



Press Releases

Ex-fitness manager jailed for \$50,000 bogus personal training agreement

2017-11-20

A former fitness manager of a fitness training club, charged by the ICAC, was sentenced to five months' imprisonment at the Tuen Mun Magistracy today (November 20) for fraud in relation to a \$50,000 bogus personal training agreement involving two members and conspiracy to use the bogus agreement to defraud the fitness training club of a commission.

Siu Yun-kei, 34, former fitness manager of J.V. Fitness Limited (JVFL), was earlier found guilty of three charges – two of fraud, contrary to Section 16A of the Theft Ordinance, and one of conspiracy to use false instruments, contrary to Sections 73 and 159A of the Crimes Ordinance.

In sentencing, Deputy Magistrate Ms Frances Leung Nga-yan said the offences committed by Siu were serious in nature and constituted a breach of trust.

The case arose from a corruption complaint. Subsequent ICAC enquiries revealed the above offences.

The court heard that at the material time, JVFL operated fitness training clubs in the trade name of California Fitness.

Siu was a fitness manager of California Fitness posted to its Tuen Mun Branch, who was the supervisor of Pan Wai-fung, an assistant fitness manager. Their duties included selling personal training contracts and providing one-to-one personal training to members of California Fitness.

The court heard that Siu approached a female member of California Fitness after she finished her fitness training in its Tuen Mun Branch at around 10 pm on September 28, 2012.

After about 30 minutes of persuasion by Siu, the female member agreed to subscribe for a personal training contract in the sum of \$50,000 for her to attend 50 sessions with him, with the charge per session reduced from \$2,000 to around \$1,000. Siu asked Pan to handle the payment and contract with her.

In the early morning of September 29, 2012, Pan gave the female member a transaction slip of her credit card authorising the payment of \$50,000 to JVFL.

After the payment, the female member only attended one personal training session with Siu. Due to various excuses made by Siu, the female member could no longer book the remaining 49 sessions with him.

The court heard that the payment, however, was used to settle a personal training contract purportedly subscribed by a male member without the knowledge of the female member.

After validation of the personal training contract by JVFL, a sales commission of \$6,000 was paid to Pan.

The court heard that between September 28 and 29, 2012, Pan and Siu conspired together to use false instruments, namely the above personal training agreement in the name of the male member and a personal training orientation checklist for the agreement, with the intention of inducing JVFL to accept them as genuine.

Had JVFL known that the male member had not subscribed for the contract, JVFL would not have processed it and released any commission to Pan, the court was told.

Pan, 34, was also charged by the ICAC for his role in the case. He earlier pleaded guilty to two counts of fraud, and had his case adjourned until tomorrow (November 21) for mention.

The prosecution was today represented by prosecuting counsel Stephen Fong, assisted by ICAC officer Peter Shek.

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新聞公佈

前健身經理涉五萬元虛假私人教練協議書詐騙判囚五個月

2017年11月20日

一名健身中心前健身經理以虛假私人教練協議書進行詐騙，當中涉及兩名會員及五萬元，並以有關虛假協議書串謀詐騙該健身中心佣金，早前被廉政公署起訴。被告今日(十一月二十日)在屯門裁判法院被判入獄五個月。

蕭潤基，三十四歲，J.V. Fitness Limited (JVFL) 前健身經理，早前承認三項罪名，即兩項欺詐，違反《盜竊罪條例》第16A條，及一項串謀使用虛假文書，違反《刑事罪行條例》第73條及第159A條。

暫委裁判官梁雅忻判刑時表示，蕭干犯的罪行性質嚴重，並違反誠信。

廉署早前接獲貪污投訴，調查後揭發上述罪行。

案情透露，JVFL 於案發時以商業名稱 California Fitness 經營健身中心。

蕭為 California Fitness 屯門分店的健身經理，並是助理健身經理潘偉峰的上司。他們的職責包括銷售私人教練合約，以及提供一對一私人教練課程給 California Fitness 的會員。

案情透露，California Fitness 一名女會員於二〇一二年九月二十八日約晚上十時完成健身課室後，蕭接觸她。

經過蕭約三十分鐘的游說，該女會員同意簽訂一份總值五萬元、跟他上五十節課的私人教練合約，每節收費由二千元減至約一千元。蕭要求潘代為處理有關付款及合約事宜。

二〇一二年九月二十九日凌晨，潘將信用卡交易單據交予該女會員，以授權向 JVFL 支付五萬元。

付款後，該女會員只跟蕭上過一節私人教練課。由於蕭多次以不同藉口推搪，她最終也預約不到與他餘下的四十九節課。

案情透露，在該女會員不知情下，有關款項是用以支付以另一名男會員名義簽訂的私人教練合約。

JVFL 確認有關私人教練合約有效後，向潘支付六千元銷售佣金。

案情透露，潘及蕭於二〇一二年九月二十八日至二十九日期間串謀使用虛假文書，即上述以該男

會員名義簽訂的私人教練協議書，以及一份關於協議書的私人教練課程加入須知，意圖誘使 JVFL 接受有關文書為真文書。

案情指，假如 JVFL 知悉該男會員從未簽訂該合約，JVFL 不會處理該合約及發放任何佣金給潘。

潘，三十四歲，因涉案早前亦被廉署落案起訴。他早前承認兩項欺詐罪名，案件押後至明日（十一月二十一日）再提訊。

控方今日由大律師方漢權代表出庭，並由廉署人員石穎恆協助。

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