

Four months' jail for bribery and criminal intimidation over computer sale at university

19 September 2016

A marketing manager of an events organiser, charged by the ICAC, was today (Monday) sentenced to four months' imprisonment at the Kowloon City Magistracy for conspiracy to offer a bribe of \$100,000 and a quantity of computer products to a then president of the Students' Union (SU) of the Hong Kong Polytechnic University (PolyU), and to criminally intimidate the president in relation to the sale of computers at PolyU.

Chak Hok-ming, 33, a marketing manager of Celebrity Limited (Celebrity), earlier pleaded guilty to three charges – two of conspiracy to offer an advantage to an agent, contrary to Section 9(2)(a) of the Prevention of Bribery Ordinance and Section 159A of the Crimes Ordinance; and one of conspiracy to commit criminal intimidation, contrary to Section 24(b)(ii) and Section 159A of the Crimes Ordinance.

In sentencing, Principal Magistrate Mr Peter Law Tak-chuen said probity is a core value of Hong Kong. Any act that undermined this core value was a very serious offence, thus warranting an immediate custodial sentence.

The principal magistrate added that he reduced the starting point of six months in jail to four months after taking into account various factors, including Chak's guilty plea and his remorse.

The court heard that each year, PolyU and its SU jointly organised a Notebook Ownership Programme (the Programme). Under the Programme, selected brands of computer products were offered to students, staff members and alumni of PolyU to purchase at discount prices through the respective computer brand distributor.

In mid-March 2015, the president of the SU of PolyU received a cold call from Wong Ka-ming, a then representative of Sunlite Computronics Limited (Sunlite), who introduced himself as a representative of Celebrity.

Chak and Wong claimed at a meeting held on March 27, 2015 with the SU president that they were engaged by Sunlite to secure business in the 2015 Programme. They asked the SU president to arrange for Sunlite to be the distributor in the event and promised to offer him a sum of \$100,000 in return.

The court heard that at a second meeting held on April 1, 2015 with the SU president, Chak elaborated that Sunlite was the distributor of two computer brands in Hong Kong.

At the meeting, Chak and Wong asked that the two brands be selected for the 2015 Programme, and reiterated to offer \$100,000 to the SU president as a reward. The duo also suggested sponsoring PolyU and/or its SU with computer products worth \$200,000 or \$200,000 cash.

The court heard that after the SU president declined the offers in a subsequent phone call, he met with Chak and Wong again on April 10, 2015.

Chak claimed that he was in possession of materials showing that persons previously holding the office of the SU had had under-the-table dealings with a competitor of Sunlite, and threatened to publish those materials if the two brands mentioned were not selected for the 2015 Programme.

Chak and Wong warned that as a result, the reputation of the SU would be undermined, the court was told.

Wong, 26, who was also charged by the ICAC for his role in the case, earlier pleaded guilty to two counts of conspiracy to offer an advantage to an agent and one of conspiracy to commit criminal

intimidation. He will be sentenced on October 18 this year.

PolyU had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Bernard Yuen, assisted by ICAC officer Monica Lo.

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市場經理就大學電腦銷售串謀行賄 及刑事恐嚇判囚四個月

2016年9月19日

一名活動策劃公司市場經理就香港理工大學(理大)的電腦銷售活動，串謀向理大學生會時任會長提供十萬元賄款及某數量的電腦產品，以及串謀刑事恐嚇該會長，早前被廉政公署拘控。被告今日(星期一)在九龍城裁判法院被判入獄四個月。

翟學明，三十三歲，Celebrity Limited (Celebrity) 市場經理，早前承認三項罪名，即兩項串謀向代理人提供利益，違反《防止賄賂條例》第9(2)(a)條及《刑事罪行條例》第159A條，及一項串謀刑事恐嚇，違反《刑事罪行條例》第24(b)(ii)條及第159A條。

主任裁判官羅德泉判刑時表示，廉潔是香港的核心價值，任何損害此核心價值的罪行都十分嚴重，須判處即時監禁。

主任裁判官續稱，量刑起點為監禁六個月，惟考慮多項因素，包括翟學明認罪及有悔意，遂將刑期減至四個月。

案情透露，理大及其學生會每年均會合辦手提電腦優惠計劃，讓學生、職員及校友透過個別品牌的分銷商，以折扣價購買特選品牌的電腦產品。

理大學生會時任會長於二〇一五年三月中接到新暉電腦有限公司(新暉)時任代表黃嘉銘的來電，惟黃嘉銘自我介紹為Celebrity的代表。

翟學明及黃嘉銘與該學生會會長於同年三月二十七日會面時，自稱他們獲新暉委託為二〇一五年手提電腦優惠計劃爭取生意，並要求學生會會長讓新暉成為該活動的分銷商及答應會提供一筆十萬元予他為報酬。

案情透露，翟學明於同年四月一日與學生會會長進行第二次會面時，解釋新暉是兩個電腦品牌的香港分銷商。

翟學明及黃嘉銘在會面時要求讓該兩個電腦品牌在二〇一五年手提電腦優惠計劃中獲選，並重申會提供十萬元予該學生會會長作為報酬。二人又提議贊助理大及/或其學生會價值二十萬元的電腦產品或一筆二十萬元的現金。

案情透露，該學生會會長其後在電話中拒絕相關提議，三人並於同年四月十日再會面。

翟學明於會面時聲稱持有材料顯示過往曾擔任學生會職位的人士曾與新暉的商業競爭對手進行枱底交易，又表示若上述兩個電腦品牌在二〇一五年手提電腦優惠計劃中落選，便會公開有關材料。

案情亦透露，翟學明及黃嘉銘又警告，若材料公開，學生會的聲譽會受損。

黃嘉銘，二十六歲，亦被廉署起訴。他早前承認兩項串謀向代理人提供利益罪名及一項串謀刑事恐嚇罪名，並將於本年十月十八日判刑。

理大在廉署調查案件期間提供全面協助。

控方今日由大律師袁國華代表出庭，並由廉署人員盧弦協助。

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