

**IT'S A FRAUD !**

In the past week or so, the District Court of the Hongkong Special Administrative Region (HKSAR) of the People's Republic of China (PRC) has received a veritable avalanche of claims from former employees of Compass Technology Company Ltd ().

The claims all appear to relate to what could be termed a type of employment fraud.

Compass Technology Company Ltd appears to be controlled by an Independent Non-Executive Director of EPI (Holdings) Ltd ([]) (Code: 689, Main Board, The Stock Exchange of Hongkong Ltd).

He is Mr Edmond Poon Kwok Shin ().

There is no suggestion on **TARGET**'s part, however, that EPI (Holdings) Ltd is involved in this scam.

**TARGET** () obtained a copy of a claim of one of the Plaintiffs in one of the District Court Actions and it appears to tell a rather disturbing story, or that may be the slant that some people might put on the claim, if it is accurate in all major respects.

In Action Number 3498, Ms Virginia Pido Tempra, the Plaintiff, has sued Compass Technology Company Ltd for Damages, Exemplary Damages and Further or Other Relief.

The Statement of Claim, attached to Writ of Summons, Number 3498, alleged that the Plaintiff is a qualified electronic engineer and a citizen of the Philippines.

In or about January 2004, Compass Technology Company Ltd '*applied to the Hong Kong Immigration Department to operate a scheme to import upto (sic) 40 qualified electronic engineers from the Philippines. The approval was granted.*'

Paragraph 4 of the Statement of Claim alleges that a Mr William Toledo, the purported Production Manager of Compass Technology Company Ltd, '*interviewed the Plaintiff and induced her to sign a contract to work as an electronics engineer with the Defendant in Hong Kong at a monthly salary of HK\$21,000 ...*'.

Compass Technology Company Ltd arranged for Ms Virginia Pido Tempra to obtain an Employment Visa in the HKSAR and she was, subsequently, brought to the territory from her home in the Philippines.

Work for the Plaintiff commenced in the HKSAR on September 6, 2004, it is alleged.

Then, from Paragraph 7 through to Paragraph 13, it is alleged:

- '7. *On or about the 16th September 2004 the Defendant supplied a copy of a contract to the Plaintiff in identical terms as that signed earlier save that the wage was now stated to be HK\$10,000 per month. The Plaintiff had little choice but to accept this contract, having no other employment, a family to support at home, and being dependent up on the Defendant for her livelihood and accommodation in Hong Kong. The wage offered, although only about half the approved rate, was still higher than the Plaintiff could earn in the Philippines.*

- '8. *The Plaintiff worked for the Defendant at that wage until 6th September 2007.*
- '9. *The said William Toledo was prosecuted and convicted in Case no. STCC 7239 of 2007 at Shatin Magistrates Court of conspiring in the employment of the Plaintiff at a wage less than that approved by the Immigration Department in granting the visa for his employment.*
- '10. *The Defendant was a co-conspirator with the said William Toledo, although not prosecuted. The Defendant profited from the conspiracy by employing the Plaintiff at a wage lower than that on which the employment visa had been granted.*
- '11. *The Plaintiff has suffered loss and damages from the conspiracy between the Defendant and the said William Toledo.*

#### **PARTICULARS OF LOSS AND DAMAGES**

- '12. *Damages in the difference in the amount of wages in the contract on which the employment visa was obtained by the Defendant and the amount actually paid to her:*
- |   |                    |
|---|--------------------|
| <i>Contract salary per month .....</i>            | <i>HK\$21,000</i>  |
| <i>Actual salary per month .....</i>              | <i>HK\$10,000</i>  |
| <i>Difference per month .....</i>                 | <i>HK\$11,000</i>  |
| <i>for 36 months: total (\$11,000 x 36) .....</i> | <i>HK\$396,000</i> |
- '13. *The Defendant engaged in the conspiracy to bring not less that 21 other electronic engineers from the Philippines, details of which will be supplied on discovery. Nine of them, together with the Plaintiff, gave evidence of the conspiracy in the proceedings against William Toledo referred to in Paragraph 9 above. This was a systematic conspiracy to flout the terms on which a substantial work force was recruited, giving the Defendant a benefit in total of not less that HK\$2,928,000. The Plaintiff therefore claims exemplary damages.'*

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