

## Duo jailed for \$365,000 bribery over trading in securities

3 September 2014

A former licensed representative and a client of a securities firm, charged by the ICAC, were today (Wednesday) each sentenced to nine months' imprisonment at the Eastern Magistracy after being convicted of accepting and offering over \$365,000 in illegal commissions respectively in relation to trading in securities.

Ching Yim-har, 60, a former licensed representative of Phillip Securities (Hong Kong) Limited (PSL), was found guilty of two counts agent accepting an advantage, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance (POBO).

Co-defendant Yip Ying-lai, 56, a client of PSL, was convicted of two counts of offering an advantage to an agent, contrary to Section 9(2)(a) of the POBO.

In sentencing, Magistrate So Wai-tak said immediate custodial sentences were appropriate for Ching and Yip.

The magistrate also ordered Ching to pay over \$365,000 as restitution to PSL.

The court heard that at the material time, Ching was a licensed representative accredited to PSL to deal in securities and advise on securities under the Securities and Futures Ordinance on behalf of clients of PSL. Yip was a client of PSL.

Ching did not have a basic salary and was only entitled to commissions calculated at the rate of 50% of commissions received by PSL for the transactions she handled.

In 2006, Ching asked Yip for extra commissions equivalent to 20 per cent of profits made annually in stock trading through Yip's account held with PSL. Yip acceded to the request.

The court heard that on January 6, 2007, Ching informed Yip that she made profits of about \$500,000 in stock trading through Yip's account held with PSL in the previous year, so Yip had to pay her extra commissions of \$99,688 being about 20 per cent of the profits.

Yip issued a cheque for the said sum of money payable to Ching. The cheque was subsequently deposited into the bank account of Ching.

On January 10, 2008, Ching did the same by asking Yip to pay her extra commissions of \$265,688 equivalent to about 20 per cent of profits totalling about \$1.3 million earned in the previous year. Yip subsequently transferred the said sum of money to Ching's bank account.

PSL confirmed that Ching was not allowed to solicit or accept any advantages from clients of PSL in relation to its business, the court was told.

The case arose from a corruption complaint referred by the Securities and Futures Commission (SFC). In the course of the ICAC investigation, SFC and PSL had rendered full assistance.

The prosecution was today represented by Acting Senior Public Prosecutor Karen Yuen, assisted by ICAC officer Janice Chan.

[Back to Index](#)

## 兩人就證券買賣行賄受賄三十六萬五千元罪成同判囚

2014年9月3日

一名證券行前持牌代表及一名客戶，就證券買賣分別接受及提供非法佣金共逾三十六萬五千元，早前被廉政公署拘控。兩名被告今日(星期三)在東區裁判法院被裁定罪名成立，同判處入獄九個月。

程霞，六十歲，輝立證券(香港)有限公司(輝立證券)前持牌代表，被裁定兩項代理人接受利益罪名成立，違反《防止賄賂條例》第9(1)(a)條。

同案另一被告葉影麗，五十六歲，輝立證券客戶，則被裁定兩項向代理人提供利益罪名成立，違反《防止賄賂條例》第9(2)(a)條。

裁判官蘇惠德在判刑時表示，判處程及葉即時監禁實屬恰當。

裁判官又判處程須向輝立證券歸還逾三十六萬五千元作為賠償。

案情透露，程於案發時是輝立證券受託的持牌代表，專責在《證券及期貨條例》下為輝立證券的客戶，進行證券交易及就證券提供意見。葉則是輝立證券的一名客戶。

程沒有底薪，僅收取佣金，而佣金以輝立證券就她處理的交易所收取的佣金的百分之五十計算。

程於二〇〇六年要求葉給予額外佣金，金額相等葉在輝立證券開立的證券帳戶所進行股票交易而獲得年利潤的百分之二十計算。葉同意有關要求。

案情透露，程在二〇〇七年一月六日向葉表示她在輝立證券開立的證券帳戶進行股票交易，上一年共賺取了約五十萬元利潤，因此葉須向她支付九萬九千六百八十八元，即約為利潤的百分之二十，作為額外佣金。

葉遂簽發一張該金額的支票予程。該支票隨後存入了程的銀行戶口。

程於二〇〇八年一月十日，又再向葉表示於上一年賺取了約一百三十萬元利潤，因此葉須向她支付約二十六萬五千六百八十八元，即約有關利潤的百分之二十，作為額外佣金。葉隨後將有關金額轉帳至程的銀行戶口。

案情透露，輝立證券確認程不獲准向輝立證券的客戶，就公司的業務索取或收取任何利益。

廉署早前接獲證券及期貨事務監察委員會(證監會)轉介的貪污投訴。證監會及輝立證券在廉署調查案件期間提供全面協助。

控方今日由署理高級檢控官阮兆妍代表出庭，並由廉署人員陳貝苑協助。

[返回目錄](#)