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Ex-estate agent jailed for bribery and fraud over \$7.3m flat sale

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A former estate agent, charged by the ICAC, was today (Friday) sentenced to six months' imprisonment at the Kowloon City Magistracy for accepting a bribe of \$39,000 and fraud in relation to the transaction of a property worth \$7.3 million.

Lam Chun-kit, 30, former branch manager of Midland Realty International Limited (Midland Realty), was also ordered to pay \$39,000 as restitution to his former employer.

Co-defendant Teresa Man Ka-wai, 44, sole director and shareholder of Fortune Home Property Limited (Fortune Home), now defunct, was sentenced to four months' imprisonment, suspended for three years.

In sentencing, Deputy Magistrate Ms Kelly Shui said the bribery and fraud offences committed by Lam were serious and constituted a breach of trust.

Shui remarked that Lam should not expect a lenient sentence as the public had high expectations of estate agents' integrity.

The deputy magistrate also said the bribery offence committed by Man was of a serious nature, but a suspended sentence was imposed after taking into account various mitigating factors.

Lam yesterday pleaded guilty to one count of agent accepting an advantage, contrary to Section 9(1) of the Prevention of Bribery Ordinance (POBO), and one count of fraud.

Man admitted one count of offering an advantage to an agent, contrary to Section 9(2) of the POBO.

The court heard that at the material time, Lam was the branch manager of the Cullinan Branch of Midland Realty in West Kowloon, while Man was the sole director and shareholder of Fortune Home.

In March 2010, a property owner entrusted Midland Realty to sell her flat at The Arch. Four months later, a buyer entrusted Midland Realty to look for a flat in West Kowloon, and Lam was his handling agent.

Lam then introduced the flat to the buyer and told him that the owner had entrusted a small property agency to sell the flat at an asking price of \$7.3 million.

The buyer believed that Lam introduced the flat to him because Midland Realty did not have any property that suited his requirement, the court heard.

The property owner subsequently received a call from Man, although the owner did not entrust Fortune Home to sell her property. The owner, however, agreed to sell her property for \$7.3 million.

After signing the provisional sale and purchase agreement, in which the involvement of Lam and Midland Realty were not mentioned, the owner and the buyer each paid a commission of \$73,000 to Fortune Home.

Afterwards, Man transferred \$39,000 being a bribe payment from her bank account to the bank account of Lam, the court was told.

Midland Realty had provided full assistance to the ICAC during its investigation.

The prosecution was today represented by Public Prosecutor Karen Yuen, assisted by ICAC officer Gary Wong.

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