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SFC bans Choi Siu Ki for nine months

9 Jan 2017

The Securities and Futures Commission (SFC) has prohibited Mr Choi Siu Ki, a former financial planning manager of Dah Sing Bank Limited, from re-entering the industry for nine months from 7 January 2017 to 6 October 2017 for forging client signatures (Note 1).

The SFC found that in August 2015, Choi forged a customer's signatures on two insurance application documents in order to submit the documents in time before deadline.

Choi's forgery came to light after the client made a complaint with Dah Sing Bank upon discovery of forged signatures of hers in a copy of the approved insurance application document she received for retention (Note 2).

The SFC considers that Choi is not a fit and proper person to be licensed or registered to carry on regulated activities as a result of his forgery (Note 3).

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

End

Notes:

1. Choi was a relevant individual engaged by Dah Sing Bank Limited to carry on Type 1 (dealing in securities) and Type 4 (advising on securities) regulated activities under the Securities and Futures Ordinance. Choi is currently neither registered with the Hong Kong Monetary Authority nor licensed by the SFC.
2. The customer did not suffer any losses as a result of Choi's forgery.
3. Choi was prosecuted for two counts of forgery under the Crimes Ordinance. In May 2016, he appeared before the Eastern Magistrates' Courts but the prosecution offered no evidence against him and he was bound over in the sum of \$2,000 for 12 months.

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

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證監會禁止蔡兆基重投業界九個月

2017年1月9日

證券及期貨事務監察委員會（證監會）因大新銀行有限公司前財務策劃經理蔡兆基（男）假冒客戶簽名，禁止他重投業界九個月，由2017年1月7日起至2017年10月6日止（註1）。

證監會發現，蔡於2015年8月在兩份投保申請文件上假冒一名客戶簽名，目的是要趕及在限期前提交該等文件。

該客戶在投保申請文件獲批後收到有關副本以供保存時，發現有人曾假冒她的簽名，於是向大新銀行作出投訴，繼而揭發了蔡的偽造行為（註2）。

鑑於蔡作出上述偽造行為，證監會認為他並非獲發牌或註冊進行受規管活動的適當人選（註3）。

本個案由香港金融管理局轉介證監會跟進。

完

備註：

1. 蔡曾是受聘於大新銀行有限公司進行《證券及期貨條例》下第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。他現時沒有名列於香港金融管理局的紀錄冊，亦並非證監會持牌人。
2. 該客戶沒有因蔡的偽造行為而蒙受任何損失。
3. 蔡被控以兩項《刑事罪行條例》下的偽造罪。2016年5月，蔡到東區裁判法院席前應訊，但控方決定不提供指控他的證據，法院命令他以2,000元的款項簽保，為期12個月。

[有關紀律處分行動聲明載於證監會網站](#)

最後更新日期：2017年1月9日

STATEMENT OF DISCIPLINARY ACTION

The Disciplinary Action

1. The Securities and Futures Commission (**SFC**) has prohibited Mr Choi Siu Ki (**Choi**) for nine months pursuant to section 196 of the Securities and Futures Ordinance (**SFO**) from doing all or any of the following in relation to any regulated activities:
 - (a) applying to be licensed as a representative;
 - (b) applying to be approved under section 126(1) of the SFO as a responsible officer of a licensed corporation;
 - (c) applying to be given consent to act or continue to act as an executive officer of a registered institution under section 71C of the Banking Ordinance; and
 - (d) seeking through a registered institution to have his name entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance as that of a person engaged by the registered institution in respect of a regulated activity.
2. The disciplinary action is taken because Choi forged client's signatures on insurance application documents.
3. Choi's conduct was dishonest and cast serious doubt on his ability to carry on the regulated activities competently, honestly and fairly, as well as his reputation, character and reliability.

Summary of facts

4. Choi was a Financial Planning Manager of Dah Sing Bank Limited (**Bank**). In August 2015, a customer of the Bank (**Customer**), purchased a life insurance from him and the Customer signed on an Application for Life Insurance (**Application**) as well as a "Supplement to Application for Insurance" (**Supplement**). The Bank received the Application and Supplement on 11 and 17 August 2015 respectively, and the Customer's application was approved.
5. Thereafter, the Customer received a copy of the insurance application document for her retention. She found two false signatures in the Application and the Supplement respectively. The Customer made a complaint to the Bank on 26 August 2015.
6. On 2 September 2015, an assistant branch manager of the Bank, enquired with Choi via phone and Choi admitted that he had forged two signatures of the Customer in order to submit the documents in time before the deadline. Choi wrote a letter of apology to the Customer and provided a copy to the Bank. The assistant branch manager then reported the case. On 4 September 2015, the

Customer went to the Bank to sign on the documents and the insurance policy remains effective.

7. On 26 October 2015, Choi was arrested at his residence. Under caution, he admitted that he had forged the signatures of the Customer out of momentary negligence and expediency.
8. Choi was prosecuted on two counts of forgery contrary to section 71 of the Crimes Ordinance (Cap. 200). On 13 May 2016, Choi appeared at the Eastern Magistrates' Courts but the prosecution offered no evidence against him. On entering into his own recognizance in the sum of \$2,000, a bound over order to be of good behaviour and to refrain from committing or attempting to commit any criminal act involving dishonesty against any person for 12 months was made against Choi.

Conclusion

9. Having considered all the circumstances, the SFC is of the view that Choi is not fit and proper to be or to remain the same type of regulated person.
10. In reaching the decision to take the disciplinary action set out in paragraph 1 above, the SFC has taken into account all the circumstances of this case, including:
 - Choi was prosecuted for the offence of forgery and he was given a bound over order;
 - Choi did not receive any personal benefit or gain and neither did the Customer suffer any losses as a result of the forgery;
 - a deterrent message is necessary to deter other market practitioners from committing similar conduct.

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**）已根據《證券及期貨條例》第 196 條，禁止蔡兆基（**蔡**）就任何受規管活動作出以下所有或其中任何事情，為期九個月：
 - (a) 申請獲發牌照成為代表；
 - (b) 申請根據《證券及期貨條例》第 126(1)條獲核准成為持牌法團的負責人員；
 - (c) 申請根據《銀行業條例》第 71C 條獲給予同意以或繼續以註冊機構的主管人員的身分行事；及
 - (d) 透過註冊機構，尋求名列於金融管理專員根據《銀行業條例》第 20 條備存的紀錄冊並顯示他就某類受規管活動受聘於該註冊機構。
2. 本會採取上述紀律處分行動，是因為蔡在投保申請文件上假冒客戶簽名。
3. 蔡的行為有欠誠實，令人對其能否稱職、誠實及公平地進行有關的受規管活動，以至其信譽、品格及可靠程度，產生極大懷疑。

事實摘要

4. 蔡當時是大新銀行有限公司（**該銀行**）的財務策劃經理。2015 年 8 月，該銀行一名客戶（**該客戶**）向他購買了一份人壽保險，並簽署了《人壽保險申請書》（**該申請書**）及一份“投保申請補充文件”（**該補充文件**）。該銀行於 2015 年 8 月 11 及 17 日先後收到該申請書及該補充文件，繼而批准了該客戶的申請。
5. 之後，該客戶收到投保申請文件的副本，以供她保存。該客戶分別在該申請書及該補充文件內發現兩個偽冒簽名，遂於 2015 年 8 月 26 日向該銀行投訴。
6. 2015 年 9 月 2 日，該銀行的助理分行經理透過電話向蔡查問此事，蔡承認該客戶的兩個簽名都是他假冒的，目的是要趕及在限期前提交相關文件。蔡已向該客戶致函道歉，並向該銀行提供了道歉函的副本。助理分行經理隨後報案。2015 年 9 月 4 日，該客戶到該銀行簽署了相關文件，而有關係單則繼續生效。
7. 2015 年 10 月 26 日，蔡在其寓所被捕。他在警誡下承認因一時疏忽及為求一己之便而假冒該客戶的簽名。
8. 蔡因違反《刑事罪行條例》（第 200 章）第 71 條而被控以兩項偽造罪。2016 年 5 月 13 日，蔡在東區裁判法院應訊，但控方決定不提供指控他的證據。法院向蔡發出簽保令，下令其以 2,000 元的款項作出自簽擔保，保證在 12 個月內保

持行為良好，以及不會對任何人作出或企圖作出任何涉及不誠實行為的刑事作為。

結論

9. 證監會經考慮所有情況後，認為蔡並非擔任或留任同一類受規管人士的適當人選。
10. 證監會在達致採取上文第 1 段所述的紀律處分行動的決定時，已考慮到本案的所有情況，包括：
 - 蔡因干犯偽造罪而被檢控，及法院對他發出了簽保令；
 - 蔡沒有獲得任何個人利益或收益，該客戶亦沒有因上述偽造行為而蒙受任何損失；
 - 有必要傳達阻嚇訊息，以遏止其他市場從業員干犯同類行為。