

Ex-senior quantity surveyor jailed for soliciting and accepting illegal rebates

20 October 2014

A former senior quantity surveyor of a marble and granite engineering company, charged by the ICAC, was today (Monday) sentenced to three months' imprisonment at the Eastern Magistracy after admitting that he had solicited and accepted illegal rebates totalling over \$150,000 from contractors in relation to project payments.

Pang Chi-on, 51, former senior quantity surveyor of Pacific Marble & Granite (HK) Limited (PMG), pleaded guilty to one count of agent soliciting an advantage and two of agent accepting an advantage, contrary to Section 9(1) of the Prevention of Bribery Ordinance.

In sentencing, Deputy Magistrate Colin Wong Sze-cheung said the bribery offences committed by the defendant were of a serious nature, thus warranting a custodial sentence.

The deputy magistrate added that the starting point of six months in jail was reduced to three months after taking into account the defendant's guilty plea and other mitigation factors.

The court heard that at the material time, the defendant, while employed by PMG, was tasked to prepare payment certificates for recommending the amount of project payments to be released by PMG to contractors after inspecting and verifying the works done by them at various sites.

In around March 2012, PMG engaged a metal engineering company to install 525 sets of ironmongery of bathtub and toilet tank at the site of a residential estate in West Kowloon (the project).

On March 23, 2012, the defendant met the operator of the metal engineering company at a restaurant in Yaumatei. During the meeting, the defendant solicited from the operator rebates of \$100 and \$80 respectively for each set of ironmongery of bathtub and toilet tank installed for the project.

The defendant wrote down on a piece of paper the breakdown of the illegal rebates, totalling \$94,500, and gave it to the operator. But the operator had neither made any response to the solicitation nor paid any rebate to the defendant.

The court heard that between 2011 and 2012, PMG engaged a director of a marble engineering company to provide the project with marble installation services.

On an unknown day before August 24, 2012, the defendant called the director to ask for an unspecified amount of rebate after PMG had approved to make a project payment of \$1.5 million to him.

The director then invited the defendant to a dinner at a restaurant in Wan Chai. On board a taxi heading to the restaurant, the defendant received \$30,000 in cash from the director as a reward for verifying the project payment.

On September 28, 2012, the director received another project payment of \$3 million from PMG.

The defendant invited the director to a dinner at a restaurant in Yaumatei. During the journey to the restaurant on board a taxi, the defendant received another \$30,000 in cash from the director for the same purpose, the court was told.

The prosecution was today represented by Acting Senior Public Prosecutor Karen Yuen, assisted by ICAC officer Dickson Liang.

前高級工料測量師索取收受非法回佣被判囚

2014年10月20日

一名石材公司前高級工料測量師，就工程付款向承辦商索取及收受非法回佣共逾十五萬元，早前被廉政公署拘控。被告今日(星期一)在東區裁判法院承認控罪，被判入獄三個月。

彭志安，五十一歲，太平洋石材(香港)有限公司(太平洋石材)前高級工料測量師，承認三項罪名，即一項代理人索取利益及兩項代理人接受利益，違反《防止賄賂條例》第9(1)條。

暫委裁判官黃士翔在判刑時指出，被告所犯的貪污罪行性質嚴重，必須判處監禁。

他又表示，考慮到被告認罪及其他求情理由，因此將原來的六個月刑期減至三個月。

案情透露，被告於案發時受僱於太平洋石材，負責在檢查及核證承辦商在不同工地所施行的工程後，製備付款證明書，就太平洋石材向有關承辦商發放款項的金額作出建議。

太平洋石材約於二〇一二年三月聘任一間五金工程公司，為西九龍一個地盤的住宅屋苑項目(有關項目)安裝五百二十五套浴缸連座廁水箱的五金器具。

被告於二〇一二年三月二十三日，在油麻地一間酒樓與有關的五金工程公司經營者見面。會面中，被告就有關項目中安裝的每套浴缸及座廁水箱的五金器具，向該經營者分別索取一百元及八十元的回佣。

被告又在另一張紙上寫下合共九萬四千五百元非法回佣的詳情，並將該紙張交給經營者，但該經營者沒有就索款一事作出任何回應或向被告支付任何回佣。

案情又透露，太平洋石材於二〇一一年至二〇一二年期間，聘任一名雲石工程公司董事為有關項目提供安裝雲石服務。

被告於二〇一二年八月二十四日前某天，在太平洋石材就該項目批核一百五十萬元項目費用予該名董事後，致電他索取一筆沒有說明金額的回佣。

該董事其後邀請被告在灣仔一間酒樓一起晚飯。被告與該董事在乘的士前往酒樓時，收取三萬元現金作為核證項目費用的報酬。

該董事於二〇一二年九月二十八日，就有關項目收取太平洋石材另一筆三百萬元的項目費用。

案情指出，被告又邀約該董事在油麻地一間酒樓晚飯。在一起乘的士前往該酒樓時，他以相同目的收取該董事另一筆三萬元現金。

控方今日由署理高級檢控官阮兆妍代表出庭，並由廉署人員梁永源協助。

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