



Press Releases

Technical Manager of HKU gets 12 months for MIPO and fraud

2018-4-27

A Technical Manager of the University of Hong Kong (HKU), charged by the ICAC, was sentenced to 12 months' imprisonment at the District Court today (April 27) for misconduct in public office (MIPO) and conspiracy to defraud the university by securing over \$841,000 worth of purchase orders and renovation works for a supplier without disclosing his financial interest in it.

Yuen Da-baan, 58, was earlier found guilty of five charges – four of MIPO and one of conspiracy to defraud, all contrary to Common Law.

In sentencing, Judge Mr Clement Lee Hing-nin reprimanded the defendant for intentionally concealing or failing to declare the conflict of interest involved in procurement exercises, and showing no remorse.

The judge also said the defendant's offences constituted a breach of trust and undermined public confidence in the procurement system of HKU. Hence, he had to mete out a custodial sentence to the defendant so as to serve a deterrent effect.

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 the Technical Manager of the Faculty of Dentistry (FD) of HKU and the head technical staff of the Centralized Research Laboratories (CRL) under FD. He was responsible for handling procurement exercises for research materials, laboratory equipment and renovation works of CRL.

In January 2013, the defendant's younger sister set up MT Scientific Company (MTSC) to provide chemicals, laboratory apparatus and renovation services to various organisations, including FD of HKU. The defendant was responsible for the operation of MTSC as he was its "consultant".

The court heard that between March 1, 2013 and June 16, 2016, the defendant arranged for MTSC to provide CRL with laboratory items in 33 direct purchases totalling over \$119,000, but he did not disclose to HKU either his or his sister's connection with MTSC.

On January 2, 2015, HKU issued a purchase order to a laboratory equipment company for supplying an ion analyser. The company was required to renovate a laboratory of CRL before its installation.

Knowing that the company was incapable of carrying out the renovation work, the defendant arranged for MTSC to take it up at \$600,000. The defendant again failed to disclose to HKU that he and his sister owned or had a financial interest in MTSC.

The court also heard that in March 2015, FD of HKU sought quotations for replacement of a biosafety cabinet and renovation of another laboratory before its installation.

When negotiating with a medical equipment company, one of the potential bidders, the defendant arranged for that company to subcontract the renovation work to MTSC and requested its sales executive not to list it out on its quotation.

Believing that the defendant had no conflict of interest in the procurement exercise, HKU approved it. After receiving the payment from HKU, the company paid \$51,000 to MTSC for its renovation service.

The court heard that in two other quotation exercises for the purchase of two shaker incubators for CRL, the defendant included quotations of MTSC, respectively dated August 26 and 27, 2015, for comparison of prices with other bidders.

The defendant stated on the procurement forms of HKU that he had nothing to declare concerning conflicts of interest, and recommended to HKU that the bid of MTSC should be accepted as it offered the lowest quote.

As a result, HKU awarded two purchase orders for over \$41,000 and \$30,000 respectively to MTSC, and subsequently made payments to the company, the court was told.

HKU had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Wong Hay-yiu, assisted by ICAC officer Alpha Chu.

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新聞公佈

港大技術經理公職人員行為失當及詐騙判囚十二個月

2018年4月27日

一名香港大學(港大)技術經理沒有披露他在一間供應商中有財務利益，致使該供應商取得逾八十四萬一千元的採購訂單及裝修工程，早前被廉政公署控以公職人員行為失當及串謀詐騙罪名。被告今日(四月二十七日)在區域法院被判入獄十二個月。

袁大鵬，五十八歲，早前被裁定五項罪名成立，即四項公職人員行為失當及一項串謀詐騙，同違反普通法。

法官李慶年判刑時斥責被告刻意隱瞞或沒有披露採購工作所涉及的利益衝突，並且毫無悔意。

法官又表示，被告所犯的罪行違反誠信，破壞公眾對港大採購制度的信心，因此他須判處被告入獄以示阻嚇。

廉署早前接獲貪污投訴，調查後揭發上述罪行。

案情透露，被告於案發時為港大牙醫學院技術經理，並在牙醫學院轄下的中央實驗室擔任技術人員主管，負責處理有關中央實驗室的研究物料、實驗室儀器及裝修工程的採購工作。

被告的妹妹於二〇一三年一月成立MT Scientific Company (MTSC)，為多間機構包括港大牙醫學院提供化學物品、實驗室儀器及裝修服務。被告為MTSC的「顧問」，負責處理該公司的運作。

被告於二〇一三年三月一日至二〇一六年六月十六日期間，安排MTSC在三十三個直接採購項目中為中央實驗室供應實驗室物品，總額逾十一萬九千元，但他沒有向港大透露自己或其妹與MTSC的關係。

港大於二〇一五年一月二日就供應一部離子分析儀向一間實驗室設備公司發出一張購貨訂單。該公司須在安裝該儀器前裝修中央實驗室的實驗室。

被告知道該公司沒有能力進行該裝修工程，便安排MTSC以六十萬元承接有關工程。被告亦沒有向港大透露自己及其妹擁有MTSC或在MTSC中有財務利益。

案情又透露，港大牙醫學院於二〇一五年三月就更換一個生物安全櫃及裝修另一個實驗室索取報價。

被告與其中一間有意投標的醫學設備公司進行商討時，要求該公司將裝修工程分判予MTSC，並

要求其營業代表不要在報價單上列出有關工程。

港大相信被告在該採購中沒有涉及利益衝突，因而批准有關項目。該公司收到港大付款後，就裝修服務向MTSC支付五萬一千元。

案情透露，就另外兩項中央實驗室購買兩個振盪式培養箱的報價中，被告將MTSC日期分別為二〇一五年八月二十六日及二十七日的報價與其他投標者的價格進行比較。

被告在港大相關採購表格上表示，他就利益衝突沒有任何事項申報，並向港大建議接納MTSC的投標，因為其索價最低。

案情透露，港大因而向MTSC批出兩張購貨訂單，金額分別為逾四萬一千元及逾三萬元，其後並向MTSC付款。

港大在廉署調查案件期間提供全面協助。

控方今日由大律師王熙曜代表出庭，並由廉署人員朱啟明協助。

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