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## Press Releases

### Waterworks Inspector of WSD gets six months for misconduct

2017-3-7

A Waterworks Inspector of the Water Supplies Department (WSD), charged by the ICAC, was today (March 7) sentenced to six months' imprisonment at the Kowloon City Magistracy for misconduct in public office (MIPO) by dishonestly assisting two companies in securing 14 purchase orders worth over \$420,000 from the department.

Luk Ka-lun, 52, earlier pleaded guilty to one count of MIPO, contrary to Common Law.

In sentencing, Magistrate Ms Amy Chan Wai-mun said the offence of MIPO committed by the defendant was serious in nature as he had intentionally helped two companies secure 14 purchase orders in a long period of 13 months.

The magistrate added that she reduced the starting point of nine months in jail to six months after taking into account the defendant's guilty plea and other mitigating factors.

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

The court heard that 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.

Peking Industrial & Trading Company (Peking) and Lee Wah Electrical Engineering Company (Lee Wah) were companies owned by a sole proprietor, who was acquainted with the defendant.

Peking was added to the supplier list of the Electrical Maintenance Sub-Division of the WSD in December 2008.

The court heard that in September 2011, the defendant submitted a Supplier Evaluation Report (SER) to his supervisors recommending that Lee Wah be included into the supplier list.

As the defendant did not disclose in the SER that Lee Wah was associated with Peking, and that the two companies were owned by the same sole proprietor, the recommendation was subsequently approved.

Between October 10, 2011 and December 6, 2012, the defendant sought quotations only from Peking and Lee Wah in the same procurement exercises on 14 occasions, and recommended to his supervisors that the offer of Peking or Lee Wah be accepted.

Believing that the quotations were genuinely competitive and came from two different unconnected companies, the supervisors approved the recommendations and awarded 14 purchase orders worth over \$420,000 in total to either Peking or Lee Wah.

The defendant was arrested on March 3, 2016. Under caution, the defendant admitted that he knew Peking and Lee Wah were owned and controlled by the sole proprietor when he was handling the 14 purchase orders, the court was told.

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

The prosecution was today represented by Acting Senior Public Prosecutor Janice Cheuk, assisted by ICAC officer Monica Lo.

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## 新聞公佈

### 水務署水務督察行為失當判囚六個月

2017年3月7日

一名水務署水務督察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，被廉政公署控以公職人員行為失當罪名。被告今日(三月七日)在九龍城裁判法院被判入獄六個月。

陸嘉麟，五十二歲，早前承認一項公職人員行為失當罪名，違反普通法。

裁判官陳慧敏判刑時稱，被告干犯的公職人員行為失當罪行性質嚴重，他故意為兩間公司獲得十四項採購訂單，歷時長達十三個月。

裁判官續稱，量刑起點為監禁九個月，但考慮到被告認罪及其他求情理由，將刑期減至六個月。

廉署早前接獲水務署轉介的貪污投訴，調查其後揭發上述罪行。

案情透露，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。

栢景五金工程公司(栢景)及利華工程公司(利華)均由一名獨資經營者所擁有，而有關經營者認識被告。

栢景於二〇〇八年十二月獲加入水務署電機保養分部的供應商名單。

案情透露，被告於二〇一一年九月向其上級呈交一份供應商評估報告，建議在該供應商名單中加入利華。

由於被告在該報告並無透露利華與栢景有關連，而且兩者均屬該名獨資經營者所擁有，有關建議其後獲批准。

被告於二〇一一年十月十日至二〇一二年十二月六日期間，在同一個採購工作中，先後十四次只向栢景及利華索取報價，然後向其上級建議接納栢景或利華的索價。

被告的上級相信栢景及利華的報價存在真正競爭，並來自兩間毫無關連的公司，於是批准有關建議，將十四張總值逾四十二萬元的採購訂單判授予栢景或利華。

案情透露，被告於二〇一六年三月三日被拘捕。被告在警誡下承認，在處理該十四張採購訂單時已

知道栢景及利華均由該名獨資經營者所擁有。

水務署在廉署調查案件期間提供全面協助。

控方今日由署理高級檢控官卓龍笙代表出庭，並由廉署人員盧弦協助。

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