



## Press Releases

### Duo admit \$6.4m bribery over trading of derivative warrants

2018-1-22

A former senior executive of a bank and an investor, charged by the ICAC, admitted in the Court of First Instance (CFI) today (January 22) that they had accepted and offered about \$6.4 million in bribes respectively in relation to the trading of derivative warrants issued by the bank.

Ma Sin-chi, 44, former director of Deutsche Bank Aktiengesellschaft (Deutsche Bank), pleaded guilty to one count of agent accepting an advantage, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance (POBO).

Co-defendant Ha But-ye, 66, an investor, admitted one count of offering an advantage to an agent, contrary to Section 9(2)(a) of the POBO.

Judge Mrs Audrey Patricia Campbell-Moffat adjourned the case until tomorrow (January 23) for the counsel of Ha to continue mitigation, while the counsel of Ma completed mitigation for his client. The defendants were granted cash bail.

The court heard that at the material time, Ma was a director of Deutsche Bank and also served as a warrant trader.

Between January 16, 2007 and May 7, 2008, Ma accepted bribes of about \$6.4 million in total from Ha as rewards for giving information to Ha and his associates on derivative warrants issued by Deutsche Bank, which might assist them in their trading of those derivative warrants; or rendering assistance to them in their trading of those derivative warrants.

Ha offered the bribes of about \$6.4 million in total to Ma for the same purpose during the same period.

The court heard that Ha and several members of his family had made a net profit of over \$203 million through the trading of those derivative warrants issued by Deutsche Bank.

The management of Deutsche Bank strictly prohibited its staff members from accepting bribes for providing other persons with confidential information belonging to the bank. Ma was made aware of such a guideline concerning the acceptance of advantages while he was employed by the bank.

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

its investigation.

The prosecution was today represented by prosecuting counsel John Reading SC, Gilbert Chong and Acting Senior Public Prosecutor Zena Yuen, assisted by ICAC officer Natasha Li.

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## 新聞公佈

### 兩人承認就「窩輪」買賣受賄行賄六百四十萬元

2018年1月22日

一名銀行前高層人員及一名投資者，就該銀行發行的衍生權證(俗稱「窩輪」)進行買賣時，分別受賄行賄共約六百四十萬元，早前被廉政公署起訴。被告今日(一月二十二日)在原訟法庭承認控罪。

馬善智，四十四歲，德意志銀行(德銀)前董事，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。

同案被告哈弼意，六十六歲，投資者，則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。

法官金貝理將案件押後至明日(一月二十三日)，以待哈弼意的代表律師繼續求情，而馬善智的代表律師已完成求情。被告獲准保釋。

案情透露，馬善智於案發時是德銀的董事，並為該銀行的「窩輪」交易員。

馬善智於二〇〇七年一月十六日至二〇〇八年五月七日期間接受哈弼意共約六百四十萬元賄款，作為向哈弼意及其有聯繫者就由德銀發行的「窩輪」提供資訊，而有關資訊可能協助他們買賣該等「窩輪」；或在他們買賣該等「窩輪」時向他們提供協助的報酬。

哈弼意於同一期間以相同目的向馬善智提供該等共約六百四十萬元的賄款。

案情透露，哈弼意及其家庭數名成員透過買賣該等由德銀發行的「窩輪」獲取純利逾二億零三百萬元。

德銀管理層嚴禁其職員收受利益，以向他人提供屬於銀行的機密資料。馬善智受聘於該銀行時獲告知該項有關收受利益的指引。

德銀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定國、大律師莊向華及署理高級檢控官阮敏罡代表出庭，並由廉署人員李惠協助。

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