

Shipyard operator admits making false documents for vessel licence applications

17 September 2015

An operator of a local shipyard, who was charged by the ICAC, admitted at the Eastern Magistracy today (Thursday) that he had made false documents to induce the Marine Department (MD) to accept the documents as genuine and approve related vessel licence applications.

Choi Man-kai, 52, operator of Shum Hing Shipyard (SHS), pleaded guilty to four counts of forgery, contrary to Section 71 of the Crimes Ordinance.

Principal Magistrate Ms Bina Chainrai adjourned the case until September 30 for sentence, pending a background report. The defendant was remanded in custody of the Correctional Services Department.

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

The court heard that after the Fisheries Protection (Amendment) Ordinance was enacted in 2012, all commercial fishing activities in Hong Kong waters could only be conducted by vessels registered with the Agriculture, Fisheries and Conservation Department.

Such a vessel must have a valid certificate of ownership and an operating licence or obtain an approval-in-principal letter issued by the MD before June 15, 2012.

To apply for a certificate of ownership and an operating licence, an applicant had to provide the MD with required documents, including the proof of purchase of a vessel, such as a service receipt (SR) or a builder's certificate (BC) issued by a shipbuilder.

The court heard that at the material time, the defendant was the operator of SHS which engaged in vessel building business. SRs and BCs would be issued to buyers who purchased vessels from SHS.

On two occasions in 2013, a middleman visited the office of SHS and asked the defendant to issue two sets of SRs and BCs, which purported to show that two men had each purchased a fiberglass vessel at \$56,000 from SHS.

After providing the defendant with the vessel specifications, the middleman told the defendant that the SRs and BCs would be used for applying vessel licences from the MD.

Although SHS did not sell any vessel to the middleman or the two men, the defendant made two sets of false SRs and BCs, and charged the middleman \$400 for each set, the court heard.

On August 19 and 20, 2013, applications of the two men for certificates of ownership and operating licences, which enclosed the false SRs and BC concerned, were submitted to the MD respectively. The applications were subsequently approved.

Had the MD know that the documents concerned were false, it would not have recommended or approved the applications, the court was told.

The MD had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by ICAC officer Ricky Cheuk.

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船廠經營者承認就船牌申請偽造文件候判

2015年9月17日

一名本地船廠經營者製造虛假文件，誘使海事處接受它們為真確及批准相關船隻牌照申請，早前被廉政公署拘控。被告今日(星期四)在東區裁判法院承認控罪。

蔡文佳，五十二歲，森興中西船廠(森興)經營者，承認四項偽造罪名，違反《刑事罪行條例》第71條。主任裁判官錢禮將案件押後至本月三十日判刑，以待被告的背景報告。被告還押懲教署看管。

廉署早前接獲貪污投訴，調查其後揭發上述偽造罪行。

案情透露，《漁業保護(修訂)條例》於二〇一二年通過後，只有經漁農自然護理署註冊的船隻方可在香港水域進行商業捕魚活動。

船隻必須於二〇一二年六月十五日前已領有海事處發出的有效擁有權證明書及運作牌照，或取得原則上批准通知書。

凡申請擁有權證明書及運作牌照，申請人必須向海事處提供所需文件，包括船隻的購買證明，例如船廠發出的服務收據或建造證明書。

案情透露，被告於案發時是森興經營者，而森興乃從事造船業務。向森興購買船隻的買家均會獲發服務收據及建造證明書。

一名中介人於二〇一三年兩次到訪森興的辦事處，要求被告發出兩套服務收據及建造證明書，看似顯示兩名男子曾向森興各以五萬六千元購買一艘玻璃纖維船隻。

該中介人向被告提供有關船隻的規格，並表示該服務收據及建造證明書將被用作向海事處申請船隻牌照之用。

雖然森興並沒有向該中介人或該兩名男子出售船隻，他仍然先後發出虛假兩套服務收據及建造證明書，並向中介人每套收取四百元。

二〇一三年八月十九日及二十日，該兩名男子有關擁有權證明書及運作牌照的申請書分別被呈交至海事處，當中附有該虛假服務收據及建造證明書。兩份申請其後均獲批准。

假如海事處知道涉案的文件屬虛假，便不會推薦或批准有關申請。

海事處在廉署調查案件期間提供全面協助。

控方今日由廉署人員卓偉基代表出庭。

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