



Press Releases

Ex-financial controller of listed company jailed for \$2.6m bribery and fraud

2020-4-3

A former financial controller of a listed company, charged by the ICAC, was today (April 3) sentenced to three years and seven months' imprisonment at the District Court for conspiracy to accept an illegal rebate of about \$590,000 for engaging an accounting firm to provide services, and defrauding the listed company of over \$2 million by outsourcing other services to a consultant firm owned by him.

Lau Ka-chung, 44, former financial controller cum company secretary of Southeast Asia Properties & Finance Limited (Southeast Asia Properties), was earlier found guilty of two charges – one 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, and one of fraud, contrary to Section 16A of the Theft Ordinance.

In sentencing, Judge Katherine Lo Kit-ye said the case involved a serious conflict of interest and breach of trust.

The judge also remarked that the case had damaged the governance of the listed company involved, and tarnished Hong Kong's reputation as a financial centre.

In addition, the judge ordered the defendant to pay about \$590,000, being the amount of the bribe he accepted, as restitution to Southeast Asia Properties.

The court heard that at the material time, the defendant was the financial controller cum company secretary of Southeast Asia Properties. He was the head of its accounts department, which handled all accounting and financial matters of Southeast Asia Properties and its subsidiaries.

In May 2015, Southeast Asia Properties resolved to acquire a company at a consideration of over \$336 million. The defendant suggested outsourcing the preparation work to an independent third party. The proposal was agreed by Southeast Asia Properties.

The defendant then outsourced the internal control review, taxation, financial advisory and consultancy services in relation to the acquisition to an accounting firm.

Between May 2015 and June 2016, Southeast Asia Properties and its subsidiaries released payments totalling \$754,000 to the accounting firm for its services. Out of the \$754,000, a total of about \$590,000 was eventually transferred to the defendant's bank account while the remaining sum was retained by the accounting firm.

The court also heard that on June 19, 2015, the defendant set up Wishful Bright Enterprise Consultancy Limited (Wishful Bright), of which he was its sole director cum shareholder.

Without disclosing his interest in Wishful Bright and obtaining quotations from other contractors, the defendant caused Southeast Asia Properties and its subsidiaries to engage Wishful Bright to provide various accounting, taxation, research, financial advisory and consultancy services between June 2015 and October 2016.

As the head of Southeast Asia Properties' accounts department, the defendant endorsed and approved the payments of 15 invoices issued by Wishful Bright. As a result, a total of over \$2 million was released to Wishful Bright.

Had Southeast Asia Properties known that the defendant was the director of Wishful Bright or held any interest in it, Southeast Asia Properties would not have engaged Wishful Bright to provide those services and settled the payments.

Southeast Asia Properties had rendered full assistance to the ICAC during its investigation into the case.

The prosecution was today represented by prosecuting counsel Dr Alain Sham, assisted by ICAC officers Oyan Cheung and Janice Chan.

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新聞公佈

上市公司前財務總監貪污及詐騙二百六十萬元判囚三年七個月

2020年4月3日

一名上市公司前財務總監串謀收受非法回佣約五十九萬元，以委聘一間會計師樓提供服務，並將該上市公司的其他工作外判予一間由他擁有的顧問公司，詐騙上市公司逾二百萬元，早前被廉政公署起訴。被告今日(四月三日)在區域法院被判入獄三年七個月。

劉家聰，四十四歲，華信地產財務有限公司(華信地產)前財務總監兼公司秘書，早前被裁定兩項罪名成立，即一項串謀使代理人接受利益，違反《防止賄賂條例》第9(1)(a)條及《刑事罪行條例》第159A條，及一項欺詐，違反《盜竊罪條例》第16A條。

法官勞潔儀判刑時稱，案件涉及嚴重的利益衝突，被告並違反誠信。

法官亦指出，案件損害涉案上市公司的管治，並影響香港作為金融中心的聲譽。

此外，法官亦頒令被告須向華信地產歸還約五十九萬元，即他收受的賄款金額。

案情透露，被告於案發時是華信地產的財務總監兼公司秘書。他是會計部主管，負責處理華信地產及其附屬公司的一切會計及財務事宜。

華信地產於二〇一五年五月決定以逾三億三千六百萬元收購一間公司。被告提議將相關的預備工作外判予獨立第三方，獲華信地產同意其建議。

被告其後將該項收購的相關內部監控檢討、稅務、財務諮詢及顧問服務，外判予一間會計師樓。

華信地產及其附屬公司於二〇一五年五月至二〇一六年六月期間，就有關服務向該會計師樓支付共七十五萬四千元，當中共約五十九萬元其後被轉帳至被告的銀行戶口，而餘款則由該會計師樓繼續管有。

案情又透露，被告於二〇一五年六月十九日成立希晴業務顧問有限公司(希晴)，他是希晴的唯一董事兼股東。

被告於二〇一五年六月至二〇一六年十月期間，在沒有向華信地產披露他在希晴的權益，以及沒有向其他承辦商索取報價的情況下，致使華信地產及其附屬公司委聘希晴提供多項會計、稅務、研究、財務諮詢及顧問服務。

被告作為華信地產的會計部主管，同意並批核了十五張由希晴發出的發票，希晴結果獲發放款項共逾二百萬元。

如華信地產知悉被告是希晴董事或在希晴持有任何權益，則不會委聘希晴提供該等服務，以及支付有關費用。

華信地產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沈仲平博士代表出庭，並由廉署人員張淑儀及陳貝苑協助。

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