

Ex-manager of mortgage broker guilty of bribery

4 January 2017

A former manager of a mortgage broker, charged by the ICAC, was today (January 4) convicted at the Eastern Magistracy of having offered an illegal commission of over \$5,700 to a then property agent of a property agency for referring its client for mortgage services.

Yuen Yat-wai, 45, a senior account manager formerly employed by m.Mortgage (HK) Limited (MHKL), was found guilty of one count of offering an advantage to an agent, contrary to Section 9(2)(a) of the Prevention of Bribery Ordinance (POBO).

Magistrate Mr Jason Wan Siu-ming adjourned the case to February 2 this year for sentence, pending a community service order report. Yuen was granted cash bail of \$5,000.

The court heard that at the material time, Yuen was a senior account manager of MHKL. MHKL and its associated companies, m.Mortgage Realty Strategic (HK) Services Limited (MRSSL) and Double Force Limited (DFL), were brokers providing mortgage referral services.

Leung Ho-wai was a then property agent of Centaline Property Agency Limited (CPA). If a client of CPA required mortgage services, the client should be referred to Centaline Mortgage Broker Limited (CMB), a broker associated with CPA.

Hong Kong Real Estate Agencies General Association Limited (the association) was a trade association whose members were local property agencies. Among the members were MRSSL and DFL.

For each successful referral by a member of the association, the bank or financial institution concerned would pay a commission to the association. After retaining five per cent of the commission as administrative fee, the association would pass the balance to the member.

The court heard that on October 6, 2012, a buyer bought a property through Leung. Afterwards, Leung referred the buyer to CMB for mortgage services.

Two days later, the buyer asked Leung to refer other mortgage brokers to her. Leung then sought assistance from Yuen who followed up with the buyer.

On December 17, 2012, the association received its form from DFL in respect of the mortgage application for the property. On the following day, the transaction was completed and a mortgage loan of about \$5.5 million was drawn from a bank.

As a result of the referral, DFL received a commission from the association, the court heard.

On March 5, 2013, Yuen told Leung that she had received the commission in respect of the mortgage referral, and that Leung was entitled to share part of it.

On the same day, Leung met an unidentified woman and received from her an envelope containing several thousand dollars. It was revealed that Leung was paid a referral commission of \$5,762.

Leung, 35, was also charged by the ICAC for his role in the scam in a separate case. He earlier pleaded guilty to one count of agent accepting an advantage, contrary to Section 9(1)(a) of the POBO.

Appearing in the Eastern Magistracy today, Leung had his case adjourned to February 2 this year for sentence, pending a community service order report.

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

The prosecution was today represented by prosecuting counsel Selwyn So, assisted by ICAC officer Billy Cheng.

按揭經紀公司前經理行賄罪成候判

2017年1月4日

一名按揭經紀公司前經理向一間地產代理公司當時一名物業代表提供一筆逾五千七百元的非法佣金，以轉介該地產代理公司一名客戶接受按揭服務，被廉政公署起訴。被告今日(一月四日)在東區裁判法院被裁定罪名成立。

阮逸慧，四十五歲，按·熱點(香港)有限公司(按·熱點)前高級客戶經理，被裁定一項向代理人提供利益罪名，違反《防止賄賂條例》第9(2)(a)條。

裁判官溫紹明將案件押後至本年二月二日判刑，以待阮的社會服務令報告。阮獲准以現金五千元保釋。

案情透露，阮於案發時是按·熱點高級客戶經理。按·熱點及其相關公司，即按·熱點物業策略(香港)服務有限公司(按·熱點物業)及承科有限公司(承科)，均是提供按揭轉介服務的經紀公司。

梁浩威當時為中原地產代理有限公司(中原地產)物業代表。如中原地產的客戶需要按揭轉介服務，有關客戶須轉介予中原地產的相關經紀公司—中原按揭經紀有限公司(中原按揭)。

香港地產代理商總會有限公司(總會)是一個商會組織，其會員為本地的地產代理公司。按·熱點物業及承科都是其會員。

就總會會員每宗成功轉介的個案，有關銀行或財務機構會向總會支付佣金。總會扣起佣金的百分之五作為行政費後，會把餘款轉交相關會員。

案情透露，一名買家於二〇一二年十月六日透過梁購入一物業。梁其後把該買家轉介至中原按揭以辦理按揭服務，惟該買家兩日後要求梁介紹其他按揭經紀。梁遂尋求阮協助，而阮則與有關買家跟進事件。

總會於二〇一二年十二月十七日收到承科交來有關該物業的按揭申請表格。翌日，物業交易完成，而申請人從一間銀行提取了一筆約五百五十萬元的按揭貸款。由於該項轉介，承科從總會收到一筆佣金。

阮於二〇一三年三月五日向梁表示，她已就該項物業按揭轉介收到佣金，而梁有權攤分部份佣金。

梁於當日與一名身分不明的女子見面，並從對方接過一個內有數千元款項的信封。案情顯示，梁獲支付轉介佣金五千七百六十二元。

梁，三十五歲，亦因涉及有關勾當而被廉署分案起訴。他早前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。

梁今日於東區裁判法院應訊，案件押後至本年二月二日判刑，以待梁的社會服務令報告。

控方今日由大律師蘇啟明代表出庭，並由廉署人員鄭龍栢協助。

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