



Press Releases

Ex-agent admits fraud and theft over property and lease deals

2018-2-21

A former agent of a property agency, charged by the ICAC, admitted at the Kwun Tong Magistracy today (February 21) that he had defrauded and stolen commissions amounting to over \$82,000 in property and lease transactions.

Yuen Wai-kuen, 34, former property agent of Centaline Property Agency Limited (CPA), pleaded guilty to four charges – two of fraud, contrary to Section 16A of the Theft Ordinance, and two of theft, contrary to Section 9 of the Theft Ordinance. The prosecution offered no evidence to a similar charge of theft against him.

Principal Magistrate Mr Peter Law Tak-chuen adjourned the case to March 7 for sentence, pending background and community service order reports. The defendant was granted bail.

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

The court heard that at the material time, the defendant was a property agent of CPA posted to its Telford Branch. He was under the duty to report to CPA any property and lease transactions successfully procured by him.

In May 2015, a client of CPA and her boyfriend entrusted the defendant to look for a property. Afterwards, the defendant brought them to view a property in Chun Wah Road, Ngau Tau Kok, and arranged for the client's boyfriend to sign a form appointing CPA as his agent.

On June 29, 2015, the client and her boyfriend decided to buy the property at \$4.25 million in the name of the client. The defendant arranged for the client to sign a provisional sale and purchase agreement and a form claiming that another property agency was the exclusive agent representing the vendor.

As the defendant did not report the transaction to CPA, CPA did not demand from the client's boyfriend the payment of the commission for services rendered by CPA with regard to the purchase of that property.

The court heard that on October 15, 2014, another client of CPA engaged the defendant to look for a property.

Two days later, the defendant brought the client to view two properties, including a property in Ngau Tau Kok, and arranged for her to sign a form appointing CPA as her agent.

When the client told the defendant on the same day that she decided to buy the property in Ngau Tau Kok

at over \$3.6 million, the defendant brought her to a third property agency to sign a provisional sale and purchase agreement.

On December 18, 2014, the defendant asked the client to settle a commission of \$18,000 by issuing a cheque without naming the payee. The client did so in the belief that the \$18,000 was to be paid to CPA. On the following day, the cheque was deposited into the bank account of that property agency.

As the defendant did not report the transaction to CPA, CPA did not demand from the client the payment of the commission for services rendered by CPA with regard to the purchase of that property.

The court heard that on or about April 12, 2015, the defendant stole a commission of \$5,750 payable to CPA in relation to a lease transaction.

On or about May 12, 2015, the defendant stole another commission of \$15,800 payable to CPA in relation to another property transaction, the court was told.

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

The prosecution was today represented by ICAC officer Ronald Chan.

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新聞公佈

前物業代理承認欺詐及盜竊交易佣金候判

2018年2月21日

一名地產代理公司前物業代理就多宗物業買賣及租賃交易欺詐及盜竊共逾八萬二千元佣金，被廉政公署拘控。被告今日(二月二十一日)在觀塘裁判法院承認控罪。

袁偉權，三十四歲，中原地產代理有限公司(中原)前物業代理，承認四項罪名，即兩項欺詐，違反《盜竊罪條例》第16A條，及兩項盜竊，違反《盜竊罪條例》第9條。被告餘下一項相類盜竊罪名則獲控方不提證供起訴。

主任裁判官羅德泉將案件押後至三月七日判刑，以待被告的背景及社會服務令報告。被告獲准保釋。

廉署早前接獲貪污投訴，調查其後揭發上述罪行。

案情透露，被告於案發時是中原派駐德福分行的物業代理。他有責任向中原報告他成功促成的任何物業及租賃交易。

中原一名客人及其男友於二〇一五年五月委託被告物色一個物業。被告其後帶他們視察一個位於牛頭角振華道的物業，並要求該客人的男友簽署一份表格以委任中原為其代理。

該客人及其男友於二〇一五年六月二十九日決定用該客人的名字，以四百二十五萬元購入有關物業。被告安排該客人簽署一份臨時買賣合約及一份表格聲稱另一間地產代理公司是代表賣方的獨家代理。

由於被告沒有把促成該物業交易向中原報告，中原並無就有關物業交易提供的服務要求該客人的男友支付佣金。

案情透露，中原另一名客人於二〇一四年十月十五日委託被告物色一個物業。

被告兩日後帶該客人視察了兩個物業，包括一個位於牛頭角的物業，並要求該客人簽署一份表格以委任中原為其代理。

該客人於同日向被告表示決定以三百六十多萬元購入該個位於牛頭角的物業，被告帶該客人到第三間地產代理公司簽署一份臨時買賣合約。

被告於二〇一四年十二月十八日要求該客人簽發一張沒有抬頭人的支票，以支付一萬八千元佣

金。基於相信該一萬八千元將會支付予中原，該客人於是開出有關支票。該支票於翌日被存入有關地產代理公司的銀行帳戶。

由於被告沒有把促成該物業交易向中原報告，中原並無就有關物業交易提供的服務要求該客人支付佣金。

案情透露，被告於二〇一五年四月十二日偷竊一筆就一項租賃交易而應支付予中原的五千七百五十元佣金。

被告於或約於二〇一五年五月十二日偷竊就另一宗物業交易而應支付予中原的一萬五千八百元佣金。

中原在廉署調查案件期間提供全面協助。

控方今日由廉署人員陳建興代表出庭。

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