

Housewife gets eight weeks for public rental housing unit fraud

3 January 2017

A housewife, charged by the ICAC, was today (January 3) sentenced to eight weeks' imprisonment at the Fanling Magistracy for defrauding the Housing Department (HD) by subletting a public rental housing (PRH) unit without paying a premium of over \$1.8 million to the department.

Hui Wai-sheung, 53, earlier pleaded guilty to one count of fraud, contrary to Section 16A of the Theft Ordinance, while the prosecution withdrew the charge against her husband Lam Man-wah, 60.

In sentencing, Principal Magistrate Ms Woo Huey-fang said the offence was premeditated. A non-custodial sentence was inappropriate as the sentence ought to reflect the seriousness of the housing fraud.

The magistrate said she reduced the starting point of 15 weeks in jail to eight weeks after taking into account the guilty plea and ill health of Hui, as well as her repayment of over \$1.8 million to the HD, being the unpaid premium of the PRH unit concerned.

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

The court heard that Hui and Lam applied to the HD for purchasing a PRH unit in Cheung Wah Estate, Fanling under the "Tenants Purchase Scheme" on September 24, 2004.

Staff members of the HD explained to Hui and Lam that under the scheme, the PRH unit was prohibited from being leased out unless they obtained approval from the HD and paid a premium of the unit to the department.

After approving their application, the HD sold the unit to the couple at a consideration of \$150,800, which was a discount rate.

At all material times, Hui and Lam had never paid any premium of the unit to the HD. On September 2, 2010, Hui leased out the unit to a tenant at a monthly rent of \$3,900. The duo signed a "property temporarily borrow agreement", which was in fact a "tenancy agreement".

Since then, the tenant and his wife had lived in the unit, while Hui and Lam lived elsewhere.

The monthly rent was progressively increased to around \$4,800 when Hui terminated the tenancy agreement in October 2015.

The court heard that during the rental period of over five years, Hui or Lam went to the unit monthly to collect rent in cash. But neither Hui nor Lam had never given any rental payment receipt to the tenant.

Hui reminded the tenant that if there was any government official visiting the unit, he should say that he was her friend and that he only stayed there for a few days.

In March 2012, a then Housing Officer of the HD was assigned to ascertain if the unit had been illegally leased out by Hui and Lam.

Later, Hui submitted a handwritten letter with supporting documents to the Housing Officer. In the letter, Hui assured the HD that the unit had not been leased out and that she had not received any rent from it.

An Estate Surveyor of the HD stated that the premium of the unit between 2010 and 2015 which ought to have been paid by Hui and Lam was up to over \$1.8 million, the court was told.

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

The prosecution was today represented by prosecuting counsel Henry Ma, assisted by ICAC officer Pius Chan.

公屋單位欺詐案家庭主婦判囚八星期

2017年1月3日

一名家庭主婦未有向房屋署繳付一百八十多萬元地價而出租一個公共租住房屋(公屋)單位，以欺詐房屋署，早前被廉政公署起訴。被告今日(一月三日)在粉嶺裁判法院被判入獄八星期。

許惠想，五十三歲，早前承認一項欺詐罪名，違反《盜竊罪條例》第16A條，而控方則撤銷其六十歲丈夫林敏華同被控的欺詐罪名。

主任裁判官吳蕙芳判刑時指被告是預謀犯案，判刑需反映公屋欺騙案的嚴重性，所以非監禁刑罰並不適合。

裁判官續稱，判刑起點為十五星期，考慮到許認罪、其健康狀況及她已向房屋署歸還案發時仍未支付的一百八十多萬元地價，故此減刑至八星期。

廉署早前接獲貪污投訴，調查其後揭發有關欺詐罪行。

案情透露，許及林於二〇〇四年九月二十四日經「租者置其屋計劃」向房屋署申請購買粉嶺祥華邨一個公屋單位。

房屋署職員向許及林解釋，根據有關計劃，嚴禁夫婦二人將單位出租，除非他們獲房屋署批准及向該署支付相關公屋單位的地價。

房屋署其後批准夫婦二人的申請，並以十五萬零八百元的折讓價將該單位出售予他們。

許及林於案發時從沒有向房屋署支付該單位的任何地價。許於二〇一〇年九月二日以月租三千九百元將該單位出租予一名租客。雙方簽署一份「物業暫借協議書」，而此協議書實為一份「租約」。

自此以後，該租客及其妻子在該單位內居住，而許及林則在別處居住。

月租於二〇一五年十月逐漸增至四千八百元，許於此時終止有關租約。

案情透露，許或林在該單位出租逾五年期間，每月前往該單位以現金收取租金，但許或林從沒有給予該租客任何租金收據。

許提醒該租客，如任何政府人員到訪該單位，他應說自己是許的朋友，只在那處暫住數天。

一名房屋署房屋事務主任於二〇一二年三月獲指派以確定許及林是否曾將單位非法出租。

許其後向該主任遞交一封手寫信件及一些證明文件，向房屋署確保該單位不曾出租，而她也不曾收取該單位的任何租金。

房屋署產業測量師稱，許及林於二〇一〇年至二〇一五年期間就該單位應支付的地價達一百八十多萬元。

房屋署在廉署調查案件期間提供全面協助。

控方今日由控方大律師馬家驊代表出庭，並由廉署人員陳俊陞協助。

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