

Press Releases

Ex-official jailed for misconduct over air services companies' applications

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A then Deputy Secretary of a government bureau, charged by the ICAC, was today (September 12) sentenced to nine months' imprisonment at the District Court for misconduct in public office over applications, including that of air traffic rights, made by helicopter and fixed-wing aircraft services companies.

Wilson Fung Wing-yip, 56, then Deputy Secretary for Economic Development and Labour, was earlier found guilty of one count of misconduct in public office, contrary to Common Law.

In sentencing, Judge Douglas Yau Tak-hong said the prolonged misconduct acts of the defendant, which lasted two years, constituted a breach of civil service integrity, damaged the reputation of the civil service, and undermined the trust the public placed on the civil service regime.

The judge said he took a starting point of 12 months' imprisonment. Having considered the defendant's contribution to the society, his jail term was reduced by three months to nine months.

The court heard that the defendant was posted to the Economic

Development and Labour Bureau (EDLB) as Deputy Secretary between April 2003 and July 2006. He was also Head of the Aviation Division of the EDLB responsible for, inter alia, air service negotiations, designation of carriers and allocation of air traffic rights.

Helicopters Hong Kong Limited (Heli HK), which was set up in late 1990s for operation of commercial helicopter services between Hong Kong and Macao, was renamed Hong Kong Express Airways Limited (HK Express) in November 2004 to develop fixed-wing aircraft services. Its helicopter business was later taken over by Heli Express Limited (Heli Express) which was set up in September 2005.

During the defendant's tenure as Deputy Secretary of the EDLB, there were a number of official dealings between the EDLB and Heli HK, HK Express and/or Heli Express. The defendant and a then director-cum-shareholder of the three companies met each other during those official occasions.

The court heard that on September 24, 2004, Heli HK submitted an application for designation and allocation of air traffic rights for Guangzhou and Shenzhen routes to the EDLB.

Four days later, the defendant entered into a provisional agreement for sale and purchase to buy a property worth \$10.2 million in Mid-Levels, Hong Kong Island. The defendant was named as the property purchaser but the then director signed the provisional agreement for sale and purchase on the defendant's behalf.

The then director also paid the initial deposit of \$510,000 by way of a cheque to the vendor, the court heard.

Before the property transaction was completed, the defendant approved the application of HK Express on December 9, 2004.

The court heard that the defendant had wilfully misconducted himself by his acceptance of the \$510,000; concealing from, or failing to declare, or disclose to the government his dealings and negotiations with the then director in respect of the property; failing to declare a conflict of interest in connection with his handling and processing of the various applications made by Heli HK, HK Express and/or Heli Express controlled by or related to the then director; and failing to abstain from deliberation and decision making in respect of the various applications made by those three companies.

The Transport and Housing Bureau had rendered full assistance to the ICAC during its investigation into the case.

The prosecution was today represented by Acting Senior Public Prosecutor Janice Cheuk, assisted by ICAC officer Jalen Cheung.