



## Press Releases

# Six and a half years' jail for property agency director charged by ICAC over \$15m fraud in confirmatory sale of two properties

2022-8-31

A property agency director, charged by the ICAC, was today (August 31) sentenced to six and a half years' imprisonment at the District Court after being convicted of deceiving a couple into paying \$15 million more in the confirmatory sale of a shopping centre unit and an industrial building property purchased by the couple.

Ngai Lok-kei, 35, sole director of Wealth Trustful Property Agency Limited (WTPA) and Grand Vision Property Limited (GVP), was found guilty of two charges of fraud, contrary to Section 16A of the Theft Ordinance.

In sentencing, District Judge Josiah Lam Wai-kuen said the defendant had breached the fiduciary duty of an agent. In view of the substantial amount of money involved in this case, the court had to impose a jail term of six and a half years on the defendant.

At the material time, the defendant was an estate agent and the sole director of property agencies WTPA and GVP. He also held the shares of Cheerful Joy Investments Limited (CJI) and Hailey Ventures Limited (HVL).

The court heard that in early October 2014, the owner of a unit of a shopping centre in Kingswood Villas, Tin Shui Wai (the original vendor) put up the unit for sale at \$19 million. In mid-October, the defendant arranged the original vendor and CJI, of which he held shares, to sign a provisional agreement for sale and purchase at a price of \$19 million with GVP as the handling property agency. CJI later resold the unit to a couple by confirmatory sale.

The defendant falsely represented to the couple in the transaction that the vendor, CJI, offered to sell the property at \$32 million, and concealed from the couple his own beneficial interest in CJI. He eventually induced the couple to purchase the property from CJI at \$28.56 million, which was \$9.56 million more than the original asking price.

The court heard that in December 2014, the defendant further recommended a property at Ka Ming Court in Castle Peak Road, Kowloon to the above couple, and concealed in the transaction that the original vendor of the property offered to sell it at \$26 million. HVL, of which the defendant held shares, subsequently purchased the property at \$25.92 million, and GVP was the property agency of the transaction.

In addition, the defendant eventually induced the above wife to purchase the property from HVL at about \$31.43 million, and caused her to pay about \$5.51 million more. WTPA was the property agency of the transaction.

According to the Estate Agents Ordinance, the defendant, being an estate agent, had to disclose to a client his beneficial interest in a property and any benefit which would accrue to him should the property be disposed of.

The investigation arose from a corruption complaint filed with the ICAC. Upon completion of the investigation, legal advice was sought from the Department of Justice, which advised charging the defendant.

The ICAC has been proactively enhancing the knowledge of practitioners in the estate agency sector on the anti-corruption laws, and had reminded them to uphold professional ethics so as to protect the interest of both property owners and buyers.

To assist the estate agency industry to uphold integrity and prevent corruption, the ICAC had collaborated with the industry to compile a guidebook which reminded practitioners to adopt proper and ethical practices in the course of handling property transactions, and assisted estate agencies to put in place effective internal controls preventing corruption and other malpractices. “Best Practice Checklist on Governance and Internal Control of Estate Agencies”: [cpas.icac.hk/EN/Info/Lib\\_List?cate\\_id=3&id=232](https://cpas.icac.hk/EN/Info/Lib_List?cate_id=3&id=232).

The prosecution was today represented by prosecuting counsel Marco Li, assisted by ICAC officer Monica Lo.

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## 新聞公佈

# 遭廉署起訴地產代理公司董事「摸貨」抬價轉售兩物業欺詐買家 1,500萬元判囚六年半

2022年8月31日

廉政公署早前落案起訴一名地產代理公司董事，控告他「摸貨」抬價轉售一個商場舖位及一個工廈物業，欺詐一對買家夫婦多付約1,500萬元。被告今日(8月31日)在區域法院被裁定罪名成立，判入獄六年半。

蟻樂祺，35歲，盈信置業地產代理有限公司(盈信)及譽匯置業有限公司(譽匯)唯一董事，被裁定兩項欺詐罪名成立，違反《盜竊罪條例》第16A條。

區域法院法官林偉權判刑時稱，被告的行為違反代理人受信責任，法庭考慮涉案金額龐大，須判處被告監禁六年半。

案發時被告是一名地產代理，以及兩間地產代理公司盈信及譽匯的唯一董事。他亦持有愉欣投資有限公司(愉欣)及喜利創投有限公司(喜利)的股份。

案情透露，天水圍嘉湖山莊一個商場舖位的業主(即原本賣方)於2014年10月初放售舖位，作價1,900萬元。被告於10月中以譽匯作為地產代理的身分，安排原本賣方與他持有股份的愉欣以1,900萬元簽訂臨時買賣合約。愉欣其後以確認轉售(俗稱「摸貨」)方式，將舖位轉售予一對買家夫婦。

被告在交易過程中向該買家夫婦虛假地表示，舖位的賣方愉欣叫價3,200萬元出售物業，並向該買家夫婦隱瞞自己在愉欣的實益權益，誘使對方最終以2,856萬元向愉欣購買該物業，比起原本叫價多付956萬元。

案情透露，被告又於2014年12月向上述買家夫婦推介九龍青山道嘉名工廠大廈一個物業，並在交易過程中隱瞞該物業的原本賣方叫價2,600萬元。其後，被告持有股份的喜利以2,592萬元購入該物業，而譽匯為該項交易的地產代理。

被告並誘使上述買家夫婦中的妻子，最終以約3,143萬元向喜利購買該物業，致使其多付約551萬元，而交易的地產代理為盈信。

根據《地產代理條例》，被告身為地產代理，須向客戶披露他對物業的實益權益，以及就物業獲處置後可得的任何利益。

廉署早前接獲貪污投訴遂展開調查，完成調查後向律政司徵詢法律意見，並按有關法律意見落案起訴被告。

廉署一直積極加強地產代理業從業員對防貪法例的認識，並提醒從業員在進行物業交易時，必須秉

持專業誠信操守，保障物業買賣雙方的利益。

為協助地產代理業界堅守誠信，防範貪污舞弊，廉署與業界合作編製指南，提醒地產代理從業員在處理物業交易時，要以正當手法及合乎道德操守的原則行事，以及協助地產代理公司實施有效的內部監控以防止貪污及其他舞弊行為。《優質執業手冊—地產代理公司的管治與內部監控》：  
[cpas.icac.hk/ZH/Info/Lib\\_List?cate\\_id=3&id=232](https://cpas.icac.hk/ZH/Info/Lib_List?cate_id=3&id=232)。

控方今日由控方大律師李國威代表出庭，並由廉署人員盧弦協助。

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