

## Six months' jail for bribing bank staff with perfume

27 September 2016

A director of a trading company, charged by the ICAC, was today (Tuesday) sentenced to six months' imprisonment at the Kowloon City Magistracy after he admitted having offered a bottle of perfume worth \$1,350 as a bribe to an employee of a bank for assisting him in opening an account for his company.

Chen Zhengxi, 44, sole director-cum-shareholder of Yanska Holdings (Hongkong) Co., Limited (Yanska), yesterday (Monday) pleaded guilty to one count of offering an advantage to an agent, contrary to Section 9(2)(a) of the Prevention of Bribery Ordinance.

In passing the sentence, Principal Magistrate Mr Peter Law Tak-chuen said the defendant did not commit the bribery offence out of impulse as he had premeditated it.

The magistrate stressed that the court could not mete out a lenient sentence to the defendant as he had bribed an employee of a financial institution, otherwise the interest and image of Hong Kong as a financial centre would be jeopardised.

The magistrate added that he reduced the starting point of nine months in jail by one-third to six months after taking into account the defendant's guilty plea.

The court heard that at the material time, the defendant was the sole director-cum-shareholder of Yanska, a trading company registered in Hong Kong.

On June 29 this year, the defendant visited the business centre of The Hongkong and Shanghai Banking Corporation Limited (HSBC) in Mong Kok by appointment to open an account for Yanska. He was received by a female assistant manager at the bank.

When asked by the assistant manager to provide details about the business of Yanska and what service he needed from HSBC, the defendant failed to answer those questions. The assistant manager then requested him to provide her with further supporting documents within two weeks.

The court heard that on July 12 this year, the defendant attended the business centre again without an appointment. After entering the office of the assistant manager, the defendant submitted further supporting documents to her.

The assistant manager left her office to photocopy those supporting documents. Upon return to her office, the assistant manager found a small shopping bag placed on a cabinet behind her seat.

The defendant told the assistant manager that he had offered her a bottle of branded vaporisateur spray in order to make friends with her. After the assistant manager rejected his offer repeatedly, the defendant took back the bag, and put it into his briefcase, the court heard.

Before leaving the office of the assistant manager, the defendant asked if he could submit fewer supporting documents to her. After the assistant manager said the application would be considered by another department of the bank, the defendant left her office.

On September 22 this year, the defendant was arrested by ICAC officers. He was found in possession of the bag containing a bottle of branded vaporisateur spray and a receipt which showed that the defendant purchased the branded vaporisateur spray at \$1,350 on July 11 this year, a day before his second meeting with the assistant manager, the court was told.

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

The prosecution was today represented by ICAC officer Jacky Lee.

## 公司董事就開立帳戶以香水行賄銀行職員判囚六個月

2016年9月27日

一名貿易公司董事以一瓶價值一千三百五十元的香水賄賂一名銀行職員，以協助他為其公司開立帳戶，被廉政公署起訴。被告今日(星期二)在九龍城裁判法院被判入獄六個月。

陳正喜，四十四歲，恩斯克控股(香港)有限公司(恩斯克香港)唯一董事兼股東，昨日(星期一)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。

主任裁判官羅德泉在判刑時表示，被告並非一時魯莽觸犯貪污罪行，而是有預謀犯案。

裁判官強調被告行賄金融機構職員，法庭絕不能輕判，否則香港作為金融中心的形象及其利益均會受損。

裁判官續稱，量刑起點為監禁九個月，法庭考慮被告認罪，故將他的刑期扣減三分之一至六個月。

案情透露，被告於案發時為恩斯克香港的唯一董事兼股東，該貿易公司在香港註冊。

被告於本年六月二十九日按預約前往在旺角的香港上海匯豐銀行有限公司(匯豐銀行)中小企中心，為恩斯克香港開立帳戶，並獲一名女性助理經理在銀行接待。

當該助理經理詢問被告有關恩斯克香港的業務詳情及需要匯豐銀行提供的服務時，被告不能清楚回答。助理經理於是要求被告在兩周內提供進一步證明文件。

案情透露，被告於本年七月十二日在沒有預約的情況下再次到該中心。被告進入助理經理的辦公室，並進一步向她提供相關證明文件。

助理經理其後離開辦公室影印那些文件。她返回辦公室時發現其座位後的櫃上放了一個細小購物袋。

被告表示想跟助理經理交朋友，所以送她一瓶名牌香水噴霧。助理經理多番拒絕接受，被告收回該袋，並將它放入其公事包內。

被告離開助理經理的辦公室前，問可否不需要提供那麼多證明文件。助理經理回答指有關申請會由另一部門考慮，被告之後離開她的辦公室。

被告於本年九月二十二日被廉署人員拘捕。廉署人員從被告檢取了一個購物袋，內載有一瓶名牌香水噴霧及一張銷售發票。該發票顯示被告於本年七月十一日，即被告與助理經理第二次會面前一日，以一千三百五十元購買該瓶名牌香水噴霧。

匯豐銀行在廉署調查案件期間提供全面協助。

控方今日由廉署人員李健業代表出庭。

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