



Press Releases

Ex-bar bender gets 13 months for \$360,000 wages fraud and perversion

2018-3-21

A former bar bender of a construction company, charged by the ICAC, was today (March 21) sentenced to 13 months' imprisonment at the Shatin Magistracy for having defrauded the construction company and three then bar benders of wages totalling over \$360,000 and perverting public justice by requesting two of them to make false statements to the anti-graft agency.

Kwok Chi-shing, 27, a former bar bender of Siu Keung Kee Constructions and Iron Works Limited (Siu Keung Kee), earlier pleaded guilty to seven charges – five of fraud, contrary to Section 16A of the Theft Ordinance, and two of perverting the course of public justice, contrary to the Common Law. The prosecution offered no evidence in respect of four similar charges of fraud against him.

In sentencing, Magistrate Mr Lam Tsz-kan said the fraud offences committed by the defendant were serious in nature and constituted a breach of trust. To conceal his fraudulent acts, the defendant requested two bar benders to make false statements to the ICAC, thereby perverting public justice.

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

The court heard that at the material time, the defendant was employed by Siu Keung Kee to work as a "big worker" (a bar bender with at least three years' experience) for its associated companies – Yat Kee and Bun Kee.

Siu Keung Kee, the main contractor of the bar bending works at the construction sites of a public housing estate in Shatin and a private housing estate in Deep Water Bay, subcontracted the works to Yat Kee and Bun Kee.

Between August 1, 2014 and October 31, 2015, the defendant falsely represented that refund payments had to be made to senior staff of the construction sites, and induced three then bar benders to hand over to him a total of over \$184,000.

Between August 1, 2014 and September 30, 2015, the defendant dishonestly failed to disclose to Siu Keung Kee and Yat Kee or Bun Kee the true experience of two of the above three bar benders, and induced Siu Keung Kee and Yat Kee or Bun Kee to release extra wages of about \$176,000 in total to the pair.

The court also heard that on August 20 and 24, 2015, the defendant requested two of the above bar

benders to make false statements to investigating officers of the ICAC.

Siu Keung Kee, Yat Kee and Bun Kee had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by Senior Public Prosecutor Rosa Lo, assisted by ICAC officer Pius Chan.

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新聞公佈

前紮鐵工人詐騙三十六萬元工資及妨礙司法公正判囚十三個月

2018年3月21日

一名建築公司前紮鐵工人欺詐該公司及當時另外三名紮鐵工人工資共逾三十六萬元，並要求其中兩人向廉政公署作出虛假的供詞而妨礙司法公正，早前被廉署起訴。被告今日(三月二十一日)在沙田裁判法院被判入獄十三個月。

郭志城，二十七歲，蕭強記鋼鐵工程有限公司(蕭強記)前紮鐵工人，早前承認七項罪名，即五項欺詐，違反《盜竊罪條例》第16A條，及兩項妨礙司法公正，違反普通法。被告餘下四項相類欺詐罪名則獲控方不提證供起訴。

裁判官林子勤判刑時稱，被告干犯的欺詐罪行性質嚴重，而且違反誠信。被告又妨礙司法公正，要求兩名紮鐵工人向廉署作出虛假的供詞，以隱瞞其欺詐行為。

廉署早前接獲貪污投訴，調查其後揭發上述罪行。

案情透露，被告於案發時獲蕭強記聘用為「大工」(即具有最少三年經驗的紮鐵工人)，為蕭強記有關聯的公司日記和彬記工作。

蕭強記是沙田一個公共屋邨及深水灣一個私人屋苑的地盤的紮鐵工程主要承建商。蕭強記把工程分判予日記和彬記。

被告於二〇一四年八月一日至二〇一五年十月三十一日期間，訛稱必須向該等建築地盤的高級職員退還款項，並誘使當時三名紮鐵工人向他支付共逾十八萬四千元。

被告於二〇一四年八月一日至二〇一五年九月三十日期間，不誠實地沒有向蕭強記及日記或彬記披露上述三名紮鐵工人其中兩人真正的工作經驗，並誘使蕭強記及日記或彬記向兩人發放約十七萬六千元的額外工資。

案情又透露，被告於二〇一五年八月二十日及二十四日分別要求上述三名紮鐵工人其中兩人向廉署的調查人員作出虛假的供詞。

蕭強記、日記及彬記在廉署調查案件期間提供全面協助。

控方今日由高級檢控官羅心怡代表出庭，並由廉署人員陳俊陞協助。

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