

## Five years' jail for \$9m shelters fraud

7 January 2015

A former subcontractor of the Leisure and Cultural Services Department (LCSD), charged by the ICAC, was today (Wednesday) sentenced to five years' imprisonment for using false invoices to deceive project payments totalling about \$9 million from the LCSD in relation to the supply and installation of shelters at public parks and gardens.

Sebastian Pang Kin-chi, 54, a shareholder-cum-director of Spark Fair Limited (SFL), was earlier found guilty at the District Court of 18 counts of using a false instrument, contrary to Section 73 of the Crimes Ordinance.

In sentencing, Judge Alex Lee Wan-tang remarked that the offences committed by the defendant were deliberate, premeditated and lasted a long period of time.

The judge also reprimanded the defendant for undermining Hong Kong's reputation in the international business circle.

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

The court heard that at the material time, SFL was subcontracted by two term contractors of the LCSD to supply and install shelters made by Japan-based Nakamura Manufacturing Corporation (NMC) at public parks and gardens managed by the LCSD.

As a shareholder-cum-director of SFL, the defendant was authorised by the term contractors to contact the Technical Unit (TU) of LCSD for carrying out works orders issued by TU.

Between October 2006 and February 2011, the LCSD issued a number of works orders, 60 of which were relating to the installation of 93 NMC shelters at various parks and gardens of the LCSD.

The court heard that the defendant attended monthly meetings with the two term contractors and the LCSD.

At those meetings, the defendant claimed that shelters manufactured by NMC were installed at those parks and gardens. In fact, 93 counterfeit products were used instead.

Although the defendant knew that counterfeit shelters were installed at those parks and gardens, SFL submitted 60 invoices to the LCSD on behalf of the two term contractors to seek payments for the works orders concerned.

As a result, the LCSD made payments totalling about \$9 million to the two terms contractors and/or SFL.

Should the LCSD know that the shelters installed by SFL were counterfeit products, the department would not effect those payments, the court was told.

The LCSD and NMC had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Liza Yip, assisted by ICAC officer Karmen Cheung.

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## 康文署前分判商就蔭棚工程欺詐九 百萬元判囚五年

2015年1月7日

一名康樂及文化事務署(康文署)前分判商，為公園及花園供應及安裝蔭棚期間，使用虛假發票欺詐康文署工程付款共約九百萬元，被廉政公署拘控。被告今日(星期三)在區域法院被判處入獄五年。

彭建枝，五十四歲，顯飛有限公司(顯飛)董事兼股東，早前被裁定十八項使用虛假文書罪名成立，違反《刑事罪行條例》第73條。

法官李運騰在判刑時表示，被告以處心積慮的計劃犯罪，而且犯案經年。法官又斥責被告損壞香港商人的國際聲譽。

廉署早前接獲貪污投訴，調查後揭發上述罪行。

案情透露，被告於案發時為顯飛的董事兼股東。顯飛獲康文署兩間合約承辦商分判有關工程，為康文署管理的公園及花園供應及安裝由日本公司中村製作所(中村)所生產的蔭棚。

被告以顯飛董事兼股東的身份，獲合約承辦商授權與康文署技術小組聯絡，以執行該組發出的施工令。

二〇〇六年十月至二〇一一年二月期間，康文署向顯飛發出多份施工令，其中六十份涉及為康文署轄下多個公園及花園安裝九十三個中村蔭棚。

案情透露，被告每月出席與康文署及該兩間合約承辦商舉行的會議。在該等會議上，被告聲稱有關工程使用了中村蔭棚，但事實上顯飛使用了九十三個冒牌中村蔭棚。

雖然被告明知在有關公園及花園安裝了冒牌蔭棚，顯飛仍向康文署發出六十份發票，代該兩間合約承辦商就有關施工令申領工程付款。

康文署因而向該兩間合約承辦商及/或顯飛發放共約九百萬元工程付款。若康文署知道顯飛安裝的中村蔭棚是冒牌產品，該署不會發放相關的工程付款。

康文署及中村在廉署調查案件期間提供全面協助。

控方今日由大律師葉瑞紅代表出庭，並由廉署人員張雅雯協助。

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