

## Duo jailed for \$323,000 bribery over client referrals

7 February 2014

A shareholder of a property agency and a property agent of another property agency, charged by the ICAC, were today (Friday) sent to jail at the Kowloon City Magistracy for respectively offering and accepting over \$323,000 in bribes over referral of clients.

Ryo Ng Ka-tat, 35, a beneficial shareholder of Delightful Property Agency Limited (Delightful), was jailed for seven months.

Co-defendant Lam Ho-tan, 35, a property agent of Midland Realty (Midland), was sentenced to three months' imprisonment and ordered to pay a restitution of over \$139,200 to Midland.

Ng was earlier found guilty of two counts of offering an advantage to an agent, contrary to Section 9(2)(a) of the Prevention of Bribery Ordinance (POBO), while Lam pleaded guilty to one count of agent accepting an advantage, contrary to Section 9(1)(a) of the POBO.

In sentencing, Magistrate Mr Abu Bakar bin Wahab remarked that immediate custodial jail terms were inevitable in view of the past precedents and no exceptional circumstances involved in the case.

The court heard that at the material time, Ng was one of the shareholders of Delightful. Lam was a property agent of Midland, which did not allow him to accept any advantages in relation to its business or refer its clients to other property agencies.

In August 2010, Ng learnt from Lam that a client of Midland wanted to purchase a property in Tsimshatsui.

Ng proposed that the property transaction be handled by Delightful and offered to pay Lam about 70 per cent of the commission Delightful received as a reward for referring the client to Delightful.

Lam eventually procured the purchase of the property at \$6.68 million by the Midland client through Delightful. Delightful received \$66,800 as commission.

On November 16, 2010, Ng deposited a cheque for \$45,260 issued by Delightful into the bank account of Lam's younger brother. Lam then got the bribe money from his brother.

The court heard that on another occasion in September 2010, Lam referred another client of Midland to Delightful.

After purchasing another property at \$40 million in Tsimshatsui, the client paid \$400,000 in commission to Delightful.

On December 3, 2010, Ng deposited a cheque for \$278,500 into the bank account of Lam's younger brother. Lam then took back the bribe money from his brother.

After Lam pleaded guilty, he told the ICAC officers that he had taken half of the bribe money, namely over \$139,200, and the remaining sum was given to Ng.

Midland had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Liza Yip, assisted by ICAC officer David Ng.

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## 兩人就轉介客戶行賄受賄三十二萬三千元被判囚

2014年2月7日

一間物業代理公司的一名股東及另一間物業代理公司的一名地產代理，就轉介客戶分別行賄受賄共逾三十二萬三千元，早前被廉政公署拘控。被告今日(星期五)在九龍城裁判法院被判囚。

吳嘉達，三十五歲，鼎來豐物業代理有限公司(「鼎來豐」)實益股東，被判入獄七個月。

同案被告林昊騰，三十五歲，美聯物業的地產代理，被判囚三個月，並受命須向美聯物業歸還十三萬九千二百多元作為賠償。

吳早前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，而林則承認一項代理人接受利益罪名，違反《防止賄賂條例》第9(1)(a)條。

裁判官馬保華在判刑時稱，鑑於過去的案例，而且案件並不涉及任何特殊情況，即時監禁是無可避免的刑罰。

案情透露，吳是「鼎來豐」其中一名股東。林則是美聯物業的地產代理，而美聯物業並不容許林就公司業務收受任何利益或轉介公司客戶予其他物業代理公司。

二〇一〇年八月，吳從林得知一名美聯物業客戶有意購置尖沙咀一個單位。

吳遂建議由「鼎來豐」處理這宗物業交易，並向林提供「鼎來豐」收取佣金的約百分之七十，作為轉介該客戶予「鼎來豐」的報酬。

林最終透過「鼎來豐」促致該美聯物業客戶以六百六十八萬元購買有關單位。「鼎來豐」收取六萬六千八百元佣金。

二〇一〇年十一月十六日，吳將一張由「鼎來豐」開出的四萬五千二百六十元支票存入林的弟弟的銀行戶口。林其後從其弟手上取回有關賄款。

案情透露，林於二〇一〇年九月轉介另一名美聯物業客戶予「鼎來豐」。

有關客戶以四千萬購置尖沙咀另一個單位後，向「鼎來豐」支付四十萬元佣金。

二〇一〇年十二月三日，吳將一張二十七萬八千五百元的支票存入林的弟弟的銀行戶口。林其後從其弟手上取回有關賄款。

林認罪後向廉署人員表示自己只取去一半賄款，即十三萬九千二百多元，並將餘款交予吳。

美聯物業在廉署調查案件期間提供全面協助。

控方今日由大律師葉瑞紅代表出庭，並由廉署人員吳偉權協助。

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