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SFC bans Yeung Chun Him for 12 months

6 May 2016

The Securities and Futures Commission (SFC) has banned Mr Yeung Chun Him from re-entering the industry for 12 months from 6 May 2016 to 5 May 2017 for transferring client data for purposes other than for which the data was collected, in breach of the Code of Conduct and the Personal Data (Privacy) Ordinance (Notes 1 & 2).

At the material time, Yeung was an Associate Portfolio Manager of Hong Kong and Shanghai Banking Corporation Limited (HSBC) responsible for opening accounts for small and medium-sized enterprise clients and promoting investment and insurance products.

The SFC found that:

- on his last working day with HSBC on 13 December 2013, Yeung sent data concerning 1,540 customers (Client Information) from his HSBC email to his personal email;
- Yeung then sent the Client Information from his personal email to his email at China Construction Bank (Asia) Corporation Limited (CCB) on the first day of his new job on 16 December 2013;
- Yeung would be serving similar corporate clientele at CCB and he considered that the Client Information would facilitate his new job; and
- upon the request of HSBC, CCB deleted the emails attaching the Client Information from its email server.

The SFC is of the view that Yeung's conduct has called into question his fitness and properness to remain a licensed or registered person.

The case was referred to the SFC by the Hong Kong Monetary Authority.

End

Notes:

1. Yeung was a relevant individual engaged by HSBC to carry on Type 1 (dealing in securities) and Type 4 (advising on securities) regulated activities. Yeung is currently not registered with the Hong Kong Monetary Authority or licensed by the SFC.
2. General Principle 2 and paragraph 12.1 of the Code of Conduct for Persons Licensed by or Registered with the SFC, and Principle 3 of the Data Protection Principles of the Personal Data (Privacy) Ordinance.

[A copy of the Statement of Disciplinary Action is available on the SFC website](#)

Page last updated : 6 May 2016

STATEMENT OF DISCIPLINARY ACTION

The Disciplinary Action

1. The Securities and Futures Commission (**SFC**) has banned Mr Yeung Chun Him (**Yeung**) for a period of 12 months pursuant to section 194(1)(iii) of the Securities and Futures Ordinance (**SFO**).
2. Yuen was registered under the SFO to carry on Type 1 (dealing in securities) and Type 4 (advising on securities) regulated activities. Yeung is currently not licensed by the SFC or registered with the Hong Kong Monetary Authority.
3. The SFC found that Yeung transferred data of 1,540 customers of Hong Kong and Shanghai Banking Corporation Limited (**HSBC**) for purposes other than that for which the data was collected.
4. Yeung's fitness and properness to remain a licensed person has been called into question.

Summary of Facts

5. Yeung joined HSBC as a Business Development Officer on 3 January 2011 and was an Associate Portfolio Manager of the SME International IBB Department between 1 September and 13 December 2013.
6. In discharging his duties, Yeung would meet with clients to gather client information and conduct know-your-client procedures. He would then record information on the account opening form which would be passed to the back office to be uploaded onto HSBC's system. Information subsequently collected when following up with clients, such as when a client was last contacted and what was discussed, would also be uploaded.
7. Similar to his colleagues at HSBC, Yeung tailor-made his own spreadsheet for the purpose of storing client information such as the client's company name, contact details, products/services offered, potential banking / investments needs, range of annual sales turnover, sales location, etc (**Client Information**) once accounts for clients were opened. Although employees like Yeung would keep their own record of when their clients opened accounts and what businesses they do so that they could contact the clients to promote suitable services, the Client Information was evidently obtained by them during the course of their employment with HSBC.
8. On 13 December 2013, Yeung's last working day with HSBC, he sent two email messages entitled "Ex" and "Back Up & Useful Links 02" (the **Two Email Messages**) from his HSBC email address to his personal email (**Personal Email**). The attachments to the Two Email Messages contained various documents including the Client Information. This was detected by HSBC's automated email surveillance program which issued alerts to the relevant personnel.

9. Yeung commenced employment with China Construction Bank (Asia) Corporation Limited (**CCB**) as a Growth Group Associate Client Manager on 16 December 2013. His responsibilities included creating a portfolio of clients who require financial services and customized products to meet their financial needs, as well as interviewing prospective clients to collect information concerning their business needs and earnings to determine business opportunities.
10. On the same day, Yeung sent four email messages (the **Four Email Messages**) containing the Client Information from the Personal Email to his CCB email address.
11. On 17 December 2013, HSBC requested that CCB delete the Four Email Messages from its email server and on the following day, CCB confirmed that the same were removed from its IT system and Yeung's email box at CCB. CCB terminated Yeung's employment with effect from 18 December 2013.

Conclusion

12. The Client Information provided to HSBC was never intended to be passed onto other third parties. By sending the Client Information to the Personal Email and for onward transmission to CCB, Yeung has not only breached HSBC's code of conduct but also Principle 3 of the Data Protection Principles of the Personal Data (Privacy) Ordinance as well as General Principle 2 and paragraph 12.1 of the Code of Conduct for Persons Licensed by or Registered with the SFC. The SFC is of the view that Yeung's conduct has called into question his fitness and properness to be licensed. In light of the above, the SFC has decided to take the disciplinary action against Yeung described in paragraph 1.
13. In determining the appropriate sanction, the SFC took into account all relevant circumstances, including that Yeung has an otherwise clean disciplinary record and that a deterrent message needs to be sent to the market.

證監會禁止楊俊謙重投業界12個月

2016年5月6日

證券及期貨事務監察委員會（證監會）因楊俊謙（男）轉發客戶資料作收集有關資料的原來目的以外的用途，違反了《操守準則》及《個人資料(私隱)條例》，故禁止其重投業界，為期12個月，由2016年5月6日至2017年5月5日止（註1及2）。

楊在關鍵時間是香港上海滙豐銀行有限公司（滙豐）的投資組合副經理（Associate Portfolio Manager），負責為中小企客戶開戶及推廣投資與保險產品。

證監會發現：

- 楊於2013年12月13日（即楊於滙豐的最後一個工作日）從其滙豐電郵信箱將涉及1,540名客戶的資料發送至其私人電郵信箱；
- 楊其後於2013年12月16日（即開始新工作的第一天）從其私人電郵信箱將上述客戶資料發送至其於中國建設銀行（亞洲）股份有限公司（中國建設銀行）的電郵信箱；
- 楊在中國建設銀行服務類似的客戶群，而他認為上述客戶資料會有助他的新工作；及
- 中國建設銀行應滙豐要求將附有上述客戶資料的電郵自其電郵伺服器中刪除。

證監會認為，楊的行為令其繼續作為持牌人或註冊人的適當人選資格受到質疑。

本個案由香港金融管理局轉介證監會跟進。

完

備註：

1. 楊曾是受聘於滙豐進行第1類（證券交易）及第4類（就證券提供意見）受規管活動的有關人士。他目前沒有於香港金融管理局註冊，亦沒有獲證監會發牌。
2. 《證券及期貨事務監察委員會持牌人或註冊人操守準則》第2項一般原則及第12.1段，以及《個人資料(私隱)條例》第3原則。

[有關紀律處分行動聲明載於證監會網站](#)

最後更新日期：2016年5月6日

紀律處分行動聲明

紀律處分行動

1. 證券及期貨事務監察委員會（**證監會**）根據《證券及期貨條例》（**該條例**）第 194(1)(iii)條禁止楊俊謙（**楊**）重投業界，為期 12 個月。
2. 楊曾根據該條例獲發牌進行第 1 類（證券交易）及第 4 類（就證券提供意見）受規管活動。他目前沒有獲證監會發牌，亦沒有於香港金融管理局註冊。
3. 證監會發現，楊曾轉發香港上海滙豐銀行有限公司（**滙豐**）1,540 名客戶的資料，以作收集有關資料的原來目的以外的用途。
4. 楊繼續作為持牌人的適當人選資格已受到質疑。

事實摘要

5. 楊於 2011 年 1 月 3 日加入滙豐擔任業務發展主任，並在 2013 年 9 月 1 日至 12 月 13 日期間擔任中小企國際工商業務部的投資組合副經理（Associate Portfolio Manager）。
6. 楊在履行職責時，會會見客戶以收集客戶資料及進行認識你的客戶程序，然後會將資料記錄於開戶表格上，再將表格交給後勤辦公室，讓後勤辦公室上載至滙豐的系統。他其後與客戶跟進所收集的資料，例如上一次聯絡客戶的日期及曾討論的內容，亦會上載至滙豐的系統。
7. 當客戶開妥帳戶後，楊會自行製作試算表來儲存客戶資料，例如客戶的公司名稱、聯絡資料、所提供的產品／服務、潛在銀行服務／投資需要、年度銷售額幅度、銷售地點等（**該等客戶資料**）。這與他在滙豐的同事的做法類似。雖然像楊這樣的僱員會自行就客戶開立帳戶的時間和客戶經營的業務保存紀錄，以便聯絡客戶，推廣合適的服務，但該等客戶資料顯然是在他們任職於滙豐期間取得的。
8. 2013 年 12 月 13 日（即楊於滙豐的最後一個工作日），他從其滙豐電郵地址向自己的私人電郵信箱（**私人電郵信箱**）發出兩封標題為“Ex”和“Back Up & Useful Links 02”的電郵（**該兩封電郵**）。該兩封電郵的附件載有包括該等客戶資料在內的多份文件。滙豐的自動電郵監察系統偵測出該兩封電郵，並向相關人員發出警示。
9. 楊於 2013 年 12 月 16 日開始受聘於中國建設銀行（亞洲）股份有限公司（**中國建設銀行**），擔任增長集團客戶副經理（Growth Group Associate Client Manager），職責包括就需要金融服務的客戶製作資料檔、度身設計符合客戶金融需要的產品，以及會見準客戶以收集有關其業務需要和盈利的資料，從而釐定業務機會。
10. 同日，楊從私人電郵信箱向其於中國建設銀行的電郵地址發出四封電郵（**該四封電郵**），當中附有該等客戶資料。

11. 2013 年 12 月 17 日，滙豐要求中國建設銀行在其電郵伺服器中刪除該四封電郵。一天後，中國建設銀行確認，該四封電郵已自其資訊科技系統及楊於中國建設銀行的電郵信箱刪除。中國建設銀行解除與楊的僱傭關係，自 2013 年 12 月 18 日起生效。

結論

12. 提供予滙豐的該等客戶資料從不擬轉交予其他第三方。楊將該等客戶資料寄至私人電郵信箱，並再轉發至其於中國建設銀行的電郵地址，不但違反了滙豐的操守準則，亦違反了《個人資料(私隱)條例》第 3 原則，以及《證券及期貨事務監察委員會持牌人或註冊人操守準則》第 2 項一般原則及第 12.1 段。證監會認為，楊的行為已令其獲發牌的適當人選資格受到質疑。鑑於上文所述，證監會決定對楊採取第 1 段所述的紀律處分行動。
13. 證監會在決定適當的制裁時，已考慮到所有相關情況，包括楊並無遭受紀律處分的紀錄及需向市場發出具阻嚇力的訊息。