

## Six months' jail for soliciting bribe from security guards

20 August 2014

A former chairman of the incorporated owners (IO) of a residential building, charged by the ICAC, was today (Wednesday) sentenced to six months' imprisonment at the Eastern Magistracy for soliciting a bribe of \$4,000 from three security staff in relation to an application for a one-off hardship allowance.

Hsu Chun-pin, 54, former chairman of the IO of Wang Fai Mansion (WFM), was earlier found guilty of one count of agent soliciting an advantage, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance (POBO).

In sentencing, Deputy Magistrate Ms Kennis Tai Chiu-ki said the court had to mete out an immediate custodial sentence to the defendant as he had committed the serious bribery offence, abused his power as IO chairman and breached the trust the IO placed on him.

Upon the defendant's application, the deputy magistrate granted him bail on a cash sum of \$15,000 and a cash surety of \$5,000, pending his appeal. He was also ordered not to leave Hong Kong.

The court heard that at the material time, the defendant was the IO chairman of WFM in North Point.

Goldwell Property Management Limited (GPML), which was entrusted by the IO to take charge of the management of WFM, deployed security supervisor Lam Chor-min, security guard Cheung Kam-chung and another security guard (the trio) to work at the building.

Between January and April 2013, a large-scale renovation project was carried out at WFM. During the renovation period, the trio was required to perform extra patrol and other additional duties.

In March 2013, the trio applied for a one-off allowance from the IO. To support their application, the defendant, Lam and Cheung agreed that "tea money" would be given to the defendant.

The court heard that at an IO meeting held on April 16, 2013, a resolution was passed to grant \$5,565, \$5,645 and \$4,860 to Lam, Cheung and the other security guard respectively as one-off hardship allowance, which was equivalent to half of their monthly salaries.

Three days later, the defendant solicited from Cheung over the phone \$2,000 each from the trio as "tea money" for persuading other IO members to approve their application.

While Lam and Cheung only agreed to give him \$4,000 in total, the defendant demanded \$5,000. After the fresh demand was rejected, the defendant was very angry and said he would withhold three cheques prepared for the trio. Subsequently, the defendant withheld the issue of the cheques.

At another IO meeting held on May 23, 2013, the defendant proposed that the payment of the one-off allowance be suspended because he had received complaints about Lam's work attitude.

After deliberation, the meeting resolved to maintain the granting of the allowance to the trio. Upon receipt of the allowance, the trio did not pay "tea money" to the defendant, the court was told.

Lam and Cheung, who were also charged by the ICAC, earlier pleaded guilty to a joint count of offering an advantage to an agent, contrary to Section 9(2)(a) of the POBO. They were each sentenced to three months' imprisonment, suspended for 18 months.

The prosecution was today represented by prosecuting counsel Olivia Tsang, assisted by ICAC officer Edward Wong.

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## 法團前主席向保安員索賄判囚六個月

2014年8月20日

一名住宅大廈業主立案法團(法團)前主席，就三名保安人員申請一次性辛勞津貼，向他們索取四千元賄款，被廉政公署拘控。被告今日(星期三)在東區裁判法院被判入獄六個月。

許俊斌，五十四歲，宏暉大廈法團前主席，早前被裁定一項代理人索取利益罪名成立，違反《防止賄賂條例》第9(1)(a)條。

暫委裁判官戴昭琦於判刑時指，被告觸犯嚴重的貪污罪行，濫用法團主席的職權及破壞法團對其信任，故必須判處被告即時監禁。

暫委裁判官應被告的申請，准許他以現金一萬五千元及現金人事擔保五千元保釋外出等候上訴。他亦受命不准離開香港。

案情透露，被告於案發時為北角宏暉大廈法團主席。法團委託金衛物業管理有限公司(金衛)負責宏暉大廈的物業管理，而金衛則調派保安主任林楚綿、保安員張錦鐘及另一名保安員在該大廈工作。

二〇一三年一月至四月期間，宏暉大廈進行大型翻新工程。在翻新工程進行期間，該三名保安人員須加強巡邏及履行額外職務。

同年三月，三人向宏暉大廈法團申請發放一次性辛勞津貼。被告、林及張協議向被告提供「茶錢」，以換取被告支持有關申請。

案情透露，法團於去年四月十六日舉行的會議上決議通過，分別向林、張及另一名保安員分別發放五千五百六十五元、五千六百四十五元及四千八百六十元的一次性辛勞津貼，有關津貼分別相等於各人一半的月薪。

被告於三日後致電張，向該三名保安人員每人索取二千元「茶錢」，作為游說法團其他委員批核有關申請的報酬。

雖然林及張只同意向被告提供共四千元，被告仍向他們索取五千元。被告又非常憤怒其要求遭到拒絕，並表示會扣起三人的支票。被告其後扣起了有關支票。

法團於同年五月二十三日舉行另一次會議，被告在會議上指出他接獲有關林工作態度的投訴，並建議暫停發放有關津貼。

法團經商討後決定維持向三人發放津貼的決議。三人收取津貼後，並沒有向被告支付「茶錢」。

林及張早前亦因案件而被廉署起訴，並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。他們各被判入獄三個月，緩刑十八個月。

控方今日由大律師曾藹琪代表出庭，並由廉署人員黃豐成協助。

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