



Press Releases

Court orders to confiscate \$63m crime proceeds from warrants investor convicted in ICAC case

2023-5-11

The Court of First Instance (CFI) of the High Court today (May 11) ordered to confiscate crime proceeds of \$63 million from an investor who was sentenced to 45 months' imprisonment in an ICAC case after pleading guilty to offering bribes of about \$6.4 million to a then senior executive of a bank for making a substantial amount of net profit through trading of derivative warrants.

Ha But-ye, 71, pleaded guilty to one count of offering an advantage to an agent, contrary to Section 9(2)(a) of the Prevention of Bribery Ordinance (POBO), at the CFI on January 22, 2018. Co-defendant Ma Sin-chi, 49, former director of Deutsche Bank Aktiengesellschaft (Deutsche Bank), admitted one count of agent accepting an advantage, contrary to Section 9(1)(a) of the POBO. Pursuant to the Section 8 of the Organized and Serious Crimes Ordinance, the prosecution made an application for confiscating the illicit gains of Ha on the same day. They were both sentenced to 45 months' imprisonment on February 26, 2018.

CFI Judge Mrs Audrey Patricia Campbell-Moffat today approved the prosecution's application and ordered to confiscate crime proceeds of \$63 million from Ha, who is required to satisfy the confiscation order within 6 months, failing which he is to serve a term of 10 years in default.

An ICAC spokesperson notes that the Commission has established a dedicated unit in 2010 to deal with restraint, disclosure and confiscation of criminal assets. The Asset Recovery Office of the Operations Department will continue to pursue confiscation of ill-gotten gains and apply for confiscation orders to deprive criminals of benefiting from crime connected with bribery and related offences.

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, Ha offered bribes of about \$6.4 million in total to Ma for giving information to Ha and his associates on derivative warrants issued by Deutsche Bank so as to assist them in trading derivative warrants.

As a result, Ha had made a substantial amount of net profit 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.

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

The prosecution for the confiscation proceeding was represented by Assistant Director of Public Prosecutions Betty Fu and Senior Public Prosecutor Matthew Hui, assisted by ICAC officers Sudhir Gidwani and Keith Kwok.

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新聞公佈

涉貪「窩輪」投資者廉署案被定罪 法庭今頒令充公6,300萬元犯罪得益

2023年5月11日

高等法院原訟法庭今日(5月11日)頒令充公一名投資者犯罪得益6,300萬元。該名投資者在一宗廉署案件中，承認買賣衍生權證(俗稱「窩輪」)時向一名時任銀行高層人員行賄約640萬元以獲取巨額純利，早前判囚45個月。

哈弼意，71歲，於2018年1月22日在原訟法庭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。同案被告馬善智，49歲，德意志銀行(德銀)前董事，則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。控方同日根據《有組織及嚴重罪行條例》第8條，向法庭申請充公哈弼意非法獲取的得益。二人於2018年2月26日同被判入獄45個月。

原訟法庭法官金貝理今日批准控方申請，頒令充公哈弼意犯罪得益6,300萬元。哈弼意須於六個月內履行充公令的要求，否則可處10年監禁。

廉署發言人表示，廉署於2010年已成立專責小組處理限制、披露及沒收犯罪所得資產的工作。執行處追贓辦公室會繼續致力充公非法得益，向法庭申請充公令，以剝奪罪犯就貪污及相關罪行所獲取的利益。

馬善智於案發時是德銀的董事，並為該銀行的「窩輪」交易員。哈弼意於2007年1月16日至2008年5月7日期間向馬善智提供賄款共約640萬元，令馬善智向哈弼意及其相關人士提供德銀發行「窩輪」的資訊，以協助他們買賣「窩輪」。

因此哈弼意透過買賣德銀發行的「窩輪」獲取巨額純利。

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。

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。

本充公令相關司法程序由助理刑事檢控專員傅悅耳及高級檢控官許珉諾代表出庭，並由廉署人員賈允誠及郭保強協助。

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