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Former Chief Secretary and four others face court for bribery and misconduct

13 July 2012

A former Chief Secretary for Administration (CS) of the Hong Kong Government, three senior members of a listed company in Hong Kong and a businessman appeared in Eastern Magistracy this (Friday) afternoon after being charged by the ICAC with bribery and misconduct offences involving payments and unsecured loans totalling over \$35 million.

The defendants were Hui Rafael Junior, also known as Hui Si-yan, Rafael, 64, former CS of the Government of the Hong Kong Special Administrative Region and former Managing Director of the Mandatory Provident Fund Schemes Authority (MPFA); Thomas Kwok Ping-kwong, 60, Raymond Kwok Ping-luen, 59, both joint Chairmen of Sun Hung Kai Properties Limited (SHKP); Chan Kui-yuen, 65, Executive Director of SHKP; and Francis Kwan Hung-sang, 61, businessman.

They faced eight charges - two of misconduct in public office and three of conspiracy to commit misconduct in public office, contrary to Common Law; two of conspiracy to offer advantages to a public servant, contrary to Section 4(1)(a) of the Prevention of Bribery Ordinance and Section 159A of the Crimes Ordinance; and one of furnishing false information, contrary to Section 19(1)(b) of the Theft Ordinance.

No pleas were taken. Magistrate Mr David Dufton adjourned the case until October 12 for mention.

Hui alone faced two misconduct charges, which alleged him of, in the course of or in relation to his public office, namely the Managing Director of MPFA and CS, having wilfully misconducted himself by accepting the rent free use of two flats and three unsecured loans totalling \$5.4 million from a subsidiary of SHKP, failing to disclose or declare such matters to the MPFA and the Hong Kong Government, and involving himself in the lease renewal of the MPFA's office premises and in matters in his capacity as Managing Director of MPFA and CS, who was also the Chairman of the Steering Committee of the West Kowloon Cultural District Project.

Hui and Thomas Kwok faced a joint charge of conspiracy to commit misconduct in public office, alleging that they conspired together for Hui as CS to accept \$5 million from Thomas Kwok for remaining favourably disposed to Thomas Kwok and/or his interests.

Hui and Raymond Kwok jointly faced a similar charge of conspiring together for Hui as CS to accept \$4.125 million through a company owned by Hui from SHKP for Hui's remaining favourably disposed to Raymond Kwok and/or his interests.

Hui and Raymond Kwok also jointly faced one count of furnishing false information on an invoice to purportedly show that the payment of \$4.125 million was for settlement of consultancy services provided by Hui.

Hui and Raymond Kwok were charged with one count of conspiring together to offer Hui the annual extensions of an unsecured loan of \$3 million advanced by the subsidiary of SHKP as a reward for Hui to remain favourably disposed to Raymond Kwok and/or his interests.

Hui, Thomas Kwok, Chan and Kwan were charged with one count of conspiracy to commit misconduct in public office, which alleged them of having conspired together for Hui as CS to accept a series of payments totalling \$8.35 million from Thomas Kwok, Chan and Kwan for Hui's remaining favourably disposed to Thomas Kwok and/or his interests.

Hui, Chan and Kwan were also jointly charged with one count of conspiring together to offer Hui a series of payments totalling \$11.182 million from Chan and Kwan as a reward for Hui to remain favourably disposed to Chan and/or his interests.

The above offences allegedly took place between June 2000 and January 2009.

Hui was granted cash bail of \$500,000, while Thomas Kwok and Raymond Kwok were each on cash bail of \$10 million. Chan was allowed cash bail of \$5 million, while Kwan's bail was \$200,000 cash.

Hui and Kwan were also ordered not to leave Hong Kong, while the remaining defendants were required to inform the ICAC of their itineraries 24 hours before leaving Hong Kong. All defendants were ordered not to interfere with the prosecution witnesses.

The prosecution was represented by Director of Public Prosecutions Kevin Zervos and Acting Senior Assistant Director of Public Prosecutions Winnie Ho and assisted by ICAC officer Hazel Law.

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