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33 months' jail for bribing ex-KCRC freight manager

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A former officer of a railway service company, charged by the ICAC, was today (Thursday) sentenced to 33 months' imprisonment for offering RMB110,000 in bribes to a former freight manager of the then Kowloon-Canton Railway Corporation (KCRC) to facilitate the smuggling of raw materials for manufacturing cigarette filters to the Mainland.

Xu Sheng, 43, former officer-in-charge of the Import Division of Shenzhen Railway Service Sungang Declare Department (Sungang), was today found guilty of three charges of offering an advantage to a public servant, contrary to Section 4(1)(a) of the Prevention of Bribery Ordinance (POBO).

Xu was also convicted of five charges of conspiracy to export unmanifested cargo, contrary to Section 18(1)(b) of the Import and Export Ordinance and 159A of the Crimes Ordinance.

In sentencing, District Court Deputy Judge Anthony Kwok Kai-on said the offences were serious in nature and hence a custodial sentence had to be imposed on him.

The court heard that at the material times, Sungang was a subsidiary of China Railway Corporation. While employed by Sungang, the defendant was responsible for the clearance of goods imported to Shenzhen.

Leung John Timothy, alias Leung Chiu-ming, was employed by KCRC as freight operations manager. He was a public servant as KCRC, which merged with the MTR Corporation Limited in 2007, was a scheduled public body under the POBO.

The court heard that in about May or June 1999, the defendant introduced Zhou Zhaobin, then managing director of Quite Yam Development Limited (Quite Yam), to Leung.

The defendant then met Leung in Hong Kong and requested him to arrange tobacco leaves to be smuggled from Hong Kong to Shenzhen by declaring the train compartments as empty to avoid customs inspections.

The defendant agreed to offer a reward of RMB10,000 per compartment, but his request was turned down by Leung.

Leung subsequently acceded to the defendant's request. On July 28, 1999, Leung declared eight compartments of cargoes transported by Quite Yam from Hong Kong to Shenzhen as empty wagons, and requested his subordinates to make such a declaration to KCRC.

To reward Leung's assistance, the defendant paid RMB80,000 in cash to him in Shenzhen in early August 1999.

The court heard that one month later, the defendant paid another RMB30,000 in cash to Leung in Shenzhen for his assistance in arranging three other compartments of acetate tows, which were raw materials for manufacturing cigarette filters, to be transported to Shenzhen on the KCRC train.

As a result, about HK\$6.5 million worth of raw materials for manufacturing cigarette filters were smuggled from Hong Kong to the Mainland.

The defendant was arrested when entering Hong Kong in January this year, the court was told.

Leung and Zhou, who were also charged by the ICAC, were convicted after trials of their respective roles in the case. Leung received a jail term of four years in March 2000, while Zhou was jailed for three years in February 2002.

The prosecution was today represented by Senior Public Prosecutor Beney Wong, assisted by ICAC officer Phoebe Saesam.

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