

Subcontractor jailed for \$600,000 bribe-for-lax supervision

28 December 2015

A subcontractor was today (Monday) sentenced to eight months' imprisonment at the Kowloon City Magistracy after admitting an ICAC charge of offering a \$600,000 bribe to a technical manager of the property management company at a private residential estate for lax supervision over renovation works conducted by the subcontractor.

Chong Ko-lan, 56, proprietor of Shing Hing Engineering Company (Shing Hing), today pleaded guilty to one count of offering an advantage to an agent, contrary to Section 9(2)(b) of the Prevention of Bribery Ordinance.

In sentencing, Deputy Magistrate Lam Tsz-kan said the defendant deserved a deterrent sentence as the case involved a huge bribe. Should the defendant succeed in bribing the technical manager, public safety would be jeopardised.

The deputy magistrate said he reduced the starting point of 12 months in jail to eight months after taking into account the defendant's guilty plea and other mitigating factors.

The court heard that at the material time, David S.K. Au & Associates Limited (DSK) and Warm Home Construction Company Limited (WHC) were respectively the consultant and the contractor of a \$56 million renovation project at Mei Foo Sun Chuen Stage VIII.

Between October and November 2013, the defendant was subcontracted by WHC to carry out plumbing and finishing works at \$16,600,000 of the project. He also acted as the site foreman of WHC.

In February 2014, WHC subcontracted the remaining works worth \$30 million of the project to Shing Hing, which was owned and operated by the defendant.

The court heard that a technical manager of Broadway-Nassau Investments Limited (BNI), the property management company of Mei Foo Sun Chuen, was tasked to supervise the whole renovation project.

Between August 31, 2013 and January 2, 2014, WHC submitted four applications for works payments totalling \$12.4 million. But DSK only issued certificates for payments for \$4 million as it found the actual works done by WHC were far less than its claims or not supported by relevant documents.

Upon the defendant's request, the technical manager of BNI had a meeting with him in the office of BNI on April 4, 2014. While the technical manager asked the defendant to improve the work quality, the defendant offered \$600,000 to the technical manager, who understood that it was a bribe offered to him for exercising lax supervision on the defendant's substandard work. The technical manager declined the offer.

The defendant was arrested by ICAC officers on September 17, 2014. When interviewed under caution, the defendant admitted that he had offered \$600,000 to the technical manager for that purpose, the court was told.

BNI and DSK had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Francis Lo, assisted by ICAC officer Joanne Li.

分判商行賄六十萬元以換取寬鬆工程監管判囚八個月

2015年12月28日

一名翻新工程分判商，向一名私人屋苑物業管理公司工程經理提供六十萬元賄款，以獲取對方就其在該屋苑進行的翻新工程予以寬鬆監管，被廉政公署起訴。被告今日(星期一)在九龍城裁判法院承認控罪，被判入獄八個月。

莊高靚，五十六歲，成興工程公司(成興)東主，今日承認一項向代理人提供利益罪名，違反《防止賄賂條例》第9(2)(b)條。

暫委裁判官林子勤在判刑時稱，案件涉及龐大賄款，若被告成功賄賂有關工程經理，將會影響公眾安全，故須判處被告阻嚇性刑罰。

暫委裁判官續稱，量刑起點為監禁十二個月，但考慮到被告認罪及其他求情理由，將刑期減至八個月。

案情透露，區兆堅建築及工程設計顧問有限公司(區兆堅顧問公司)及嘉群建築有限公司(嘉群)於案發時分別為美孚新邨第八期一項翻新工程的裝修顧問及承判商，工程費用達五千六百萬元。

被告於二〇一三年十月至十一月期間，獲嘉群分判其中價值一千六百六十萬元的喉管和修補工程。被告亦是嘉群的地盤管工。

嘉群於二〇一四年二月把該翻新項目的其餘工程以三千萬元分判予由被告所擁有和經營的成興。

案情透露，美孚新邨的物業管理公司滙秀企業有限公司(滙秀)的一名工程經理獲委派監督有關工程。

嘉群於二〇一三年八月三十一日至二〇一四年一月二日期間提交了共四次工程付款申請，涉款合共一千二百四十萬元。但區兆堅顧問公司發現嘉群的工程付款申請所提及的工程，有很多仍未完成或未能提供相關證明文件，故只批出四百萬元的付款證明。

該名滙秀工程經理於二〇一四年四月四日應被告要求在滙秀的寫字樓與其見面。當工程經理要求被告改善工程質量之際，被告給予工程經理六十萬元。工程經理明白有關款項是賄款，以令他在該工程上就被告不達標的工作予以寬鬆監管。工程經理拒絕收取賄款。

被告於二〇一四年九月十七日被廉署人員拘捕。他在警誡下承認曾因該目的向該工程經理提供六十萬元。

滙秀及區兆堅顧問公司在廉署調查案件期間提供全面協助。

控方今日由大律師盧慶祥代表出庭，並由廉署人員李嘉欣協助。

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