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## Press Releases

### ASD officer gets five months for \$538,000 fraud over works order

2017-3-28

A Senior Technical Officer of the Architectural Services Department (ASD), charged by the ICAC, was today (March 28) sentenced to five months' imprisonment at the Kowloon City Magistracy for conspiracy to defraud by inducing the ASD to release a payment of over \$538,000 to an engineering company in relation to a works order in the Kai Tai Development Area.

Chan Kwong-keung, 53, was earlier found guilty of one count of conspiracy to defraud, contrary to common law.

In sentencing, Deputy Magistrate Mr Eric Yao Kwok-sun said a custodial sentence was imposed on the defendant as the offence constituted a breach of trust.

Upon an application from the defendant, the deputy magistrate granted him cash bail of \$50,000 pending his appeal. He was also ordered to surrender his travel documents and not to leave Hong Kong.

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

The court heard that at the material time, Able Engineering Company Limited (AECL), a term contractor of the ASD, was issued a works order to build a temporary toilet and four roadside seats in the Kai Tak Development Area at Shing Fung Road, Kowloon City.

The works order included building four pavilions and a hardwood chair at Road TD3, Kai Tak.

According to the ASD's General Specification for Building, all the timbers used in its construction projects must be certified by the Forest Stewardship Council (FSC), an accredited organisation in the United States.

The court heard that between December 20, 2012 and May 12, 2015, the defendant conspired with other persons and an employee of AECL to defraud officers of the ASD.

The defendant falsely represented that Exterpark Plus – Elondo hardwood with certificate issued by the FSC was supplied in the works order; and that the wood used in the works order was covered by a valid certificate issued by the FSC. Exterpark Plus – Ipe hardwood, which did not bear the FSC certificate, was used instead.

As a result, Chan caused and induced the officers of the ASD to approve the star rate item application, issue a certificate of completion for the works order, and release the final payment of over \$538,000 to AECL in the belief that Exterpark Plus – Elondo hardwood was used, the court was told.

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

The prosecution was represented by prosecuting counsel Steven Kwan and assisted by ICAC officer Benjamin Ho.

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## 新聞公佈

### 建築署高級技術員涉五十三萬八千元工程款項詐騙判囚五個月

2017年3月28日

一名建築署高級技術員在啟德發展區的施工工程中串謀詐騙，誘使建築署向一間工程公司發放款項逾五十三萬八千元，被廉政公署起訴。被告今日(三月二十八日)在九龍城裁判法院被判入獄五個月。

陳光強，五十三歲，早前被裁定一項串謀詐騙罪名成立，違反普通法。

暫委裁判官丘國新在判刑時指出，被告罪行違反誠信，因此須判處入獄。

暫委裁判官又接納被告的申請，准許他以現金五萬元保釋外出，以候上訴。被告亦受命須交出旅遊證件及不得離開香港。

廉署早前接獲貪污投訴，調查其後揭發上述罪行。

案情透露，安保工程有限公司(安保)於案發時為建築署聘任的定期合約承辦商，並接獲施工通知在九龍城承豐道啟德發展區建造一個臨時廁所和四張路旁座椅。施工通知亦包括在啟德TD3路建造四個涼亭和一張實木座椅。

根據建築署的《建築物的一般規格》，所有用於建築署工程的木材，必須經過美國認可機構Forest Stewardship Council (FSC) 的認證。

案情透露，被告於二〇一二年十二月二十日至二〇一五年五月十二日期間，與其他人士及安保一名僱員串謀詐騙建築署人員。

被告訛稱Exterpark Plus – Elondo硬木獲FSC認證，並供應予有關施工通知，而有關施工通知中使用的木材獲FSC頒發有效證書。事實上，使用的是不獲FSC頒發證書的Exterpark Plus – Ipe硬木。

案情透露，被告從而促使及誘使建築署人員相信有關工程使用了Exterpark Plus – Elondo硬木，並批核有關的star rate item application、發出施工通知的竣工證明書，以及向安保發放最後付款五十三萬八千多元。

建築署在廉署調查案件期間提供全面協助。

控方今日由大律師關文渭代表出庭，並由廉署人員何家偉協助。