



Press Releases

Twenty-four months' jail for accepting \$430,000 illegal rebates

2017-7-21

A former assistant project manager of an engineering company, charged by the ICAC, was today (July 21) sentenced to 24 months' imprisonment at the District Court for having conspired to accept illegal rebates of about \$430,000 in total for recommending the subcontracting of electrical and wiring refurbishing works of a commercial complex to two electrical engineering firms.

Cheung Chi-hung, 47, former assistant project manager of RNB Engineering Hong Kong Limited (RNB), earlier pleaded guilty to two charges of conspiracy for an agent to accept advantages, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance and Section 159A of the Crimes Ordinance.

In sentencing, Deputy Judge Ms Ada Yim Shun-yea said corruption could not be tolerated. The offences committed by the defendant undermined fairness in the quotation system, constituted a breach of trust and caused a financial loss to his former employer.

The deputy judge added that she reduced the defendant's jail term to 24 months after taking into account his guilty plea as well as restitution that he made to his former employer.

The court heard that at the material time, the defendant was an assistant project manager of RNB, a renovation contractor which secured a renovation project for refurbishing Yau Oi Commercial Complex in Yau Oi Estate, Tuen Mun. He was the supervisor of the project.

In May 2013, the defendant invited the operator of an electrical engineering company to submit a quotation for the electrical works of the project. The operator submitted a written quotation of about \$2 million.

After a few discussions, the defendant asked the operator to inflate the quotation to over \$2.9 million because he wanted to receive rebates. The written quotation was later submitted to RNB for approval.

However, RNB decided to engage an additional subcontractor to share the electrical works of the project. The operator agreed to reduce the project price to over 2.35 million, of which 15 per cent or approximately \$350,000 would be rebates for the defendant.

The operator paid about \$299,000 out of the \$350,000 on 13 occasions between January 2014 and January 2015. In March 2015, the operator stopped paying rebates to the defendant.

The court heard that in October 2014, the defendant invited the proprietor of another electrical engineering company to submit a quotation for the electrical wiring refurbishing works of the project. The proprietor submitted a quotation of over \$370,000.

A few days later, the proprietor received two photo images showing that his quotation was inflated to over \$470,000. The defendant called the proprietor to explain that the remaining sum would have to be returned to him. To avoid trouble, the proprietor acceded to the defendant's request.

After the proprietor received project payments from RNB, he received calls from the defendant requesting a certain amount of rebates to be paid to him.

On three occasions between October and December 2014, the defendant collected a total of approximately \$180,000 from the proprietor, of which \$100,000 was a payment for raw materials, while the remaining \$80,000 was a rebate for him, the court was told.

RNB had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by Senior Public Prosecutor Rosa Lo, assisted by ICAC officer Jessie Fu.

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新聞公佈

前助理項目經理收受四十三萬元非法回佣判囚二十四個月

2017年7月21日

一名工程公司前助理項目經理串謀收受共約四十三萬元非法回佣，以推薦將一個商場的電力工程及電線系統翻修工程分別分判予兩間電機工程公司，被廉政公署拘控。被告今日(七月二十一日)在區域法院被判入獄二十四個月。

張志洪，四十七歲，創基工程香港有限公司(創基)前助理項目經理，早前承認兩項串謀使代理人接受利益罪名，違反《防止賄賂條例》第9(1)(a)條及《刑事罪行條例》第159A條。

暫委法官嚴舜儀判刑時稱，貪污賄賂絕對不能容忍。被告干犯的罪行影響報價制度的公正性，違反誠信，並令其前僱主蒙受經濟損失。

暫委法官續稱，她考慮到被告認罪及向前僱主作出賠償，故將他的刑期扣減至二十四個月。

案情透露，被告於案發時是創基的助理項目經理。創基是一間裝修工程承辦商，並取得屯門友愛邨友愛商場的翻新項目。他是該項目的監督。

被告於二〇一三年五月邀請一間電機工程公司的經營者就該項目的電力工程提交報價。該經營者提交書面報價約二百萬元。

在多次商討後，被告要求該經營者誇大報價至二百九十多萬元，因為他想收取回佣。有關報價其後呈交予創基審批。

不過，創基決定聘用額外一個分判商，以分擔該項目的電力工程。該經營者同意將項目價格減至逾二百三十五萬元，其中百分之十五或約三十五萬元是被告的回佣。

該經營者於二〇一四年一月至二〇一五年一月其間，分十三次向被告支付該三十五萬元中的約二十九萬九千元。有關經營者於二〇一五年三月停止向被告提供回佣。

案情透露，被告於二〇一四年十月邀請另一間電機工程公司的東主就該項目的電線系統翻修工程提交報價。該東主提交報價三十七萬多元。

該東主於數天後收到來自被告的兩張照片圖像，顯示其報價被誇大至四十七萬多元。被告致電該東主解釋，並指餘款須交回他。為免生麻煩，該東主答應被告的要求。

該東主收到創基的項目付款後，收到被告多次來電，要求他支付某數額作為回佣。

被告於二〇一四年十月至十二月期間，分三次收取該東主共約十八萬元，其中十萬元是原料的貨款，而其餘八萬元則為回佣。

創基在廉署調查案件期間提供全面協助。

控方今日由高級檢控官羅心怡代表出庭，並由廉署人員傅韋茵協助。

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