



Press Releases

ICAC concludes probe into graft complaints over flats-swap deal and related matters

2018-8-31

The ICAC has concluded an investigation into corruption complaints in relation to a flats-swap deal and related matters.

Based on the findings of the investigation, the ICAC sought legal advice from the Department of Justice. Pursuant to the legal advice, the ICAC has charged two persons today (August 31) with bribery and misconduct in public office (MIPO) in connection with the case.

Wilson Fung Wing-yip, 55, former Deputy Secretary for Economic Development and Labour, faces two charges – one of public servant accepting an advantage, contrary to Section 4(2)(a) of the Prevention of Bribery Ordinance (POBO), and one of MIPO, contrary to Common Law.

Chan Ung-iok, 62, then director-cum-shareholder of Helicopters Hong Kong Limited, Hong Kong Express Airways Limited and/or Heli Express Limited (the three companies), faces a charge of offering an advantage to a public servant, contrary to Section 4(1)(a) of the POBO.

The defendants will appear in the Eastern Magistracy next Tuesday (September 4) for transfer to the District Court for plea.

At the material time, Fung, being Deputy Secretary for Economic Development and Labour and head of the Aviation Division of the Economic Development and Labour Bureau, was responsible for, inter alia, air service negotiations, designation of carriers and allocation of air traffic rights.

One of the charges alleges that on or about September 28, 2004, Fung, without lawful authority or reasonable excuse, accepted from Chan a sum of HK\$510,000 as a reward for being or remaining favourably disposed to her and/or the three companies controlled by her or related to her.

Another charge alleges that on or about the same day, Chan offered the sum of HK\$510,000 to Fung for the same purpose.

The remaining charge alleges that between September 28, 2004 and July 9, 2006, Fung, in the course of or in relation to his public office, without reasonable excuse or justification, wilfully misconducted himself by:

(i) accepting the sum of HK\$510,000 from Chan on or about September 28, 2004, being the initial deposit

money for the purchase of a property in Robinson Road, Hong Kong by him;

(ii) concealing from or failing to declare or disclose to the Government his acceptance of the sum of HK\$510,000 from Chan on or about September 28, 2004;

(iii) failing to declare a conflict of interest in connection with his handling and processing of the various applications by the three companies controlled by or related to Chan; and

(iv) failing to abstain from the deliberation and decision making in respect of the various applications by the three companies controlled by or related to Chan.

According to the legal advice, there is insufficient evidence to prefer prosecution against other persons involved in the investigation.

The defendants have been released on ICAC bail, pending their court appearance next Tuesday.

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新聞公佈

廉署完成調查涉及互換物業交易和相關事宜貪污投訴

2018年8月31日

廉政公署已完成調查涉及一宗互換物業交易和相關事宜的貪污投訴。

廉署根據調查結果向律政司徵詢法律意見。根據有關法律意見，廉署今日(八月三十一日)落案起訴兩名人士，控告他們就該案涉嫌貪污及公職人員行為失當。

馮永業，五十五歲，前經濟發展及勞工局副秘書長，被控兩項罪名，即一項公職人員接受利益，違反《防止賄賂條例》第4(2)(a)條，及一項公職人員行為失當，違反普通法。

陳婉玉，六十二歲，港聯直升機有限公司、港聯航空有限公司及/或港聯直升機(香港)有限公司(三間公司)時任董事兼股東，被控一項向公職人員提供利益罪名，違反《防止賄賂條例》第4(1)(a)條。

兩名被告將於下星期二(九月四日)在東區裁判法院應訊，以待案件轉介區域法院答辯。

馮永業案發時是經濟發展及勞工局副秘書長及該局航空組主管，職責包括就航空運輸進行談判、指定航空公司經營航線，以及分配航權。

其中一項控罪指馮永業涉嫌於或大約於二〇〇四年九月二十八日，無合法權限或合理辯解而從陳婉玉接受五十一萬港元，作為傾向於或保持傾向於優待她及/或由她控制或與她有關連的三間公司的報酬。

另一項控罪指陳婉玉涉嫌於或大約於同一日以相同目的向馮永業提供五十一萬港元。

餘下一項控罪指馮永業涉嫌於二〇〇四年九月二十八日至二〇〇六年七月九日期間，於履行其公職過程中或在與公職有關的事務上，在無合理辯解或理由而故意作出不當行為，即：

- (i) 於或大約於二〇〇四年九月二十八日接受陳婉玉該筆五十一萬港元的款項，作為他購買香港羅便臣道一個物業的臨時訂金；
- (ii) 向政府隱瞞或沒有向政府申報或披露他於或大約於二〇〇四年九月二十八日接受陳婉玉該筆五十一萬港元的款項；
- (iii) 沒有就處理和審批由陳婉玉控制或與她有關連的三間公司所作出的各項申請申報利益衝突；及

(iv) 沒有迴避參與商議和決議涉及由陳婉玉控制或與她有關連的三間公司所作出的各項申請。

根據有關法律意見，並無足夠證據向其他受查人士提出檢控。

兩名被告已獲廉署准予保釋，以待下星期二應訊。

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