

Nine months' jail for bribery and fraud over employment of bar benders

23 November 2016

A then bar bender of an engineering company was today (November 23) sentenced to nine months' imprisonment at the Kwun Tong Magistracy for soliciting \$60,000 and accepting \$45,000 as bribes from another bar bender and defrauding three other bar benders of \$34,700 in relation to their employment at a construction site of the Housing Department (HD).

Tang Pang-fei, 25, a then bar bender and fixer of On Steel Engineering Limited (OSE), earlier pleaded guilty to five charges – one of agent soliciting an advantage and one of agent accepting an advantage, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance; and three of fraud, contrary to Section 16A(1) of the Theft Ordinance.

In sentencing, Deputy Magistrate Mr Yu Chun-pong said the court attached importance to bribery cases, no matter whether they involved public or private organisations.

The magistrate said in this case, the bar benders were greatly affected because they were exploited by bribery as they did not get the wages to which they were entitled. While society would not allow such acts, the defendant deserved an immediate custodial sentence instead of a fine.

The magistrate also ordered the defendant to pay \$45,000 as restitution to OSE.

The court heard that at the material time, the defendant was employed by OSE as a bar bender and fixer at a construction site of the HD in Sau Mau Ping. Due to shortage of manpower, the defendant was asked to recruit more bar benders and fixers to work at the construction site.

In April 2015, the defendant introduced a job to a bar bender at the daily wage of \$1,930, but asked the bar bender to refund to him \$600 out of the daily wage for 25 days a month for a period of four months, totalling \$60,000.

One month later, the bar bender was employed by OSE at a daily wage of \$1,930. Between June 5 and August 10, 2015, the defendant accepted a total of \$45,000 from the bar bender as rewards for maintaining his employment with OSE.

The court heard that between an unknown date in April and August 9, 2015, the defendant falsely represented to two other bar benders that they each had to pay \$200 per day out of their daily wage of \$1,720 to the "Boss" of OSE.

With intent to defraud, the defendant induced the duo to release total sums of \$9,800 and \$2,400 to him respectively.

Between an unknown date in April and August 7, 2015, the defendant also falsely represented to another bar bender that the latter had to pay \$300 per day out of his daily wage of \$1,930 to the "Big Brother" of a construction site of OSE.

With intent to defraud, the defendant induced that bar bender to release a total sum of \$22,500 to him, the court was told.

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

The prosecution was today represented by ICAC officer Alex Lau.

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前紮鐵工人就僱用工人貪污及詐騙 判囚九個月

2016年11月23日

一名工程公司前紮鐵工人向另一名紮鐵工人索取六萬元及收受四萬五千元賄款，並欺詐另外三名紮鐵工人三萬四千七百元，以介紹四人在房屋署建築地盤工作。被告今日(十一月二十三日)在觀塘裁判法院判監九個月。

鄧鵬飛，二十五歲，安鋼工程有限公司(安鋼)前鋼筋屈紮工人，早前承認共五項罪名，包括一項代理人索取利益及一項代理人接受利益，違反《防止賄賂條例》第9(1)(a)條，以及三項欺詐，違反《盜竊罪條例》第16A(1)條。

暫委裁判官余振邦在判刑時表示，法庭重視貪污個案，不論是涉及公營還是私營機構。

裁判官又指出，此案最受影響的是紮鐵工人，因貪污剝削有關人士，令他們不能得到應有工資。社會亦不容許犯法行為，因此必須判處被告監禁刑期而不是罰款。

裁判官又下令被告須向前僱主賠償四萬五千元。

案情透露，被告於案發時獲安鋼聘用為鋼筋屈紮工人，在房屋署秀茂坪的地盤工作。由於人手短缺，被告獲指示招聘多些鋼筋屈紮工人在該地盤工作。

被告於二〇一五年四月向一名紮鐵工人介紹工作，每日工資為一千九百三十元，但被告要求有關紮鐵工人須以為期四個月，每月二十五個工作天計算，每日退還六百元予他。被告因而索取賄款共六萬元。

該名紮鐵工人在一個月後獲安鋼聘用，日薪為一千九百三十元。被告於二〇一五年六月五日至八月十日期間，從該名紮鐵工人收受賄款共四萬五千元，作為維持其在安鋼受僱為鋼筋屈紮工人的報酬。

案情透露，被告於二〇一五年四月某日至八月九日期間，虛假地向另外兩名紮鐵工人表示，他們各需要從其每日工資一千七百二十元中抽取二百元支付安鋼的「老闆」。被告意圖詐騙而誘使兩人分別將九千八百元及二千四百元的款項給予他。

被告於二〇一五年四月某日至八月七日期間，又虛假地向另外一名紮鐵工人表示，他需要從其每日工資一千九百三十元中抽取三百元支付地盤的「大佬」。被告意圖詐騙而誘使有關紮鐵工人將二萬二千五百元的款項給予他。

安鋼在廉署調查案件期間提供全面協助。

控方今日由廉署人員劉彥農代表出庭。

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