



Press Releases

Project manager gets six months for accepting \$75,000 illegal rebates to award flooring works

2018-2-1

A project manager of an engineering company, charged by the ICAC, was today (February 1) sentenced to six months' imprisonment at the Shatin Magistracy for accepting illegal rebates totalling \$75,000 from a subcontractor in relation to the award of balcony flooring works at a private housing estate.

Lui Man-tak, 37, project manager of Gallant Art Contracting Engineering Limited (Gallant Art), was earlier found guilty of five counts of agent accepting an advantage, contrary to Section 9(1)(b) of the Prevention of Bribery Ordinance (POBO).

In sentencing, Magistrate Mr Colin Wong Sze-cheung said the case involved typical bribery acts which were serious in nature, thus warranting a custodial sentence.

The court heard that at the material time, Lui was a project manager of Gallant Art, a contractor for the supply and installation work of wooden floorboards at balconies of nine of the blocks (the flooring works) at the construction site of a private housing estate in Wu Kai Sha.

Yiu Kei-shing was the sole proprietor of Wa Shing Metal Design and Landscaping Company (Wa Shing), which was engaged in flooring works.

Around the end of July 2014, Lui invited Yiu to submit a quotation for the flooring works, and brought Yiu to the construction site for a site visit.

A few days later, Lui asked Yiu if he could complete the flooring works at a quoted price of \$380 per balcony, which was equivalent to about \$200 per square metre, to which Yiu agreed after assessing the costs.

Afterwards, Lui requested Yiu to raise the price to \$250 per square metre in Wa Shing's quotation and pay him the price difference as rebates for securing the flooring works. Yiu acceded to Lui's solicitation.

Lui later told Yiu that the price quoted to Gallant Art would be increased to \$253 per square metre and asked Yiu to calculate the total rebates for him.

The court heard that after calculation, Yiu would charge Gallant Art a total amount of over \$1.47 million for

undertaking flooring works for 2,970 balconies, while his actual charge was about \$1.13 million. The difference between the two prices was over \$340,000 being the rebates solicited by Lui.

In August 2014, Yiu commenced the flooring works and received interim payments from Gallant Art by stages. Between November 18 and December 31, 2015, Lui accepted illegal rebates of \$75,000 in total out of the \$340,000 from Yiu on five occasions.

Meanwhile, Yiu, 36, was also charged by the ICAC for his role in the scam in a separate case. He earlier pleaded guilty to five counts of offering an advantage to an agent, contrary to Section 9(2)(b) of the POBO, and had his case adjourned to February 23 for mention.

The prosecution was today represented by prosecuting counsel Newman Wong, assisted by ICAC officer Kelly Ng.

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新聞公佈

項目經理收受七萬五千元非法回佣以批出地板工程判囚六個月

2018年2月1日

一名工程公司項目經理從一名分判商收受共七萬五千元非法回佣，將一個私人屋苑的露台地板工程批予有關分判商，早前被廉政公署起訴。被告今日(二月一日)在沙田裁判法院被判入獄六個月。

呂文德，三十七歲，嘉麗雅工程有限公司(嘉麗雅)項目經理，早前被裁定五項代理人接受利益罪名成立，違反《防止賄賂條例》第9(1)(b)條。

裁判官黃士翔判刑時稱，本案涉及典型的貪污行為，罪行性質嚴重，故此必須判處被告監禁。

案情透露，呂於案發時為嘉麗雅的項目經理，嘉麗雅是負責為烏溪沙一個私人屋苑建築地盤其中九座大廈的露台供應木地板並進行地板鋪設工程(該地板工程)的承建商。

姚杞成是華成鐵藝庭園設計工程公司(華成)獨資東主，承接各類地板工程。

呂是約於二〇一四年七月底邀請姚就該地板工程提交報價，並帶姚到建築地盤進行實地視察。

數天後，呂問姚能否以每個露台三百八十元的報價完成該地板工程(相等於每平方米約二百元)。姚評估相關成本後表示同意。

呂其後要求姚在華成報價時把價錢提高到每平方米二百五十元，並將有關差價支付給他作回佣以取得該地板工程。姚答應呂的索款要求。

呂稍後向姚表示，提交給嘉麗雅的報價會被提高至每平方米二百五十三元，又要求姚計算應支付給他的回佣總金額。

案情透露，姚於計算後會向嘉麗雅收取逾一百四十七萬元，以為二千九百七十個露台進行地板工程，但姚的實際收費是約一百一十三萬元。兩個價錢的差價是逾三十四萬元，即呂索取的回佣。

姚於二〇一四年八月開始進行該地板工程，並分階段從嘉麗雅收取中期工程費用。呂於二〇一五年十一月十八日至十二月三十一日期間，分五次從姚收取三十四萬元的其中七萬五千元非法回佣。

此外，姚，三十六歲，亦因涉及有關勾當而被廉署分案起訴。他早前承認五項向代理人提供利益罪

名，違反《防止賄賂條例》第9(2)(b)條，其案件押後至二月二十三日再提堂。

控方今日由大律師王興偉代表出庭，並由廉署人員吳小清協助。

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