



Press Releases

Ex-property agent charged by ICAC admits \$4.9m mortgage loan fraud

2023-1-30

A former property agent, charged by the ICAC, admitted at the District Court today (January 30) that he had deceived a bank, the Hong Kong Mortgage Corporation Limited (HKMC) and its subsidiary into maintaining to grant a mortgage loan of about \$4.9 million to him by making false representations that a residential property was for self-use. The offences were revealed in the course of a corruption investigation by the ICAC.

Chiu Ka-wai, 38, pleaded guilty to two counts of fraud, contrary to Section 16A(1) of the Theft Ordinance. Another similar charge against him was left on file at the District Court.

Pursuant to the Organized and Serious Crimes Ordinance, the prosecution today applied to the court for confiscating the illicit gains received by the defendant. Judge Mrs Adriana Noelle Tse Ching adjourned the case to April 11 for the court to deal with the application for a confiscation order, and remanded the defendant in the custody of the Correctional Services Department.

The court heard that banks in Hong Kong were required to comply with the guideline of the Hong Kong Monetary Authority on loan-to-value ratio requirement when granting a property mortgage loan. Under the Mortgage Insurance Programme (MIP) launched by the HKMC in 1999, participating banks could provide a maximum 80 per cent loan-to-value ratio to a self-occupancy residential property valued at \$6 million and below.

Since May 2018, the MIP was carried out by the HKMC Insurance Limited (HKMCI), a subsidiary of the HKMC. The Hongkong and Shanghai Banking Corporation Limited (HSBC) is a participating bank of the programme.

In January 2016, the defendant signed a provisional agreement for purchasing a residential property at \$6 million and applied for a mortgage loan under the MIP with HSBC. He declared in the relevant documents that the property was for self-occupancy. The application was approved by the HKMC and the defendant was offered a mortgage loan of about \$4.9 million from HSBC. The loan was released to him in March 2016.

In May 2017 and January 2020, HSBC sent letters requesting the defendant to confirm his self-occupancy of the property. The defendant made confirmations and further submitted his bank statements and a water bill of the property as supporting documents upon the request of HSBC. The bank, the HKMC and the HKMCI were satisfied that the defendant had complied with the self-occupancy requirement and maintained the mortgage loan granted to him.

The ICAC investigation arose from a corruption complaint. Enquiries revealed that the defendant leased out the property to two tenants during the above period. He had requested one of the tenants to transfer the account of the property held with the Water Supplies Department to him so as to facilitate his submission of water bill as supporting document. Had HSBC, the HKMC and the HKMCI known that the information provided by the defendant was false, they would not have maintained the mortgage loan granted to him.

HSBC, the HKMC and the HKMCI had rendered full assistance to the ICAC during its investigation into the case.

The prosecution was today represented by Senior Public Prosecutor Steven Liu, assisted by ICAC officer Gary Li.

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新聞公佈

廉署調查貪污揭詐騙按揭貸款490萬元 前地產代理今認罪

2023年1月30日

廉政公署調查貪污時，揭發一名前地產代理偽稱一個單位屬自住物業，詐騙一間銀行、香港按揭證券有限公司(按揭證券公司)及其子公司維持向他批出按揭貸款約490萬元。被告今日(1月30日)在區域法院承認控罪。

趙嘉威，38歲，承認兩項欺詐罪名，違反《盜竊罪條例》第16A(1)條。他另外一項相類控罪則留區域法院法庭檔案。

控方今日根據《有組織及嚴重罪行條例》，向法庭申請充公被告獲得的非法利益。法官謝沈智慧將案件押後至4月11日，以處理該項充公令申請，期間被告還押懲教署看管。

案情透露，銀行在批核自住物業按揭貸款時，須遵守香港金融管理局指引中有關按揭成數上限的規定。按揭證券公司於1999年推出按揭保險計劃，參與計劃的銀行可向價值600萬及以下的自住住宅物業提供最高達八成按揭貸款。

計劃自2018年5月起由按揭證券公司的子公司香港按揭保險有限公司(按揭保險公司)執行。香港上海滙豐銀行有限公司(滙豐銀行)亦有參與該計劃。

被告於2016年1月簽署一份臨時合約，購買一個價值600萬元的住宅物業，並向滙豐銀行申請按揭保險計劃下的按揭貸款。被告在相關文件中，聲明物業屬自用。按揭證券公司批核該申請，被告其後獲滙豐銀行提供按揭貸款約490萬元，並於2016年3月底獲發貸款。

滙豐銀行於2017年5月及2020年1月分別發出信件，要求被告確認有關物業是自用。被告作出確認，並於2020年2月應滙豐銀行要求，提交其銀行月結單及物業的水費單作證明。滙豐銀行、按揭證券公司及按揭保險公司因而信納被告遵守自住規定，維持其按揭貸款。

廉署接獲貪污投訴後展開調查，發現被告在上述期間把物業出租給兩名租客。被告並要求其中一名租客把物業的水務署帳戶轉移至其名下，以便向滙豐銀行提交水費單作證明。如滙豐銀行、按揭證券公司及按揭保險公司知悉被告提交虛假資料，便不會維持其按揭貸款。

滙豐銀行、按揭證券公司及按揭保險公司在廉署調查案件期間提供全面協助。

控方今日由高級檢控官廖偉雄代表出庭，並由廉署人員李啟邦協助。

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