

Housewife gets two years and nine months for \$3.8m property loan fraud

14 October 2016

A housewife, charged by the ICAC, was today (Friday) sentenced to two years and nine months' imprisonment at the District Court after admitting that she had defrauded a licensed money lender of a property loan of \$3.8 million by falsely representing that she was the lawful attorney of her husband.

Cheung Hau-ye, 62, earlier pleaded guilty to one count of fraud, contrary to Section 16A of the Theft Ordinance.

In passing the sentence, Deputy Judge Mr Ko Wai-hung said the fraud offence committed by the defendant constituted a breach of trust.

The judge added that the starting point of four years and three months in jail was reduced to two years and nine months after taking into account the defendant's guilty plea and various mitigating factors.

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

The court heard that at the material time, the defendant and her husband were joint tenants of a flat in a residential estate in Chai Wan.

In February 2015, the defendant was in financial difficulties and sought assistance from Citi Gold Finance Advisory Limited (CGL), an intermediary.

A manager of CGL told the defendant that she was unable to obtain a property loan as one of the two joint owners, and suggested her to obtain a copy of the identity card of her husband so as to pledge 100 per cent of the flat. The defendant agreed to the suggestion.

The defendant forged her husband's signatures on three documents – an unsigned signing page of a power of attorney (PA), an unsigned entrust letter, and a property loan application – additional applicant form to the effect that her husband acted as a joint applicant, and agreed to pledge the flat for a property loan.

The court heard that all the documents were submitted to Lei Shing Hong Credit Limited (LSH), a licensed money lender, for applying the property loan. Believing that the documents submitted were accurate and genuine, LSH granted a property loan of \$3.8 million to the defendant and her husband on or about March 9, 2015.

As the lawful attorney, the defendant received over \$610,000 from LSH through its solicitors firm on March 26, 2015, after settling her other outstanding mortgages, legal fees, government charges and the consultant fee of CGL.

The defendant's husband confirmed that he had never signed on the PA, the entrust letter and the additional form, and neither did he agree to pledge the property for the property loan.

LSH confirmed that had it known the signatures of the defendant's husband on the PA and the additional form were forged, it would not have approved the property loan, the court was told.

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

The prosecution was today represented by Public Prosecutor Joycelyn Ng, assisted by ICAC officer Lily Kam.

主婦詐騙三百八十萬元物業貸款判 刑兩年零九個月

2016年10月14日

一名家庭主婦訛稱是其丈夫的合法受權人，詐騙一間持牌放債人公司一筆三百八十萬元的物業貸款，被廉政公署起訴。被告早前承認控罪，今日(星期五)在區域法院被判入獄兩年零九個月。

張巧宜，六十二歲，早前承認一項欺詐罪名，違反《盜竊罪條例》第16A條。

暫委法官高偉雄在判刑時表示，被告干犯的欺詐罪行違反誠信。

暫委法官續稱，量刑起點為監禁四年零三個月，但考慮到被告認罪及多項求情理由，將刑期減至兩年零九個月。

廉署早前接獲貪污投訴，調查其後揭發上述罪行。

案情透露，被告於案發時與其丈夫是柴灣一個私人屋苑單位的聯權共有人。

被告於二〇一五年初出現財政困難，向中介公司城市理財策劃有限公司(城市理財)尋求協助。

城市理財一名經理向被告表示，作為兩名聯名擁有人的其中一人，她無法取得物業貸款。該名經理提議被告拿取一份其丈夫的身份證副本，以將該物業百分之一百抵押，被告表示同意。

案情透露被告在三份文件上假冒丈夫的簽名，有關文件為一份尚未簽署的授權書的簽名頁，一份尚未簽署的委託書，及一份物業貸款共同申請人資料表格，其簽名表示丈夫作為一名共同申請人，同意將該物業抵押以獲得物業貸款。

有關文件其後被提交至持牌放債人公司利星行信貸有限公司(利星行)申請物業貸款。由於相信所有呈交的文件均是準確和真實的，利星行於或約於二〇一五年三月九日向被告及其丈夫批出一筆三百八十萬元的物業貸款。

在清付被告的其他未償還按揭、法律費用、政府收費以及城市理財的顧問費後，被告於二〇一五年三月二十六日從代表利星行的律師行收取逾六十一萬元。

被告的丈夫確認他從未在該授權書、委託書以及共同申請人表格上簽署，他亦不同意抵押該物業以獲得物業貸款。

利星行確認，假如該公司知悉被告丈夫的簽名是被告假冒的，利星行不會批出該貸款。

利星行在廉署調查案件期間提供全面協助。

控方今日由檢控官吳靄林代表出庭，並由廉署人員甘俐麗協助。

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