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Company director gets 10 weeks for bribing bank staff

2017-5-16

A director of a metal products manufacturing company, charged by the ICAC, was today (May 16) sentenced to 10 weeks' imprisonment at the West Kowloon Magistracy for offering a bribe of \$1,000 to an employee of a bank for assisting him in opening an account for his company.

Ru Kaishun, 51, sole director-cum-shareholder of Fengfa Metal Products Limited (Fengfa), was yesterday (May 15) found guilty of one count of offering an advantage to an agent, contrary to Section 9(2)(a) of the Prevention of Bribery Ordinance.

In sentencing, Deputy Magistrate Mr Jim Chun-ki said he reduced the starting point of 12 weeks in jail to 10 weeks after taking into account the mitigating factors.

The court heard that at the material time, Ru was the sole director-cum-shareholder of Fengfa, a metal products manufacturing company registered in Hong Kong.

On November 3, 2016, Ru visited the business centre of The Hongkong and Shanghai Banking Corporation Limited (HSBC) in Mong Kok to apply for opening a business account for Fengfa. An assistant manager of HSBC was assigned to handle his application.

During the process, Ru submitted insufficient documents to support his application and asked the assistant manager if the account could be opened without the required documents.

The court heard that after signing the account opening form, Ru passed it, together with a \$1,000 banknote, to the assistant manager saying that the money was for the assistant manager to "have tea" and "take good care" of the account.

The assistant manager declined the offer immediately and asked Ru to take back the money. Ru then did it accordingly.

The assistant manager subsequently reported the matter to the management of the bank, the court was told.

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

The prosecution was today represented by prosecuting counsel Sabrina See, assisted by ICAC officer

Samuel Siu.

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新聞公佈

公司董事就開立戶口行賄銀行職員判囚十個星期

2017年5月16日

一名五金製品生產公司董事，以一千元賄賂一名銀行職員以協助他為其公司開立戶口，被廉政公署起訴。被告今日(五月十六日)在西九龍裁判法院被判入獄十個星期。

茹開順，五十一歲，鳳發五金製品有限公司(鳳發)唯一董事兼股東，昨日(五月十五日)被裁定一項向代理人提供利益罪名成立，違反《防止賄賂條例》第9(2)(a)條。

暫委裁判官詹俊祺判刑時稱，量刑起點為監禁十二個星期，但考慮到被告的求情理由，故將他的刑期減至十個星期。

案情透露，茹於案發時為鳳發的唯一董事兼股東，該五金製品生產公司在香港註冊。

茹於二〇一六年十一月三日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，要求為鳳發開立商業綜合賬戶。匯豐銀行一名助理經理獲委派處理其申請。

茹在開戶期間未能就其申請提交足夠證明文件，並詢問該助理經理，在沒有所需文件的情況下是否可以開立銀行賬戶。

案情透露，茹簽妥一份開立賬戶申請表格，連同一張一千元紙幣將表格一併交給該助理經理，並說「請你喝茶，好好看著我的賬戶」。

該助理經理即時拒絕，並要求茹取回款項。茹遂收回該張紙幣。該助理經理其後向銀行管理層匯報有關事件。

匯豐銀行管理層在廉署調查案件期間提供全面協助。

控方今日由大律師是香媛代表出庭，並由廉署人員邵家能協助。

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