



Press Releases

Six charged with MPF commissions fraud and false claims of accrued benefits

2018-7-10

A former sales manager of an insurance company and five members of two Mandatory Provident Fund (MPF) trustees have been charged by the ICAC with respectively defrauding about \$21,000 in commissions by submitting MPF applications with false information, and making false statutory declarations to claim MPF accrued benefits totalling over \$820,000.

Chan Wah, 40, former sales manager of ACE Life Insurance Company Limited (ACE), who was charged today (July 10) in one case, faces one count of fraud, contrary to Section 16A(1) of the Theft Ordinance. ACE was renamed as Chubb Life Insurance Company Limited (Chubb) in April 2016.

Five other defendants, who were charged yesterday (July 9) in five other cases, are Yau Siu-hung, 31, Poon Yau-sing, 59, Tsang Tak-sau, 29, Kwok Kam-fai, 48, all MPF scheme members of Bank Consortium Trust Company Limited (BCT); and Chan Chun-wing, 38, a MPF scheme member of HSBC Provident Fund Trustee (Hong Kong) Limited (HPFT). BCT and HPFT are two MPF trustees in Hong Kong.

They each face one count of making a false statutory declaration, contrary to section 36 of the Crimes Ordinance.

The cases arose from a corruption complaint alleging Chan Wah of having violated Section 9(3) of the Prevention of Bribery Ordinance by submitting some MPF applications with false information to ACE for deceiving sales commissions. Subsequent ICAC enquiries revealed the above alleged offences.

In the first case, Chan Wah was a sales manager of ACE and the up-line manager of an insurance agent. Chan could not engage in selling its MPF products as she was not a registered MPF intermediary, but the insurance agent possessed the qualification.

The charge alleges that between June 26, 2015 and February 2, 2016, Chan falsely represented to ACE and BCT that the insurance agent was the handling agent of 26 applications for a MPF product of BCT, and with intent to defraud, induced BCT to grant commissions and cash incentives to the insurance agent via ACE, which resulted in benefit to the insurance agent or prejudice to ACE and BCT.

ICAC enquiries revealed that BCT had released about \$21,000 as commissions and cash incentives to the insurance agent, who returned \$11,000 of it to Chan afterwards.

Chan has been released on ICAC bail, pending her appearance in the Eastern Magistracy on Thursday

(July 12) for plea.

In the remaining five cases, Yau Siu-hung, Poon Yau-sing, Tsang Tak-sau, Kwok Kam-fai and Chan Chun-wing each face one count of making a false statutory declaration.

The charges allege that between July 3 and October 15, 2015, the defendants each knowingly and wilfully made a false statement in a “statutory declaration for claims for payment of accrued benefits on ground of permanent departure from Hong Kong” that he/she would depart from Hong Kong to reside elsewhere with no intention of returning for employment or to resettle in Hong Kong as a permanent resident whereas he/she had never intended to depart from Hong Kong permanently.

ICAC enquiries revealed that BCT had paid Yau, Poon, Tsang and Kwok MPF accrued benefits of over \$580,000 in total, and HSBC Life (International) Limited, the administrator of HPFT, had paid Chan MPF accrued benefits of over \$240,000 as a result of their false statutory declarations.

Yau, Poon, Tsang and Chan have been released on ICAC bail, pending their appearance in the West Kowloon Magistracy tomorrow (July 11) for plea, while Kwok has been bailed to appear in the Kowloon City Magistracy tomorrow for plea.

Chubb, BCT and HPFT have rendered full assistance to the ICAC during its investigation.

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新聞公佈

廉署起訴六人涉嫌詐騙強積金佣金及累算權益

2018年7月10日

廉政公署落案起訴一名保險公司前銷售經理及來自兩間強制性公積金（強積金）受託人的五名成員，控告他們涉嫌分別使用載有虛假資料的強積金申請欺詐約二萬一千元佣金，以及作出虛假法定聲明以申領共逾八十二萬元的強積金累算權益。

陳鏞，四十歲，安達人壽保險有限公司（安達）前銷售經理，於今日（七月十日）在一宗案件被控一項欺詐罪名，違反《盜竊罪條例》第16A(1)條。

另外五名於昨日(七月九日)在其他五宗案件被起訴的被告是邱兆鴻，三十一歲，潘有誠，五十九歲，曾德秀，二十九歲，郭錦輝，四十八歲，同為銀聯信託有限公司（銀聯）的強積金計劃成員；及陳俊榮，三十八歲，HSBC Provident Fund Trustee (Hong Kong) Limited (HPFT)的強積金計劃成員。銀聯及HPFT是香港兩間強積金受託人。

他們五人各被控一項作出虛假法定聲明罪名，違反《刑事罪行條例》第36條。

廉署早前接獲貪污投訴，指陳鏞涉嫌向安達提交一些載有虛假資料的強積金申請以欺詐佣金，違反《防止賄賂條例》第9(3)條，調查後揭發上述涉嫌罪行。

在首宗案件，陳鏞為安達前銷售經理，以及一名保險代理人的上線經理。由於陳並非註冊強積金中介人，不能參與銷售該公司的強積金產品，惟該保險代理人符合資格。

控罪指陳鏞涉嫌於二〇一五年六月二十六日至二〇一六年二月二日期間，虛假地向安達及銀聯表示該保險代理人為二十六份銀聯強積金產品的經手代理，並意圖誘使銀聯經由安達向該保險代理人給予佣金與現金獎勵，導致該保險代理人獲得利益或安達及銀聯蒙受不利。

廉署調查發現，銀聯曾向該保險代理人發出約二萬一千元佣金與現金獎勵，其後她交還其中一萬一千元予陳鏞。

陳已獲廉署准予保釋，以待星期四（七月十二日）在東區裁判法院答辯。

在餘下五宗案件，邱兆鴻、潘有誠、曾德秀、郭錦輝及陳俊榮各被控一項作出虛假法定聲明罪名。

該等控罪指被告涉嫌於二〇一五年七月三日至十月十五日期間，各自明知而故意地在「基於永久

性地離開香港的理由而申索累算權益的法定聲明」內作出虛假的陳述，表示他／她將會離開香港往外地居住，並且不打算返回香港永久居留以就業或居住，惟他／她從未打算永久離開香港。

廉署調查發現，基於有關虛假法定聲明，銀聯向邱兆鴻、潘有誠、曾德秀及郭錦輝支付共逾五十八萬元強積金累算權益，而作為HPFT的行政管理人匯豐人壽保險（國際）有限公司則向陳俊榮支付逾二十四萬元強積金累算權益。

邱兆鴻、潘有誠、曾德秀及陳俊榮已獲廉署准予保釋，以待明日（七月十一日）在西九龍裁判法院答辯。郭則獲准保釋，以待明日在九龍城裁判法院答辯。

安達、銀聯及HPFT在廉署調查案件期間提供全面協助。

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