



## Press Releases

### **Freelance arborist gets 18 months for bribery over tree survey projects**

**2017-8-29**

A freelance arborist, charged by the ICAC, was today (August 29) sentenced to 18 months' imprisonment at the Eastern Magistracy after being convicted of conspiracy for a then arborist of a landscape architecture company to accept illegal commissions totalling over \$250,000 in relation to the award of tree survey projects.

Lau Siu-yeung, 32, was found guilty of one count of conspiracy for an agent to accept advantages, contrary to Section 9(1) of the Prevention of Bribery Ordinance and Section 159A of the Crimes Ordinance.

In passing the sentence, Deputy Magistrate Mr Simon Ho Kick-fai said he did not accept the argument that the case merely involved moonlighting. Nevertheless, Lau's acts were related to the affairs of his principal and incurred a financial loss to the latter.

The court heard that at the material time, Earthasia Limited (Earthasia) was a landscape architecture company providing landscape assessment and consultation services.

When Earthasia faced a labour shortage during peak seasons, Sum Yu-hin, a then arborist of Earthasia, was tasked to subcontract its tree survey projects to freelance arborists, including Lau.

In 2012, Lau became Earthasia's freelance arborist through the introduction of Sum. Since then, Lau had been invited by Sum to submit quotations and awarded with multiple tree survey projects.

The court heard that between June 25, 2014 and September 14, 2015, Lau was awarded with 16 tree survey projects worth totalling over \$1 million from Earthasia.

Lau was arrested by ICAC officers on September 14, 2015. When interviewed under caution, Lau admitted that he would share half of each project's sum with Sum after receiving his payment from Earthasia.

As a result, over \$250,000 was paid to Sum by March 31, 2015 in relation to six completed tree survey projects.

Earthasia did not allow its employees to accept any advantages as rewards for assisting freelance arborists in securing tree survey projects, the court was told.

Sum, 29, was also charged by the ICAC for his role in the bribery scam. After pleading guilty to the joint charge of conspiracy for an agent to accept advantages, Sum was sentenced to 14 months' imprisonment at the Eastern Magistracy on July 7, 2016.

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

The prosecution was today represented by prosecuting counsel Sabrina See, assisted by ICAC officer Wesley Ho.

[Back to Index](#)



## 新聞公佈

### 自由工作樹藝師貪污以獲樹木勘察項目罪成判囚十八個月

2017年8月29日

一名自由工作樹藝師串謀一名景觀建築公司樹藝師，使後者收受非法佣金共逾二十五萬元，以轉介樹木勘察項目予該自由工作樹藝師，被廉政公署起訴。被告今日(八月二十九日)在東區裁判法院被判罪名成立，判囚十八個月。

劉兆揚，三十二歲，被裁定一項串謀使代理人接受利益罪名成立，違反《防止賄賂條例》第9(1)條及《刑事罪行條例》第159A條。

暫委裁判官何極輝判刑時稱，他不接受本案只涉及「秘撈」的論點。劉的所作所為與其主事人的業務有關，而且導致對方蒙受經濟損失。

案情透露，泛亞環境有限公司(泛亞環境)於案發時是一家景觀建築公司，專門提供景觀評估及諮詢服務。

當泛亞環境在旺季人手不足時，泛亞環境當時的樹藝師沈宇軒負責把其樹木勘察項目外判予自由工作樹藝師，當中包括劉。

劉於二〇一二年在沈的引薦下成為泛亞環境的自由工作樹藝師。此後，劉不時獲沈邀請提交報價，並成功獲判多個樹木勘察項目。

案情透露，劉於二〇一四年六月二十五日至二〇一五年九月十四日期間獲泛亞環境判出十六個總值逾一百萬元的樹木勘察項目。

劉於二〇一五年九月十四日被廉署人員拘捕。他於警誡會見時承認，在收到泛亞環境支付的款項後會與沈均分每個項目的款項。

截至二〇一五年三月三十一日，沈就六個已完成的樹木勘察項目獲支付共逾二十五萬元。

案情透露，泛亞環境不容許其員工接受任何利益，作為協助自由工作樹藝師取得樹木勘察項目的報酬。

沈，二十九歲，亦因涉及有關貪污勾當而被廉署起訴。他早前承認該項串謀使代理人接受利益罪名，並於二〇一六年七月七日在東區裁判法院被判入獄十四個月。

泛亞環境在廉署調查案件期間提供全面協助。

控方今日由大律師是香媛代表出庭，並由廉署人員何慧君協助。

[返回目錄](#)