



Press Releases

Ex-supervisor jailed for accepting \$1.2m illegal commission over property transaction

2019-3-28

A former senior sales supervisor of a property agency, charged by the ICAC, was today (March 28) sentenced to 15 months' imprisonment at the District Court for accepting an illegal commission of over \$1.2 million from a then downline estate agent in relation to the transaction of a residential property in Central at more than \$590 million.

Chan Yu-fat, 69, former senior sales supervisor of Centaline Property Agency Limited (CPA), was earlier found guilty of one count of agent accepting an advantage, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance.

In sentencing, Deputy Judge Ernest Lin Kam-hung said the defendant's act was detrimental to the business environment of the real estate sector. He incurred a financial loss to CPA and undermined its reputation.

The deputy judge also ordered the defendant to pay over \$1.2 million as restitution to CPA.

The court heard that at the material time, the defendant was a senior sales supervisor of CPA attached to its Office Department. He supervised a team of downline estate agents to procure property transactions.

In 2015, the defendant introduced to a downline estate agent his client, who requested them to look for commercial properties for her company. The defendant then asked the downline estate agent to follow up on the matter.

The downline estate agent recommended a residential property in Conduit Road to the client. Accompanied by the defendant and the downline estate agent, the client viewed the property twice.

On December 23, 2015, the client as purchaser and the developer as vendor entered into a preliminary sale and purchase agreement in respect of the property at a consideration of over \$590 million. The completion date of this first-hand transaction was April 11, 2016.

The court heard that on June 17, 2016, CPA paid the downline estate agent a sales commission of over \$3.3 million, and the defendant an overriding commission of over \$1.6 million for the transaction.

After receiving the commission, the downline agent transferred a sum of over \$1.2 million from her bank account to the bank account of the defendant on the same day.

According to the policy of CPA, the defendant was not allowed to share the sales commission received by his downline estate agent in respect of the transaction after he was paid the overriding commission for

that transaction, the court was told.

CPA had rendered full assistance to the ICAC during its investigation into the case.

The prosecution was today represented by prosecuting counsel Bernard Chung, assisted by ICAC officers Cindy Ho and Anita Ma.

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新聞公佈

前主管就物業交易收取一百二十萬元非法佣金判囚十五個月

2019年3月28日

一名物業代理公司前高級營業主管就一宗逾五億九千萬元的中環住宅物業交易，從一名時任下線地產代理營業員收受一筆逾一百二十萬元非法佣金，被廉政公署起訴。被告今日(三月二十八日)在區域法院被判入獄十五個月。

陳裕發，六十九歲，中原地產代理有限公司(中原)前高級營業主管，早前被裁定一項代理人接受利益罪名成立，違反《防止賄賂條例》第9(1)(a)條。

暫委法官練錦鴻判刑時稱，被告的行為荼毒地產界營商環境，並令中原蒙受經濟和商譽的損失。暫委法官亦下令被告須向中原賠償逾一百二十萬元。

案情透露，被告於案發時是派駐中原寫字樓部的高級營業主管，負責監督一組下線地產代理營業員以促成物業交易。

被告於二〇一五年將他的一名客戶介紹給一名下線地產代理營業員，該客戶要求他們為她的公司物色一些商業物業。被告於是要求該下線地產代理營業員跟進有關事宜。

該下線地產代理營業員向該客戶推介干德道一個住宅物業。該客戶在被告及該下線地產代理營業員陪同下參觀有關物業兩次。

該客戶作為買方與作為賣方的發展商於二〇一五年十二月二十三日就該物業簽訂臨時買賣合約，成交價為逾五億九千萬元。該宗一手物業交易的完成交易日期為二〇一六年四月十一日。

案情透露，中原於二〇一六年六月十七日就該宗交易向該下線地產代理營業員支付一筆逾三百三十萬元銷售佣金，並向被告支付一筆逾一百六十萬元主管佣金。

該下線地產代理營業員收到佣金後，同日從她的銀行戶口將一筆逾一百二十萬元款項轉賬至被告的銀行戶口。

案情透露，根據中原的政策，被告就有關交易收取主管佣金後，不准攤分其下線地產代理營業員從同一宗交易所收取的銷售佣金。

中原在廉署調查案件期間提供全面協助。

控方今日由控方大律師鍾偉強代表出庭，並由廉署人員何佩霞及馬鳳蘭協助。

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