

## Twelve jailed for fraud over construction of small houses

4 December 2015

A small house developer and 11 indigenous villagers, who were charged by the ICAC, were today (Friday) sentenced to jail terms up to three years at the District Court for conspiracy to defraud the Lands Department (LD) in relation to the construction of small houses in the New Territories.

David Li Yam-pui, 82, operator of Full Wealthy Development Limited (FWDL), received a jail term of three years.

Co-defendants Chan Chi-cheong, 52, Wong Cheuk-fan, 50, Wai Chun-kit, 34, Wai Chun-ho, 35, Cheng Kwok-wah, 57, Cheng Yu-wang, 55, Yau Kwai-chu, 58, Wai Pak-hon, 32, and Ricky Lau Tak-sing, 47, were each jailed for two years and 10 months; while Wan Kwai-lun, 71, and Cheng Hing, 80, were each sentenced to two and a half years' imprisonment.

In sentencing, Judge Fred Sham Siu-man reprimanded Li for being the mastermind who premeditated the fraud scam with assistance from professionals.

The judge said not only had the defendants conspired to defraud the LD by using false documents, they had also undermined the relevant system. In view of the serious offences they committed, he had to mete out custodial sentences to them.

The defendants were earlier convicted of a total of 22 counts of conspiracy to defraud, contrary to Common Law.

The case arose from a corruption complaint. Subsequent ICAC enquiries revealed the above offences.

The court heard that at the material time, FWDL was a company set up by Li to hold land for property development.

In 2008, Li, through various middlemen, recruited 22 indigenous villagers, including the 11 co-defendants, for using their names in the building licence applications for construction of small houses in Tai Che, Sha Tin. In return, each indigenous villager received monetary rewards ("Ding fee") ranging from \$130,000 to \$250,000 from Li.

Acting upon Li's instruction, the then secretary of FWDL arranged for the indigenous villagers to sign sales and purchase agreements with FWDL, purporting that they were the respective owners of the land lots on which they were applying for construction of small houses. But the indigenous villagers did not actually pay for the land lots.

The court heard that the indigenous villagers also signed secret agreements with FWDL, which stated that they had agreed to transfer ownership of the small houses to FWDL after the small houses were built.

In April 2008, Li arranged the submission of 22 applications to the LD for building licenses, including those of the 11 co-defendants.

Had the LD known the secret agreements between FWDL and the indigenous villagers, and that the indigenous villagers were not the actual owners of the land lots on which they applied for construction of the small houses, the LD would not have granted the building licences to them. The LD also considered that it had been deceived, the court was told.

The LD had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by Senior Assistant Director of Public Prosecutions Jonathan Man and Senior Public Prosecutor Beney Wong, and assisted by ICAC officer Jason See.

## 十二人就丁屋興建涉串謀詐騙判囚最高三年

2015年12月4日

一名丁屋發展商及十一名原居民就在新界興建丁屋串謀詐騙地政總署，被廉政公署拘控。各被告今日(星期五)在區域法院被判監禁最高三年。

李欽培，八十二歲，康沛發展有限公司(康沛發展)經營者，被判入獄三年。

同案其他被告為陳志昌，五十二歲；黃卓帆，五十歲；韋俊傑，三十四歲；韋震豪，三十五歲；鄭國華，五十七歲；鄭宇宏，五十五歲；邱貴珠，五十八歲；韋柏瀚，三十二歲；及劉德勝，四十七歲，則各被囚兩年零十個月。溫貴麟，七十一歲；及鄭興，八十歲，則被判監兩年半。

法官沈小民在判刑時斥責李是案中的主謀，精心策劃詐騙勾當，過程中亦獲得專業人士協助。

法官表示，各被告不單利用虛假文件來串謀詐騙地政總署，更破壞有關制度。他續稱，由於各被告所犯的罪行嚴重，必須判處監禁。

各被告較早前被裁定共二十二項串謀詐騙罪名成立，違反普通法。

廉署早前接獲貪污投訴，調查其後揭發上述罪行。

案情透露，康沛發展於案發時是一間由李開設的公司，持有土地作物業發展用途。

李於二〇〇八年透過多名中間人，招攬了包括十一名被告在內的二十二名原居民，以利用他們的名字去申請在沙田大輦興建丁屋的建屋牌照，而每名原居民則獲李提供介乎十三萬元至二十五萬元作為報酬(賣丁費)。

在李的指示下，康沛發展當時一名秘書安排各原居民與康沛發展分別簽署買賣協議，看來顯示他們是各自提出申請興建丁屋有關地段的擁有人，但事實上該批原居民沒有支付款項以購入有關地段。

案情透露，各原居民亦與康沛發展分別簽訂秘密協議，訂明他們在丁屋建成後，同意將丁屋擁有權轉移予康沛發展。

李於二〇〇八年四月安排向地政總署提交包括十一名被告在內的二十二項申請丁屋建屋牌照。

若地政總署知悉康沛發展曾與各原居民訂定秘密協議，而有關原居民並非申請興建丁屋各地段的確實業權人，地政總署是不會向他們批出建屋牌照。地政總署亦認為曾受詐騙。

地政總署在廉署調查案件期間提供全面協助。

控方今日由高級助理刑事檢控專員萬德豪及高級檢控官黃志偉代表出庭，並由廉署人員施超群協助。