

6 May 2016

Duo jailed for accepting \$500,000 bribe and fraud over insurance policy

A former relationship manager of a bank and a former technical representative of an insurance broker, charged by the ICAC, were today (Friday) sent to jail at the District Court for accepting a \$500,000 bribe for referring a client to take out an insurance policy with an insurance company and deceiving a commission of over \$1.2 million from the insurance company respectively.

Chen Chia-hui, 36, a former relationship manager of the Hongkong and Shanghai Banking Corporation Limited (HSBC), received a jail term of 18 months, while Li Ting-yuen, 54, a former technical representative of CTHK Asset Management Limited (CTHK), was jailed for eight months.

In sentencing, Judge Johnny Chan Jong-herng said Chen's offence was serious in nature and constituted a serious breach of trust placed on her by HSBC.

The judge said Li failed his duty as a technical representative of an insurance broker and his act had hampered the insurance industry, thus warranting a deterrent sentence.

Chen was earlier found guilty of one count of agent accepting an advantage, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance, while Li was convicted of one count of fraud, contrary to Section 16A of the Theft Ordinance.

The court heard that at the material time, Chen was employed by HSBC as relationship manager to perform various duties, including promoting and selling investment and/or insurance products to its clients. But she was not allowed to promote and sell products which were not provided by HSBC.

Li was a technical representative of CTHK, an authorised insurance broker of AXA China Region Insurance Company Limited (AXA). He could promote the insurance products of AXA Group, which includes AXA and AXA China Region Insurance Company (Bermuda) Limited (AXA Bermuda).

The court heard that since June 2011, Chen had been assigned to handle the bank account of a client. Among her friends was a relationship manager of AXA, who was responsible for managing brokers of AXA, including CTHK.

In order to help her friend meet the sales target, Chen promoted an insurance policy of AXA Bermuda to the client in her office at the HSBC headquarters on December 17, 2012.

On the same day, Chen passed the application form signed by the client to her friend. While the application form reached Li at CTHK, Li signed the form as the "financial consultant", and falsely represented that he was the financial consultant of the insurance policy and had met the client to explain to him the terms and conditions of the insurance policy.

Ten days later, AXA received the application form. Believing that Li was the handling financial consultant of the insurance policy, AXA approved the application and issued the insurance policy to him.

On February 7, 2013, AXA released a commission of over \$1.2 million to CTHK in respect of the insurance policy.

Under caution, Chen admitted having accepted \$500,000 from her friend after she successfully promoted the insurance policy to the client, the court was told.

HSBC and AXA Group had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Wong Hay-yiu, assisted by ICAC officer Jessie Fu.

二人就保單收賄五十萬元及詐騙佣金判囚

2016年5月6日

一名銀行前客戶服務經理及一名保險經紀公司前業務代表，分別收受五十萬元賄款以轉介客戶向保險公司投保購買一份保單，以及詐騙該保險公司一筆約一百二十多萬元的佣金，被廉政公署起訴。兩名被告今日(星期五)在區域法院被判處監禁刑期。

陳佳慧，三十六歲，香港上海滙豐銀行有限公司(滙豐銀行)前客戶服務經理，被判處入獄十八個月；而李廷遠，五十四歲，華滙資產管理有限公司(華滙)前業務代表，則被判囚八個月。

法官陳仲衡在判刑時指出，陳所犯的罪行嚴重，並嚴重違反滙豐銀行對她的信任。

法官又指李違反作為保險代理人的責任，其行為對保險行業造成打擊，因此必須判處具阻嚇性刑罰。

陳較早前被裁定一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；而李則被裁定一項欺詐罪名成立，違反《盜竊罪條例》第16A條。

案情透露，陳於案發時為滙豐銀行客戶服務經理，其職責包括向滙豐銀行的客戶推廣及銷售投資及/或保險產品，但不可推銷及售賣非滙豐銀行提供的產品。

李是華滙的業務代表。由於華滙是獲安盛金融有限公司(安盛)授權的保險經紀公司，李可推廣安盛集團，包括安盛及安盛保險(百慕達)有限公司(安盛保險)的保險產品。

案情透露，陳自二〇一一年六月起獲派處理一名客戶的銀行戶口。她一名友人任職安盛客戶經理，負責管理安盛的保險經紀公司，包括華滙。

為了協助其友人達到其目標銷售額，陳於二〇一二年十二月十七日在其滙豐銀行總行辦公室向該名客戶推介一份安盛保險的保單。

陳於同日把該客戶已經簽署的申請表格交給其友人。李在華滙收到該份申請表格，並以「理財顧問」的身分簽署該申請表格。他又虛假地表示自己是處理該份保單的理財顧問，並曾與該名客戶見面，向他解釋有關保單的條款及細則。

安盛於十日後收到該份申請表格。安盛相信李是處理該份保單的理財顧問，遂批准有關申請及向該客戶發出保單。

安盛於二〇一三年二月七日就該保單向華滙發放一百二十多萬元佣金。

陳在警誡下承認是因為成功推介有關保單給該客戶而收取其友人五十萬元作為酬勞。

滙豐銀行及安盛集團在廉署調查案件期間提供全面協助。

控方今日由大律師王熙曜代表出庭，並由廉署人員傅韋茵協助。

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