

SFC bans Ngo Wing Chun for 12 months

20 Sep 2018

The Securities and Futures Commission (SFC) has banned Mr Ngo Wing Chun, a former relationship manager of Hongkong and Shanghai Banking Corporation Limited (HSBC), from re-entering the industry for 12 months from 20 September 2018 to 19 September 2019 for unauthorized transfer of customer data (Note 1).

The SFC found that Ngo sent an email containing personal data of approximately 995 customers from his HSBC email account to his two personal email accounts on 19 November 2015, his last working day at HSBC.

The customer data leakage was immediately detected by HSBC's email monitoring system before Ngo joined another bank in a similar capacity the following day. Ngo agreed to delete the email upon HSBC's request from his personal email accounts. There is no evidence that the customer data had been disclosed to any third parties.

Ngo's conduct was in breach of HSBC's internal policies, the Personal Data (Privacy) Ordinance (PDPO) and the SFC's Code of Conduct (Notes 2 to 5).

In deciding the sanction, the SFC took into account all relevant circumstances, including Ngo's otherwise clean disciplinary record.

This case was referred to the SFC by the Hong Kong Monetary Authority (HKMA).

End

Notes:

1. Ngo was registered as a relevant individual of HSBC between 19 March 2014 and 19 November 2015 to carry on Type 1 (dealing in securities) and Type 4 (advising on securities) regulated activities under the Securities and Futures Ordinance. Ngo is currently not registered with the HKMA or licensed by the SFC.
2. Data Protection Principle 3 in Schedule 1 of the PDPO provides that personal data shall not, without the prescribed consent of the data subject, be used for a new purpose, i.e. any purpose other than the purpose for which the data was to be used at the time of the collection of the data or a purpose directly related to such purpose. "Use" is also defined in the PDPO to include disclose or transfer personal data.
3. Code of Conduct for Persons Licensed by or Registered with the SFC (Code of Conduct).
4. General Principle 2 (diligence) of the Code of Conduct provides that a registered person should conduct business activities with due skill, care, diligence, in the best interests of its clients and the integrity of the market.
5. Paragraph 12.1 of the Code of Conduct provides that a registered person should comply with the law, rules, regulations and codes administered or issued by the SFC and the requirements of any regulatory authority which apply to the registered person.

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

Page last updated : 20 Sep 2018

STATEMENT OF DISCIPLINARY ACTION

The Disciplinary Action

1. The Securities and Futures Commission (**SFC**) has banned Mr Ngo Wing Chun (**Ngo**) from re-entering the industry for a period of 12 months pursuant to section 196(1) (iii) of the Securities and Futures Ordinance (**SFO**).
2. Ngo was registered as a relevant individual of the Hongkong and Shanghai Banking Corporation Limited (**HSBC**) between 19 March 2014 and 19 November 2015 to carry on Type 1 (dealing in securities) and Type 4 (advising on securities) regulated activities under the SFO. Ngo is currently not registered with the Hong Kong Monetary Authority (**HKMA**) or licensed by the SFC.
3. The SFC found that, in November 2015, Ngo transferred personal data of approximately 995 customers of HSBC to his personal email accounts without authorization, in breach of:
 - (a) HSBC's internal policies, which prohibited the sending of customer information to personal email accounts;
 - (b) Data Protection Principle (**DPP**) 3 in Schedule 1 of the Personal Data (Privacy) Ordinance (**PDPO**), which provides that personal data shall not, without the prescribed consent of the data subject, be used for a new purpose, i.e. any purpose other than the purpose for which the data was to be used at the time of the collection of the data or a purpose directly related to such purpose¹;
 - (c) General Principle 2 of the Code of Conduct for Persons Licensed by or Registered with the SFC (**Code of Conduct**), which provides that a registered person should conduct business activities with due skill, care, diligence, in the best interests of its clients and the integrity of the market; and
 - (d) Paragraph 12.1 of the Code of Conduct, which provides that a registered person should comply with the law, rules, regulations and codes administered or issued by the SFC and the requirements of any regulatory authority which apply to the registered person.

Summary of facts

4. Ngo worked as an associate relationship manager at a branch of HSBC (**Branch**). On 19 November 2015, Ngo requested that he be immediately released and made a payment of wages in lieu of notice to HSBC. His employment with HSBC was therefore terminated on 19 November 2015 (**Last Day**). He joined another bank in a similar capacity on the following day.

¹ "Use" is defined in section 2 of the PDPO to include disclose or transfer personal data.

5. In violation of HSBC's internal information security policies, Ngo sent an email with a number of attachments (**Email**) from his HSBC email account to his two personal email accounts shortly before he left the Branch on the Last Day. The attachments contained personal data of approximately 995 customers of HSBC, including their names, ages, phone numbers, and account numbers and balances.
6. The security breach was detected by HSBC's email monitoring system. Upon HSBC's request, Ngo attended the Branch on 20 November 2015 and deleted the Email together with all attachments from his personal email accounts. Ngo confirmed that he had not disclosed any customer information to any third parties.
7. HSBC conducted an internal investigation and reported the matter to the HKMA, which referred the case to the SFC for further investigation.

Conclusion

8. By sending customers' personal data to his personal email accounts, Ngo acted in breach of DPP 3 of the PDPO. The SFC is of the view that Ngo's conduct was contrary to General Principle 2 and paragraph 12.1 of the Code of Conduct, which called into question his fitness and properness to be registered with the HKMA or licensed by the SFC.
9. In deciding the disciplinary sanction set out in paragraph 1, the SFC has taken into account all relevant circumstances, including:
 - (a) Ngo deleted the customer information upon HSBC's request and the risk of any further leakage appears to have been contained;
 - (b) there is no evidence that the customer information has been disclosed to any third parties or any of the affected customers has suffered any loss;
 - (c) a deterrent message needs to be sent to the market; and
 - (d) Ngo had an otherwise clean disciplinary record with the SFC.

證監會禁止敖永駿重投業界12個月

2018年9月20日

香港上海滙豐銀行有限公司（滙豐）前客戶關係經理敖永駿（男）因在未經授權下轉發客戶資料，遭證券及期貨事務監察委員會（證監會）禁止重投業界，為期12個月，由2018年9月20日起至2019年9月19日止（註1）。

證監會發現，敖在2015年11月19日（即他於滙豐的最後一個工作日）從他的滙豐電郵帳戶發出一封載有約995名客戶的個人資料的電郵至其兩個個人電郵帳戶。

滙豐的電郵監察系統在敖於翌日加入另一家銀行擔任類似職位前已即時偵測到客戶資料遭外洩。敖應滙豐的要求，同意將該電郵從其個人電郵帳戶刪除。沒有證據顯示敖曾向任何第三方披露客戶資料。

敖的行為違反了滙豐的內部政策、《個人資料(私隱)條例》（《私隱條例》），及證監會的《操守準則》（註2至5）。

證監會在決定上述紀律處分時，已考慮到所有相關情況，包括敖過往並無遭受紀律處分的紀錄。

本個案由香港金融管理局（金管局）轉介證監會跟進。

完

備註：

- 敖在2014年3月19日至2015年11月19日期間獲註冊為滙豐的有關人士，以進行《證券及期貨條例》下的第1類（證券交易）及第4類（就證券提供意見）受規管活動。敖目前沒有名列於金管局的紀錄冊，亦並非證監會持牌人。
- 《私隱條例》附表1保障資料原則的第3原則規定，如無有關的資料當事人的訂明同意，個人資料不得用於新目的，即在收集該資料時擬將該資料用於的目的或直接與該目的有關的目的以外的任何目的。“使用”在《私隱條例》中亦被定義為包括披露或移轉個人資料。
- 《證券及期貨事務監察委員會持牌人或註冊人操守準則》（《操守準則》）。
- 《操守準則》第2項一般原則（勤勉盡責）規定，註冊人在經營其業務時，應以適當的技能、小心審慎和勤勉盡責的態度行事，以維護客戶的最佳利益及確保市場廉潔穩健。
- 《操守準則》第12.1段規定，註冊人應遵守有關的法例、證監會所執行或發出的規則、規例及守則，及適用於該註冊人的任何監管當局的規定。

有關紀律處分行動聲明載於證監會網站

最後更新日期：2018年9月20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)依據《證券及期貨條例》(該條例)第 196(1)(iii) 條，禁止敖永駿先生(敖)重投業界，為期 12 個月。
2. 敖於 2014 年 3 月 19 日至 2015 年 11 月 19 日期間獲註冊為香港上海滙豐銀行有限公司(滙豐)的有關人士，以進行該條例下的第 1 類(證券交易)及第 4 類(就證券提供意見)受規管活動。敖目前沒有名列於香港金融管理局(金管局)的紀錄冊，亦並非證監會持牌人。
3. 證監會發現，敖於 2015 年 11 月在未經授權下將大約 995 名滙豐客戶的個人資料轉發至他的個人電郵帳戶，違反了：
 - (a) 滙豐的內部政策，有關政策禁止將客戶資料發送至個人電郵帳戶；
 - (b) 《個人資料(私隱)條例》(《私隱條例》)附表 1 保障資料原則的第 3 原則，該原則規定，如無有關的資料當事人的訂明同意，個人資料不得用於新目的，即在收集該資料時擬將該資料用於的目的或直接與該目的有關的目的以外的任何目的¹；
 - (c) 《證監會持牌人或註冊人操守準則》(《操守準則》)第 2 項一般原則，該原則規定註冊人在經營其業務時，應以適當的技能、小心審慎和勤勉盡責的態度行事，以維護客戶的最佳利益及確保市場廉潔穩健；及
 - (d) 《操守準則》第 12.1 段，該段規定註冊人應遵守有關的法例、證監會所執行或發出的規則、規例及守則，及適用於該註冊人的任何監管當局的規定。

事實摘要

4. 敖原於滙豐某分行(該分行)擔任助理客戶關係經理。2015 年 11 月 19 日，他要求即時離職，並向滙豐支付代通知金。他與滙豐的僱傭關係因而於 2015 年 11 月 19 日(最後工作日)終止。翌日，他加入另一家銀行擔任類似職位。
5. 敖違反滙豐的內部資訊保安政策，在最後工作日，於離開該分行之前不久，從他的滙豐電郵帳戶發出一封附有多份附件的電郵(該電郵)至其兩個個人電郵帳戶。該等附件載有大約 995 名滙豐客戶的個人資料，包括姓名、年齡、電話號碼、帳戶號碼及結餘。
6. 滙豐的電郵監察系統偵測到上述的保安違規事件。敖應滙豐的要求，於 2015 年 11 月 20 日前往該分行，並從他的個人電郵帳戶將該電郵連同所有附件刪除。敖確認他並無向任何第三方披露任何客戶資料。

¹ “使用”在《私隱條例》第 2 條中被定義為包括披露或移轉個人資料。

7. 滙豐進行了內部調查，並向金管局匯報此事。金管局將個案轉交證監會以作進一步調查。

結論

8. 敖將客戶的個人資料發送至他的個人電郵帳戶，違反了《私隱條例》保障資料原則的第 3 原則。證監會認為敖的行為有違《操守準則》第 2 項一般原則及第 12.1 段，令人質疑他是否獲金管局註冊或獲證監會發牌的適當人選。
9. 證監會在決定第 1 段所述的紀律處分時，已考慮到所有相關情況，包括：
 - (a) 敖已應滙豐要求將客戶資料刪除，任何進一步外洩的風險看來已受控；
 - (b) 沒有證據顯示敖曾向任何第三方披露客戶資料，或有任何受影響客戶因而蒙受任何損失；
 - (c) 必須向市場傳遞具阻嚇力的訊息；及
 - (d) 敖過往並無遭受證監會紀律處分的紀錄。

Name of Relevant Individual : NGO, WING CHUN
Chinese Name of Relevant Individual : 敖永駿
HKMA Registration Number : AC8986

Current Registration

Not Applicable

Business Address

Not Applicable

Conditions

Not Applicable

Registration History

HKMA Registration Number	Registered Institution	Regulated Activity	Effective Period	Is an Executive Officer? (Yes / No)
AC8986	STANDARD CHARTERED BANK (HONG KONG) LIMITED	Type 1: dealing in securities	13 Jan 2016 - 07 Jun 2016	No
AC8986	STANDARD CHARTERED BANK (HONG KONG) LIMITED	Type 4: advising on securities	13 Jan 2016 - 07 Jun 2016	No
AC8986	HONGKONG AND SHANGHAI BANKING CORPORATION LIMITED (THE)	Type 1: dealing in securities	19 Mar 2014 - 19 Nov 2015	No
AC8986	HONGKONG AND SHANGHAI BANKING CORPORATION LIMITED (THE)	Type 4: advising on securities	19 Mar 2014 - 19 Nov 2015	No
AC8986	HONGKONG AND SHANGHAI BANKING CORPORATION LIMITED (THE)	Type 1: dealing in securities	02 Mar 2013 - 12 Aug 2013	No
AC8986	HONGKONG AND SHANGHAI BANKING CORPORATION LIMITED (THE)	Type 4: advising on securities	02 Mar 2013 - 12 Aug 2013	No
AC8986	HONGKONG AND SHANGHAI BANKING CORPORATION LIMITED (THE)	Type 1: dealing in securities	07 Apr 2006 - 25 Sep 2008	No
AC8986	HONGKONG AND SHANGHAI BANKING CORPORATION LIMITED (THE)	Type 4: advising on securities	07 Apr 2006 - 25 Sep 2008	No

Public Disciplinary Actions

Records of public disciplinary actions taken against the relevant individual by the SFC

Not Applicable

Not Applicable
