

## Waterworks Inspector of WSD charged with misconduct

18 August 2016

A Waterworks Inspector of the Water Supplies Department (WSD) has been charged by the ICAC today (Thursday) with misconduct in public office by dishonestly assisting two companies in securing 14 purchase orders worth over \$420,000 from the department.

Luk Ka-lun, 52, faces a charge of misconduct in public office, contrary to Common Law, and an alternative charge of fraud, contrary to Section 16A(1) the Theft Ordinance.

The defendant will appear in the Kowloon City Magistracy next Monday (August 22) for plea.

The case arose from a corruption complaint referred by the WSD. Subsequent ICAC enquiries revealed the above alleged offences.

At the material time, the defendant was an Assistant Waterworks Inspector of the WSD. He was responsible for handling the procurement of equipment and repair services.

According to the departmental instruction of the WSD, at least two quotations from suppliers were required for a procurement with a value not exceeding \$50,000, and the lowest offer should be accepted.

The charge alleges that between October 10, 2011 and December 6, 2012, the defendant, in the course of or in relation to his public office, without reasonable excuse or justification, wilfully and intentionally misconducted himself.

The defendant is alleged to have dishonestly provided the WSD with quotations from only two companies, which were and which he knew to be owned and controlled by a sole proprietor, in respect of its 14 procurement exercises; and falsely represented that the quotations submitted by the two companies were genuinely competitive quotations prepared separately and independently by each of the companies.

The defendant is also alleged to have concealed from and failed to disclose to the WSD that the two companies were both owned and controlled by the sole proprietor; and recommended in all the 14 procurement exercises to his senior officers that the lower offers by either of the companies be accepted.

The alternative charge alleges that during the same period, the defendant dishonestly took the above courses of action together with the sole proprietor, and with intent to defraud, induced staff members in the WSD to place 14 purchase orders with the two companies. The purchase orders were worth over \$420,000 in total.

The WSD has rendered full assistance to the ICAC during its investigation.

The defendant has been released on ICAC bail, pending his court appearance next Monday.

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## 廉署起訴水務署水務督察涉嫌行為失當

2016年8月18日

廉政公署今日(星期四)落案起訴一名水務署水務督察，控告他涉嫌公職人員行為失當，不誠實地協助兩間公司獲取該署十四項總值逾四十二萬元的採購訂單。

陸嘉麟，五十二歲，被控一項公職人員行為失當罪名，違反普通法，及一項欺詐的交替罪名，違反《盜竊罪條例》第16A(1)條。

被告將於下星期一(八月二十二日)在九龍城裁判法院答辯。

廉署早前接獲水務署轉介的貪污投訴，調查其後揭發上述涉嫌罪行。

被告於案發時是水務署助理水務督察，負責處理設備及維修服務採購事宜。

根據水務署部門訓令，若採購涉及金額少於五萬元，須至少向供應商索取兩個報價，並應接納最低報價。

控罪指被告涉嫌於二〇一一年十月十日至二〇一二年十二月六日期間，在執行公職的過程中或在與其公職有關的情況下，未有合理辯解或理據，故意及蓄意地作出失當行為。

被告涉嫌就水務署的採購工作，先後十四次不誠實地向該署提供僅來自兩間公司的報價，而他明知該兩間公司事實上是由一名獨資經營者所擁有及控制；以及虛假地表示該兩間公司提供的報價，乃分別由該兩間公司各自獨立製備，而且存在真正競爭。

被告亦涉嫌向水務署隱瞞及未有向該署披露，該兩間公司由有關獨資經營者所擁有及控制；以及在上述十四次採購工作中，均向其上級建議接納由該兩間公司中任何一方所提出的較低報價。

交替控罪指被告涉嫌於同一期間，與該獨資經營者一起進行上述行為，並意圖詐騙而誘使水務署的職員向該兩間公司發出十四張採購訂單。有關採購訂單總值逾四十二萬元。

水務署在廉署調查案件期間提供全面協助。

被告已獲廉署准予保釋，以待下星期一應訊。

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