

Duo jailed for bribery and fraud over TV game show

25 November 2013

A brother and his sister, charged by the ICAC, were today (Monday) sentenced to four months and 10 months in jail respectively at the Eastern Magistracy for their respective roles in offering a bribe of over \$46,000 to get the correct answers of a game show of now TV and defrauding the PCCW Media Limited (PCCW Media), which operated now TV, of about \$350,000 in cash prizes.

Fung Kin-fung, 30, and his younger sister Fung Kwan-wai, 28, both clerks, pleaded guilty to a joint charge of conspiracy to defraud, contrary to Common Law. Fung Kin-fung further admitted one count of conspiracy to offer an advantage to an agent, contrary to Section 9(2)(a) of the Prevention of Bribery Ordinance and Section 159A of the Crimes Ordinance.

In sentencing, Magistrate Joseph To Ho-shing said the defendants had used the fraudulent means to deceive cash prizes after knowing that the game show offered such prizes.

Immediate custodial sentences were imposed on the defendants in view of the seriousness of the case, which was no less than that of other fraud cases, the magistrate added.

The court heard that at the material time, the defendants were subscribers of now TV, which produced a live game show called "Action-to-Money".

At each show, eight questions were asked and a cash prize of \$100,000 was shared among the participants who managed to answer all questions correctly through the broadband network.

The court heard that in mid June 2011, Fung Kin-fung invited a former schoolmate to participate in the game show and guaranteed that he won the cash prizes with the assistance of a "Master". But the former classmate had to give 60 per cent and five per cent of the cash prizes to the "Master" and Fung Kin-fung respectively.

The court heard that in fact, the "Master", who was the boyfriend of Fung Kwan-wai, was an assistant broadcast engineer of HKT Services Limited, a subsidiary of the listed PCCW Limited at the material time, which was responsible for technical matters relating to the game show.

With the assistance of the assistant broadcast engineer, the schoolmate won a total of \$71,406 between June and July 2011 and passed \$46,414 out of it to Fung Kin-fung for their offering to the "Master" as a bribe.

The court heard that between June and December 2011, the defendants conspired together with the assistant broadcast engineer to defraud PCCW Media.

The duo obtained the correct answers of the game show; participated and arranged their younger sister and the schoolmate to falsely pretend a fair participation at the game show; and won the prize money of the game show with the correct answers dishonestly obtained.

As a result, PCCW Media was caused to release cash prizes totalling about \$350,000 to the defendants and the two participants concerned, the court was told.

PCCW Limited and its subsidiaries had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Henry Ma, assisted by ICAC officer Oyan Cheung.

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兩兄妹涉電視遊戲節目貪污詐騙案 被判囚

2013年11月25日

一名男子提供四萬六千多元賄款，以索取now TV一個遊戲節目的正確答案，並與其妹串謀詐騙經營now TV的電訊盈科媒體有限公司(「電訊盈科媒體」)共約三十五萬元獎金，被廉政公署拘控。該名男子及其妹今日(星期一)在東區裁判法院分別被判入獄四個月及十個月。

馮建峰，三十歲，及其妹馮筠惠，二十八歲，同為文員，同承認一項串謀詐騙罪名，違反普通法，而馮建峰又承認一項串謀向代理人提供利益罪名，違反《防止賄賂條例》第9(2)(a)條及《刑事罪行條例》第159A條。

裁判官杜浩成判刑時表示，被告明知勝出遊戲可以獲得獎金，而以欺詐手段獲得獎金。

裁判官續稱，本案的案情嚴重，與一般行騙案的嚴重性無異，故必須判處兄妹二人即時監禁。

案情透露，兩名被告於案發時同為now TV的客戶。now TV當時製作一個名為「搵錢」的直播遊戲節目。

每一集遊戲節目會有八條問題，而透過寬頻網絡答中所有問題的參賽者，則會瓜分十萬元獎金。

案情透露，馮建峰於二〇一一年六月中邀請一名舊同學參加該遊戲節目，並確保在一名「高人」的協助下可贏取現金獎，惟該同學須分別向「高人」及馮建峰提供現金獎的六成及百分之五。

案情透露，「高人」其實是馮筠惠的男朋友，本身為上市公司電訊盈科有限公司(「電訊盈科」)當時的附屬公司HKT Services Limited的助理廣播工程師，負責該遊戲節目的工程事宜。

在助理廣播工程師的協助下，該舊同學於二〇一一年六月至七月期間，贏取合共七萬一千四百零六元，並將其中的四萬六千四百一十四元交給馮建峰，作為他們給「高人」的賄款。

案情透露，兩名被告又於二〇一一年六月至十二月期間，一同與該名助理廣播工程師串謀詐騙「電訊盈科媒體」。

兩名被告獲得該遊戲節目的正確答案；參加及安排他們的妹妹及上述舊同學虛假地扮作公平參加該遊戲節目；及以不誠實地取得的正確答案贏取該遊戲節目的獎金。

「電訊盈科媒體」因而向兩名被告及上述兩名參賽者發放獎金，涉及的獎金金額共約三十五萬元。

「電訊盈科」及其附屬公司在廉署調查案件期間提供全面協助。

控方今日由大律師馬家驊代表出庭，並由廉署人員張淑儀協助。

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