



Press Releases

Two senior executives of construction companies charged by ICAC in \$75.3m L/C scam found guilty

2022-4-23

Two senior executives of two construction companies, charged by the ICAC, were today (April 23) convicted at the District Court of conspiracy to defraud for their roles in a \$75.3 million letters of credit (L/Cs) scam, and laundering over \$10 million in crime proceeds.

Wang Xiaoshan, 53, deputy general manager of China Railway Construction (HK) Limited (CRCL); and Lau Chung-hoi, 55, director of now defunct Top Famous Construction Engineering Limited (TFCL), were found guilty of one count of conspiracy to defraud, contrary to Common Law.

Lau was further convicted of two counts 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.

Deputy Judge Mr Charles Chan adjourned the case to May 21 for mitigation. The defendants were remanded in the custody of the Correctional Services Department.

CRCL is a subsidiary of publicly listed China Railway Construction Corporation Limited (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 associated companies.

The court heard that at the material time, Wang was a deputy general manager of CRCL responsible for business development, while Lau was a director of TFCL.

In September 2016, Wang arranged TFCL and CRCL to sign a memorandum of understanding (MOU) to form joint ventures to take up certain construction projects. Afterwards, TFCL requested CRCL to assist in financing its purchase of materials and CRCL agreed.

In December 2016, Wang arranged TFCL to further enter into three trade agreements with CRITL whereby CRITL would act as TFCL's purchasing agent for procuring construction materials from a supplier for three construction projects, and payments would be settled by L/Cs granted by DBS Bank Limited (DBS Bank) to CRCL.

In January 2017, CRITL submitted three applications to DBS Bank for issuing three L/Cs in favour of the above supplier. Between January and March 2017, Lau had produced documents, including invoices of construction materials, packing lists and cargo receipts to support the relevant procurements. As a result, DBS Bank approved all of the applications and released three L/Cs payments totalling HK\$75.3 million to the supplier.

ICAC inquiries revealed that there was no such trade transaction. Wang arranged signing of the MOU and the three trade agreements to procure granting of the above L/Cs. The supporting documents produced by Lau were false documents and he had dealt with proceeds totalling HK\$10.5 million arising from the scam.

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

The prosecution was today represented by prosecuting counsel Derek Chan SC and prosecuting counsel Olivia Tsang, assisted by ICAC officers Raymond Yung and Eddie Chu.

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新聞公佈

遭廉署起訴兩名建築公司高層詐騙7,530萬元信用證及「洗黑錢」罪成候判

2022年4月23日

廉政公署早前落案起訴兩名建築公司高層人員，控告他們串謀詐騙信用證7,530萬港元，以及清洗黑錢逾1,000萬港元。二人今日(4月23日)在區域法院被裁定罪名成立。

王曉杉，53歲，中國鐵建(香港)有限公司(中國鐵建香港)副總經理；及劉聰海，55歲，已結業的成達建築工程有限公司(成達建築)董事，同被裁定一項串謀欺詐罪成，違反普通法。

劉聰海另被裁定兩項處理已知道或相信為代表從可公訴罪行的得益的財產罪成，違反《有組織及嚴重罪行條例》第25(1)條。

暫委法官陳永豪將案件押後至5月21日求情。兩名被告暫時還押懲教署看管。

中國鐵建香港為上市公司中國鐵建股份有限公司(中國鐵建)的附屬公司。中鐵國際貿易(香港)有限公司(中鐵國際貿易香港)是中國鐵建另一間附屬公司，由中國鐵建香港的員工營運，負責為中國鐵建香港及其有關聯的公司採購建築物料。

案情透露，王曉杉案發時為中國鐵建香港副總經理，負責業務發展。劉聰海為成達建築的董事。

在王曉杉的安排下，成達建築及中國鐵建香港於2016年9月簽訂諒解備忘錄，成立合營公司以進行建築項目。成達建築其後要求中國鐵建香港協助籌措購買材料的資金，獲中國鐵建香港答允。

2016年12月，在王曉杉的安排下，成達建築再與中鐵國際貿易香港簽訂三份貿易協議，讓中鐵國際貿易香港作為成達建築的採購代理，向一間供應商為三項建築工程採購建築材料，涉及款項以中國鐵建香港在星展銀行有限公司(星展銀行)持有的信用證支付。

中鐵國際貿易香港2017年1月向星展銀行遞交三份以該供應商為受益人的信用證申請書。於2017年1月至3月期間，劉聰海提交文件以證明有關採購交易，相關文件包括建築材料發票、裝箱單和貨運紀錄。星展銀行因而核准所有申請，並向該供應商發放三筆信用證款項合共7,530萬港元。

廉署調查顯示，有關採購交易並不存在，有關諒解備忘錄及三份貿易協議是在王曉杉的安排下簽訂，目的為促使上述信用證的批核。劉聰海提交的證明文件為虛假文件，並處理從上述詐騙罪行共1,050萬港元的得益。

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。

控方今日由資深大律師陳政龍和大律師曾藹琪代表出庭，並由廉署人員容禮明及朱智泓協助。

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