



Press Releases

Ex-property agent jailed for 16 months and assets over \$1m confiscated for \$4.9m mortgage loan fraud revealed in graft probe

2023-5-16

In the course of a corruption investigation by the ICAC, it was revealed that a former property agent 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 defendant was today (May 16) sentenced to 16 months' imprisonment and the District Court also ordered to confiscate over \$1 million from the defendant.

Chiu Ka-wai, 39, earlier pleaded guilty to two counts of fraud, contrary to Section 16A(1) of the Theft Ordinance.

In sentencing, Judge Mrs Adriana Noelle Tse Ching said the defendant requested other to assist in committing the offences which was serious in nature, warranting a deterrent sentence.

The judge also approved the prosecution's application and ordered to confiscate crime proceeds of over \$1.07 million from the defendant, who is required to satisfy the confiscation order within 6 months, failing which he will have to serve an additional term of imprisonment of 25 months.

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 Prosecutors Steven Liu and Lucas Lai, assisted by ICAC officers Sudhir Gidwani, Elva Wong and Gary Li.

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新聞公佈

廉署調查貪污揭詐騙按揭貸款490萬元前地產代理判囚16個月和充公逾100萬元

2023年5月16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(5月16日)在區域法院判囚16個月和充公逾100萬元。

趙嘉威，39歲，早前承認兩項欺詐罪名，違反《盜竊罪條例》第16A(1)條。

法官謝沈智慧判刑時表示被告尋求別人協助犯案，案情嚴重，須判處阻嚇性刑罰。

法官亦批准控方申請，頒令充公被告犯罪得益逾107萬元。被告須於六個月內履行充公令的要求，否則可被加刑25個月。

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及黎健禧代表出庭，並由廉署人員賈允誠、黃恩恩及李啟邦協助。

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