

## Five ex-chefs and suppliers jailed for \$1.5m bribery and fraud

25 November 2016

Two former chefs of a Chinese restaurant and three food suppliers, charged by the ICAC, were today (November 25) sentenced to jail terms up to two years at the District Court for soliciting, accepting and offering illegal rebates up to about \$1.5 million in relation to placing of food orders, and conspiracy to defraud the restaurant of payments totalling over \$3 million.

Li Tat-man, 45, former sous chef of Hutong, a Chinese restaurant in Tsim Sha Tsui, under Aqua Restaurant Group (ARG), received a jail term of two years, while Ng Kam-wai, 57, former chef de cuisine of Hutong, was sentenced to 20 months' imprisonment. Lo Chi-kin, 63, operator of Choi Hop Lee (CHL), Yuen Chi-chin, 68, proprietor of Chi Kee Poultry (CKP), and Kwan Chik-hung, 61, proprietor of Hin Kee Ho (HKH), were each jailed for four months.

In sentencing, Deputy Judge Ms June Cheung Tin-ngan said Li and Ng were the masterminds of the bribery scams, while the roles of Lo, Yuen and Kwan were relatively minor.

The deputy judge also said the bribery acts of Li and Ng lasted a long period of time and constituted serious breaches of trust, undermining the interests of the Chinese restaurant and the probity of society. They deserved lengthy custodial sentences.

The defendants earlier pleaded guilty to a total of 27 charges – 13 of agent accepting an advantage, contrary to Section 9(1)(b) of the Prevention of Bribery Ordinance (POBO); nine of offering an advantage to an agent, contrary to Section 9(2)(b) of the POBO; two of agent soliciting an advantage, contrary to Section 9(1)(b) of the POBO; and three of conspiracy to defraud, contrary to Common Law.

The court heard that at the material time, Li and Ng were employed by ARG trading as Hutong as sous chef and chef de cuisine respectively.

Lo was operator of CHL, which supplied condiments to restaurants, including Hutong. Yuen was proprietor of CKP, a supplier of poultry, while Kwan was proprietor of HKH, a supplier of seafood.

On the supply of spices, Li and Lo agreed to submit inflated CHL invoices to Hutong, and not to deliver all the goods as stated on CHL invoices to it. A total of 253 CHL invoices showed that the inflated amount was over \$283,000. In return, Li accepted monthly payments totalling up to \$192,000 between June 2009 and October 2014.

As regards the supply of poultry, Li overstated the total catty of poultry delivered to Hutong, and accepted payments from Yuen through Ng.

Between January 2008 and June 2015, Li accepted monthly payments of \$356,000 in total from Yuen, while Ng accepted from Yuen monthly payments up to \$373,000 in total as well as \$15,800. Yuen, however, offered monthly rebates up to \$363,000 and \$15,800 to Ng, the court heard.

In addition, Li and Ng submitted inflated HKH invoices on seafood supply to Hutong, causing Hutong to be overcharged for up to \$23,000 each month.

The court heard that Li and Ng solicited from Kwan a commission of \$22,320 as a reward for placing orders of seafood with HKH.

Eventually, Li accepted a certain amount of money ranging from \$10,000 to \$12,000 from Kwan in May 2015. He further solicited \$4,800 from Kwan, but accepted \$2,800 from him in June 2015 for the same purpose.

Meanwhile, Ng accepted from Kwan \$11,000 in May 2015, and monthly tea money up to \$82,000

between January 2012 and June 2015.

In order to retain Hutong as a client, Kwan offered monthly rebates up to \$252,000 to Ng between January 2008 and December 2014.

On five occasions between January and June 2015, Kwan also offered rebates up to about \$22,500 to Ng and \$2,800 to Li respectively.

The court heard that between January 2010 and June 2015, Li and Ng accepted monthly payments up to \$325,000 and \$82,000 from the operator of Man Kee Fish Company (MKFC) respectively as rewards for placing orders of seafood with MKFC.

In addition, Li accepted rebates up to about \$10,000 from the proprietor of Man Yan Hin Store Shanghai (MYH) between January 2014 and June 2015 as rewards for placing orders of groceries with MYH.

Between January 2014 and April 2015, Li accepted from the operator of Contact Food Supplies Company (CFSC) monthly payments up to \$28,000 in total as rewards for placing orders of vegetable with CFSC, the court was told.

The prosecution was today represented by Senior Public Prosecutor Rosa Lo, and assisted by ICAC officer Ellen Tong.

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## 前廚師及供應商行賄受賄一百五十萬元及詐騙判囚最高兩年

2016年11月25日

兩名中餐廳前廚師及三名食物供應商在發出訂單時索取、收受及提供非法回佣高達約一百五十萬元，並串謀詐騙該餐廳付款逾三百萬元，被廉政公署起訴。五人今日(十一月二十五日)在區域法院判囚最高兩年。

李達文，四十五歲，Aqua Restaurant Group (ARG) 旗下尖沙咀中餐廳胡同前副廚，被判入獄兩年；而吳錦偉，五十七歲，胡同前主廚，則判監二十個月。盧志堅，六十三歲，財合利營運者，袁志前，六十八歲，志記鷄鴨(志記)東主，及關植鴻，六十一歲，鴻記生猛海鮮(鴻記)東主，各被判入獄四個月。

暫委法官張天雁判刑時表示，李達文及吳錦偉是貪污勾當的始作俑者，而盧志堅、袁志前及關植鴻則刑責相對較輕。

暫委法官又指，李達文及吳錦偉持續長時間的貪污行為嚴重違反誠信，損害該中餐廳的利益及社會廉潔風氣，須判處兩人較長刑期。

五名被告早前承認共二十七項罪名，即十三項代理人接受利益，違反《防止賄賂條例》第9(1)(b)條；九項向代理人提供利益，違反《防止賄賂條例》第9(2)(b)條；兩項代理人索取利益，違反《防止賄賂條例》第9(1)(b)條；以及三項串謀詐騙，違反普通法。

案情透露，李達文及吳錦偉於案發時分別受僱於 ARG 任職副廚及主廚，該公司以胡同之名營業。

盧志堅是財合利的營運者，該公司供應佐料給食肆，當中包括胡同。袁志前是家禽供應商志記的東主，而關植鴻則是海鮮供應商鴻記的東主。

在香料供應方面，李達文及盧志堅同意誇大財合利提交給胡同的發票，而財合利發票所述的貨品並非全數交付給胡同。涉案的二百五十三張財合利發票顯示，報大的貨款逾二十八萬三千元。李達文因而於二〇〇九年六月至二〇一四年十月期間接受每月款項共高達十九萬二千元。

在家禽供應方面，李達文多報交付給胡同的家禽總斤數，並透過吳錦偉從袁志前收取款項。

二〇〇八年一月至二〇一五年六月期間，李達文從袁志前接受共三十五萬六千元，而吳錦偉則從袁志前接受每月款項共高達三十七萬三千元，以及某次收取一萬五千八百元。不過，袁志前承認向吳錦偉提供每月回佣共高達三十六萬三千元，以及某次向吳錦偉提供一萬五千八百元。

另外，李達文及吳錦偉承認向胡同提交報大海鮮供應量的鴻記發票，致使胡同每月被多收達二萬三千元。

案情透露，李達文及吳錦偉向關植鴻索取一筆二萬二千三百二十元的佣金，作為向鴻記發出海鮮訂單的報酬。

李達文最終於二〇一五年五月從關植鴻接受一筆一萬元至一萬二千元金錢。他又以相同目的向關植鴻索取四千八百元，但最終於二〇一五年六月接受二千八百元。

此外，吳錦偉於二〇一五年五月從關植鴻接受一萬一千元，並於二〇一二年一月至二〇一五年六月期間接受每月茶錢共高達八萬二千元。

為了留住胡同這個顧客，關植鴻於二〇〇八年一月至二〇一四年十二月期間向吳錦偉提供每月回佣共高達二十五萬二千元。

二〇一五年一月至六月期間，關植鴻先後五次分別向吳錦偉及李達文提供高達二萬二千五百元及二千八百元的回佣。

案情透露，二〇一〇年一月至二〇一五年六月期間，李達文及吳錦偉分別接受文記鮮魚(文記)東主共高達三十二萬五千元及八萬二千元的每月款項，作為向文記發出海鮮訂單的報酬。

另外，李達文於二〇一四年一月至二〇一五年六月期間，從上海萬有興南貨士多(萬有興)東主接受高達一萬元回佣，作為向萬有興發出雜貨訂單的報酬。

案情透露，二〇一四年一月至二〇一五年四月期間，李達文從港泰食品供應公司(港泰)東主接受共高達二萬八千元的每月款項，作為向港泰發出蔬菜訂單的報酬。

控方今日由高級檢控官羅心怡代表出庭，並由廉署人員湯月華協助。

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