

STATEMENT OF DISCIPLINARY ACTION

The Disciplinary action

1. The Mandatory Provident Fund Schemes Authority (**MPFA**) reprimands and disqualifies WONG Chun Yin (**WONG**) from being registered as a Mandatory Provident Fund (**MPF**) intermediary for 5 years from 8 April 2024 to 7 April 2029.
2. The MPFA found that WONG effectuated three transfers of MPF of two scheme members (**Scheme Members**) from their original MPF schemes to an MPF scheme of Sun Life Trustee Company Limited (**Sun Life Scheme**) without their authorization and knowledge (**Transfers**) in 2019 and 2020 respectively.
3. WONG's conduct was in breach of the conduct requirements under section 34ZL(1)(a) of the Mandatory Provident Fund Schemes Ordinance, Cap. 485 (**MPFSO**).

Summary of facts

4. WONG was a subsidiary intermediary attached to FWD Life Insurance Company (Bermuda) Limited from 18 December 2017 to 16 June 2020.
5. The two Scheme Members were former employees of a company (**Company**). They both alleged that they had neither met nor authorized WONG to transfer their MPF to the Sun Life Scheme.
6. WONG claimed that:
 - (a) he had worked part-time in the Company in 2018/2019;
 - (b) he assisted the Company to set up an employer MPF account with the Sun Life Scheme for making MPF contribution for its employees;
 - (c) he placed partially-filled forms in the office of the Company for newly joined staff to complete and sign;
 - (d) he advised the administrative staff of the Company on the use of each form and the form filling logistics, and he asked the administrative staff to pass the forms to the newly joined staff. He would visit the Company from time to time (once or twice per week) to collect any signed forms;
 - (e) he would complete any blank sections of the forms on behalf of the employees with reference to the information on their employment application forms with the Company by making enquiry with its Human Resources Department; and
 - (f) he had met the two Scheme Members in person prior to the Transfers.

7. Despite WONG's claim that the two Scheme Members had signed the relevant forms to conduct the Transfers in 2019, his evidence was not cogent and contrary to the evidence given by the two Scheme Members. Both Scheme Members confirmed that they no longer worked in the Company when the relevant forms were purportedly signed by them at the office of the Company. In addition, investigation also revealed that the Company was a participating employer of another MPF scheme instead of the Sun Life Scheme. Also, WONG failed to explain how he could have called one of the Scheme Members when the phone number on the forms purportedly signed by the Scheme Member was incorrect.

Breaches and reasons for action

8. 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.
9. Having considered all the circumstances of the case, the MPFA is of the view that WONG had when carrying on a regulated activity, failed to act honestly, fairly, in the best interests of the client, and with integrity by transferring the two Scheme Members' MPF from their original MPF schemes to the Sun Life Scheme without their authorization and knowledge.

Conclusion

10. The MPFA's view is that WONG's conduct has breached the conduct requirements under section 34ZL(1)(a) of the MPFSO. The MPFA has therefore decided to take the disciplinary action set out in paragraph 1 hereinabove against WONG.
11. In determining the disciplinary sanction, the MPFA took into account all relevant circumstances, including (a) the nature, seriousness and impact of WONG's breach; (b) a previous disciplinary order of one-month disqualification from registration from 19 July 2023 to 18 August 2023 imposed on WONG by the MPFA¹ concerning his deliberate failure to carry out a client's instructions as he was about to work for another principal intermediary; and (c) the need to send a strong deterrent message to the industry.

¹ The press release in relation to the previous disciplinary action taken against WONG by the MPFA on 19 July 2023 is available [here](#).