

Nineteen jailed for defrauding FEHD over bidding of cooked food stalls**19.05.08**

Nineteen cooked food stall operators, charged by the ICAC, were today (Monday) jailed from six months to one year at the Fanling Magistracy for defrauding the Food and Environmental Hygiene Department (FEHD) in relation to the bidding of cooked food stalls at Tai Po Hui Market.

Two defendants, Hung Chau-ming, 47, and Cheung Chi-keung, 48, who had pleaded not guilty to one count of conspiracy to defraud, were each jailed for 12 months after trial.

Sixteen other co-defendants - Chan Wai-yip, 30, Fung Moon-kwai, 57, Wong Lit, 79, Sin Kam-sing, 64, Choi Kwai-sing, 58, Chan Chun-kim, 61, Lee Chi-ying, 57, Wong Chung-tit, 49, Li Yuk-fai, 54, Wong Tak-hing, 49, Cheung Mui-fong, 53, Fung Moon-kwong, 48, Tang Yiu-kwan, 51, Li Sai-hung, 52, Wong Oi-kwan, 45, and Chan Ping-chiu, 72, were each sentenced to nine months' imprisonment after trial.

Au Miu-ngor, 47, the only defendant who had pleaded guilty to the charge, was given a six-month jail term.

In passing sentence, Deputy Magistrate Mr Eric Cheung Kwan-ming reprimanded the defendants for their pre-meditated scam to defraud FEHD, causing the department to suffer an immeasurable loss.

The Magistrate said custodial sentences had to be meted out to serve as a deterrent.

The case arose from a corruption complaint. Subsequent ICAC enquiries revealed a conspiracy to deceive FEHD.

The court heard that in 2004, all cooked food stall tenants and their appointed assistants in Tai Po Temporary Market were required to move to the newly built Tai Po Hui Market (new market) in Heung Sze Wui Street, Tai Po.

These operators were given priority to bid for the stalls in the new market at a restricted auction held on July 21, 2004 by FEHD.

Between June and July 2004, the defendants pre-allotted among themselves the cooked food stalls at the new market prior to the auction, and agreed not to compete against one another in bidding for the stalls at the auction.

As a result, FEHD was deceived into believing that there was only one bid offered at the upset price for each of the cooked food stalls and renting the stalls at the upset prices to the defendants or their representatives, the court was told.

The prosecution was today represented by prosecuting counsel Terence Wai, assisted by ICAC officer Yvonne Chan.