



Press Releases

Judge orders the confiscation of \$1.46m from former senior bank executive

2019-8-20

A judge today (August 20) ordered the confiscation of about \$1.46 million from a former senior bank executive convicted of accepting the sum, being bribes, from a bank client in an ICAC case.

Tu Bing, 42, former associate director of UBS AG Hong Kong Branch (UBS Hong Kong Branch), was found guilty of one count of conspiracy for an agent to accept advantages, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance and Section 159A of the Crimes Ordinance, at the District Court on October 27, 2017.

On November 16, 2017, Tu was sentenced to three and a half years' imprisonment. Before the sentence was imposed on Tu, the prosecution applied to the court for an order to confiscate the bribes accepted by Tu under Section 8 of the Organised and Serious Crimes Ordinance. However, the confiscation order proceedings were held in abeyance pending the outcome of Tu's appeal against conviction.

Following the conclusion of the appeal proceedings, the confiscation order application was reinstated. Pursuant to the application, Judge Gary Lam Kar-yan today granted the order against Tu for the confiscation of the bribes totalling about \$1.46 million, and gave Tu six months to make the payment.

The judge ordered that Tu be required to serve an additional term of 30 months' imprisonment should he be in default of the confiscation order.

The court heard that at the material time, Tu was an associate director of Global Wealth Management and Business Banking of UBS Hong Kong Branch. He was responsible for managing investment portfolios of clients.

In May 2007, Tu convinced a client of UBS Hong Kong Branch to invest in Hong Kong stocks. The client, a Mainlander living in Shenzhen, relied entirely on Tu to manage his investments.

At a meeting at a hotel in Shenzhen, Tu told the client that it was a trade practice for the latter to pay him 20 per cent of the realised profits from investments. The client understood that the 20 per cent was "handling and intelligence fees", and acceded to Tu's request.

Between June and July 2007, Tu sent the client two emails together with trading summaries detailing a profit of over \$3,090,000 earned from trading in stocks. At the end of the trading summaries, there was a remark indicating "20 per cent" or over \$618,000.

After Tu reminded the client of the "handling and intelligence fees", the client signed a blank cheque for over \$610,000 and gave it to him. The cheque was deposited into the bank account of Tu's younger

brother, the court heard.

In September 2007, Tu further sent the client two other emails together with trading summaries detailing another profit of about \$4.25 million earned from trading in stocks.

Although Tu did not make a remark of “20 per cent” on the trade summaries, the client understood that he had to pay about \$850,000 to Tu.

One month later, the client gave a signed blank cheque for that amount to Tu when they met at the hotel in Shenzhen. The cheque was deposited into the bank account of Tu’s younger brother.

In December 2007, two sums of money, namely \$1 million and \$400,000, were transferred from the bank account of Tu’s younger brother to that of Tu, the court was told.

The prosecution was today represented by Public Prosecutor Human Lam, assisted by ICAC officer Keith Kwok.

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新聞公佈

法官下令充公銀行前高層人員一百四十六萬元

2019年8月20日

一名銀行前高層人員從一名銀行客戶收受共約一百四十六萬元賄款，被廉政公署起訴後並被裁定罪名成立，法官今日(八月二十日)下令充公有關賄款。

涂冰，四十二歲，瑞士銀行香港分行(瑞銀香港)前副董事，於二〇一七年十月二十七日在區域法院經審訊後被裁定一項串謀使代理人接受利益罪名成立，違反《防止賄賂條例》第9(1)(a)條及《刑事罪行條例》第159A條。

涂冰於二〇一七年十一月十六日被判入獄三年半。控方於判刑前根據《有組織及嚴重罪行條例》第八條向法庭申請法令，充公涂冰收取的賄款。惟充公令的法庭程序曾經押後，以待涂冰就其定罪的上訴程序完成。

在有關上訴程序完結後，法庭恢復處理有關充公令的申請。法官林嘉欣今日根據有關申請批出法令，充公賄款共約一百四十六萬元，並限定涂冰六個月內以支付有關款項。

法官命令，若涂冰未能遵循充公令，將須加監三十個月。

案情透露，涂冰於案發時是瑞銀香港全球財富管理及商業銀行業務副董事，負責管理客戶的投資組合。

涂冰於二〇〇七年五月游說瑞銀香港一名客戶投資香港股票。該客戶是一名居於深圳的內地人士，完全依賴涂冰管理其投資。

涂冰有次在深圳一間酒店與該客戶見面時，告訴對方根據行規需要支付從其投資所賺取實際利潤的百分之二十款額予他。該客戶明白該百分之二十款額為「手續及情報費」，並答應其要求。

涂冰於二〇〇七年六月及七月期間向該客戶發出兩封電郵，當中連同買賣摘要，詳述其股票買賣賺取逾三百零九萬元利潤。有關摘要的末端附註顯示「百分之二十」或逾六十一萬八千元。

案情透露，涂冰提醒該客戶有關「手續及情報費」後，對方簽署一張銀碼逾六十一萬的空白支票交給涂冰。該支票後來被存入涂冰弟弟的銀行戶口。

涂冰於二〇〇七年九月向該客戶發出另外兩封電郵，當中連同買賣摘要，詳述其股票買賣賺取另一筆約四百二十五萬元利潤。

雖然涂冰沒有在買賣摘要註明「百分之二十」，但該客戶明白他要向涂冰支付約八十五萬元。

該客戶於一個月後在深圳一間酒店與涂冰見面，並把一張寫有上述款額的空白支票交給涂冰。該支票後來被存入涂冰弟弟的銀行戶口。

案情透露，二〇〇七年十二月有兩筆分別為一百萬元及四十萬元的款項，由涂冰弟弟的銀行戶口轉賬至涂冰的銀行戶口。

控方今日由檢控官林曉敏代表出庭，並由廉署人員郭保強協助。

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