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Ex-staff of ArchSD contractor in court for \$3.9m works orders fraud

2017-6-6

A former quantity surveyor of a term contractor of the Architectural Services Department (ArchSD) appeared at the Kowloon City Magistracy today (June 6) after being charged by the ICAC with conspiracy to defraud the ArchSD of about \$3.9 million worth of works orders in relation to two projects – Kai Tak Development Area and New Central Harbourfront.

Chan Kwok-wing, 48, former quantity surveyor of Able Engineering Company Limited (AECL), who was charged last Friday (June 2), faced two charges of conspiracy to defraud, contrary to common law.

The defendant pleaded not guilty to the charges today. Principal Magistrate Mr Peter Law Tak-chuen adjourned the case to July 25 this year for a pre-trial review.

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

At the material time, the defendant was employed by AECL, a term contractor of the ArchSD, as a quantity surveyor responsible for handling the term contract and dealing with the ArchSD. AECL subcontracted its works orders to an engineering company.

One of the charges alleged that between an unknown day in June 2013 and August 14, 2014, the defendant conspired with the operator of the engineering company to defraud officers of the ArchSD by falsely representing:

☐ a sum of \$1,600,000 was the genuine quotation price chargeable by the engineering company for the supply and installation of four pavilions in Kai Tak Development Area at Shing Fung Road, Kowloon City in a works order;

☐ the quotation of the engineering company and that of two other engineering firms were genuinely competitive ones prepared separately and independently;

☐ \$98,000 was the genuine quotation price chargeable by the engineering company for the supply and installation of a hardwood chair in Kai Tak Development Area; and

☐ the quotation of the engineering company and that of two other engineering firms were genuinely

competitive ones prepared separately and independently.

As a result, the officers of the ArchSD were caused and induced to approve the alleged bogus quotations relating to the supply and installation of those pavilions and hardwood chair at a total sum of \$1,698,000.

The other charge alleged that between an unknown day in May 2013 and August 14, 2014, the defendant conspired with the operator of the engineering company to defraud officers of the ArchSD by falsely representing:

☐ a sum of \$2,192,000 was the genuine quotation price chargeable by the engineering company for the supply and installation of eight pavilions at New Central Harbourfront in Central in two works orders; and

☐ the quotation of the engineering company and that of two other engineering firms were genuinely competitive ones prepared separately and independently.

As a result, the officers of the ArchSD were caused and induced to approve the alleged bogus quotation relating to the supply and installation of those pavilions at \$2,192,000.

The defendant was granted cash bail of \$20,000. He was also ordered not to leave Hong Kong, reside at the reported address, report to the Police once a week, and not to interfere with prosecution witnesses.

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

The prosecution was today represented by ICAC officer Benjamin Ho.

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新聞公佈

廉署起訴建築署承辦商前職員疑涉三百九十萬元工程詐騙案今提堂

2017年6月6日

廉政公署落案起訴一名建築署定期合約承辦商前工料測量師，控告他涉嫌就啟德發展區及中環新海濱兩個項目，串謀詐騙建築署總值共約三百九十萬元的施工工程。被告今日(六月六日)在九龍城裁判法院應訊。

陳國榮，四十八歲，安保工程有限公司(安保)前工料測量師，上星期五(六月二日)被控兩項串謀詐騙罪名，違反普通法。

被告今日否認控罪。主任裁判官羅德泉將案件押後至本年七月二十五日進行預審。

廉署早前接獲貪污投訴，調查其後揭發上述涉嫌罪行。

被告於案發時受僱於安保任職工料測量師。安保是建築署定期合約承辦商，並將施工工程分判予一間工程公司，而被告則負責處理該定期合約及與建築署聯絡。

其中一項控罪指被告涉嫌於二〇一三年六月某日至二〇一四年八月十四日期間，串同該工程公司的營運者詐騙建築署職員，即虛假地表示：

- 一筆一百六十萬元的款項為該工程公司在九龍城承豐道啟德發展區供應及安裝四個涼亭應收取的真實報價；
- 該工程公司的報價和另外兩間工程公司的報價為分別及獨立擬備而真實具競爭性的報價；
- 九萬八千元為該工程公司在啟德發展區供應及安裝一張實木座椅應收取的真實報價；以及
- 該工程公司的報價和另外兩間工程公司的報價為分別及獨立擬備而真實具競爭性的報價。

建築署的職員因而被促使及誘使批核供應及安裝有關涼亭和實木座椅的涉嫌虛假報價，涉款共一百六十九萬八千元。

另一項控罪指被告涉嫌於二〇一三年五月某日至二〇一四年八月十四日期間，串同該工程公司的營運者詐騙建築署職員，即虛假地表示：

- 一筆二百一十九萬二千元的款項為該工程公司在中環新海濱兩項施工工程中供應及安裝八個涼亭應收取的真實報價；以及
- 該工程公司的報價和另外兩間工程公司的報價為分別及獨立擬備而真實具競爭性的報價。

建築署的職員因而被促使及誘使批核供應及安裝有關涼亭的涉嫌虛假報價，涉款共二百一十九萬二千元。

被告獲准以現金二萬元保釋。他亦受命不准離開香港、須在報住的地址居住、每星期向警方報到一次，以及不得騷擾控方證人。

建築署在廉署調查案件期間提供全面協助。

控方今日由廉署人員何家偉代表出庭。

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