

Ex-enumerator sentenced for fraud over ICAC annual survey

13 January 2015

A former part-time enumerator of a marketing research company was today (Tuesday) sentenced at the Eastern Magistracy for fraud and attempted fraud by using 2013 ICAC Annual Survey questionnaires containing false information to deceive remuneration from the company.

Hsu Shui-pang, 40, a former part-time enumerator of MVA Hong Kong Limited (MVA), was ordered by Magistrate Victor So Wai-tak to perform 200 hours of community service.

In passing the sentence, the magistrate said he imposed a community service order on the defendant after taking into account his guilty plea and his repayment of \$450 to MVA.

The defendant earlier pleaded guilty to 12 charges - nine of fraud, contrary to Section 16A of the Theft Ordinance; and three of attempted fraud, contrary to Section 16A of the Theft Ordinance and Section 159G of the Crimes Ordinance.

The case arose from a corruption complaint. Subsequent ICAC enquiries revealed the above offences of fraud and attempted fraud.

The court heard that at the material time, MVA was engaged by the ICAC's Community Relations Department to conduct its 2013 annual survey on the public's perception of corruption.

As a part-time enumerator of MVA, the defendant was required to conduct face-to-face interviews with household members randomly selected from the database of the Census and Statistics Department.

The defendant was paid at the rate of \$100 per completed questionnaire. If a particular questionnaire was unable to pass the quality control of MVA, half of the remuneration in respect of that particular questionnaire would be deducted.

The court heard that between October and November 2013, the defendant fabricated nine questionnaires, which purported that he had conducted the interviews with the respective household members and obtained the information as recorded in the questionnaires.

As the nine questionnaires could not pass the quality control of MVA, the defendant was paid a total of \$450 only as half of his remuneration was deducted.

The court heard that the defendant also submitted to MVA two questionnaires in October and November 2013 respectively, which pretended that the respective respondents should have the next birthday closest to the date of the interview.

In November 2013, the defendant further submitted to MVA a questionnaire pretending that the age of the respondent was within targeted age range of 15 to 64.

In view of the falsity of the questionnaires, MVA had withheld the relevant remuneration.

The questionnaires in issue were subsequently eliminated from the survey without affecting the validity of its data collected and overall survey findings, the court was told.

The prosecution was today represented by prosecuting counsel Liu Yuen-ming, assisted by ICAC officer Andrew Ho.

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前問卷調查員涉廉署周年民調詐騙案被判刑

2015年1月13日

一名市場研究公司前兼職問卷調查員，利用載有虛假資料的二〇一三年廉政公署周年民意調查問卷，向該公司欺詐及企圖騙取酬金，被廉署拘控。被告今日(星期二)在東區裁判法院被判刑。

許水鵬，四十歲，弘達交通顧問有限公司(弘達)前兼職問卷調查員，被裁判官蘇惠德判處須履行二百小時社會服務。

裁判官在判刑時表示，考慮到被告承認控罪及已向弘達歸還涉案的四百五十元，因此判處社會服務令。

被告早前承認共十二項罪名，即九項欺詐，違反《盜竊罪條例》第16A條；及三項企圖欺詐，違反《盜竊罪條例》第16A條及《刑事罪行條例》第159G條。

廉署早前接獲貪污舉報，調查後揭發上述欺詐及企圖欺詐罪行。

案情透露，被告於案發時為弘達的兼職問卷調查員。弘達當時受廉署社區關係處委託進行二〇一三年廉署周年民意調查，以收集公眾對貪污情況的看法。

被告身為弘達的兼職問卷調查員，須與從政府統計處的數據庫隨機抽取的家庭成員進行面對面的訪問。

就每份完成的問卷，被告會獲支付一百元酬金。倘若個別問卷未能通過弘達的品質檢定，有關問卷的酬金會被扣減一半。

案情透露，被告於二〇一三年十月至十一月期間虛構了九份問卷，偽稱他已經與相關家庭的個別成員進行了訪問，並將收集到的資料記錄在問卷上。

由於該九份問卷未能通過弘達的品質檢定，被告的酬金被扣減一半後獲發共四百五十元。

案情透露，被告於二〇一三年十月及十一月又分別向弘達提交共兩份問卷，訛稱受訪者的下一個生日最接近訪問日期。

被告於二〇一三年十一月再向弘達提交一份問卷，訛稱受訪者的年齡介乎十五歲至六十四歲。

由於問卷涉及虛假資料，弘達扣起被告的相關酬金。

涉案的問卷其後已被剔除，而剔除相關問卷並不影響該民意調查的完整性及數據的真確性。

控方今日由大律師廖遠明代表出庭，由廉署人員何仲強協助。

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