



香港特別行政區
廉政公署

Independent Commission Against Corruption
Hong Kong Special Administrative Region

Press Releases

MPF intermediary and four clients charged by ICAC with conspiracy to defraud and using false instruments over early MPF withdrawal

2024-4-30

The ICAC had earlier cracked down a corruption syndicate which allegedly engaged in bribery and fraudulent means to assist Mandatory Provident Fund (MPF) scheme members to apply for early withdrawal of their MPF with false documents and statutory declarations. After conducting intensive investigations, the ICAC today (April 30) charged an insurance agent, who was also an MPF intermediary, and four of his MPF clients with conspiracy to defraud and using false instruments.

Wong Kam-fai, 34, then insurance agent of FWD Life Insurance Company (Bermuda) Limited (FWD), faces a total of seven charges – four of conspiracy to defraud, contrary to the Common Law; and three of using a false instrument, contrary to section 73 of the Crimes Ordinance.

The four MPF scheme members are Mak Kwok-pui, 50; Ngan Hon-wai, 51; Ho Yuen-man, 42; and Li Chi-kwan, 49. Mak jointly faces a charge of conspiracy to defraud with Wong while each of the three co-defendants jointly faces one count of using a false instrument with Wong.

All defendants were released on ICAC bail, pending their appearance at the Eastern Magistrates' Courts on Thursday (May 2) for mention.

Sun Life Trustee Company Limited (Sun Life) is an MPF trustee in Hong Kong. According to the strategic partnership between FWD and Sun Life, insurance agents of FWD would promote Sun Life's MPF schemes.

At the material time, Wong was an insurance agent cum MPF intermediary of FWD. Between July 2021 and August 2023, Wong helped a number of clients to open MPF accounts with Sun Life and transferred their MPF to Sun Life. Since then, Wong became the MPF intermediary of those clients, including the four co-defendants.

The MPF Schemes Ordinance stipulates that members of MPF schemes may apply for early withdrawal of their MPF on grounds of "permanent departure from Hong Kong". Applicants are required to submit to the MPF trustee concerned a statutory declaration and relevant supporting documents to support their applications.

The investigation arose from corruption complaints filed with the ICAC alleging MPF intermediaries of accepting bribes for assisting MPF scheme members to apply for early withdrawal of their MPF by making false representations.

Enquiries revealed that Wong allegedly conspired with various clients, including Mak, separately to defraud Sun Life by dishonestly falsely representing to Sun Life in their applications for early withdrawal of MPF that those clients would permanently depart from Hong Kong and settle in Mainland China or Africa, and submitted erroneous supporting documents to cause Sun Life to approve their applications. Enquiries revealed that those clients never had the intention to migrate to the Mainland of China or Africa.

In the applications of Ngan, Ho and Li for early withdrawal of MPF, Wong, together with each of the trio, allegedly used three false statutory declarations with the intention of inducing Sun Life to accept them as genuine. The statutory declarations concerned were purportedly signed before a local solicitor although enquiries revealed that the solicitor had never administered any declaration for them.

ICAC enquiries also revealed that Wong allegedly accepted payments ranging from several thousand dollars to several ten thousand dollars from each of the clients, and successfully assisted them to withdraw their MPF totalling about \$4.6 million.

The MPF Schemes Authority, FWD and Sun Life have rendered full assistance to the ICAC during its investigation into the case.

An ICAC spokesperson reminds members of the public that bribery, using false instruments and false statutory declarations, etc. are serious crimes which they should avoid committing.

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新聞公佈

廉署起訴強積金中介人及四客戶涉嫌串謀詐騙及使用虛假文書提早提取強積金

2024年4月30日

廉政公署早前搗破一個貪污犯罪集團，涉嫌透過貪污及欺詐手段，協助強制性公積金(強積金)計劃成員使用虛假證明文件及法定聲明，申請提早提取強積金。廉署經深入調查後，今日(4月30日)落案起訴一名任職保險代理的強積金中介人及其四名客戶，涉嫌在事件中干犯串謀詐騙及使用虛假文書罪行。

黃錦輝，34歲，富衛人壽保險(百慕達)有限公司(富衛)時任保險代理，被控共七項罪名，即四項串謀詐騙，違反普通法；及三項使用虛假文書，違反《刑事罪行條例》第73條。

涉案四名強積金計劃成員為麥國沛，50歲；顏漢偉，51歲；何遠文，42歲；以及李芷君，49歲。麥國沛與黃錦輝同被控上述一項串謀詐騙罪名，另外三名被告則分別與黃錦輝同被控上述一項使用虛假文書罪名。

五人已獲廉署准予保釋，星期四(5月2日)在東區裁判法院應訊。

永明信託有限公司(永明信託)是本港一間強積金受託人公司。根據富衛與永明信託的策略夥伴協議，富衛的保險代理會協助推銷永明信託的強積金計劃。

黃錦輝於案發時是富衛的保險代理暨強積金中介人，他於2021年7月至2023年8月期間，協助多名客戶於永明信託開設強積金戶口，並將他們的強積金轉至永明信託。黃錦輝自此成為該等客戶，包括同案四名被告在內的強積金中介人。

根據《強積金計劃條例》，強積金計劃成員如以「永久離開香港」為由，申請提早領取其強積金，須向其強積金受託人公司提交法定聲明及相關證明文件，以支持其申請。

廉署的調查源於貪污投訴，指有強積金中介人涉嫌收賄，協助多名強積金計劃成員作出虛假陳述，申請提早提取強積金。

調查其後發現，黃錦輝涉嫌分別與麥國沛等不同客戶一同串謀詐騙永明信託，在他們提早提取強積金的申請中，不誠實地向永明信託訛稱他們會永久離開香港並分別移居中國內地或非洲，並提交失實證明文件，導致永明信託批准其申請。調查顯示，上述客戶從未有有意圖移居中國內地或非洲。

於顏漢偉、何遠文及李芷君提早提取強積金的申請中，黃錦輝又涉嫌分別與三人使用三份虛假法定聲明書，意圖誘使永明信託接受它們為真文書。該等法定聲明書看來是在一名本港律師面前簽署。但調查顯示，該律師從未為相關人士監理過任何聲明書。

廉署調查又發現，黃錦輝向上述每名客戶收取數千至數萬元，並成功為他們提早提取強積金共約460萬元。

強積金計劃管理局、富衛及永明信託在廉署調查案件期間提供全面協助。

廉署發言人提醒公眾，貪污、使用虛假文書及虛假法定聲明等均屬嚴重罪行，市民切勿以身試法。

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