



Press Releases

Duo charged by ICAC with conspiracy to defraud Lands Department over Yuen Long small house estate development project

2022-3-16

Following enforcement actions taken by the ICAC earlier against suspected corruption and fraud in relation to a small house estate development project in Yuen Long, the Commission this morning (March 16) charged the operator of a small house developer and a village representative in Yuen Long for allegedly conspiring with others to deceive the Lands Department into granting various building licenses for the project in a span of 14 years.

Edward Wong Kwong-wing, 72, operator of Wing Smart Construction Limited (Wing Smart), and Ching Chan-ming, 65, indigenous inhabitant representative of Shui Tsiu San Tsuen, jointly face one count of conspiracy to defraud, contrary to the Common Law. They will be brought to the Eastern Magistrates' Courts today for mention.

The investigation arose from corruption complaints filed with the ICAC. Wong and Ching were charged at this stage after seeking legal advice from the Department of Justice. As the relevant corruption investigation is continuing, the ICAC does not rule out further law enforcement actions.

Shui Tsiu San Tsuen is a village in Yuen Long. Under the New Territories Small House Policy ("the Policy"), every male indigenous inhabitant of the village aged 18 or above may exercise his "Ding Right" once and apply to the Lands Department to build a small house at the village for his own occupation. "Ding Right" is not transferrable.

ICAC enquiries revealed that Ching, an indigenous inhabitant representative of Shui Tsiu San Tsuen, started the development of a small house estate project in Shui Tsiu San Tsuen by purchasing "Ding Rights" from indigenous inhabitants in Yuen Long in around 1996. Later in about March 2005, Wing Smart, controlled by Wong, entered into an agreement with Ching and appointed him as its trustee to jointly develop the small house project. Ching then continued to purchase more "Ding Rights" from indigenous inhabitants and arranged for them to apply for building licences to build small houses in Shui Tsiu San Tsuen.

The charge alleges that between May 2005 and May 2019, Wong and Ching conspired together and with other persons to defraud the Lands Department by making false representations to induce the Director of Lands and his officers to act contrary to their public duty, namely to grant building licences to applicants who applied for building licences to build small houses under the Policy.

They had allegedly falsely represented that each of the above applicants was the sole legal and registered owner of the respective lot of land located at Shui Tsiu San Tsuen, in respect of which they were applying for building licences.

It is also alleged that they had falsely represented that the applicants had never entered into any agreement or arrangements with any person(s) to transfer or otherwise deal with their respective lots of land or any interest therein; and the applicants had never made and had no intention of making any private arrangements for their rights under the Policy to be sold to other individual or a developer.

ICAC investigation revealed that during the above period, a number of small houses were built in Shui Tsiu San Tsuen and sold to members of the public at the market price ranging from \$9 to \$13 million each under the name of a private estate. As a result, Wing Smart received over \$1,000 million for the sale of 115 small houses in the private estate.

The Lands Department has offered full assistance to the ICAC during its investigation.

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新聞公佈

廉署起訴二人涉嫌就元朗丁屋物業發展項目串謀詐騙地政總署

2022年3月16日

廉政公署早前就元朗一個小型屋宇(丁屋)物業發展項目懷疑涉及貪污詐騙採取執法行動，並於今早(3月16日)落案起訴一名丁屋發展商負責人及元朗一名村代表，控告他們涉嫌串謀其他人士，在14年間詐騙地政總署向該項目批出多張建屋牌照。

王光榮，72歲，榮佳建築有限公司(榮佳)負責人；及程振明，65歲，水蕉新村原居民代表；同被控一項串謀詐騙罪名，違反普通法。二人將於今日被帶往東區裁判法院應訊。

廉署早前接獲貪污投訴遂展開調查，在向律政司徵詢法律意見後，於現階段暫落案起訴王、程二人。相關貪污調查仍在進行，廉署不排除再有進一步執法行動。

水蕉新村位於元朗。該村每名滿18歲的男性原居民，皆可根據新界小型屋宇政策(丁屋政策)行使「丁權」一次，向地政總署申請在該村興建一幢丁屋自用，而有關「丁權」不可轉讓。

廉署調查顯示，水蕉新村原居民代表程振明約自1996年起向元朗原居民收購「丁權」，以發展一個在水蕉新村內的丁屋物業項目。後來約於2005年3月，由王光榮控制的榮佳與程振明達成協議，委派程振明為受託人合作發展該丁屋項目。程振明於是繼續向原居民收購更多「丁權」，並安排他們申請在水蕉新村興建丁屋的建屋牌照。

控罪指王光榮及程振明涉嫌於2005年5月至2019年5月期間，一同及與其他人士串謀詐騙地政總署，藉虛假陳述而誘使地政總署署長及其職員違反其公共職責而行事，即向根據上述丁屋政策申請建屋牌照以興建丁屋的申請人，批出建屋牌照。

他們涉嫌虛假地表示，上述每名申請人均為位於水蕉新村有關土地地段的唯一合法註冊業權人，並就該土地地段申請建屋牌照。

他們又涉嫌虛假地表示，上述申請人從未與任何人士訂定任何協議或安排，以轉移或以其他方式處理其土地地段或其任何權益；而且申請人從未作出亦無意作出任何私人安排，把他們根據上述丁屋政策獲得的權利售予其他人士或發展商。

廉署調查顯示，水蕉新村於上述期間興建了多幢丁屋，並以一個私人屋苑的名義，以每幢丁屋市價900萬至1,300萬元不等出售予公眾。後來，榮佳就該私人屋苑售出的115幢丁屋，獲取逾10億元。

地政總署在廉署調查期間提供全面協助。

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