

(翻譯本)

本局檔號： B1/15C
B9/67C

致： 所有認可機構
行政總裁

敬啟者：

跟進錯誤轉帳的處理程序

謹促請貴機構注意，香港銀行公會及存款公司公會已發出有關「跟進客戶通報的錯誤轉帳的處理程序」(「處理程序」)的通告，香港金融管理局(「金管局」)預期認可機構應予採納。有關處理程序載於本通告附件(只備英文版本)以便參閱。

認可機構偶有出現客戶錯誤轉帳予非擬定收款人，並尋求認可機構協助取回誤傳款項的個案。《銀行營運守則》其中一項一般原則，是認可機構須設立相關資訊、管控及保障機制，以適當地保障客戶的金融資產，避免蒙受挪用或其他不正當使用所損害。因此，認可機構應制定適當程序及機制，就上述個案協助客戶。為提供更清晰及進一步優化認可機構現行的處理流程，香港銀行公會經諮詢金管局後制定處理程序，供業界跟進錯誤轉帳個案時採納。

處理程序適用於客戶報稱曾透過任何銀行服務渠道(包括自動櫃員機、網上銀行、手機銀行、電話理財及銀行分行等)向非擬定收款人誤傳款項，並其後經「轉數快」、「即時支付結算系統」或其他機制或系統完成轉帳的個案。為免產生疑問，處理程序適用於涉及認可機構及 / 或儲值支付工具持牌人的轉帳個案。

認可機構應於 2019 年 3 月 25 日起遵守及實施上述處理程序，並制定適當程序及管控制度，確保妥善採納及執行處理程序。金管局將監察認可機構實施處理程序的情況。

此外，認可機構應透過合適渠道進行足夠的消費者教育。一方面認可機構

應提醒客戶轉帳時須小心謹慎，避免出錯，另一方面亦應提醒客戶，若收到誤傳的轉帳款項，須經有關認可機構退回，否則可能會負上刑事責任。

若對本通告有任何疑問，敬請聯絡馬藝文女士(2878-8601)或朱嫵婷女士(2878-1563)。

助理總裁（銀行操守）
區毓麟

2019 年 1 月 25 日

連附件（只備英文版本）

Handling Procedures for
Following up Mis-transfer of Funds Reported by Customers

In order to enhance customer experience, this circular contains the recommended handling procedures (“Recommended Handling Procedures”) for reports from customers that they have made payments to a third party by mistake. The Recommended Handling Procedures are industry good practices developed by the Hong Kong Association of Banks (HKAB) in consultation with the Hong Kong Monetary Authority (HKMA).

I. Scope of Recommended Handling Procedures

The Recommended Handling Procedures apply to reports by customers (“transferors”) that they have made payments to a third party (“transferees”) by mistake (“mis-transfer of funds”) through any banking channels (including, among others, automated teller machines (ATMs), online banking, mobile banking, phone banking and bank branches) or stored value facility (SVF) licensees and subsequently effected via Faster Payment System (FPS), Real Time Gross Settlement (RTGS) systems, or other mechanisms or systems.

The intermediaries involved may be a bank or an SVF licensee. Accordingly, the Recommended Handling Procedures apply to banks and SVF licensees, whether acting for the transferee or transferor or both parties in the same transaction.

II. Recommended Handling Procedures

1. When the transferor reports a case of mis-transfer of funds to the transferor’s bank or SVF licensee as the case may be (“Transferor’s Institution”), the Transferor’s Institution should request the transferor to provide relevant information¹ to facilitate follow-up actions and obtain consent from the transferor for the sharing of these information with the Transferee’s Institution, the Transferee and the Hong Kong Police Force (“Police”) as appropriate for the purpose of handling the mis-transfer of funds. Examples of such information include:

¹ For a more user-friendly practice, the Transferor’s Institution is expected to have in place hard-copy and/or electronic forms to facilitate customers to report mis-transfer cases.

- date and time of the mis-transfer;
 - amount of the transaction involved;
 - the transferor's bank account involved;
 - the transferee's bank account (or relevant identifiers such as mobile phone number or e-mail address in the case of an FPS transaction) to which the funds have been erroneously transferred; and
 - means (e.g. cash, cheque or fund transfer) and channels (e.g. bank branch, ATM, online/mobile channel) of the transaction.
2. The Transferor's Institution should provide a written acknowledgement of receipt to the transferor by post, e-mail or SMS no later than the close of business of the next business day after receiving the transferor's report.
3. The Transferor's Institution should, on behalf of the transferor and within 2 working days after receiving the transferor's report, request the transferee's bank or SVF licensee as the case may be ("Transferee's Institution") to (a) inform the transferee of the matter and (b) confirm with the transferee if any funds were mis-transferred and, if so, obtain the transferee's authorization of returning the mis-transferred funds. The Transferee's Institution should contact the transferee by telephone calls and written communication² by posting a letter to the transferee's correspondence address.
- The Transferee's Institution should provide necessary information (e.g. the transferee's bank statements, transaction records, or details of the relevant transaction, such as the transferee's relevant bank account number, transaction date, transaction amount, transactional channel and transactional narrative (if any)) that could help the transferee to determine in a timely and helpful manner if the funds were mis-transferred to them. The transferee should also be reminded that they may be criminally liable if the mis-transferred funds are not returned.
4. If the Transferee's Institution does not receive a response from the transferee within a reasonable period of time, it should contact the transferee through registered mail² to seek to (a) obtain the transferee's authorization of returning the mis-transferred funds, and (b) provide the necessary information and reminder on liability in step 3 above.

² If the SVF licensee does not have a postal or correspondence address of the transferee (e.g. such information was not provided by the transferee to the SVF licensee during customer on-boarding), the SVF licensee should use all other available means of written communications, e.g. SMS or e-mail, to contact the transferee.

5. The Transferee's Institution is responsible for documenting the work done and providing a written confirmation listing the dates, all the actions taken in negotiating with the transferee and the final results to the Transferor's Institution within 15 working days from the date of receipt of the request from the Transferor's Institution.

Throughout the process, the Transferee's Institution should keep a proper record and documentation on the follow-up work and the related progress so that it is able to answer the related queries raised by the Transferor's Institution or on behalf of the transferor.

6. Similarly, the Transferor's Institution should also maintain a proper record and documentation so that it is able to answer the related queries raised by the transferor from time to time.
7. The Transferor's Institution should send a final written response to the transferor within a reasonable period of time (normally not exceeding 20 working days from the date of receipt of the transferor's report). The final written response should include written confirmation from the Transferee's Institution with details³ of the dates and all the actions taken in the negotiation with the transferee and the results, without disclosing the personal data of the transferee. Such information (a) could assist the Police to assess whether the matter suggests a case of crime and (b) may facilitate the transferor to consider taking further appropriate actions.

If the funds cannot be recovered through the above process, the Transferor's Institution should inform the transferor the options available to them – such as reporting to the Police (i.e. anyone who intentionally spends money that does not belong to them could be committing a crime of theft, which can be reported to the Police) or seeking independent legal advice on possible legal actions for recovering the funds as necessary.

³ If the transferor has fully recovered the mis-transferred funds within 20 working days from the date of reporting the case, the final written response from the Transferor's Institution to the transferor could include only the final result (i.e. the result that the funds have been returned to the transferor), the date and the amount of the funds that have been returned to the transferor without all the details mentioned in Step 7, unless the transferor requests for the full details as mentioned in Step 7.

In some cases, the Transferee's Institution may not be able to contact the transferee by the time the Transferee's Institution issues the final written response (e.g. the transferee has been uncontactable due to overseas travel) to the Transferor's Institution. The Transferor's Institution and Transferee's Institution should continue to provide appropriate assistance to the transferor to seek to obtain the transferee's authorization of returning the mis-transferred funds even after a final written response has been issued to the transferor.

8. If authorization is obtained from the transferee for returning the funds, the Transferee's Institution should recover and return the funds to the Transferor's Institution as soon as practicable. The Transferor's Institution should then return the funds to the transferor as soon as practicable.
9. Notwithstanding the maximum timeline specified in the procedures, the Transferor's Institution and Transferee's Institution should make their best endeavours to process the requests in a timely manner and as soon as practicable.
10. In the case of **intra-bank fund transfer** where the Transferor's Institution and the Transferee's Institution is the same bank or SVF licensee, the bank or SVF licensee should carry out all the measures and procedures as mentioned above accordingly.

III. Staff Training and Customer Communication

Members are also reminded to conduct sufficient staff training on handling enquiries on mis-transfers of funds, including telling the customer who has reported such a case about the assistance the bank or SVF licensee will provide to the customer. Members should also provide the customer with a case reference number and a contact phone number to enable the customer to make enquiries on the progress as necessary.

IV. Customer Education

Members should undertake appropriate customer education through appropriate channels to (i) remind customers to be careful and avoid errors when making fund transfers, and (ii) remind customers to return the mis-transferred funds through the banks in the event that they have received funds that are mis-transferred to them, and the possible criminal liability if they do not return the mis-transferred funds.