

Three jailed for bribery and fraud over acquisition of \$500m plantation project

9 October 2014

Two former senior executives of a listed company and another person, charged by the ICAC, were today (Thursday) sentenced to jail terms ranging from three to five years at the Court of First Instance after being convicted by a jury of bribery and fraud in relation to the acquisition of a Mainland plantation project at \$500 million.

Choy Ping-fai, 50, former president of China Environmental Resources Group Limited (CERG) (formerly known as Benefun International Holdings Limited (Benefun)), and sole owner of Blackpool Stadium Limited (Blackpool), was jailed for five years.

Co-defendants Lo King-fat, 60, former executive director and company secretary of Benefun; and Ip Wing-lun, 46, certified public accountant, each received a jail term of three years.

Deputy Judge Lugar-Mawson also disqualified the three defendants from being company directors for 10 years.

Choy and Ip were found guilty by the jury of one count of conspiracy to offer advantages to an agent, contrary to Section 9(2)(a) of the Prevention of Bribery Ordinance and Section 159A of the Crimes Ordinance.

Choy and Lo were further convicted by the jury of one count of conspiracy to defraud, contrary to Common Law.

In sentencing, the judge said corruption was a serious offence which needed to be investigated rigorously.

The judge added that the defendants' acts had undermined the reputation of Hong Kong's financial industry and its honest business environment.

The court heard that at the material time, Benefun, a company listed on the Stock Exchange of Hong Kong Limited (SEHK), engaged in apparel business, operated with Tan Sim-chew as chairman. Benefun was later renamed CERG.

Blackpool was a British Virgin Islands-registered company owned by Choy, while Ample Rich Enterprises Limited (Ample Rich), a wholly owned subsidiary of Blackpool, held a plantation project on the Mainland.

Between January 1, 2008 and May 14, 2010, Choy and Ip conspired together and with a then accounting staff of Benefun to offer Tan advantages being Benefun's promissory note to the value of \$100 million and the payment of \$80 million for the acquisition of Tan's shareholding in Benefun.

In return, Tan caused Benefun to acquire Ample Rich for the plantation project in Xinjiang, caused Benefun to commit to pay a purchase price of \$500 million, and caused change to the constitution of Benefun's board of directors.

The court also heard that Lo and Choy conspired together and with Tan, Fu Zi-cong, a then executive director of Benefun, and the then accounting staff of Benefun to defraud the SEHK, Benefun, its existing shareholders and potential investors in the course of the acquisition of Ample Rich for the plantation project from Blackpool by concealing their corrupt scheme which was set out in a written agreement with Tan.

Tan and Fu are being wanted by the ICAC for their alleged roles in the case, and warrants have been issued for their arrest.

SEHK and the Securities and Futures Commission had rendered full assistance to the ICAC during

its investigation.

The prosecution was today represented by prosecuting counsel Robert Lee, assisted by ICAC officer Andrew Cheung.

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三人涉五億元林木種植計劃貪污詐騙案罪成判囚最高五年

2014年10月9日

兩名上市公司前高層人員及一名其他人士，在以逾五億元收購內地一項林木種植計劃時涉及貪污及詐騙，較早前被廉政公署拘控。三名被告被陪審團裁定罪成，今日(星期四)在原訟法庭被判監三年至五年。

蔡秉輝，五十歲，中國環境資源集團有限公司(中國環境資源)(前稱奮發國際控股有限公司(奮發國際))前總裁及Blackpool Stadium Limited (Blackpool)東主，被判囚五年。

同案被告盧敬發，六十歲，奮發國際前財務總監兼公司秘書；及葉泳倫，四十六歲，執業會計師，同被判入獄三年。

暫委法官馬永新又判處三名被告禁止擔任公司董事十年。

蔡秉輝及葉泳倫同被陪審團裁定一項串謀向代理人提供利益罪名成立，違反《防止賄賂條例》第9(2)(a)條及《刑事罪行條例》第159A條。

蔡秉輝及盧敬發另被陪審團裁定一項串謀詐騙罪名成立。

法官在判刑時表示，貪污是嚴重罪行，必須竭力追查。他又指被告的行為，損害香港金融業的聲譽及廉潔營商環境。

案情透露，奮發國際在案發時是一間在香港聯合交易所有限公司(聯交所)上市的公司，從事成衣生意，而陳星洲則是該公司的主席。奮發國際稍後改名稱為中國環境資源。

Blackpool是一間在英屬維爾京 島註冊的公司，並由蔡持有。Ample Rich Enterprises Limited (Ample Rich)是Blackpool的全資附屬公司，在內地持有一項林木種植計劃。

案情指出，蔡秉輝及葉泳倫於二〇〇八年一月一日至二〇一〇年五月十四日期間，一同串謀奮發國際當時的一名會計員，向陳星洲提供利益，形式包括價值一億元的奮發承付票，及支付八千萬元以向陳星洲購入其奮發股份。

陳星洲則致使奮發國際收購Ample Rich，即其在新疆的一項植林業務，致使奮發國際承諾支付五億元的收購價，並致使奮發國際變動其董事局組成。

案情亦透露，盧敬發及蔡秉輝一同串謀陳星洲及奮發國際當時的執行董事傅子聰和上述會計員，在向Blackpool就林木種植計劃收購Ample Rich的過程中，分別詐騙聯交所、奮發國際、其當時的存在股東和潛在投資者，隱瞞與陳星洲在書面協定的貪污勾當。

陳星洲及傅子聰因涉嫌與案件有關而被廉署通緝，而手令亦已發出以緝拿兩人歸案。

聯交所和證券及期貨事務監察委員會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李紹強代表出庭，並由廉署人員張健寧協助。

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