

Four charged with bribery over provision of business information

4 November 2015

Four persons, including three senior executives of an ice cube manufacturer, have been charged by the ICAC today (Wednesday) with offering and accepting advantages, namely payments of money and employment, for giving information relating to businesses of its competitors.

The defendants are Shiu Wing-pan, 58, director cum shareholder of Shiu Pong Ice (Cube Ice and Ice Carving) Limited (SPI); Cheung Ka-fai, 48, operation manager of SPI; Tsang Chiu-wah, 42, senior manager of SPI; and Tam Ming-faat, 31, then driver of Noble Gainer Limited (NGL), a rival company of SPI.

Shiu, Cheung and Tsang jointly face two counts of conspiracy to offer advantages to an agent, contrary to Section 9(2)(a) of the Prevention of Bribery Ordinance (POBO) and Section 159A of the Crimes Ordinance, while Cheung and Tsang further face one count of offering an advantage to an agent, contrary to Section 9(2)(a) of the POBO.

Tam alone faces one count of agent accepting advantages, contrary to Section 9(1)(a) of the POBO.

The defendants will appear at the Kwun Tong Magistracy on Friday (November 6) for plea.

At the material time, Shiu was a director cum shareholder of SPI, a manufacturer of consumable ice packs for sale to eateries in Hong Kong, while Cheung and Tsang were its operation manager and senior manager respectively. Tam was a driver of NGL, but later joined SPI.

One of the charges alleges that between July 1, 2012 and March 5, 2013, Shiu, Cheung and Tsang conspired together to offer advantages, namely payments of money and also employment at SPI, to Tam as rewards for Tam giving information relating to the business and/or operation of NGL, which might assist in SPI's ice trading.

Another charge alleges Tam of having accepted the above payments of money and also employment at SPI from Shiu, Cheung and Tsang for the same purpose. The alleged payments of money accepted by Tam were said to amount to \$37,500.

A third charge alleges that between April 23 and 27, 2013, Cheung and Tsang offered a monthly payment of money to another driver of NGL for the same purpose.

The remaining charge alleges that on April 24, 2013, Shiu, Cheung and Tsang conspired together to offer a monthly payment of \$3,000 and also employment at SPI to a driver of NGL and its dealer, Jumbo Top (H.K.) Limited (JTL), as rewards for giving information relating to the business and/or operation of NGL and/or JTL, which might assist in SPI's ice trading.

NGL and JTL had rendered full assistance to the ICAC during its investigation.

The defendants have been released on ICAC bail, pending their court appearance on Friday.

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廉署起訴四人就提供冰塊業務資料 涉嫌行賄受賄

2015年11月4日

廉政公署今日(星期三)落案起訴四名人士，包括一間冰塊生產商的三名高層人員，控告他們涉嫌提供及收受利益，即多筆付款及受僱工作，以提供競爭對手的業務資料。

被告為蕭永斌，五十八歲，蕭邦生雪(雪粒冰雕)有限公司(蕭邦生雪)董事兼股東；張家輝，四十八歲，蕭邦生雪營運經理；曾昭華，四十二歲，蕭邦生雪高級經理；及譚明發，三十一歲，高業有限公司(高業)前司機。高業為蕭邦生雪的競爭對手。

蕭、張及曾同被控兩項串謀向代理人提供利益罪名，涉嫌違反《防止賄賂條例》第9(2)(a)條及《刑事罪行條例》第159A條，而張及曾另同被控一項向代理人提供利益罪名，涉嫌違反《防止賄賂條例》第9(2)(a)條。

譚則被控一項代理人接受利益罪名，涉嫌違反《防止賄賂條例》第9(1)(a)條。

各被告將於星期五(十一月六日)在觀塘裁判法院答辯。

蕭於案發時為蕭邦生雪的董事兼股東，該公司的業務為生產食用冰塊，並將有關冰塊售予香港的食肆，而張及曾則分別為蕭邦生雪的營運經理及高級經理。譚為高業的司機，其後加入蕭邦生雪。

其中一項控罪指蕭、張及曾涉嫌於二〇一二年七月一日至二〇一三年三月五日期間，一同串謀向譚提供利益，即多筆付款及一份在蕭邦生雪的受僱工作，作為譚提供有關高業的業務及/或運作資料的報酬，而有關資料可能有助蕭邦生雪的生雪貿易。

另一項控罪指譚涉嫌以相同目的，從蕭、張及曾接受上述多筆付款及一份在蕭邦生雪的受僱工作。譚涉嫌收受的多筆付款據報合共三萬七千五百元。

第三項控罪指張及曾涉嫌以相同目的，於二〇一三年四月二十三日至二十七日期間，向另一名高業司機提供每月付款。

餘下控罪指蕭、張及曾涉嫌於二〇一三年四月二十四日，一同串謀向高業及其代理商雅達(香港)有限公司(雅達)的一名司機提供每月付款三千元及一份在蕭邦生雪的受僱工作，作為提供有關高業及/或雅達的業務及/或運作資料的報酬，而有關資料可能有助蕭邦生雪的生雪貿易。

高業及雅達在廉署調查案件期間提供全面協助。

各被告已獲廉署准以保釋外出，等候星期五應訊。

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