

Ex-IO chairman jailed for bribery

25 September 2015

A former chairman of the incorporated owners (IO) of a private residential building, who was charged by the ICAC, was today (Friday) sentenced to five weeks' imprisonment at the Kwun Tong Magistracy for soliciting and accepting bribes for the continued engagement of a cleansing contractor of the building.

Yeung Kong-ngai, 44, former chairman of the IO of Shung Wah Court (SWC), was also ordered by Deputy Magistrate Edward Wong Ching-yu to pay \$2,400 as restitution to the IO of SWC.

The defendant was earlier found guilty of four charges – two of agent soliciting an advantage and two of agent accepting an advantage, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance (POBO).

The court heard that at the material time, Yeung was the chairman of the IO of SWC, a private residential building in To Kwa Wan. Since July 2011, Ho Nam-sang had been retained by the IO to provide cleansing service to SWC.

Following the revision of the statutory minimum wage, the IO resolved to increase the monthly cleansing fee of Ho from \$3,400 to \$3,800 with effect from June 2013.

One month later, the IO also resolved to cease paying Yeung a monthly allowance of \$300 for discharging his duty as the IO chairman, the court heard.

Upon Yeung's invitation, Ho met him at a restaurant. During the meeting, Yeung told Ho that he would cease claiming the monthly allowance from the IO, and requested Ho to pay him \$400 each month as a substitute for the allowance.

In the belief that Yeung was soliciting money from him and had the authority to terminate his service, Ho acceded to the request. Ho then gave Yeung \$1,200 each on two occasions between August 2013 and March 2014.

The court heard that Yeung told Ho in April 2014 that he had sold his property in SWC and would soon resign from the IO. Yeung then solicited \$4,000 from Ho as a reward for permanently awarding the cleansing work of SWC to Ho.

Yeung assured Ho that he would return \$4,000 to Ho if the latter lost the cleansing work of SWC in future. Ho turned down Yeung's solicitation, the court was told.

Ho, 52, who was also charged by the ICAC, earlier pleaded guilty to one count of offering a bribe of \$1,200 to Yeung, contrary to Section 9(2)(b) of the POBO, while the prosecution offered no evidence to a similar charge against him. On September 14 this year, he was sentenced to two months' imprisonment, suspended for 18 months, at the Kowloon City Magistracy.

The IO of SWC had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Olivia Tsang, assisted by ICAC officer Kris Chan.

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前法團主席涉清潔服務貪污判囚

2015年9月25日

一名私人住宅大廈業主立案法團前主席，就繼續聘用該大廈的清潔承辦商索賄及收賄，早前被廉政公署拘控。被告今日(星期五)在觀塘裁判法院被判入獄五個星期。

楊江藝，四十四歲，崇華閣業主立案法團前主席，被暫委裁判官王證瑜命令須向該法團歸還二千四百元作為賠償。

被告早前被裁定四項罪名成立，即兩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)(a)條。

案情透露，被告於案發時為土瓜灣私人住宅大廈崇華閣業主立案法團主席。自二〇一一年七月起，賀南生獲該法團聘用為崇華閣提供清潔服務。

該法團於法定最低工資修訂後通過決議，把賀的清潔費由每月三千四百元增加至三千八百元，生效期為於二〇一三年六月。

該法團於一個月後亦通過決議，終止讓被告就其法團主席職務領取每月三百元津貼。

賀其後應楊的邀約在一間餐廳會面。會面期間，楊向賀表示他不會再向法團領取每月津貼，並要求賀每月向他支付四百元以代替該津貼。

賀相信楊是在向他索取金錢，而楊有權終止他的服務，賀遂同意其要求。賀於二〇一三年八月至二〇一四年三月期間先後兩次各支付一千二百元現金予楊。

案情透露，楊於二〇一四年四月向賀表示，他已出售其崇華閣的物業，不久便辭去法團的職務。楊當時向賀索取四千元，作為把崇華閣的清潔工作永久判給賀的報酬。

楊向賀保證，如果賀將來失去崇華閣的清潔工作，他會把四千元退還給賀。不過，賀拒絕了楊的要求。

賀，五十二歲，亦因案件而被廉署落案起訴，早前承認一項罪名，即向楊提供一千二百元賄款，違反《防止賄賂條例》第9(2)(b)條，而控方則對他另一項相類罪名不提證供起訴。他於本月十四日在九龍城裁判法院被判囚兩個月，緩刑十八個月。

崇華閣法團在廉署調查案件期間提供全面協助。

控方今日由大律師曾藹琪代表出庭，並由廉署人員陳志堅協助。

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