



香港特別行政區
廉政公署

Independent Commission Against Corruption
Hong Kong Special Administrative Region

Press Releases

SME director charged by ICAC gets 30 months' jail for \$102.5m bank loans fraud

2024-8-20

A director of a Small and Medium Enterprise (SME), charged by the ICAC, was today (August 20) sentenced to 30 months' imprisonment at the District Court for his role in defrauding seven banks of 63 loans totalling over \$82 million and banking facilities totalling \$20.5 million, as well as deceiving the Trade and Industry Department (TID) and the Hong Kong Mortgage Corporation Limited (HKMC) into acting as guarantors for loans and facilities totalling \$6.9 million granted by the banks.

Desmond Chan Chi-hung, 63, sole director and shareholder of now defunct Mondex International Industries Limited (MIIL), earlier pleaded guilty to 13 counts of conspiracy to defraud, contrary to Common Law.

In sentencing, Deputy Judge Ms May Chung Ming-sun remarked that the defendant played an important role in the scam as he had impersonated a company director upon the instruction by the mastermind of the scheme. She took a maximum starting point of four years' imprisonment for the defendant's 13 offences but reduced the jail term to 30 months, having considered his guilty plea and other mitigating factors.

The case arose from a corruption complaint. Subsequent ICAC enquiries revealed the above offences, which took place between March 2011 and June 2014.

The court heard that upon the request of the de facto owner of MIIL, which purportedly engaged in plastic material trading, the defendant became its sole director and shareholder in December 2010.

To finance business development of local SMEs, various banks have long offered different types of credit facilities to SMEs. Between 2008 and 2011, the TID and the HKMC respectively launched various schemes, including SME Loan Guarantee Scheme and SME Financing Guarantee Scheme to assist SMEs to obtain credit facilities from banks by providing guarantees to them.

The court heard that the defendant conspired with a clerk of MIIL, the aforesaid de facto owner of MIIL and a man employed by the de facto owner (the trio) to defraud Bank of China (Hong Kong) Limited, Citibank (Hong Kong) Limited, Dah Sing Bank Limited (Dah Sing Bank), DBS Bank (Hong Kong) Limited (DBSHK) and Industrial and Commercial Bank of China (Asia) Limited (ICBC Asia) by submitting to the aforesaid banks false supporting documents, including auditor's reports and bank monthly statements, causing the five banks to grant banking facilities totalling \$20.5 million to MIIL.

The defendant also conspired with the trio and other persons unknown to defraud Dah Sing Bank, DBSHK, The Hongkong and Shanghai Banking Corporation Limited and Wing Lung Bank Limited (now known as CMB Wing Lung Bank Limited) by dishonestly submitting supporting documents purportedly in relation to transactions between MIIL and its six suppliers, causing the four banks to grant 63 loans totalling over \$82 million to MIIL and to release the sums directly to the six suppliers concerned.

In addition, the defendant also admitted having conspired with the trio to defraud the TID and the HKMC by dishonestly falsely representing that all the information contained in four application forms for the relevant guarantee schemes was true. As a result, the TID was caused to issue a guarantee in favour of Dah Sing Bank; and to act as the guarantor for a term loan totalling \$500,000 granted by the bank to MIIL. The HKMC was thus caused to issue three guarantees in favour of Dah Sing Bank and ICBC Asia; and to act as the guarantor for various types of facilities totalling \$6.4 million granted by the two banks to MIIL.

The TID, the HKMC and the seven banks concerned had rendered full assistance to the ICAC during its investigation into the case.

The prosecution was today represented by prosecuting counsel Susanna Ku and assisted by ICAC officers Benny Chang and Stanley Cheung.

[« Back to Index](#)



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新聞公佈

中小企業董事詐騙銀行貸款1億250萬元遭廉署起訴判囚30個月

2024年8月20日

一名中小企業董事參與勾當詐騙七間銀行63筆貸款共逾8,200萬元，以及銀行融資共2,050萬元，又致使工業貿易署(工貿署)及香港按揭證券有限公司(按揭證券公司)為該等銀行批出的貸款及融資擔任擔保人，款額共690萬元，早前被廉政公署起訴。被告今日(8月20日)在區域法院被判入獄30個月。

陳志鴻，63歲，已結業的萬德國際實業有限公司(萬德)獨資董事及股東，早前承認13項串謀詐騙罪名，違反普通法。

暫委法官鍾明新判刑時稱，被告受案中主謀指使假扮公司董事，在整個詐騙勾當中擔當重要角色，被告13項罪名的量刑起點最高為監禁4年，但考慮到被告認罪及其他求情因素，遂將刑期減至30個月。

廉署早前接獲有關貸款及銀行融資申請的貪污投訴，調查後揭發上述於2011年3月至2014年6月期間發生的罪行。

案情透露，萬德聲稱從事塑膠物料貿易，被告應萬德實質東主的要求，於2010年12月出任該公司獨資董事及股東。

為協助本地中小企業融資發展業務，多間本地銀行一直有提供各類型融資服務予中小企業。工貿署及按揭證券公司於2008年至2011年期間，分別推出包括「中小企業信貸保證計劃」及「中小企融資擔保計劃」等多個計劃，向中小企業提供擔保，以協助它們從銀行獲取融資。

案情透露，被告與萬德一名文員、上述萬德實質東主及其聘用的一名男子(該三名人士)一同串謀詐騙中國銀行(香港)有限公司、花旗銀行(香港)有限公司、大新銀行有限公司(大新銀

行)、星展銀行(香港)有限公司(星展香港)及中國工商銀行(亞洲)有限公司(工銀亞洲),向上述銀行提交虛假證明文件,包括核數師報告及銀行月結單,導致該五間銀行向萬德批出銀行融資共2,050萬元。

被告又與該三名人士及其他身分不詳人士一同串謀詐騙大新銀行、星展香港、香港上海滙豐銀行有限公司及永隆銀行有限公司(現稱招商永隆銀行有限公司),不誠實地提交證明文件,訛稱有關文件涉及萬德與其六間供應商之間的交易,導致該四間銀行向萬德批出63筆貸款共逾8,200萬元,並直接向該六間供應商發放該等款項。

另外,被告又承認與該三名人士一同串謀詐騙工貿署及按揭證券公司,訛稱四份相關保證或擔保計劃申請表內的所有資料均為真確。工貿署因此向大新銀行發出一份保證書,就該銀行批予萬德合共50萬元定期貸款,作為擔保人。而按揭證券公司則因此向大新銀行及工銀亞洲發出三份擔保書,就該兩間銀行批予萬德合共640萬元的多種融資,作為擔保人。

工貿署、按揭證券公司及該七間銀行在廉署調查案件期間提供全面協助。

控方今日由律師顧佩芳代表出庭,並由廉署人員鄭志偉及張浚銘協助。

[◀ 返回目錄](#)