



Press Releases

Technical Manager of HKU charged with MIPO and fraud

2017-8-22

A Technical Manager of the University of Hong Kong (HKU) has been charged by the ICAC today (August 22) with misconduct in public office (MIPO) and conspiracy to defraud the university by securing over \$841,000 worth of purchase orders and renovation works for a scientific company without disclosing his financial interest in the company.

Yuen Da-baan, 57, faces four charges of MIPO, contrary to Common Law. He also faces a charge of conspiracy to defraud, contrary to Common Law, and an alternative charge of MIPO.

The defendant will appear at the Eastern Magistracy on Thursday (August 24) for transfer of the case to the District Court for plea.

At the material time, the defendant was the Technical Manager of the Faculty of Dentistry (FD) of HKU and the head technical staff of the Centralized Research Laboratories (CRL) under the FD. He was responsible for handling procurement exercises of research materials, laboratory equipment and renovation works of the CRL.

One of the MIPO charges alleges that between March 1, 2013 and June 16, 2016, the defendant, in the course of or in relation to his public office, without reasonable excuse or justification, wilfully and intentionally misconducted himself by arranging and procuring HKU to complete direct purchases with MT Scientific Company (MTSC) in a total sum of over \$119,000, without disclosing that he and his sister owned or had a financial interest in MTSC.

Another MIPO charge alleges that between October 29, 2014 and April 16, 2015, the defendant, in the course of or in relation to his public office, without reasonable excuse or justification, wilfully and intentionally misconducted himself by arranging and procuring MTSC to conduct renovation work at \$600,000 incidental to the installation of machinery in relation to a tender awarded by HKU to a laboratory technology company; and failing to disclose to HKU that he and his sister owned or had a financial interest in MTSC.

A third charge alleges that between March 1, 2015 and January 6, 2016, the defendant conspired with a then sales executive of a health care company to defraud HKU by arranging and procuring MTSC to conduct renovation work at \$51,000 incidental to the installation of machinery in relation to a purchase order awarded by HKU to that company; falsely representing that the quotation price of that company did not include any renovation work; failing to disclose to HKU that he and his sister owned or had a financial interest in MTSC; and causing and inducing HKU to award the purchase order to that company.

The related alternative MIPO charge alleges that during the same period, the defendant, in the course of or in relation to his public office, without reasonable excuse or justification, wilfully and intentionally misconducted himself by arranging and procuring MTSC to conduct renovation work at \$51,000 incidental to the installation of machinery in relation to the purchase order awarded by HKU to the health care company; failing to disclose to HKU that he and his sister owned or had a financial interest in MTSC; taking part in processing the procurement exercise of HKU without declaring he had a conflict of interest; and recommending to his senior officers that the bid by that company should be accepted.

The two remaining MIPO charges allege that between August 26 and November 12, 2015, the defendant, in the course of or in relation to his public office, without reasonable excuse or justification, wilfully and intentionally misconducted himself by failing to disclose to HKU that he and his sister owned or had financial interests in MTSC in procurement exercises in relation to two purchase orders awarded by HKU to MTSC for supply of machinery in sums of over \$41,000 and over \$30,000 respectively; taking part in processing the procurement exercises of HKU without declaring that he had conflicts of interest; and recommending to his senior officers that the bids by MTSC in the procurement exercises should be accepted.

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

HKU has rendered full assistance to the ICAC during its investigation.

The defendant has been released on ICAC bail, pending his court appearance on Thursday.

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新聞公佈

廉署起訴港大技術經理公職人員行為失當及詐騙

2017年8月22日

廉政公署今日(八月二十二日)落案起訴一名香港大學(港大)技術經理, 控告他涉嫌公職人員行為失當及串謀詐騙港大, 沒有披露他在一間科技公司中有財務利益, 致使該公司取得逾八十四萬一千元的採購訂單及裝修工程。

袁大鵬, 五十七歲, 被控四項公職人員行為失當罪名, 違反普通法。他另被控一項串謀詐騙罪名, 違反普通法, 以及一項公職人員行為失當的交替罪名。

被告將於星期四(八月二十四日)在東區裁判法院應訊, 以待案件轉介區域法院答辯。

被告於案發時為港大牙醫學院技術經理, 並在牙醫學院轄下的中央實驗室擔任技術人員主管, 負責處理有關中央實驗室的研究物料、實驗室儀器及裝修工程的採購工作。

其中一項公職人員行為失當控罪指被告涉嫌於二〇一三年三月一日至二〇一六年六月十六日期間, 在執行其公職過程中或在與其公職有關的事上, 無合理辯解或理由而故意及蓄意作出不當行為, 即安排和促成港大完成與MT Scientific Company (MTSC)總額逾十一萬九千元的直接採購而沒有披露他及其妹擁有MTSC或在MTSC中有財務利益。

另一項公職人員行為失當控罪指被告涉嫌於二〇一四年十月二十九日至二〇一五年四月十六日期間, 在執行其公職過程中或在與其公職有關的事上, 無合理辯解或理由而故意及蓄意作出不當行為, 即安排和促成MTSC就港大判給一間實驗室科技公司所涉及進行的機械安裝附帶裝修工程, 費用為六十萬元; 及沒有向港大披露他及其妹擁有MTSC或在MTSC中有財務利益。

第三項控罪指被告涉嫌於二〇一五年三月一日至二〇一六年一月六日期間, 與一間醫療護理公司當時一名營業代表串謀詐騙港大, 即安排和促成MTSC就港大判給該公司的購貨訂單所涉及進行的機械安裝附帶裝修工程, 費用為五萬一千元; 虛假地表示該公司的報價不包括任何裝修工程; 沒有向港大披露他及其妹擁有MTSC或在MTSC中有財務利益; 及促使和誘使港大將該購貨訂單判給該公司。

相關的公職人員行為失當交替控罪指被告涉嫌於同一期間, 在執行其公職過程中或在與其公職有關的事上, 無合理辯解或理由而故意及蓄意作出不當行為, 即安排和促成MTSC就港大判給該醫療護理公司的購貨訂單所涉及進行的機械安裝附帶裝修工程, 費用為五萬一千元; 沒有向港大披露他及其妹擁有MTSC或在MTSC中有財務利益; 參與處理該項採購工作而沒有申報他有利益衝突; 及向上級人員建議應接納該公司在該項採購工作中的出價。

餘下兩項公職人員行為失當控罪指被告涉嫌於二〇一五年八月二十六日至十一月十二日期間, 在執行其公職過程中或在與其公職有關的事上, 無合理辯解或理由而故意及蓄意作出不當行為, 即在港

大將兩張分別逾四萬一千元及逾三萬元機械供應購貨訂單判給MTSC的採購工作中，沒有向港大披露他及其妹擁有MTSC或在MTSC中有財務利益；參與處理港大有關採購工作而沒有申報他有利益衝突；及向上級人員建議應接納MTSC在該等採購工作中的出價。

廉署早前接獲貪污投訴，調查後揭發上述涉嫌罪行。

港大在廉署調查案件期間提供全面協助。

被告已獲廉署准予保釋，以待星期四應訊。

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