

Corruption and Corporate Crimes

貪污與企業罪行

Corruption seldom occurs in isolation. In the business sector, corruption is detrimental to good governance, and is invariably connected with or facilitates other corporate misconduct and crimes. The following cases successfully dealt with by the ICAC illustrate the typical nature of corporate corruption. Sometimes, a gatekeeper can become an accomplice.

貪污一般都會涉及其他罪行。對工商界而言，貪污不但毒害良好的企業管治，更會助長其他企業歪風或罪行。以下廉署偵破的案件，正好說明企業貪污的特性；而把關者有時也會監守自盜，成為從犯。

Case No. 1 – Stock Manipulation

An executive director of a publicly listed textile and clothing manufacturer was jailed for 3 years for bribing a fund manager to purchase the company's shares and a research analyst to publish a favorable research report on the company.



The fund manager and the analyst, together with a director of an investment company who also took part in the bribery scam, were each given 2 years in jail. The court also ordered forfeiture/restitution of HK\$5 million of bribe money. (Appeal proceedings pending)

In sentencing, the Judge said that this type of offences, which involved insider dealings, was difficult to detect and that deterrent sentences were imposed to maintain a level playing field in the financial market.

案件一：操控股價

一名上市織造廠執行董事，因行賄一名基金經理，使其購入該公司的股票；及行賄一名研究分析員，使其發表一份有利該公司的研究報告，被判入獄三年。該基金經理和分析員，與另一涉案的投資公司經理，則各被判監禁兩年。法庭並下令沒收／歸還港幣五百萬元的賄款。（此案正等候上訴）

法官在判刑時指出，此類罪行涉及內幕交易，偵查困難，故必須判處具阻嚇力的刑期，以維護金融市場的公平運作。

| | |
|---------------------|------------|
| 3,800,000 | |
| - 1200,000 | \$ 447,000 |
| - 700,000 | 518,000 |
| - 165,000 | 834,000 |
| <hr/> | |
| 835,000 (1.44-0.12) | = 540,000 |
| 835,000 (1.40-0.12) | = 570,000 |
| <hr/> | |
| 597,000 | |
| × 0.05 = 29,850 | |
| <hr/> | |
| 567,150 | |

1st payment 首次賄款
2nd payment 第二次賄款
3rd payment 第三次賄款

Final payment (Amount of cash seized from the suspects when effecting arrest)
最後一次賄款 (拘捕行動中從疑犯身上搜獲的現金總額)

Accounting record seized from the suspects showing payment of bribes
從疑犯身上撿獲載有賄款的紀錄

Case No. 2 – Property Development

A chief manager of a publicly listed property developer and a company director who acted as a middleman were jailed for 7 and 6 years respectively for soliciting and accepting over HK\$34 million in bribes from various construction contractors. The bribes were for the release of confidential tender information to the contractors and assisting them in securing projects from the developer. (Appeal proceedings pending)

In sentencing, the Judge said the case involved substantial bribes over a lengthy period, constituted a serious breach of trust and undermined the tendering system in the construction industry.

案件二：物業發展

一名上市地產公司首席經理及另一作為中間人的公司董事，因向多名承建商索取及收受超過港幣三千四百萬元的賄款，分別被判入獄七年和六年。案中被告向承建商索取賄款，然後向承建商透露機密的投標資料，協助他們取得該地產公司的工程合約。（此案正等候上訴）

法官在判刑時斥責被告長時期收受巨額賄款，嚴重違反誠信，並破壞建造業的投標制度。



Under table deal exposed
揭發檯底交易