

Ten months' jail for offering illegal commissions to secure business

15 December 2016

A former marketing manager of a trading company, charged by the ICAC, was today (December 15) sentenced to 10 months' imprisonment at the Eastern Magistracy for having offered illegal commissions to five employees of three supermarkets and another trading company to secure business.

Lai Suet-man, 41, former marketing manager of Prime Developments Company Limited (Prime Developments), earlier pleaded guilty to five counts of offering an advantage to an agent, contrary to Section 9(2)(a) of the Prevention of Bribery Ordinance.

In sentencing, Acting Principal Magistrate Mr Joseph To Ho-shing said the defendant acted continuously to offer illegal commissions to secure business, thus warranting a custodial sentence.

The court heard that at the material time, the defendant was a marketing manager of Prime Developments, a trading company sourcing food products from Japan. She was responsible for liaising with local food retailers, including Great Food Hall, Kai Yu Asia Pacific Limited (Kai Yu), Yata Limited (Yata) and Food Garden Limited (Food Garden).

Great Food Hall is a supermarket run by PARKnSHOP (HK) Limited (PARKnSHOP). Yata and Food Garden operate supermarkets in Hong Kong, while Kai Yu is a food trading company.

In January 2015, the defendant approached a buying manager of PARKnSHOP to list Prime Developments' onion at its supermarkets in vain.

Between June 17 and August 20, 2015, the defendant sent an email and smartphone messages to the executive chef and an assistant department manager of Great Food Hall to offer to them a commission at a rate of 3-5% of the wholesale price of food products as agreed between Prime Developments and Great Food Hall.

On two occasions when the defendant met the executive chef of Great Food Hall, she reiterated and confirmed that a commission equivalent to 5% of the sales volume of Prime Developments' products would be given to him.

The court heard that on three occasions in June 2015, the defendant also sent smartphone messages to an operation manager of Kai Yu, stating that "You can take \$5/kg" for wagyu.

Between July 7 and August 6, 2015, the defendant offered a commission ranging from \$0.5 to \$2 for each kilogramme of onions and \$2 for each bag of carrots to a senior section manager of Yata by sending various smartphone messages to the manager.

In the messages, the defendant stated various calculations of commissions, including "Marketing Funds Rebate to your team: \$1,000", "Total 452pk x HK\$2/pk = \$904" and "Cash rebate HK\$400".

The defendant also offered a commission at a rate of \$2 per bag of Japan organic carrots to a sourcing manager of Food Garden by sending smartphone messages to the manager on August 5, 2015. In the messages, she stated that "Each case reverts HK\$40", the court was told.

PARKnSHOP, Kai Yu, Yata and Food Garden had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by ICAC officer Winnie Fung.

前經理提供非法佣金以取得生意判囚十個月

2016年12月15日

一名貿易公司前市場經理向來自三間超級市場及另一間貿易公司的五名僱員提供非法佣金以取得生意，早前被廉政公署起訴。被告今日(十二月十五日)在東區裁判法院被判入獄十個月。

黎雪雯，四十一歲，寶萊榮展有限公司(寶萊)前市場經理，早前承認五項向代理人提供利益罪名，違反《防止賄賂條例》第9(2)(a)條。

署任主任裁判官杜浩成在判刑時表示，被告持續提供非法佣金以取得生意，故此必須判處監禁。

案情透露，寶萊於案發時是一間專門從日本採購食品的貿易公司。被告是寶萊的市場經理，負責聯絡本地的食品零售商，包括Great Food Hall、凱裕亞太貿易有限公司(凱裕)、一田有限公司(一田)及Food Garden Limited (Food Garden)。

Great Food Hall是由百佳超級市場(香港)有限公司(百佳)經營的超級市場。一田及Food Garden在香港經營超級市場，而凱裕則是食品貿易公司。

被告於二〇一五年一月聯絡一名百佳採購經理，擬在百佳的超級市場售賣寶萊的洋蔥，但並不成功。

被告於二〇一五年六月十七日至八月二十日期間，向Great Food Hall的行政總廚及一名部門助理經理發了一封電郵及多個智能電話信息，向他們提供按寶萊與Great Food Hall的議定食品批發價3%至5%比率計算的佣金。

被告兩次與Great Food Hall的行政總廚會面時，重申及確認該行政總廚會得到相等於寶萊貨品銷售額5%的佣金。

案情透露，被告又於二〇一五年六月三次向凱裕一名營運經理發出智能電話信息，表示和牛「你每公斤可以取5元」。

被告於二〇一五年七月七日至八月六日期間，發出多個智能電話信息給一田一名高級經理，向他提供按每公斤洋蔥0.5元至2元不等及每袋胡蘿蔔2元的佣金。

被告在有關信息中表示多項佣金的計算方法，包括「你的團隊的市場推廣基金回扣：1,000元」、「總額452袋 x 每袋2港元 = 904元」及「現金回贈HK\$400」。

案情透露，被告又於二〇一五年八月五日向Food Garden一名採購經理發出多個智能電話信息，以提供按每袋日本有機胡蘿蔔2元比率計算的佣金。她於信息中表示「一箱回HK\$40」。

百佳、凱裕、一田及Food Garden在廉署調查案件期間提供全面協助。

控方今日由廉署人員馮兆慧代表出庭。

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