

Four charged with bribery facilitated HK\$75m L/C fraud and money laundering

2020-6-5

Four persons, including a senior executive of a listed company subsidiary and two directors of two construction companies, have been charged by the ICAC today (June 5) for their alleged roles in a HK\$75.3 million letters of credit (L/Cs) fraud scam involving over HK\$1.7 million bribes, and money laundering.

The defendants are Wang Xiaoshan, 51, deputy general manager of China Railway Construction (HK) Limited (CRCL), a subsidiary of publicly listed China Railway Construction Corporation Limited (CRCC); Lau Hing-lung, 56, director of now defunct King Tai Construction Limited (KTCL) and chief administrative officer of now defunct Top Famous Construction Engineering Limited (TFCL); Lo Pui-yu, 69, director of TFCL; and Chan Ka-ho, 33, son-in-law of Lo and director of Azure Industrial Limited (AIL). They face a total of 16 charges.

Wang, Lau and Lo face a joint charge of conspiracy to defraud, contrary to Common Law.

Wang and Lo further face two joint charges 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.

Lau also faces one count of dealing with property known or believed to represent proceeds of indictable offence, contrary to Section 25(1) of the Organized and Serious Crimes Ordinance. Lo further faces 12 similar offences, one of which was jointly charged with Chan.

All defendants will appear at the Eastern Magistrates' Courts next Tuesday (June 9) for mention.

CRCL, a construction company in Hong Kong, is a wholly owned subsidiary of publicly listed CRCC. China Railway International Trading (HK) Limited (CRITL) is another wholly owned subsidiary of CRCC, which is run by staff members of CRCL to source construction materials for CRCL and its related companies.

At the material time, Wang was a deputy general manager of CRCL responsible for business development. Lau and Lo were respectively the chief administrative officer and director of TFCL. Lau was also the sole shareholder-cum-director of KTCL while Lo was also in control of 11 other companies, including AIL. Lo's son-in-law, Chan, was the sole director of AIL.

In September 2016, CRCL and TFCL signed a memorandum of understanding for forming joint ventures to take up certain construction projects. In December 2016, CRITL and TFCL further entered into three trade agreements in which CRITL would act as TFCL's purchasing agent for procuring construction materials from KTCL for three other projects, with payments to be settled by L/Cs.

The conspiracy to defraud charge alleges that between the June 1, 2016 and March 16, 2017, Wang, Lau and Lo conspired together and with other persons to defraud DBS Bank Limited (DBS Bank) and cause it to make payment totalling over HK\$75.3 million to KTCL.

The charge alleges that the three aforesaid defendants dishonestly applied to DBS Bank for issuing three L/Cs in favour of KTCL, knowing that there was no genuine underlying transaction for those L/Cs; and produced false documentation, including invoices, packing lists and cargo receipts, to support the applications.

One of the bribery charges alleges that between June 1 and November 15, 2016, Wang and Lo conspired together for Wang, without lawful authority or reasonable excuse, to accept a total sum of over US\$148,000 (over HK\$1.15 million) as an inducement to or reward for referring TFCL to CRCL for business cooperation.

Another bribery charge alleges that between December 13, 2016 and June 7, 2017, Wang and Lo conspired together for Wang, without lawful authority or reasonable excuse, to accept a total sum of over US\$61,000 (over HK\$475,000) and HK\$125,000 as an inducement to or reward for causing CRITL to provide financial assistance to TFCL.

The remaining 13 charges allege that between January 24 and September 25, 2017, Lau, Lo and Chan dealt with over HK\$75.3 million, named in the aforesaid conspiracy to defraud charge, in various bank accounts of

KTCL, AIL and other companies controlled by Lo, knowing or having reasonable grounds to believe that they in whole or in part directly or indirectly represented proceeds of an indictable offence.

CRCC, CRCL, CRITL and DBS Bank have rendered full assistance to the ICAC during its investigation.

All defendants have been released on ICAC bail, pending their court appearance next Tuesday.

廉署起訴四人涉貪污詐騙七千五百萬元信用證及洗黑錢案

2020年6月5日

廉政公署今日(六月五日)落案起訴四名人士，包括一名上市公司的子公司高層人員及兩間建築公司的兩名董事，控告他們涉嫌透過貪污手法以詐騙七千五百三十萬港元的信用證，涉及賄款逾一百七十萬港元，以及清洗黑錢。

被告為王曉杉，五十一歲，中國鐵建(香港)有限公司(中國鐵建香港)副總經理，該公司為上市公司中國鐵建股份有限公司(中國鐵建)的子公司；劉慶龍，五十六歲，已結業的景泰建築工程有限公司(景泰建築)董事及已結業的成達建築工程有限公司(成達建築)首席行政官；盧沛如，六十九歲，成達建築董事；以及陳家豪，三十三歲，盧沛如的女婿及Azure Industrial Limited (AIL)董事。四人共被控十六項罪名。

王曉杉、劉慶龍及盧沛如被控一項串謀欺詐罪名，違反普通法。

王曉杉及盧沛如另同被控兩項串謀使代理人接受利益罪名，違反《防止賄賂條例》第9(1)(a)條及《刑事罪行條例》第159A條。

劉慶龍亦被控一項處理已知道或相信為代表從可公訴罪行的得益的財產，違反《有組織及嚴重罪行條例》第25(1)條。盧沛如另被控十二項相類罪名，當中一項控罪與陳家豪共同被控。

各被告將於下星期二(六月九日)在東區裁判法院應訊。

中國鐵建香港是香港一間建築公司，為上市公司中國鐵建的子公司。中鐵國際貿易(香港)有限公司(中鐵國際貿易香港)是中國鐵建的另一間子公司，由中國鐵建香港的員工營運，負責為中國鐵建香港及其相關公司採購建築物料。

王曉杉於案發時為中國鐵建香港的副總經理，負責業務發展。劉慶龍及盧沛如則分別為成達建築的首席行政官及董事。劉慶龍亦是景泰建築的獨資股東及董事。盧沛如又操控十一間公司，當中包括AIL。盧沛如的女婿陳家豪為AIL的獨資董事。

中國鐵建香港及成達建築於二〇一六年九月簽訂諒解備忘錄，成立合營公司以進行一些建築項目。二〇一六年十二月，中鐵國際貿易香港及成達建築則簽訂三份貿易協議，讓中鐵國際貿易香港作為成達建築的採購代理，為另外三個項目，從景泰建築採購建築材料，涉及款項以信用證支付。

串謀欺詐罪名指王曉杉、劉慶龍及盧沛如涉嫌於二〇一六年六月一日至二〇一七年三月十六日期間，一同串謀和與其他人士串謀欺詐星展銀行有限公司(星展銀行)，從而致使該銀行支付共逾七千五百三十萬港元予景泰建築。

該項控罪指上述三名被告涉嫌向星展銀行申請開出三張以景泰建築為受益人的信用證，而明知該等信用證並沒有真正的相關交易；以及提交虛假文件以支持有關申請，有關文件包括發票、裝箱單和貨運收據。

其中一項貪污控罪指王曉杉及盧沛如涉嫌於二〇一六年六月一日至十一月十五日期間，一同串謀使王曉杉在無合法權限或合理辯解下，接受總額逾十四萬八千美元(即逾一百一十五萬港元)，作為轉介成達建築給中國鐵建香港進行業務合作的誘因或報酬。

另一項貪污控罪指王曉杉及盧沛如涉嫌於二〇一六年十二月十三日至二〇一七年六月七日期間，一同串謀使王曉杉在無合法權限或合理辯解下，接受總額逾六萬一千美元(即逾四十七萬五千港元)及十二萬五千港元，作為致使中鐵國際貿易香港向成達建築提供財務資助的誘因或報酬。

餘下十三項控罪指，劉慶龍、盧沛如及陳家豪涉嫌於二〇一七年一月二十四日至九月二十五日期間，處理在景泰建築、AIL及盧沛如操控的其他公司的多個銀行戶口內的七千五百三十多萬港元，即上述串謀欺詐罪名中提及的款項，而他們知道或有合理理由相信該筆款項全部或部分、直接或間接代表從可公訴罪行的得益。

中國鐵建、中國鐵建香港、中鐵國際貿易香港及星展銀行在廉署調查案件期間提供全面協助。

各被告已獲廉署准予保釋，以待下星期二應訊。