

## Ex-employees of finance company jailed for illegal rebates scam

19 November 2014

Two former employees of a finance company, charged by the ICAC, were today (Wednesday) sent to jail at the Fanling Magistracy for offering and accepting illegal rebates respectively in relation to loan applicant referrals.

Leung Ka-wai, 39, former branch supervisor of PrimeCredit Limited (PCL), was jailed for five months, while Lee Wai-yin, 30, former direct sales individual of PCL, was sentenced to three months' imprisonment.

In passing sentences, Principal Magistrate Ms Bernadette Woo Huey-fang said the offences committed by Leung and Lee constituted a breach of trust.

The magistrate added that offering and accepting illegal rebates were equally serious, and such offences must be dealt with in a serious manner.

Leung and Lee earlier pleaded guilty to one count of conspiracy for an agent to accept an advantage, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance (POBO) and Section 159A of the Crimes Ordinance.

Leung further admitted one count of agent accepting an advantage, contrary to Section 9(1)(a) of the POBO, and one count of dishonest access to computer, contrary to Section 161(1)(c) of the Crimes Ordinance; while Lee pleaded guilty to one count of offering an advantage to an agent, contrary to Section 9(2)(a) of the POBO.

The court heard that at the material time, Leung was a supervisor of Tai Po branch of PCL, a licensed money lender in Hong Kong. He was responsible for the daily supervision of the works of direct sales individuals.

Posted to the Sheung Shui branch of PCL, Lee was tasked to make cold calls to promote its money lending business, and assigned with a monthly sales quota. Upon every successful promotion of a loan product, she was paid a commission by PCL.

In early 2012, Leung referred to Lee a customer, who successfully obtained a personal loan of about \$200,000 from PCL. After receiving her commission from PCL, Lee gave an illegal rebate of \$1,200 to Leung as a reward for the referral.

The court heard that in April 2013, Leung agreed to provide Lee with the personal particulars of potential customers, so that Lee could source loan applicants to meet her monthly sales quota. As a result, four customers obtained loans totalling \$830,000 from PCL.

After receiving her commissions from PCL, Lee offered illegal rebates totalling \$6,550 to Leung as rewards for referring those customers to her. Leung accepted them.

Leung also made access to the computer system of PCL, and retrieved the personal data of various loan applicants without authorisation. Afterwards, he e-mailed those data to Lee and other persons, the court was told.

The prosecution was today represented by ICAC officer Tim So.

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## 財務公司前僱員涉非法回佣案被判入獄

2014年11月19日

兩名財務公司前僱員，就轉介申請貸款客戶時分別提供及收受非法回佣，被廉政公署拘控。兩名被告今日(星期三)在粉嶺裁判法院同被判入獄。

梁家偉，三十九歲，安信信貸有限公司(安信)前分行主任，被判監五個月；另一被告李惠賢，三十歲，安信前營業代表，則被判囚三個月。

主任裁判官吳蕙芳在判刑時表示，兩名被告所犯罪行違反誠信。提供和收取非法回佣同樣嚴重，因此法庭必須嚴肅處理。

梁及李早前同承認一項串謀使代理人接受利益罪名，違反《防止賄賂條例》第9(1)(a)條及《刑事罪行條例》第159A條。

梁另承認一項代理人接受利益罪名，違反《防止賄賂條例》第9(1)(a)條，及一項不誠實地取用電腦罪名，違反《刑事罪行條例》第161(1)(c)條，而李又承認一項向代理人提供利益罪名，違反《防止賄賂條例》第9(2)(a)條。

案情透露，安信於案發時是香港的持牌放債人。梁是安信大埔分行的主任，負責監督該分行營業代表的工作。

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李派駐安信上水分行，負責通過電話促銷向客戶推廣貸款生意，並須每月達到一定的銷售配額。她每次成功推銷公司的貸款產品後，便獲安信支付佣金。

梁於二〇一二年年初向李轉介一名客戶，該客戶成功從安信取得一筆約二十萬元的私人貸款。李在收取安信發放的佣金後，向梁提供非法回佣一千二百元作為轉介該借款人的報酬。

案情指出，梁於二〇一三年四月同意向李提供潛在客戶的個人資料，讓李找到客戶以達到指定的每月貸款配額，結果有四名客戶從安信取得共八十三萬元的貸款。

李在獲安信發放她的佣金後，向梁提供共六千五百五十元的非法回佣，而梁亦收取。

案情又透露，梁在未獲授權之下，取用安信的電腦系統以檢索多名貸款申請人的個人資料，並把所得的個人資料通過電郵轉交予李和其他人士。

控方今日由廉署人員蘇德添代表出庭。

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