587,589

## 柒・大事紀要

### VII. Major Events



日期 Date	事項 Event
01.04	<ul style="list-style-type: none"> <li>● 召開本中心第2屆第1次董事監察人會議： <ul style="list-style-type: none"> <li>一、提報主管機關遴選及指派本中心第2屆董事11人及監察人3人。</li> <li>二、決議通過推選朱董事兆銓擔任本中心第2屆董事長。</li> <li>三、決議通過聘請詹董事彩虹兼任本中心總經理。</li> </ul> </li> <li>● The Center held the first 2006 joint meeting of directors and supervisors and reached the following decisions: <ol style="list-style-type: none"> <li>1. Nominated 11 directors and 3 supervisors for the second Board of Directors for the regulatory authority's selection and appointment.</li> <li>2. Passed the resolution to nominate Director Jaw-Chyuan Chu as Chairman of the Center's second Board of Directors.</li> <li>3. Passed the resolution to retain Director Tsai-Hung Chan as President of the Center.</li> </ol> </li> <li>● 受理和旺股票投資人求償登記（自95年1月4日至1月17日）。</li> <li>● The Center accepted the application of claim for EN CER Inc. investors (from January 4 to 17, 2006)</li> </ul>
01.25	<ul style="list-style-type: none"> <li>● 召開本中心第2屆第2次董事監察人會議： <ul style="list-style-type: none"> <li>一、提報本中心95年度業務計畫、預算書案業經主管機關核備在案。</li> <li>二、提報為辦理團體訴訟案件，遇有被告對本中心或董事、監察人、經理人進行假扣押或損害賠償訴訟擬動用保護基金事，函報主管機關由保險公司提供董監事責任險或銀行出具保證書提供反擔保等措施。</li> <li>三、決議通過本中心與美國證券投資人保護公司簽署合作備忘錄。</li> <li>四、決議公告受理勁永公司內線交易及財報不實案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事求償。</li> </ul> </li> <li>● The Center held the second 2006 joint meeting of directors and supervisors and reached the following decisions. <ol style="list-style-type: none"> <li>1. The reported 2006 operational plan and budget were approved and filed by the regulatory authority.</li> <li>2. Reported that, in order to process class-action litigations, the Center shall report to the regulatory authority for relevant measures, such as provisions of directors and supervisors' liability insurance by insurance companies or guarantee for counter-guaranty from banks, when a defendant takes legal action against the Center, directors, supervisors, or the management with provisional seizure or the right to claim damage and the Center is planning to use the protection fund.</li> <li>3. Resolved to sign the Memorandum of Understanding with the U.S. Securities Investors Protection Company.</li> <li>4. Resolved on the announcement of accepting the application of actions and arbitration empowerment from investors of Power Quotient International, and filing a class-action litigation on behalf of investors for civil claim against insider trading and false financial statements.</li> </ol> </li> <li>● 受理勁永財報不實及內線交易案股票投資人求償登記（自95年1月25日至2月28日）。</li> <li>● Accepted the registration of claims from investors of Power Quotient International against insider trading and false financial statements (from January 25 to February 28, 2006).</li> </ul>
02.13	<p>皇統案為投資人提起團體訴訟。</p> <p>Filed a class-action litigation against Summit Computer Technology on behalf of investors.</p>

日期 Date	事 項 Event
02.15	宏傳案為投資人提起團體訴訟。 Filed a class-action litigation against Well Communication on behalf of investors.
02.16	召開「與發行公司進行和解協商，應如何訂定責任分擔原則」諮詢會議。 Conducted a meeting on "How to establish principles of division of responsibilities when negotiating for settlement with issuers".
02.22	召開本中心第2屆第3次董事監察人會議： 決議為及時追討團體訴訟被告之海外資產並進行相關訴訟，授權經理部門商洽國外法律事務所，進行必要之法律程序，並再行深入分析後提下次董監事會議討論。 The Center held the third 2006 joint meeting of directors and supervisors and reached the following decisions: Resolved to authorize the management department in charge to consult foreign legal agencies for necessary legal procedures in order to timely claim the foreign assets of defendants in the class-action litigations, and proceed to the according of lawsuits. Further in-depth analysis was arranged for discussion at the next board meeting of directors and supervisors.
03.01	召開「證交法修正後有關第20條之I及第157條之I法律適用問題」諮詢會議。 Conducted a meeting on "The legal applicability of Article 20-I and Article 157-I after the revision of Securities and Exchange Act".
03.17	舉辦「上市上櫃公司召開股東會問題面面觀」座談會。 Conducted a seminar on "Problems of shareholders' meetings convened by TSE & OTC listed companies".
03.22	召開本中心第2屆第4次董事監察人會議： 一、提報本中心財產總額登記由新台幣20億6千6百84萬5千零12元，變更為25億6千1百46萬3千6百24元。 二、決議通過本中心95年度第2季(4月至6月)保護基金保管運用方針。 三、決議通過本中心94年度業務報告書及經會計師查核簽證之財務報告。 四、決議公告受理台灣櫻花公司前董事長內線交易案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事訴訟求償。 五、決議就本中心辦理之團體訴訟案件，原則上同意授權經理部門就被告於海外之資產進行追償相關程序，並報主管機關核備。 六、決議通過遴聘本中心調處委員會第2屆調處委員，並申報主管機關核備後聘任。



日期 Date	事 項 Event
03.22	<p>The Center held the 2006 fourth joint meeting of directors and supervisors and reached the following decisions:</p> <ol style="list-style-type: none"> <li>1. Reported a change in the total registered assets of the Center from NT\$2,066,845,012 to NT\$2,561,463,624.</li> <li>2. Resolved on guidelines to the investor protection fund management for the second quarter (April to June) of 2006.</li> <li>3. Resolved on the 2005 business reports and financial reports audited and certified by certified public accountants (CPA).</li> <li>4. Resolved on the announcement of accepting the application of actions and arbitration empowerment from investors of Taiwan Sakura, and filing a class-action litigation for civil claim on behalf of investors against the insider trading of its former chairman.</li> <li>5. Resolved to authorize the management to proceed according to the procedures for claiming the foreign property of defendants in the class-action litigation processed through the Center, and then will submit the record to the regulatory authority for approval.</li> <li>6. Resolved to nominate and retain members of the 2006 Mediation Committee after approval by the regulatory authority.</li> </ol>
03.28	<p>受理台灣櫻花股票投資人求償登記（自95年3月28日至4月21日）。</p> <p>Accepted the registration of claim from investors of Taiwan Sakura (from March 28 to April 21, 2006).</p>
04.13	<p>東榮纖維內線交易案，經台南地院宣判，被告應對投資人負民事賠償責任。</p> <p>Taiwan District Court pronounced, in the Tung Zong Textile insider trading case, that the defendant shall be held liable for civil compensation towards investors.</p>
04.21	<p>勁永財報不實案為投資人提起團體訴訟。</p> <p>Filed a class-action litigation for the false financial statements of Power Quotient International on behalf of investors.</p>
04.24	<p>宏達科案為投資人提起團體訴訟。</p> <p>Filed a class-action litigation against National Aerospace Fasteners on behalf of investors.</p>
04.26	<ul style="list-style-type: none"> <li>● 召開本中心第2屆第5次董事監察人會議： <ul style="list-style-type: none"> <li>一、決議公告受理和平整合資訊公司內線交易案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事訴訟求償。</li> </ul> </li> <li>● The Center held the fifth 2006 joint meeting of directors and supervisors and reached the following decisions: <ol style="list-style-type: none"> <li>I. Resolved on the announcement of accepting the application of actions and arbitration empowerment from investors of Peace Systems Integration, and filing a class-action litigation on behalf of investors for civil claim against insider trading.</li> </ol> </li> <li>● 皇旗資訊財報不實案，經高等法院刑事庭判決被告無罪，駁回投資人提起之附帶民事訴訟，本中心上訴最高法院。因本件檢察官未上訴，最高法院於95年8月裁定駁回，全案已告確定。</li> <li>● The Criminal Division of Taiwan High Court pronounced not guilty for the defendants in the case of the false financial statements of Royal Information Electronics, and dismissed the supplementary civil action in criminal proceeding filed by investors. The Center appealed to the Supreme Court. As the prosecutor did not appeal, the Supreme Court dismissed and finalized the case in August 2006.</li> </ul>

日期 Date	事 項 Event
05.08	召開「從證券投資顧問事業將行銷外包手法看投資人權益之維護」座談會。 Conducted a seminar on "Viewing the protection of investors' rights from the aspect of securities investment consulting firms' outsourcing of marketing services".
05.24	召開本中心第2屆第6次董事監察人會議： 一、決議公告受理協和國際公司財報不實案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事求償。 The Center held the sixth 2006 joint meeting of directors and supervisors and reached the following decisions: I. Resolved on the announcement of accepting the application of actions and arbitration empowerment from investors of Sayho, and filing a class-action litigation on behalf of investors for civil claim against false financial statements.
05.25	東隆五金案，經高等法院宣判部分被告應對投資人負民事賠償責任。 Taiwan High Court pronounced, in the Tong Lung Metal Industry case, that some of the defendants shall be held liable for civil compensation towards investors.
06.01	受理協和國際股票投資人求償登記（自95年6月1日至6月30日）。 Accepted the registration of claim from investors of Sayho (from June 1 to June 30, 2006).
06.02	與美國證券投資人保護公司簽署合作備忘錄。 The Center signed the Memorandum of Understanding with the U.S. Securities Investors Protection Company.
06.06	朱董事長兆銓赴香港參加2006年國際證券管理機構組織（IOSCO）第31屆年會。 Chairman Jaw-Chyuan Chu attended the 31st Annual Conference of the International Organization of Securities Commissions (IOSCO) in Hong Kong.
06.14	台肥公司內線交易及股價操縱案，經高等法院宣判被告應對投資人負民事賠償責任。 Taiwan High Court pronounced, in the case of insider trading and manipulation of security prices by Taiwan Fertilizer, that the defendant shall be held liable for civil compensation towards investors.
06.27	台灣櫻花案為投資人提起團體訴訟。 Filed a class-action litigation against Taiwan Sakura on behalf of investors.
06.28	召開本中心第2屆第7次董事監察人會議： 一、提報本中心就動用保護基金提供反擔保或損害賠償等所需款項事，業經主管機關核准。 二、提報訂定本中心法律服務處業務執行模式。 三、決議公告受理合機公司前董事長等股價操縱案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事求償。 四、決議通過本中心95年度第3季(7月至9月)保護基金保管運用方針。 五、決議通過本中心趙順生副處長升任處長及洪裕琦組長升任副處長。

日期 Date	事 項 Event
06.28	<p>The Center held the seventh 2006 joint meeting of directors and supervisors and reached the following decisions:</p> <ol style="list-style-type: none"> <li>1. The regulatory authority approved the use of the protection fund by the Center to provide funds for counter-guaranty or damage compensation.</li> <li>2. Reported the standard operation procedures of the Legal Affairs Department.</li> <li>3. Resolved on the announcement of accepting the application of actions and arbitration empowerment from investors of Hold Key, and filing a class-action litigation on behalf of investors for civil claim against the security price manipulation of its former chairman.</li> <li>4. Resolved on guidelines for the investor protection fund management for the third quarter (July to September) of 2006.</li> <li>5. Resolved to promote Deputy Director Michael Shun-Sheng Chao to Director, and Division Chief Yu-Chi Hung to Deputy Director.</li> </ol>
07.17	<p>受理合機股票投資人求償登記（自95年7月17日至8月15日）。</p> <p>Accepted the registration of claim from investors of Hold Key (from July 17 to August 15, 2006).</p>
07.26	<p>召開本中心第2屆第8次董事監察人會議：</p> <ol style="list-style-type: none"> <li>一、決議公告受理茂矽公司內線交易案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事訴訟求償。</li> <li>二、決議公告受理銳普公司財務報告不實案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事訴訟求償。</li> </ol> <p>The Center held the eighth 2006 joint meeting of directors and supervisors and reached the following decisions:</p> <ol style="list-style-type: none"> <li>1. Resolved on announcing the acceptance of the application of actions and arbitration empowerment from Mosel Vitelic investors, and filing a class-action litigation on behalf of investors for civil claim against insider trading.</li> <li>2. Resolved on announcing the acceptance of the application of actions and arbitration empowerment from investors of Xepex Electronics, and filing a class-action litigation on behalf of investors for civil claim against false financial statements.</li> </ol>
07.31	<p>華夏租賃財報不實案，經高等法院刑事庭判決被告無罪，駁回投資人提起之附帶民事訴訟；本中心上訴最高法院。因本件檢察官未上訴，最高法院於95年9月裁定駁回，全案已告確定。</p> <p>The Criminal Division of Taiwan High Court pronounced the defendants in the case of the false financial statements of Hua Hsia Rental not guilty, and dismissed the supplementary civil action in criminal proceedings filed by investors. The Center appealed to the Supreme Court. As the prosecutor did not appeal, the Supreme Court dismissed and finalized the case in September 2006.</p>
08.01	<p>受理銳普股票投資人求償登記（自95年8月1日至8月31日）。</p> <p>Accepted the registration of claim from investors of Xepex Electronics (from August 1 to August 31, 2006).</p>
08.07	<p>受理茂矽股票投資人求償登記（自95年8月7日至9月7日）。</p> <p>Accepted the registration of claim from investors of Mosel Vitelic (from August 7 to September 7, 2006).</p>

日期 Date	事項 Event
08.10	勁永內線交易案為投資人提起團體訴訟。 Filed a class-action litigation against Power Quotient International for insider trading on behalf of investors.
08.22	召開「台開、茂矽內線交易案及陞技案訴訟相關疑義」諮詢會議。 Conducted a meeting on "Dubious issues in the insider trading cases of Taiwan Development Corporation and Mosel Vitelic and the Abit lawsuit".
08.23	<p>召開本中心第2屆第9次董事監察人會議：</p> <ol style="list-style-type: none"> <li>一、提報主管機關遴選董事2人及監察人1人，補足原任董事及監察人未滿之任期。</li> <li>二、提報為辦理團體訴訟案件，擬就被告進行海外資產追償，經主管機關函准事。</li> <li>三、決議補聘曾宛如教授為本中心第2屆調處委員會之調處委員。</li> <li>四、決議公告受理亞瑟科技公司負責人內線交易案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事訴訟求償。</li> <li>五、決議公告受理欣煜(原名陞技)公司財報不實案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事訴訟求償。</li> </ol> <p>The Center held the ninth 2006 joint meeting of directors and supervisors and reached the following decisions:</p> <ol style="list-style-type: none"> <li>1. Nominated two directors and one supervisor for regulatory authority's selection and appointment, in order to fulfill the unexpired terms of original directors and supervisors.</li> <li>2. Reported the approval of the regulatory authority by formal correspondence concerning the claim on the foreign assets of dependants in the class-action litigation.</li> <li>3. Resolved to retain Professor Wan-Ju Tseng as a member of the 2006 Mediation Committee.</li> <li>4. Resolved on the announcement of accepting the application of actions and arbitration empowerment from investors of CIS Technology, and filing a class-action litigation on behalf of investors for civil claim against insider trading by the company's responsible person.</li> <li>5. Resolved on the announcement of accepting the application of actions and arbitration empowerment from investors of Sainfoin Technology (formerly known as Abit), and filing a class-action litigation on behalf of investors for civil claim against false financial statements.</li> </ol>
08.31	受理亞瑟科技股票投資人求償登記（自95年8月31日至9月29日）。 Accepted the registration of claim from investors of CIS Technology (from August 31 to September 29, 2006).
09.01	受理欣煜股票投資人求償登記（自95年9月1日至9月29日）。 Accepted the registration of claim from investors of Sainfoin Technology (from September 1 to September 29, 2006).
09.18	召開「新修正證交法第20條之1有關持有人損害賠償請求權法律適用問題」諮詢會議。 Conducted a meeting on "The legal applicability of the rights to claim for damage in Article 20-1 of the revised Securities and Exchange Act".

日期 Date	事項 Event
09.27	<p>召開本中心第2屆第10次董事監察人會議：</p> <p>一、提報建請主管機關修訂本中心調處委員會組織及調處辦法第4條，第13條及本中心業務規則第12條等條文。</p> <p>二、決議公告受理中華映管公司內線交易案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事求償。</p> <p>三、決議通過本中心96年度業務計畫，並依各董監事之意見修正後併96年度預算案報下次董監事會議討論。</p> <p>四、決議通過本中心95年度第4季(10月至12月)保護基金保管運用方針。</p> <p>The Center held the tenth 2006 joint meeting of directors and supervisors and reached the following decisions:</p> <p>1. Reported and recommended that the regulatory authority revise Article 4 and Article 13 of the Regulations Governing Organization and Mediation Procedures of Mediation Committee, and Article 12 of the Operation Rules of the Center.</p> <p>2. Resolved on announcing the acceptance of the application of actions and arbitration empowerment from investors of Chuanghwa Picture Tubes, and filing a class-action litigation on behalf of investors for civil claim against insider trading.</p> <p>3. Resolved the 2007 operational plan of the Center and, after revision according to the recommendations of directors and supervisors, submitted the plan along with the 2007 budget report for discussion at the next board meeting of directors and supervisors.</p> <p>4. Resolved on guidelines to the investor protection fund management for the fourth quarter (October to December) of 2006.</p>
10.18	<p>協和國際案為投資人提起團體訴訟。</p> <p>Filed a class-action litigation against Sayho for insider trading on behalf of investors.</p>
10.25	<p>召開本中心第2屆第11次董事監察人會議：</p> <p>一、決議通過本中心96年度業務計畫及預算書。</p> <p>The Center held the eleventh 2006 joint meeting of directors and supervisors and reached the following decisions:</p> <p>1. Resolved the 2007 operational plan and budget of the Center.</p>
10.26	<p>召開「如何解決證券市場人頭戶氾濫之問題」座談會。</p> <p>Conducted a seminar on "How to solve the problems of excessive dummy accounts in the security market".</p>
11.03	<p>受理中華映管股票投資人求償登記（自95年11月3日至12月3日）。</p> <p>Accepted the registration of claim from investors of Chuanghwa Picture Tubes (from November 3 to December 3, 2006).</p>
11.06	<p>一、亞瑟科技案為投資人提起團體訴訟。</p> <p>二、合機案為投資人提起團體訴訟。</p> <p>1. Filed a class-action litigation against CIS Technology on behalf of investors.</p> <p>2. Filed a class-action litigation against Hold Key on behalf of investors.</p>
11.09	<p>與國揚公司財報不實案全體民事被告於台北地院達成訴訟上調解。</p> <p>Reached a settlement with all civil defendants of Kuoyang Construction for the false financial statement case in the Taipei District Court.</p>



日期 Date	事 項 Event
11.22	<p>召開本中心第2屆第12次董事監察人會議：</p> <p>一、決議公告受理永兆精密公司操縱股價案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事訴訟求償。</p> <p>二、決議就96年度投資人教育宣導預算增加事，提出強化教育宣導企劃案。</p> <p>The Center held the twelfth 2006 joint meeting of directors and supervisors and reached the following decisions:</p> <p>1. Resolved on announcing the acceptance of the application of actions and arbitration empowerment from investors of Qualitek Electronics, and filing a class-action litigation on behalf of investors for civil claim against insider trading.</p> <p>2. Resolved to propose an investor awareness campaign in response to the increase of the 2007 budget allotted for such educational promotion.</p>
11.27	<p>正義公司財報不實案台北地院宣判，部分被告應對投資人負民事賠償責任。</p> <p>Taipei District Court pronounced, in the false financial statement case of Cheng I Food, that some of the defendants shall be held liable for civil compensation towards investors.</p>
12.05	<p>一、銳普案為投資人提起團體訴訟。</p> <p>二、受理永兆精密股票投資人求償登記（自95年12月5日至12月29日）。</p> <p>1. Filed a class-action litigation against Xepex Electronics on behalf of investors.</p> <p>2. Accepted the registration of claim from investors of Qualitek Electronics (from December 5 to December 29, 2006).</p>
12.11	<p>茂矽案為投資人提起團體訴訟。</p> <p>Filed a class-action litigation against Mosel Vitelic on behalf of investors.</p>
12.26	<p>廣大興業公司內線交易案，經高等法院宣判被告應對投資人負民事賠償責任。</p> <p>Taiwan High Court pronounced, in the Tritronic insider trading case, that the defendants shall be held liable for civil compensation towards investors.</p>
12.27	<p>召開本中心第2屆第13次董事監察人會議：</p> <p>一、決議通過本中心96年度第1季(1月至3月)保護基金保管運用方針。</p> <p>二、決議公告受理全坤興業公司內線交易案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事訴訟求償。</p> <p>三、決議公告受理太萊晶體公司前董事長操縱股價案股票投資人授與訴訟及仲裁實施權並提起團體訴訟進行民事求償。</p> <p>The Center held the thirteenth 2006 joint meeting of directors and supervisors and reached the following decisions:</p> <p>1. Resolved on guidelines for the investor protection fund management for the first quarter (January to March) of 2007.</p> <p>2. Resolved on announcing the acceptance of the application of actions and arbitration empowerment from investors of Chain Qui Development, and filing a class-action litigation on behalf of investors for civil claim against insider trading.</p> <p>3. Resolved on announcing the acceptance of the application of actions and arbitration empowerment from investors of Technology Quartek, and filing a class-action litigation on behalf of investors for civil claim against the security price manipulation of its former chairman.</p>





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