

Teacher admits accepting illegal rebate over purchase of violin

20 June 2016

A teacher of a music company, charged by the ICAC, today (Monday) admitted at the Tsuen Wan Magistracy that she had accepted an illegal rebate of over \$1,600 for referring a student to buy a violin from a supplier of musical instruments.

Tse On-kei, 30, a teacher of Tom Lee Music Foundation Limited (TLMF), pleaded guilty to one count of agent accepting an advantage, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance (POBO).

Magistrate Mr Kenneth Chan Ping-chau adjourned the case to July 8 this year for sentence, pending a community service order report. Tse was granted cash bail of \$5,000.

The court heard that at the material time, Tse was employed by TLMF as a teacher in violin courses.

Apart from teaching music courses, teachers of TLMF were required to work as consultants to promote, market and sell to their students musical instruments and related products of Tom Lee Music Co. Ltd, an affiliated company of TLMF.

Teachers were not allowed to promote or sell musical instruments to students of TLMF and their parents for other suppliers. Chairman Instruments Trading Limited (CITL) was a supplier of musical instruments in Hong Kong.

Upon a student's enquiry on where she could purchase a violin, Tse introduced CITL to the student by showing its homepage on a tablet computer. Tse added that the student could enjoy a discount by telling CITL that she was referred by Tse.

On November 2, 2013, the student visited the office of CITL and chose a violin with accessories at about \$4,000. After confirming with an assistant sales manager of CITL that she was referred by Tse, the student obtained a discount price at \$3,853.

Tse had never told the student that she would receive a rebate out of her purchase, the court was told.

On December 13, 2013, Tse received \$1,637 from CITL by cheque deposited in her bank account as a reward for referring the student to CITL to purchase the violin with accessories, the court was told.

Co-defendant Lai Kam-kit, 37, a former teacher of TLMF, who was also charged by the ICAC, pleaded guilty to one count of agent accepting an advantage, contrary to Section 9(1)(a) of the POBO. He was ordered to perform 240 hours of community service and pay \$7,663 in restitution to TLMF on April 28 this year.

TLMF had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Flora Cheng, assisted by ICAC officer Alex Ho.

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導師承認收受非法回佣轉介學生購買小提琴候判

2016年6月20日

一名音樂公司導師，在轉介一名學生向一間樂器供應商購買一個小提琴時收受一筆一千六百多元的非法回佣，早前被廉政公署起訴。被告今日(星期一)在荃灣裁判法院承認控罪。

謝安琪，三十歲，通利音樂基金有限公司(通利音樂)導師，承認一項代理人收受利益罪名，違反《防止賄賂條例》第9(1)(a)條。

裁判官陳炳宙將案件押後至本年七月八日判刑，以待謝安琪的社會服務令報告。她獲准以現金五千元保釋。

案情透露，謝安琪於案發時受僱於通利音樂擔任小提琴課程的導師。

除了教授音樂課程外，通利音樂的導師必須擔任樂器顧問向學生宣傳、推銷及售賣通利音樂的關聯公司通利琴行有限公司的樂器及相關產品。

導師不得替其他樂器供應商向通利音樂的學生及其家長推廣或銷售樂器。俊文樂器貿易有限公司(俊文樂器)為香港其中一間樂器供應商。

因應一名學生查詢可在哪裡購買小提琴，謝安琪向該名學生介紹俊文樂器，並以平板電腦展示俊文樂器的主頁。謝安琪又告訴該學生，如向俊文樂器表示由她介紹便可享折扣優惠。

該學生於二〇一三年十一月二日前往俊文樂器的辦事處，並挑選了一個價值約四千元的小提琴連配件。經俊文樂器一名助理銷售經理確認該學生由謝安琪轉介後，該學生獲三千八百五十三元的折扣價。

案情透露，謝安琪沒有告訴該學生她會因此而獲俊文樂器回佣。

謝安琪於二〇一三年十二月十三日收到俊文樂器以支票方式存入其銀行帳戶的一千六百三十七元，作為轉介該學生向俊文樂器購買上述小提琴連配件的報酬。

同案被告黎鑿傑，三十七歲，通利音樂前導師，亦因涉案被廉署起訴。他承認一項代理人收受利益罪名，違反《防止賄賂條例》第9(1)(a)條，於本年四月二十八日被判處須履行二百四十小時社會服務，及向通利音樂歸還涉案的七千六百六十三元。

通利音樂在廉署調查案件期間提供全面協助。

控方今日由控方大律師鄭淑儀代表出庭，並由廉署人員何文駿協助。

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