



Press Releases

Eleven in HZMB Project false concrete test records case have sentences increased up to two years' jail after review

2021-7-2

Eleven former laboratory staff of a consulting firm of the Civil Engineering and Development Department (CEDD), charged by the ICAC, were today (July 2) ordered by the Court of Appeal (CA) to serve up to two years in jail for producing false records on concrete compression tests for the Hong Kong-Zhuhai-Macao Bridge (HZMB) Hong Kong Project after a review of their sentences.

In December 2019, the 11 defendants, who were convicted of a joint count of conspiracy to defraud, received sentences ranging from community service, suspended sentence to six months in jail.

The Department of Justice (DoJ) subsequently sought a review of their sentences and the application was heard by Justice Jeremy Poon Shiu-chor, Chief Judge of the High Court, Mr Justice Wally Yeung Chun-kuen, Vice-President of the CA, and Mr Justice Derek Pang Wai-cheong, Justice of Appeal of the CA in April 2021.

In allowing the DoJ's application today, the CA increased the sentences of 11 defendants to jail terms ranging from one year to two years.

The written judgment handed down noted that this case was particularly serious when compared with cases of its kind, adding that criminal sentences ought to be administered in a fair and coherent manner, otherwise public confidence in the integrity of the judicial system would be undermined.

The original sentences imposed on the defendants were too lenient and had gravely and unreasonably differed from the jail terms of other defendants who pleaded guilty earlier on, the judgment added.

The 11 defendants included eight former site laboratory technicians of Jacobs China Limited (JCL), Yip Tak-kit, Chan Yui-hang, Yiu Yu-fung, Yu Wai-tak, Lee Wing-fai, Sit Ka-chun, Cheung Ka-ming and Ng Man-hung, aged from 26 to 51, and three former laboratory assistants of JCL, Jo Chan Chi-shing, Tse Tak-lai and Lee Chi-kan, aged from 27 to 61.

The jail term of co-defendant Kwok Man-fai, 38, former laboratory assistant of JCL, remained two years after a review.

The court heard that at the material time, the defendants were employed by JCL as site laboratory technicians or laboratory assistants to work at the Public Works Regional Laboratory at Siu Ho Wan. They were responsible for conducting construction material compliance tests, including concrete compression tests (CCTs) on concrete cubes.

The laboratory was established by the CEDD in late 2012 to meet the increased demand for construction material compliance tests arising from the construction of the HZMB. The management and operation of the laboratory were outsourced to JCL under a consultancy agreement.

Two Principal Technical Officers (PTOs) of the CEDD were posted to the laboratory at different periods to oversee the services provided by JCL and to act as the Approved Signatory for issuing accredited reports on the tests conducted at the laboratory under the Hong Kong Laboratory Accreditation Scheme (HOKLAS).

According to the required procedures, a staff member of the laboratory would place a sample concrete cube inside a compression machine connected to a computer when performing a CCT. He would then operate the computer and apply load to the cube at an appropriate rate until it was crushed.

Upon completion, the machine would automatically generate a record slip recording the test result. After recording accurately the test result on a worksheet and signing on it, the laboratory staff should cause the test result to be input into a computer system for generating a checklist.

The court heard that since about 2013, the defendants failed to conduct CCTs in accordance with CEDD's requirements due to heavy workload and shortage of manpower.

Between January 2013 and July 2016, the defendants and six other laboratory staff conspired together and with other persons to resort to a deceptive practice of manipulating the date and time of the computers connected to the compression machines, and using substitutes such as high strength concrete cubes and a metal calibration cylinder to carry out CCTs.

Believing the information contained in the reports of CCTs were genuine, the two PTOs certified those reports under the HOKLAS, the court heard.

The six other laboratory staff concerned were also charged for their roles in the scam. They were sentenced to jail terms ranging from 21 to 32 months after pleading guilty to one count of conspiracy to defraud jointly charged with the abovementioned 12 defendants.

The case arose from a corruption complaint referred by the CEDD, which, together with the Highways Department and the Transport and Housing Bureau, had rendered full assistance to the ICAC during its investigation.

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新聞公佈

港珠澳大橋工程混凝土測試記錄造假案十一人加刑至最高囚兩年

2021年7月2日

土木工程拓展署(土木署)一間顧問公司十一名前實驗室職員，就港珠澳大橋香港工程項目混凝土壓力測試記錄造假，早前被廉政公署落起訴後定罪判刑。上訴法庭今日(七月二日)覆核各被告判刑後，下令將刑期增加至最高兩年。

十一名被告於二〇一九年十二月同被裁定一項串謀詐騙罪名成立，被判社會服務、緩刑至判監六個月不等。

律政司其後就各被告的刑期申請覆核。有關申請於二〇二一年四月由高等法院首席法官潘兆初、上訴法庭副庭長楊振權及上訴法庭法官彭偉昌審理。

上訴法庭今日批准律政司的申請，將十一名被告的刑期增加到一年至兩年不等。

法庭頒下的書面判詞指本案是同類案件中特別嚴重的一宗，而刑事案件的判刑必須公平及一致地作出，否則會減弱公眾對司法制度的完整性之信心。各被告原本被判處的刑罰過輕，與認罪被告的判刑亦有極大及不合理的差距。

十一名被告包括八名嘉科工程顧問有限公司(嘉科)前實驗室技術員葉德杰、陳銳鏗、姚宇峰、余維德、李詠暉、薛家俊、張嘉明及吳汶鴻，年齡由二十六至五十一歲；以及三名嘉科前實驗室助理陳志成、謝德禮及李志勤，年齡由二十七至六十一歲。

同案被告嘉科前實驗室助理郭文輝，三十八歲，其刑期於覆核後維持兩年。

案情透露，各被告於案發時受僱於嘉科為實驗室技術員或實驗室助理，獲派在小蠔灣工務區域試驗所工作。他們負責進行建築材料合規測試，包括混凝土壓力測試。

該試驗所於二〇一二年年底由土木署成立，以應付因興建港珠澳大橋而對建築材料合規測試日漸增加的需求。該試驗所的管理及運作以顧問合約形式外判予嘉科。

兩名土木署首席技術員分別於不同時段獲派駐該試驗所，以監督嘉科所提供的服務，並擔任核准簽署人，就該試驗所進行的測試發出香港實驗所認可計劃(認可計劃)的認許報告。

按照規定程序，該試驗所的職員進行混凝土壓力測試時會將混凝土樣本磚放進連接至電腦的壓力測試機。他然後會操作電腦，以適當速度將荷重施加於有關樣本磚直至它遭壓碎為止。

完成測試後，測試機會自動製作一張記錄單以記錄測試結果。試驗所職員在工作紙上準確地記錄測試並簽署後，須安排將測試結果輸入電腦系統以製作一份清單。

案情透露，自約二〇一三年起，由於工作繁重及人手短缺，各被告未能按土木署的要求進行混凝土壓力測試。

各被告於二〇一三年一月至二〇一六年七月期間，與另外六名試驗所職員一同串謀及與其他不知名人士串謀，更改與壓力測試機連接的電腦上的日期及時間，及使用強力混凝土磚及金屬校準柱等代替品的欺詐手法進行混凝土壓力測試。

案情透露，基於相信混凝土壓力測試報告上的資料均屬真確，該兩名土木署首席技術員按認可計劃發出認許報告。

另外六名涉案試驗所職員，與上述十二名被告同被控一項串謀詐騙罪名，承認控罪後被判入獄二十一至三十二個月。

廉署接獲土木署轉介的貪污投訴遂展開調查並揭發上述案件。土木署連同路政署和運輸及房屋局在廉署調查案件期間提供全面協助。

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