

Duo jailed for fraud and money laundering over US oil field acquisition

22 May 2015

A businesswoman and a senior executive of a listed company, charged by the ICAC, were today (Friday) sentenced to jail terms up to seven years at the Court of First Instance for conspiracy to defraud in relation to the acquisition of an oil field in the United States of America (USA) and laundering crime proceeds.

Yik Siu-hung, 46, businesswoman, received a jail term of seven years, and Yip Sui-kuen Kitty, 45, deputy financial controller of Pearl Oriental Oil Limited (POOL), formerly known as Pearl Oriental Innovation Limited (POIL), was sentenced to five years' imprisonment.

Yik and Yip were also each disqualified from being company directors for 10 years.

In passing the sentence, Madam Justice Anthea Pang Po-kam remarked that the offences committed by the convicted defendants, which were serious, had undermined the operations of the Stock Exchange of Hong Kong Limited (SEHK) and had an adverse impact on the general public.

Yik was found guilty by the jury of five charges – two of conspiracy to defraud, contrary to Common Law; and three of dealing with property known or believed to represent proceeds of an indictable offence, contrary to Section 25(1) of the Organised and Serious Crimes Ordinance.

Yip was convicted by the jury of two charges – one of conspiracy to defraud and one of dealing with property known or believed to represent proceeds of an indictable offence.

The case arose from a corruption investigation, which was commenced in February 2012. Subsequent ICAC enquiries revealed the above offences.

The court heard that at the material time, POIL, a company listed on the SEHK, engaged in investment of natural resources. POIL was later renamed POOL.

At all material times, Wong Yuk-kwan alias Wong Kwan, was chairman and executive director of the company.

Yik was found guilty by the jury of a conspiracy to defraud charge, which alleged that between December 1, 2009 and May 17, 2011, then deputy chairman and executive director of POIL Lew Mon-hung, Yik and Yip conspired together with Wong to defraud the SEHK, by falsely representing that before the investment opportunity was first introduced to POIL by Marvel Sunlight Limited (MSL) and Charcon Assets Limited (CAL) for the acquisition of an oil field in Utah, USA, MSL had already reached an agreement for its investment with the owner of the oil field.

They had also falsely represented that MSL, being one of the vendors in POIL's acquisition of the entire issued share capital of Festive Oasis Limited (FOL), and its beneficial owners were third parties independent of POIL and its connected persons; and the original acquisition cost incurred by CAL, a company solely owned by Wong, on 35 per cent interest of FOL was US\$70 million.

As a result of the conspiracy, the SEHK was caused to allow the publication by POIL of an announcement and a circular in relation to the acquisition of the entire issued share capital of FOL. Lew and Yip were found not guilty of this charge by the jury.

Yik, together with Yip, was further jointly convicted by the jury of another conspiracy to defraud charge, which alleged that during the abovementioned period, Lew, Yik and Yip conspired together with Wong, made similar false representations to POIL, its existing shareholders and potential investors, and caused POIL to approve the agreement for the acquisition and the allotment and issue of new shares for its payment. Lew was found not guilty of this charge by the jury.

Yik was further convicted of three charges, which alleged that Yik had dealt with two properties worth HK\$390 million in total and 282,600,000 shares of POIL between March 9, 2010 and May 17, 2011, knowing or having reasonable grounds to believe that the properties and shares represented proceeds of an indictable offence.

The jury further found Yip guilty of laundering \$3 million in crime proceeds on January 26, 2011.

The prosecution was today represented by prosecuting counsel Keith Oderberg, assisted by ICAC officer William Lam.

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二人就收購美國油田串謀詐騙及清洗黑錢判囚最高七年

2015年5月22日

一名女商人及一名上市公司高層人員，在收購美國油田時串謀詐騙及清洗犯罪收益，被廉政公署拘控。被告今日(星期五)在高等法院原訟法庭被判監最高七年。

翼小紅，四十六歲，商人，被判囚七年；而葉瑞娟，四十五歲，東方明珠石油有限公司(東方明珠石油)，前稱東方明珠創業有限公司(東方明珠創業)副財務總監，則被判入獄五年。翼及葉亦各被禁止擔任公司董事十年。

法官彭寶琴在判刑時表示，罪名成立的被告干犯的罪行性質嚴重，破壞香港聯合交易所有限公司(聯交所)的運作及影響公眾的信心。

翼被陪審團裁定共五項罪名成立，即兩項串謀詐騙，違反普通法，及三項處理已知道或相信為代表從可公訴罪行的得益的財產，違反《有組織及嚴重罪行條例》第25(1)條。

葉則被陪審團裁定兩項罪名成立，包括一項串謀詐騙，及一項處理已知道或相信為代表從可公訴罪行的得益的財產。

廉署於二〇一二年二月展開一項貪污調查，其後揭發上述罪行。

案情透露，東方明珠創業於案發時是一間在聯交所上市的公司，從事天然資源投資。東方明珠創業其後改名東方明珠石油。黃煜坤，別名黃坤，於案發時為該公司的主席兼執行董事。

陪審團裁定翼一項串謀詐騙罪名成立，指控於二〇〇九年十二月一日至二〇一一年五月十七日期間，東方明珠創業當時的副主席兼執行董事劉夢熊、翼及葉涉嫌一同串謀與黃詐騙聯交所，偽稱在奇暉有限公司(奇暉)和Charcon Assets Limited(CAL)首次向東方明珠創業介紹收購美國猶他州油田的投資商機之前，奇暉已為其投資與擁有油田的持有者達成協議。

他們又偽稱東方明珠創業收購樂茵有限公司(樂茵)全部已發行股本的項目中身為賣家之一的奇暉與其實益擁有人，均為獨立於東方明珠創業及其關連人士的第三方；及由黃全資擁有的CAL收購樂茵百分之三十五股權的原來費用為七千萬美元。

有關勾當因而導致聯交所允許東方明珠創業發出有關收購樂茵全部已發行股本的公告與通函。劉及葉是項控罪被陪審團裁定罪名不成立。

陪審團又裁定翼及葉一項串謀詐騙罪名成立，指控她們於上述時期與劉涉嫌一同串謀與黃以相類虛假陳述詐騙東方明珠創業，以及東方明珠創業的現有股東與準投資者，導致東方明珠創業批核有關收購樂茵全部已發行股本的協議，並批准分配及發行新股作付款之用。劉是項控罪被陪審團裁定罪名不成立。

翼又被裁定三項罪名成立，指控她涉嫌於二〇一〇年三月九日至二〇一一年五月十七日期間，處理兩項合共三億九千萬港元的財產，及二億八千二百六十萬股東方明珠創業的股份，而她知道或有合理理由相信有關財產及股份代表從可公訴罪行的得益。

陪審團另裁定葉一項罪名成立，指她於二〇一一年一月二十六日清洗一項三百萬港元的犯罪收益。

控方今日由大律師區達平代表出庭，並由廉署人員林榮傑協助。

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