



Press Releases

Twelve months' jail for \$3.9m works orders fraud

2017-10-18

A former quantity surveyor of a term contractor of the Architectural Services Department (ArchSD), charged by the ICAC, was today (October 18) sentenced to 12 months' imprisonment at the Kowloon City Magistracy for conspiracy to defraud the ArchSD of about \$3.9 million worth of works orders in relation to two projects – Kai Tak Development Area and New Central Harbourfront.

Chan Kwok-wing, 48, former quantity surveyor of Able Engineering Company Limited (AECL), earlier pleaded guilty to two charges of conspiracy to defraud, contrary to common law.

In sentencing, Magistrate Ms Veronica Heung Shuk-han said she reduced the starting point of 18 months in jail by one-third to 12 months after taking into account the defendant's guilty plea.

The case arose from a corruption complaint. Subsequent ICAC enquiries revealed the above offences.

The court heard that at the material time, the defendant was employed by AECL, a term contractor of the ArchSD, as a quantity surveyor responsible for handling the term contract and dealing with the ArchSD. AECL subcontracted its works orders to an engineering company.

In December 2012, the ArchSD issued a works order to AECL to build a temporary toilet and four roadside seats in Kai Tak Development Area at Shing Fung Road, Kowloon City. The works order included building four pavilions and a hardwood chair.

Between June 2013 and August 2014, the defendant conspired with the operator of the engineering company to falsely represent that a sum of \$1,600,000 was the genuine quotation price chargeable by the engineering company for the supply and installation of the four pavilions; and the quotation of the engineering company and that of two other engineering firms were genuinely competitive ones prepared separately and independently.

They also falsely represented that \$98,000 was the genuine quotation price chargeable by the engineering company for the supply and installation of the hardwood chair; and the quotation of the engineering company and that of two other engineering firms were genuinely competitive ones prepared separately and independently.

As a result, officers of the ArchSD were caused and induced to approve the bogus quotations of the engineering company relating to the supply and installation of those pavilions and hardwood chair at a total sum of \$1,698,000.

In fact, the engineering company only charged AECL \$1,200,000 and \$72,000 for building the pavilions and the hardwood chair respectively. The quotations of the engineering company were inflated by \$426,000 and the ArchSD would also be overcharged \$63,900 in administration fee.

The court also heard that in January 2013, the ArchSD issued two other works orders to AECL to build a pet garden and a public open space at New Central Harbourfront in Central. AECL was required to build four pavilions for each works order.

Between May 2013 and August 2014, the defendant conspired with the operator of the engineering company to falsely represent that a sum of \$2,192,000 was the genuine quotation price chargeable by the engineering company for the supply and installation of the eight pavilions; and the quotation of the engineering company and that of two other engineering firms were genuinely competitive ones prepared separately and independently.

As a result, officers of the ArchSD were caused and induced to approve the bogus quotation of the engineering company at the sum of \$2,192,000.

In fact, the engineering company only charged AECL \$1,040,000 for building those pavilions. The quotation of the engineering company was inflated by \$1,152,000, and the ArchSD would also be overcharged \$172,800 in administration fee.

The ArchSD had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by Acting Senior Public Prosecutor Kasmine Hui, assisted by ICAC officer Benjamin Ho.

[Back to Index](#)



新聞公佈

建築署承辦商前職員詐騙涉款三百九十萬元工程判囚十二個月

2017年10月18日

一名建築署定期合約承辦商前工料測量員，就啟德發展區及中環新海濱兩個項目，串謀詐騙建築署總值共約三百九十萬元的施工工程，被廉政公署起訴。被告今日(十月十八日)在九龍城裁判法院被判入獄十二個月。

陳國榮，四十八歲，安保工程有限公司(安保)前工料測量員，早前承認兩項串謀詐騙罪名，違反普通法。

裁判官香淑嫻判刑時稱，量刑起點為監禁十八個月，但考慮到被告認罪，故此將刑期扣減三分之一至十二個月。

廉署早前接獲貪污投訴，調查其後揭發上述罪行。

案情透露，被告於案發時受僱於安保任職工料測量員。安保是建築署定期合約承辦商，並將施工工程分判予一間工程公司，而被告則負責處理該定期合約及與建築署聯絡。

建築署於二〇一二年十二月向安保發出一項施工通知，通知它在九龍城承豐道啟德發展區建造一個臨時廁所及四張路旁座椅。該通知包括興建四個涼亭及一張實木座椅。

被告於二〇一三年六月至二〇一四年八月期間，串同該工程公司的經營者虛假地表示一筆一百六十萬元的款項為該工程公司供應及安裝該四個涼亭應收取的真實報價；以及該工程公司的報價和另外兩間工程公司的報價為分別及獨立擬備而真實具競爭性的報價。

他們又虛假地表示九萬八千元為該工程公司供應及安裝該張實木座椅應收取的真實報價；以及該工程公司的報價和另外兩間工程公司的報價為分別及獨立擬備而真實具競爭性的報價。

建築署的職員因而被促使及誘使批核該工程公司供應及安裝有關涼亭和實木座椅的虛假報價，涉款共一百六十九萬八千元。

其實該工程公司只就承造有關涼亭及實木座椅分別收取安保一百二十萬元及七萬二千元。該工程公司的報價誇大了四十二萬六千元，而建築署則被多收六萬三千九百元行政費用。

案情又透露，建築署於二〇一三年一月向安保發出另外兩項施工通知，通知它在中環新海濱興建一個寵物花園及一幅公眾休憩用地。安保就每項施工通知需要建造四個涼亭。

被告於二〇一三年五月至二〇一四年八月期間，串同該工程公司的經營者虛假地表示一筆二百一十

九萬二千元的款項為該工程公司供應及安裝該八個涼亭應收取的真實報價；以及該工程公司的報價和另外兩間工程公司的報價為分別及獨立擬備而真實具競爭性的報價。

建築署的職員因而被促使及誘使批核該工程公司的虛假報價，涉款共二百一十九萬二千元。

其實該工程公司只就承造有關涼亭收取安保一百零四萬元。該工程公司的報價誇大了一百一十五萬二千元，而建築署則被多收十七萬二千八百元行政費用。

建築署在廉署調查案件期間提供全面協助。

控方今日由署理高級檢控官許熙晴代表出庭，並由廉署人員何家偉協助。

[返回目錄](#)