

## **Ex-engineering firm proprietor gets 35 months for \$45m bribery over tender rigging exercises**

29 September 2016

A former proprietor of an engineering company, who was charged by the ICAC, was today (Thursday) sentenced to 35 months' imprisonment at the District Court for having conspired with others to offer about \$45 million in bribes to secure consultancy and renovation contracts of two residential estates in Shatin through tender rigging exercises.

Yau Shui-tin, 59, was also ordered to pay within 30 months restitutions of \$200,000 and \$50,000 to the incorporated owners (IO) of Ravana Garden and the IO of Garden Vista respectively.

In sentencing, Judge Josiah Lam Wai-kuen said the offences committed by the defendant were serious as he lined up meetings that procure tender riggings involving substantial amount of money.

The judge said although the defendant reported the matter to the ICAC for his own interest, the incident nevertheless heightened public awareness towards tender riggings in building renovation projects.

The judge added that he reduced the defendant's jail term to 35 months after taking into account his guilty plea and other mitigating factors.

The defendant earlier pleaded guilty to four counts of conspiracy to offer an advantage to an agent, contrary to Section 9(2)(a) of the Prevention of Bribery Ordinance and Section 159A of the Crimes Ordinance. Another similar charge against him was ordered to be left on court file.

The court heard that at the material time, the defendant was involved in building renovation works for various buildings as he was a proprietor of an engineering company.

In December 2010, the IO of Garden Vista, a residential estate in Shatin, resolved to implement a building renovation project.

A then property manager of the management company of Garden Vista requested the defendant to look for consultants and contractors for the renovation project.

The defendant asked a shareholder of an architectural firm to arrange a dinner meeting at a restaurant to discuss the matter.

Apart from the defendant, the shareholder of the architectural firm, a director of a renovation consultancy firm, a director of a construction company, the then property manager and the then director of the management company and an office bearer of the IO of Garden Vista were said to have attended the meeting.

The court heard that at the meeting, it was agreed that the then property manager, the then director of the management company and the office bearer of the IO of Garden Vista would be respectively given 1%, 6% and 10% of the project sum as rewards for assisting the consultancy firm and the construction company to be engaged in the project.

As a result, the consultancy contract was awarded at \$880,000 in March 2012, while the renovation contract was awarded at \$262 million in July 2013. Based on the value of the renovation contract, the bribes of 1%, 6% and 10% amounted to about \$2.6 million, \$15 million and \$26 million respectively.

The court also heard that in November 2004, the IO of Ravana Garden, another residential estate in Shatin, resolved to implement a building renovation project.

A member of the renovation sub-committee of the IO of Ravana Garden approached the defendant and asked him to identify for consultancy firms to bid for the project.

The defendant contacted a manager of a construction company, who then arranged for them to meet a director of another renovation consultancy firm to discuss tender matters at a dinner meeting in another restaurant.

At the meeting, it was agreed that the director of the consultancy firm would offer \$600,000 to the renovation sub-committee member for securing the project worth about \$30 million, with part of the works subcontracted to the renovation sub-committee member and the defendant, the court was told.

The prosecution was today represented by prosecuting counsel Wong Hay-yiu, assisted by ICAC officer Samson Lee.

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## 工程公司前東主涉四千五百萬元貪 污圍標案判囚三十五個月

2016年9月29日

一名工程公司前東主，串謀他人提供共約四千五百多萬元賄款，以圍標方式取得沙田兩個屋苑的顧問及翻新工程合約，早前被廉政公署拘控。被告今日(星期四)在區域法院被判入獄三十五個月。

丘瑞田，五十九歲，亦被命令須於三十個月，分別內向濱景花園業主立案法團(法團)及翠湖花園法團歸還二十萬元及五萬元。

法官林偉權判刑時表示，被告所干犯的罪行性質嚴重，他穿針引線促成了涉及巨額的圍標行為。

法官續稱，雖然被告為了私利向廉署舉報，但事件的確令公眾對圍標問題更警覺。法官考慮到被告認罪及多項求情理由，將刑期扣減至三十五個月。

被告較早前承認四項串謀向代理人提供利益罪名，違反《防止賄賂條例》第9(2)(a)條及《刑事罪行條例》第159A條。被告另一項相類控罪則紀錄在案。

案情透露，被告於案發時為一間工程公司的東主，並參與多幢樓宇的翻新工程。

沙田屋苑翠湖花園的法團於二〇一〇年十二月議決進行樓宇翻新工程。

翠湖花園的管理公司當時一名物業經理要求被告為翻新工程找尋顧問公司和承辦商。

被告要求一名建築師樓股東安排在一間酒樓進行晚宴會面，以商談該事。

除被告外，該名建築師樓股東、一名翻新顧問公司董事、一名建築公司董事、管理公司的物業經理及當時一名董事、以及一名翠湖花園法團成員據稱均出席該次會面，商談投標事宜。

案情透露，他們在會面上同意將翠湖花園工程的總工程費用的1%、6%及10%，分別給予管理公司的物業經理、董事以及該翠湖花園法團成員，作為協助有關顧問公司及建築公司參與該工程的報酬。

結果，有關顧問合約於二〇一二年三月以八十八萬元批出，而有關翻新工程合約則於二〇一三年七月以二億六千二百萬元批出。根據有關翻新工程合約總值的1%、6%及10%，相關賄款分別約為二百六十萬元、一千五百萬元及二千六百萬元。

案情又透露，沙田另一個屋苑濱景花園的法團於二〇〇四年十一月議決進行樓宇翻新工程。

濱景花園法團維修專責小組一名成員接觸被告，要求他找尋顧問公司以競投有關工程。

被告遂接觸一名建築公司經理，有關經理其後安排他們兩人與另一間翻新顧問公司一名董事在另一間酒樓安排晚餐會面，以商討投標事宜。

他們在該會面中同意該顧問公司董事向該名濱景花園法團維修專責小組成員提供六十萬元，以協助該顧問公司取得價值約三千萬的工程，而部份工程將分判予有關維修專責小組成員及被告。

控方今日由大律師王熙曜代表出庭，並由廉署人員李業雄協助。

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