



Press Releases

Property investor and mother jailed for \$750,000 agency commission fraud over shopping centre purchase

2023-12-13

A property investor and his mother, charged by the ICAC, were today (December 13) each sentenced to 30 months' imprisonment at the District Court for conspiracy to defraud by deceiving an investment partner into paying an agency commission of over \$750,000 in the purchase of a shopping centre at \$168 million revealed in a bribery probe.

Tse Yiu-sing, 39, sole director-cum-shareholder of Landcorp Properties Limited (Landcorp), and his mother Sin Yuk-ling, 68, were earlier convicted of one count of conspiracy to defraud, contrary to Common Law.

In sentencing, Deputy Judge Mr Kenneth Chan Ping-chau said the defendant committed the offence out of greed. The deputy judge added that deterrent sentences were inevitable as it was the responsibility of the court to maintain a level playing field for businesses in Hong Kong.

The court heard that in June 2019, Tse invited an investment partner to jointly acquire Greenview Court Shopping Centre in Tsuen Wan. It was agreed that Total Link Limited (Total Link) would be acquired as a vehicle for purchasing the shopping centre. Sin and the investment partner respectively held 55 per cent shares and 45 per cent shares of Total Link, and all costs and profits in relation to the purchase of the shopping centre would be shared on a pro rata basis.

In July 2019, Total Link signed a provisional sale and purchase agreement with the vendor via Midland Realty (Shops II) Limited (Midland) for purchasing the shopping centre at \$168 million. Total Link was required to pay one per cent of the transaction price, i.e. \$1.68 million, as agency commission to Midland. According to the above agreement, the investment partner should bear \$750,000 of it.

The ICAC investigation arose from a corruption complaint. Enquiries revealed that Landcorp reached another agreement with Midland through Sin to procure the transaction. According to the agreement, Midland and Landcorp would cooperate to procure the transaction. Midland would retain 20 per cent of the agency commission concerned, while the remaining 80 per cent would be paid to Landcorp, which was owned by Tse.

However, Tse and Sin concealed from the investment partner the agreement, with intent to induce the investment partner to pay \$750,000 agency commission and to obtain the percentage of agency commission Landcorp entitled to receive.

The transaction was eventually terminated and Total Link did not complete the purchase of the shopping centre.

The prosecution was today represented by Senior Public Prosecutor Joey Lin, assisted by ICAC officer Chacha Chan.

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新聞公佈

兩母子收購商場詐騙代理佣金75萬元遭廉署起訴各判囚30個月

2023年12月13日

廉政公署調查貪污時，揭發一名物業投資者及其母親在一項1.68億元的商場收購項目中，詐騙一名投資夥伴支付代理佣金逾75萬元。二人早前被廉署落案起訴，今日(12月13日)在區域法院各被判入獄30個月。

謝耀陞，39歲，恒豐地產有限公司(恒豐)公司董事兼股東；及其母親冼玉翎，68歲，早前同被裁定一項串謀詐騙罪名成立，違反普通法。

暫委法官陳炳宙判刑時表示，被告出於貪婪犯案，法庭有責任維護香港廉潔公平的營商環境，須向被告判處阻嚇性刑罰。

案情透露，謝耀陞於2019年6月邀請一名投資夥伴一同收購荃灣翠濤閣商場，並協議透過買入思成有限公司(思成)以收購該商場。冼玉翎與該投資夥伴分別持有思成55%及45%股份，收購商場的開支及盈利會根據有關比例分配。

思成於2019年7月經美聯物業(商舖II)有限公司(美聯)與賣家簽訂臨時買賣合約，以1.68億元購入該商場。思成須向美聯支付成交價的百分之一，即168萬元作為代理佣金。根據上述協定，該投資夥伴須支付當中約75萬元。

廉署早前接獲貪污投訴遂展開調查，發現恒豐經冼玉翎與美聯達成另一協議去共同促成上述交易。按該協議，美聯與恒豐會共同促成有關交易，美聯只收取代理佣金的兩成，而由謝耀陞擁有的恒豐則會收取餘下八成代理佣金。但謝耀陞與冼玉翎並無向該投資夥伴透露這協議，意圖從該投資夥伴需支付的75萬元佣金中經恒豐瓜分得益。

該項商場收購計劃最終告吹，而思成沒有完成有關交易。

控方今日由高級檢控官連祖兒代表出庭，並由廉署人員陳雅瑜協助。

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