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Hong Yuan
Illegal Deposit
Taking Case — "





Naugust 23, 1990, investigators of the Investigation Bureau of the Ministry of Justice (hereinafter, the MJIB) under direction of prosecutors raided 33 locations of Hong Yuan Group (hereinafter, the Group) with search warrants, including 25 corporate offices nationwide and 8 residence of top decision-making heads, for illegal deposit taking activities involved. Total of 28 suspects were interrogated on the same day and 7 of them were put in detention center for possible absconding or tampering evidence. On December 18, 1990, prosecutor Zhuang Chun-Shan (莊春山) indicted 81 defendants of Hong

Yuan Group for violation of the Banking Law, the Corporate Law, and fraud of the Criminal Law. A Money Empire of 3 billion and 150 million US dollars (i.e. 130 billion NT dollars) crumbled ever since.

民國 79 年 12 月 18 日,臺北地檢署 79 年度偵字第 5579 號等案件,以違反銀行法、公司法及刑法詐欺罪嫌起訴被告沈長聲 81 名被告,就其等成立公司但未經許可經營銀行業務,以高利息收入吸引一般民眾加入並繳錢取得單位權利,每月依單位權利領取利息。若介紹他人加入,尚可領取介紹獎金。公司成立八年間共吸金新台幣 961 億 9805 萬元 (32 億 660 萬 美元),後公司資金不足倒閉,被害人數多達 16 萬餘人。為國內第一個違法吸金案件。臺北地方法院後以 79 年度訴字第 2617 號案件判決主嫌被告沈長聲有期徒刑 7 年,併科罰金新台幣 300 萬元。本案偵查檢察官為莊春山。

The background of

the rise of a Money Empire





Photo from March 29, 1991 CTS

Photo from August 11, 2011 CTS

At the beginning of the 1980s, Taiwan society had reached an unexpected prosperous stage after 40 years of diligence. People started to have spare cash for investment. However, the trade in Taiwan stock market was small-scaled and the foreign exchange market was controlled; fixed-salary people had nowhere to invest to accumulate fortune. In addition, the social welfare system and health care insurance system was still uncompleted; hence people feared life insurance alone was insufficient to secure for the retired, disabled, or ill.

Meanwhile, the investment-related regulations were under construction and the unclear cross-straits relations discouraged long-term investment desires and schemes. Standing at the threshold of fortune accumulation, people tended to follow short-term speculation and dreamed of becoming rich overnight. Adding up all the odds, speculators like Defendant Shen Chang-Sheng (沈長聲) and Yu Yong-Ming (於勇明) rose abruptly, took advantage of the situation, and built an unprecedented money empire.

The Iron Triangle of

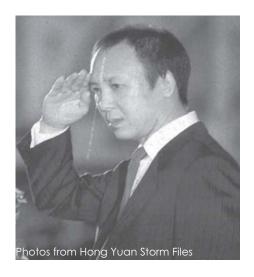
Hong Yuan Group¹



Shen Chang-Sheng .Yu Yong-Ming.Liu Tie-Qiu , photo from October 03 , 2015 CTI

Hong Yuan Group had three major heads called "the Iron Triangle." They together unprecedented constructed the first deposit-taking investment firm in Taiwan; and they had respective duty for decision-making, investment, and soliciting members. After 8-years' of development of the Group, a 3 billion and 150 million US dollars money monster emerged.

¹ See "Hong Yuan Storm Files", Zhang Meng-Qi, Reading times publication, 2006



Mr. Shen Chang-Sheng

The God President

Mr. Shen was then a juvenile delinquent for committing burglary who later became the president of the Group. He followed the investment heat in the futures market in 1979 and started a futures company named Yuan Jing. In 1984, Government raided futures companies and discouraged futures investment, Yuan Jing transformed into Hong Yuan Group. Mr. Shen was a discreet, superstitious, and mysterious perfectionist; who controlled all decision-makings of the Group. Owing to his religious belief

in Esoteric Buddhism, he set up Buddhist Chapel within every section of the Group. This religious image enhanced his trustworthy credit and attracted more people to pour money into the Group. His well-known saying was, "Caution can sail the boat eternally."



Mr. Yu Yong-Ming

The God of Wealth

Mr. Yu graduated from Department of Mathematics of National Chung Hsing University. He was fascinated by the idea of becoming-rich overnight. Therefore, he took advantage of insufficient regulation and the immature stock market to make fast money. In 1979, Mr. Yu had already been involved in illegal negotiation using discrepancy letters of credit defrauded the First Commercial Bank up to 5 million US dollars. He had economic criminal genes by nature.

Different from Mr. Shen, Mr. Yu was a high-profiled, out-spoken, and arrogant crook. He had quite a few famous sayings: "I can't serve for the government for I'm doomed to corrupt. Government official's salary is even not enough to pay my liquor expenses."; "Scientific invention (i.e. Hong Yuan business model) does not go against law."; "The money that Managing God Wang Yong-Qing can't earn does not mean that I can't either."; "I am always an outsider who refuses to be ruled by rules." In the Group, he was responsible for investment.



Mr. Liu Tie-Qiu

The

Golden Solicitor

Mr. Liu was ever an important leading member of the Four Seas Gang. His gang background made him an extraordinary leader. However, he retreated from the Gang after a brutal gang revenge incident, in which he was stabbed by knifes causing 13 severe wounds. After recovery, he dedicated his energy into real estate sales and soon was promoted to general manager for his remarkable sales achievement.

He was later introduced by Mr. Yu to Mr. Shen in 1985 and joined Hong Yuan Group as a speaker of soliciting seminars. Bringing his leadership ability into full play, he soon became the money vacuum of the Group in lieu of his charisma of persuasion. Obviously, he was responsible for soliciting in the Group.

鴻源人

The Rise of a Money Empire

In November 1982, Hong Yuan International Investment Consulting Company was established and officially started to solicit hot money. According to the investment rules of the Group, investors may deposit 5,000 US dollars (i.e. 150,000 NT dollars) as one investment unit and will receive 300 US dollars (i.e. 9,000 NT dollars) monthly as interest. The interest rate is 9%, which is much higher than that of bank saving account and much safer than that of stock market and futures market².

Moreover, an investor may choose to join the Group as solicitor by investing 6 units first to be qualified for further training. After training, a solicitor shall attract 6 more units every month to stay on the Group's payroll. A solicitor is entitled to basic salary of 267 US dollars (i.e. 8,000 NT dollars), investment bonus of 1,200 US dollars (i.e.36,000 NT dollars), and introduction fee of 200 US dollars (i.e. 6,000 NT dollars) for 6 more units. In other words, a solicitor can earn 1,667 US dollars (i.e. 50,000 NT dollars) per month and at least 20,000 US dollars (i.e. 600,000 NT dollars) per year. If a solicitor was able to introduce 6 more units every month, his introduction fee would then accumulate up to 3,887 US dollars (i.e.116, 000 NT dollars) per month.

² Later, the interest rate was revised to 6% and 4% per month. To the end era of the Group in 1990, the interest rate further dropped to 1.4% per month.

ltem Type		Average People			
	Basic Salary	Investment Bonus	Introduction Fee	Total Income	Personal Salary
Monthly	267	1200	200	1667	192
Yearly	3200	14400	2400	20000	2301

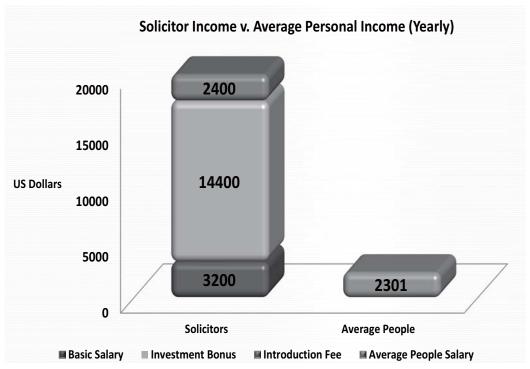


Chart by editors

By contrast, at the time in 1982, the average yearly household income was 9,175 US dollars (i.e. 275,250 NT dollars) and the average yearly personal income was 2,301 US dollars (i.e. 69,041 NT dollars)³. When the number above divided into 12 months, the average monthly household income was 765 US dollars (i.e. 22,938 NT dollars) and the average monthly personal income was 192 US dollars (i.e. 5,753 NT dollars).

That is to say, an entry-level solicitor in the Group can earn 9 times more than an average person can. Meanwhile, even an entry-level investor who

invested only 1 unit can earn interest given by the Group 1.6 times more than an average person can earn through salary. A simple comparison illustrates the lethal temptation of high interest rate provided by the Group.

At the beginning, investors were hesitant and doubting of the too-goodto-be-true interest rate and reward scheme. However, witnessing regular interest distribution and business expanding of the Group, hesitant investors finally couldn't resist the lure of high interest rate and poured money into the Group. At its full bloom period, the Group received 4.4 billion US dollars (i.e. 130 billion NT dollars) hot money and had 220 thousand investing members. The fund scale is equivalent to the yearly revenue Taiwan Government received from tax payers in 1990. Imaging how gigantic the money empire was! All that money was entrusted to the Iron Triangle for possible investment.

Nevertheless, where did the money go?

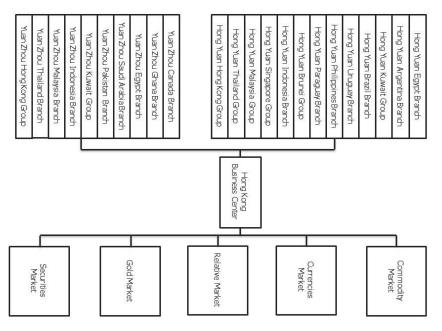
³ See "Report on the Survey of Personal Income distribution in Taiwan Area", Directorate-General of Budget Accounting and Statistics, the Executive Yuan, 1982.

The territory of the Money Empire,,,

With the amount of investment hot money, the Group certainly needed an investment scheme to secure interest distribution. The first try of the Group was to establish Hong Lai Construction Company to invest in domestic real estate projects, construction, agency, and presale house marketing in July 1983.

Next year in 1984, the Group set up Yi Deng Limited Company for interior design and Hong Ann Computer Company to accommodate hardware and software demand of the Group. Meanwhile, for the first time, Group extended its investment reach to Hong Kong by establishing Yuan Zhou Industry Limited Company for ready-made garments, trade agency, and grain products.

Hong Yuan Overseas Branches and Hong Kong Business Center Chart



Photos from Hong Yuan Storm Files



Photo from Hong Yuan Storm Files



Mr. Shen Chang-Sheng Mrs. Shi Si Photo from Rong Hsiao

In 1985, the Group investment added Le Qi industry in April to import and export motor accessories, leather products, groceries, textile, and canned food. Meanwhile, the Group established Yuan Zhou International Investment Limited Company in Hong Kong for soybean, sugar and red bean transactions in September, and Yuan Zhou Real Estate Limited Company for real estate transactions in December. To this point, the Group's investment followed the trend in demand and basic commodities.

In 1986, the Group set up Hong Fu Restaurant in Kaohsiung City in March providing Dim Sum, Guan Dong seafood, and mid-autumn festival moon cakes, and Taipei Headquarter of Hong Tai Film Industry in July. Nine months later Hong Kong Hong Tai Film Company was set up. In the next few years, this film industry published 7 movies. Mr. Shen Chang-Sheng (沈長聲) even met his wife, movie star Miss Shi Si (施思) through the film making business. The Group also founded Yuan Kuo industry to import wood and cooper furniture in July. Three months later, the Group formed Yong He Branch of Hong YuanDepartment Store in October.

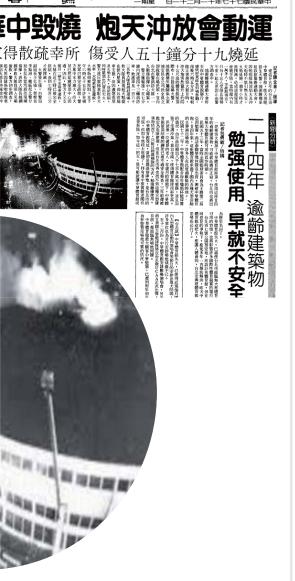
1986

Following the internationalization policy, the Group set up four more companies in Hong Kong. In February, Hong Da Company, was established for agency stocks, bonds, and securities; in May, Yuan Zhou International Finance Limited Company, was established for Loans and letters of credit; in August, Xian Mei limited Company, was established for exporting business; in October, Yuan Zhou Limited Company, was established for gold transactions. Furthermore, four companies were set up in Kuwait, Saudi Arabia, and Indonesia. In May, Financial Trade Center in Kuwait, was established for currencies and gold transactions; in June, P.T.B. Financial Trade Center in Indonesia, was established for forward rate and gold transactions; in October, Financial Trade Center in Saudi Arabia and Kuwait, were established for stocks and currencies transactions.

1987

In 1987, the Group formed Hong Yuan Real Estate Broker Company in January to invest in overseas real estate, investment, and agency; it also formed the Taipei Branch of Hong Yuan Department Store in June; the Hong Yang Advertisement Company in July to promote business of the Group and refresh business image; and the Hong Yuan Employee Education Center in August to provide orientation training, on-the-job training, and other professional training for the Group. Meanwhile, overseas expansion included Yuan Zhou Limited Company in Kuala Lumpur in June; Yuan Zhou Limited Company in Bangkok in August; and Yuan Zhou Interest Limited Company in Hong Kong in December. All three overseas companies were for forward rate and gold transactions.





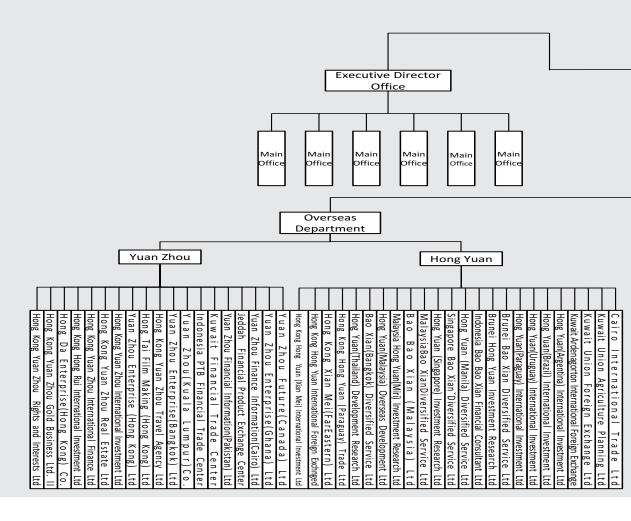
1988

In1988, the Group established the Hong Ann Security Company in October providing security services for all branches and sectors of the Group, and the Hong Yuan Travel Agent in November for members' leisure activities. In Hong Kong, five more companies were founded including Hong Rui International Investment Company in February for mutual funds; Hong Yuan International Investment Limited Company in March for trading precious metal and global merchants; Yuan Zhou Travel Agent Limited Company in June for travel agency; Hong Kong Hong Yuan Trade Limited Company in July for business with Republic of Paraguay, mainly focusing on coffee beans; and Hong Yuan International Foreign Exchange Company in August. Moreover, five other companies were founded worldwide including Bao Xian Financial Consulting Limited Company in Indonesia in May for foreign exchange and precious metal exchange; Bao Xian Service Limited Company and Hong Yuan Investment Research Limited Company in Negara Brunei Darussalam in August for foreign exchange and precious metal transactions; Hong Yuan International Investment Limited Company in Republic of Paraguay in August for foreign exchange and precious metal transactions; and Bao Xian Service Limited Company and Hong Yuan Investment Research Limited Company in Singapore in October for commodity trading, foreign exchange, and precious metal transactions.



Other than founding domestic and overseas companies, the Group also founded Chang Si Welfare Foundation in April 1989, as commemorate of Mr. Shen Chang-Sheng (沈長聲) and his wife Shi Si(施思). The foundation aimed for social rescue and social welfare. Since the special assistant of Mr. Shen, Zhang Wan-Xi (張萬炘), was a basketball frantic, the Group set up Hong Yuan Men basketball team for him and Women baseball Team to promote Hong Yuan spirit.

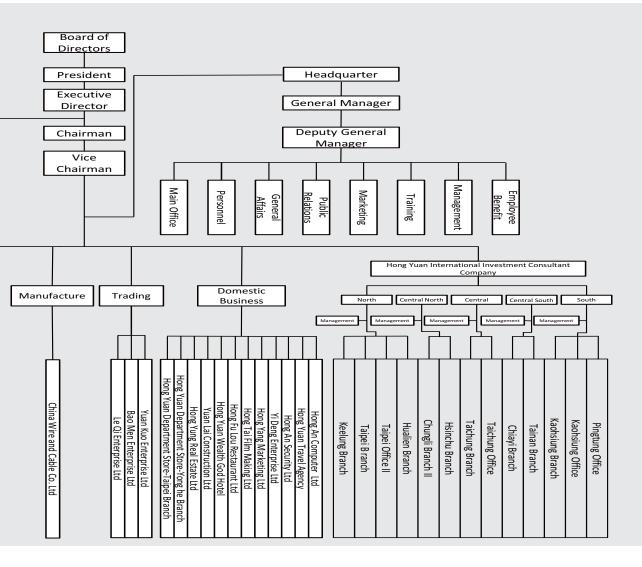
Organization chart, see Supra Note 1 P.70 P.71



The total investment assets were estimated to near 800 million US dollars (i.e. 23 billion NT dollars) at the time the Group announced bankruptcy. However, in 8 years, numerous yet unclear funds were transferred overseas.

No one, except maybe Mr. Shen and Mr. Yu, knew where exactly the Group money went.





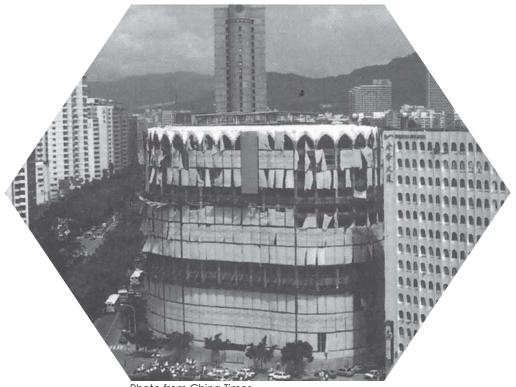


Photo from China Times

The **Dynamics** of the Group -

On October 18, 1985, reporters first targeted the Group and reported it as illegal deposit taking group. Members of the Group faced the first confidence crash and crowded the branches of the Group to ask for money refund. Within three days, the Group refunded up to 7 million US dollars (i.e. 21 billion NT dollars). Mr. Yu, the Vice President of the Group, made a public statement explaining the Group investment situation and made a promise to become legalized soon. Since members were still receiving monthly interests from the Group, this scandal didn't crash the Group but rather enhanced investors' confidence. Ironically, even more money poured in after this incident.



Photo from China Times

On August 18, 1986, the Group faced the second bank run but survived again by announcing to stop refund but continued to distribute monthly interest. On December 1987, owing to the up rocketing stock market, the Group faced the third bank run for the following three months. Mr. Yu declared that the Group had stopped admitting new members and funds since March 1986. Nevertheless, in fact, the Group never stopped

taking deposits and the problem finally burst out in 1988.

In June 1988, the Group decided to transfer its fund overseas and asked members to transfer their unit certificate to overseas fund certificate. We can see in the same year, the Group set up ten overseas companies to deal with the transferred fund from Taiwan.



Ministry of Finance, photo from editors

Later in August, the Group announced to reduce its interest rate to 2%. In September 1988, the Ministry of Finance filed a complaint with evidences to Taiwan High Prosecutors Office and the MJIB asking for further investigation into the Group for its violation of the Bank Law. On November 20, 1988, the Group had its member reunion at Zhong Hwa Gymnasium in Taipei City. The President, Mr. Sheng, marched to the arena in Luxury Cadillac and members chanted his name to express their worship. In the heat of passion, members set off fireworks and accidently burned down the gymnasium. Observers said this accident seemed to predict the decline of the money empire.



Photo from Hong Yuan Storm Files

On June 30, 1989, new amendments to the Bank Law were promulgated. According to the new law, only authorized bank can take deposit from civilians. On July 1, Government announced the ban on illegal investment companies and targeted the Group. The Group then faced its forth bank run for the next 3 weeks and lost 700 Million US dollars (i.e. 20 billion NT dollars). The Group stopped to refund but continue to distribute interest on July 13, 1988. In September 1989, the Group had its member reunion in ZhangHwa County Ba Gua Shan Gymnasium with an attempt to restore members' confidence in the Group. However, days after the member reunion, Mr. Liu, the vice president, had a stroke

that left him paralyzed. He soon passed away in November. The Iron Triangle of the Group collapsed and the storm began to unravel its rage. By the end of 1989, the Group had refunded 1.3 billion US dollars (i.e. 40 billion NT dollars).

On January 10, 1990, the Group announced to stop giving out refunds and interest distributions in lieu of debt. An assets supervision committee was formed on February 20, 1990 to clear the Group assets value. However, owing to the accounting book of the Group was not clear and members had no faith in new combination policy, the committee failed without surprise.



Investigation of the Group

Meanwhile, the government sectors finally made action. On March 2, 1990, 25 legislators motioned for a resolution asking the Ministry of Finance, the Ministry of Economic Affairs, the Ministry of Justice, and the Ministry of National Defense to jointly solve the problem of illegal deposit taking companies. On October 1990, the National Assembly motioned for a resolution by 31 representatives requesting a ban on illegal deposit taking companies. On October 12, 1990, the Control Yuan passed corrective measures to the Ministry of Finance, the Ministry of Economic Affairs, and the Ministry of Justice for their prior hesitation to regulate to illegal deposit taking companies.



Mr. Yu Yong-Ming, Mr.Shen Chang-heng



The secretary Ms.Chen, Yun



Hu,Jian-Fen



Mrs.Fu,Yun-Mei

Photo from

The lower left : Rong Hsiao Others : China Times 46

The indictment

Prosecutor Zhuang Chun-Shan (莊春山) of Taipei District Prosecutors Office, after 4 months of intensive investigation, indicted 81 defendants of the Group on December 18, 1990, including the nominal directors and shareholders, the board of directors, and other important group executives. The indictment said the Group fraud investors with impossible high interest rates and had taken deposits adding up to 3.1 billion 96.77 million US dollars (i.e. 95.9 billion and 3.02 million NT dollars). Defendants used the illegal fund to invest in 24 domestic companies and overseas companies and assets. Defendants were founded to have wired fund overseas at least 57 million US dollars (1.7 billion NT dollars). Prosecutor Zhuang tried his best to confiscate traceable assets, including real estate, chattels, stocks, bonds, and rights, summed to 767 million US dollars (i.e. 23 billion NT dollars). Other fund or assets wired overseas were unclear and suspected to have been concealed by defendants. Therefore, defendants were charged for violation of the Banking Act, Company Act, and fraud of the Criminal Law.

The indictment from Prosecutors Office finally crashed the money empire and stopped this devastating money game which perished domestic economy and social order. Prosecutor Zhuang asked the court to sentence defendants with the maximum punishment.



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The indictment

photo from Taipei distrcit prosecutors office

The

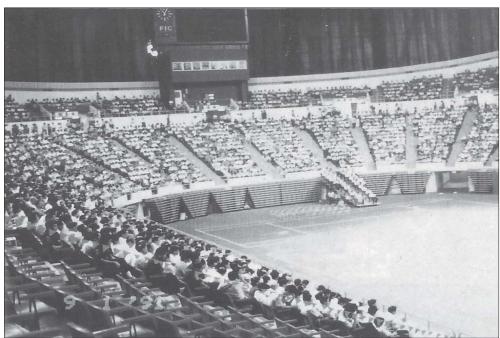
z____Trial



Judge Mrs. Cheng,Li-Yen Photo from March 29, 1991 CTI

In the courtroom of Taipei District Court, defendants argued for their wrongdoings. Mr. Shen admitted to receive funds from investors but argued that the government didn't properly regulate the deposit taking investment companies, thus defendants shouldn't have to shoulder responsibilities. Other defendants argued that they didn't fraud investors for funds actually did invest in all kinds of projects. The trial court closed the case on March 21, 1991; and ruled multiple sentences for the defendants. Mr. Shen, the president of the Group, was sentenced to 7 years' incarceration plus 3 million NT dollars fine.

Investors, prosecutor, and the defendants were not satisfied by the ruling in the district court level and appealed to Taiwan High Court. In Taiwan High Court, Mr. Shen argued that the Group did distribute interest after establishment and there were no fraudulent activities involved; he also stated that before the new amendment of the Bank Law in 1989, the Group was not an illegal institute; and the only fund solicitor was the deceased vice president, Mr. Liu. Mr. Yu argued that the Group went bankrupt only for government ban, and that the Group itself functioned well.



The meeting of Creditors summoned by court Photo from China Times

For a finalized judgment, Mr. Shen was sentenced to 7 years' incarceration and fined 100 thousand US dollars (i.e. 3 million NT dollars); Mr. Yu was sentenced to 5 years and 6 months incarceration and 70 thousand US dollars (i.e. 2 million NT dollars). Mr. Shen and Mr. Yu only served 4 years of their sentences and were released on parole on February 7, 1994. Investors were very much disappointed by the mild punishment these two received for their fraudulent actions of almost 100 billion NT dollars fraud.

Outside the Trial

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The Group was filed for bankruptcy on May 8, 1991. The reported creditors' right was 2.4 billion US dollars (i.e. 73.1 billion NT dollars), but only 120 million US dollars (i.e. 4 billion NT dollars) assets were at court's disposal. Although the civil court found Mr. Shen and Mr. Yu to be jointly liable for the debt, no further assets found under their possession. Investors were only able to retrieve petty money compared to the vast investment the Group had acquired. In 2010, Mr. Yu passed away as well. The compensation procedure became more difficult thus investors no longer held any hope.

Conclusion

The Group was the first deposit-taking investment company ever established in Taiwan. After its debut, 200 other deposit-taking investment companies emerged. However, none of them ever reached the magnitude of the money and the scale of victims of the Group ever made. Hong Yuan Group had become textbook material to research on illegal banking and multilayer marketing.

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The court judgments



