

STATEMENT OF DISCIPLINARY ACTION

The disciplinary action

1. The Mandatory Provident Fund Schemes Authority (**MPFA**) has disqualified CHU Jun En Jordan (**CHU**) from being registered as a Mandatory Provident Fund (**MPF**) intermediary for 20 months from 31 May 2023 to 30 January 2025.
2. The MPFA found that, between around August and October 2017:
 - (a) CHU transferred a scheme member's MPF accrued benefits from an MPF scheme to another MPF scheme (**Subject Transfer**) without the scheme member's authorization; and
 - (b) CHU instructed a third party to impersonate the scheme member in calling an MPF trustee (**Original Trustee**) to obtain the scheme member's account information.
3. CHU's conduct was in breach of the conduct requirements under section 34ZL(1)(a) of the Mandatory Provident Fund Schemes Ordinance, Cap 485 (**MPFSO**).
4. The MPFA also found that such misconduct of CHU constitutes non-compliance with the internal policy and guideline of his then principal intermediary.

Summary of facts

5. CHU was a subsidiary intermediary attached to AIA International Limited (**AIA**) between 29 August 2017 and 1 February 2018.
6. At the material time, the scheme member passed by a roadshow in Mei Foo. CHU approached her and told her that she could receive a HK\$50 supermarket coupon upon completion of an MPF questionnaire. The scheme member was attracted by the coupon so she agreed to complete the questionnaire.
7. CHU asked the scheme member to provide her personal particulars. CHU also requested the scheme member to sign on a few forms without explaining the purposes of such forms, and took a photograph of her HKID card.
8. The scheme member did not know what the alleged "questionnaire" was about. CHU did not provide any information relating to the MPF scheme of AIA (**AIA Scheme**) or ask her any other questions except her personal information. After signing all the forms, CHU gave a HK\$50 supermarket coupon to the scheme member.
9. Investigation revealed that CHU had instructed a third party to impersonate the scheme member to call the Original Trustee for obtaining the information of the scheme member's MPF account.

10. The scheme member only realized the Subject Transfer upon receipt of notifications from the Original Trustee and the relevant trustee of the AIA Scheme respectively.

Breaches and reasons for action

11. Section 34ZL(1)(a) of the MPFSO states that, when carrying on a regulated activity, a principal intermediary or a subsidiary intermediary attached to a principal intermediary must act honestly, fairly, in the best interests of the client, and with integrity.
12. Having considered all the circumstances of the case, the MPFA is of the view that CHU had when carrying on a regulated activity failed to act honestly, fairly, in the best interests of the client, and with integrity by:
 - (a) effecting the Subject Transfer without the scheme member's authorization by misleading the scheme member to sign transfer forms under the pretence that the forms were for the purpose of completing a questionnaire; and
 - (b) instructing a third party to impersonate the scheme member in calling the Original Trustee to obtain the scheme member's account information.
13. In doing so, CHU not only breached the conduct requirements under the MPFSO, he also failed to comply with AIA's internal policy or guideline.

Conclusion

14. The MPFA's view is that CHU's conduct has breached the conduct requirements under sections 34ZL(1)(a) of the MPFSO. The MPFA has therefore decided to take the disciplinary action set out in paragraph 1 hereinabove against CHU.
15. In determining the disciplinary sanction, the MPFA took into account all relevant circumstances, including the nature, seriousness and impact of CHU's breaches and that he has no previous disciplinary record with the MPFA.