

Jail terms up to six and a half years for laundering HK\$230m crime proceeds

19 September 2014

A partner of a solicitors firm and the wife of a former executive director of a listed company, charged by the ICAC, were today (Friday) sentenced to jail terms up to six and a half years at the District Court for laundering about HK\$230 million in crime proceeds.

Wu Wing-kit, 58, solicitor and partner of Fred Kan & Co. (FKC), was sentenced to six years' imprisonment, while Ye Fang, 43, housewife and wife of Chen Keen, a former executive director of listed Natural Dairy (NZ) Holdings Limited (NDNZ), was jailed for six and a half years.

In sentencing, Judge Eddie Yip Chor-man said Wu had over 20 years of legal practice specialising in commercial matters, earning him adequate experience and reasonable grounds to believe that the money constituted crime proceeds.

The judge also said the starting point of six and a half years in jail was reduced to six years after taking into account Wu's previous participation in charity work and his role of breadwinner in the family.

While there was no evidence to prove that Ye acted under the instruction of her husband, the judge said she, however, partook in laundering HK\$230 million across the border for over 19 and a half months.

As Ye being a mother spending years of toil in looking after her three children, the starting point of seven years in jail was reduced by six months, the judge added.

Wu and Ye were each found guilty of one count of dealing with property known or reasonably believed to represent proceeds of an indictable offence, contrary to Section 25(1) of the Organised and Serious Crimes Ordinance.

The case arose from a corruption complaint. Subsequent ICAC enquiries revealed the above offences.

The court heard that at the material time, NDNZ, formerly known as China Jin Hui Mining Corporation Limited, was listed on the Main Board of the Stock Exchange of Hong Kong (SEHK).

Between December 2009 and February 2010, NDNZ raised HK\$790 million through the issue of convertible notes for acquiring 22 dairy farms in New Zealand from May Hao, owner of UBNZ Trustee Limited (UBTL). Subsequently, the acquisition was queried by the SEHK after receiving a complaint concerning allegations of fraud.

Out of the HK\$790 million, HK\$693 million (NZ\$125 million) was remitted to a lawyer acting for NDNZ in New Zealand and NZ\$51.6 million of that money was paid to UBTL in February 2010. Hao then remitted HK\$73.7 million (NZ\$13.7 million) back to a company owned by Chen in Hong Kong.

On March 11, 2010, Chen issued a cheque for HK\$68.95 million out of the HK\$73.7 million in favour of FKC.

Knowing Chen's background and the allegations of fraud relating to the acquisition, Wu transferred the HK\$68.95 million to the bank account of Ye on the following day without complying with the Law Society of Hong Kong's Practice Direction to conduct enhanced due diligence when handling the "U-Turn" transaction as in the instant case on anti-money laundering.

The court also heard that between March 12, 2010 and October 26, 2011, Ye dealt with the above HK\$68.95 million and a further HK\$161 million, totalling about HK\$230 million, deposited into her bank account, knowing or having reasonable grounds to believe that the sums of money were crime

proceeds.

The prosecution was today represented by prosecuting counsel Neil Mitchell, assisted by ICAC officer Gary Leung.

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兩人涉二億三千萬港元「洗黑錢」 案判囚最高六年半

2014年9月19日

一名律師行合夥人及一名上市公司前執行董事的妻子，清洗共約二億三千萬港元的犯罪收益，早前被廉政公署拘控。兩名被告今日(星期五)在區域法院被判入獄最高六年半。

律師胡永傑，五十八歲，簡家驥律師行合夥人，被判入獄六年，而家庭主婦葉芳，四十三歲，上市公司天然乳品(新西蘭)控股有限公司(天然乳品)前執行董事陳克恩的妻子，則被判入獄六年半。

法官葉佐文在判刑時稱，律師胡永傑執業超過二十多年，專門處理商業的範疇，有足夠經驗和合理理由相信該筆款項可構成犯罪收益。判刑起點為六年半，但考慮到胡永傑曾參與慈善工作及他是家庭經濟支柱，故減刑至六年。

法官又稱，雖然沒有證據證明葉芳受其丈夫指使，但她參與跨境清洗二億三千萬港元犯罪收益逾十九個半月。判刑起點為七年，考慮到葉芳為母親，辛勞照顧三名子女，故減刑至六年半。

胡永傑及葉芳早前各被裁定一項罪名成立，即處理已知道或合理地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。

廉署早前接獲貪污投訴，調查後揭發上述罪行。

案情透露，前稱中國金匯礦業有限公司的天然乳品於案發時在香港聯合交易所(聯交所)主板上市。

二〇〇九年十二月至二〇一〇年二月期間，天然乳品透過發行換股票據集資七億九千萬港元，以向UBNZ Trustee Limited (UBTL) 東主May Hao收購在新西蘭的二十二個牧場。聯交所其後接獲有關指控詐騙的投訴，並對該項收購作出查問。

該七億九千萬港元中的六億九千三百萬港元(即一億二百五十萬新西蘭元)被匯入天然乳品在新西蘭指派的律師，而其中五千一百六十萬新西蘭元則於二〇一〇年二月付予UBTL。其後，May Hao將七千三百七十萬港元(即一千三百七十萬新西蘭元)匯回陳克恩在香港的公司。

陳克恩於二〇一〇年三月十一日發出一張支票，將該七千三百七十萬港元中的六千八百九十五萬港元支付予簡家驥律師行。

胡永傑明知陳克恩的背景及涉及該項收購的詐騙指控，但仍於翌日把該六千八百九十五萬港元轉帳至葉芳的銀行戶口，而沒有遵守香港律師會有關反清洗黑錢的專業守則。有關守則訂明律師在處理如本案有關「急速轉變交易」時必須奉行更高克盡職責的原則。

案情又透露，葉芳於二〇一〇年三月十二日至二〇一一年十月二十六日期間，知道或有合理理由相信存入其銀行帳戶的約二億三千萬港元，即上述六千八百九十五萬港元及另外一億六千一百萬港元，全部為犯罪收益，而仍處理該等存款。

控方今日由大律師Neil Mitchell代表出庭，並由廉署人員梁曉然協助。

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