



Press Releases

Duo jailed for \$350,000 fraud over reinstatement project

2021-8-20

A former employee of a renovation contractor and a former manager of an art finance service provider, charged by the ICAC, were today (August 20) sentenced to jail terms up to seven and a half months at the District Court for conspiracy to defraud the art finance service provider over reinstatement works worth \$350,000.

Johnson Kwok Cheng-son, 45, former employee of Bigred Design Company (Bigred), was sentenced to seven and a half months imprisonment. He was earlier found guilty of one count of conspiracy to defraud, contrary to Common Law.

Co-defendant Lam Cheuk-ho, 33, former event project and operation manager of China Art Financial Holdings Limited (China Art Financial), who earlier pleaded guilty to the aforesaid charge, received a jail term of six months.

In sentencing, Deputy District Judge Miss Lily Wong Sze-lai remarked that the defendants deserved immediate custodial sentences since their conduct breached the trust placed on them and impaired fair competitions in the commercial world.

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

The court heard that at the material time, Lam was the event project and operation manager of China Art Financial, which was an art finance service provider engaged in art auction business. Artfund International (Hong Kong) Auction Company Limited (Artfund) was a subsidiary of China Art Financial. Kwok was an employee of Bigred, a renovation contractor of Artfund.

In early 2018, Artfund rented an office at a commercial building in Wan Chai and engaged Bigred to renovate it as a showroom. A few months later, China Art Financial decided to abort the renovation project and disputed the termination fee with Bigred.

Lam was instructed by China Art Financial to look for another contractor to reinstate the half renovated showroom before terminating the leasing contract. Bigred wanted to bid for the reinstatement project but was not allowed to do so.

The court heard that Lam and Kwok then conspired together to defraud Artfund by dishonestly using a small renovation project contractor owned by an associate of Kwok's brother as a vehicle to bid for the reinstatement project.

On August 8, 2018, Lam submitted six quotations to China Art Financial for the reinstatement project. One of the quotations at \$368,000, which was personally handled by Kwok, was from the small renovation project contractor.

A few days later, Lam asked Kwok to lower his bid by \$20,000 to \$350,000 as the quoting price of another

bidder was very close to that of the small renovation project contractor's.

Kwok agreed to lower the bidding price and the reinstatement project was eventually awarded to the small renovation project contractor at \$350,000. But the project was in fact conducted by Bigred.

Had China Art Financial known that the reinstatement project was conducted by Bigred, it would not have awarded the project to the small renovation project contractor, the court heard.

China Art Financial had rendered full assistance to the ICAC during its investigation into the case.

The prosecution was today represented by prosecuting counsel Newman Wong, assisted by ICAC officer Rosita Lee.

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新聞公佈

二人就詐騙三十五萬元還原工程判囚

2021年8月20日

廉政公署早前落案起訴一名裝修承辦商前僱員及一名藝術金融服務供應商前經理，就一項價值三十五萬元的還原工程，串謀詐騙該藝術金融服務供應商。兩名被告今日(八月二十日)在區域法院被判囚最高七個半月。

郭振聲，四十五歲，大紅飲食設計顧問公司(大紅)前僱員，被判入獄七個半月。他早前被裁定一項串謀詐騙罪名成立，違反普通法。

同案被告林焯豪，三十三歲，中國藝術金融控股有限公司(中國藝術金融)前項目統籌及營運經理，早前承認上述控罪，則被判囚六個月。

區域法院暫委法官王詩麗判刑時稱，被告的行為違反誠信，破壞商業社會的公平競爭，故須判處被告即時監禁。

廉署早前接獲貪污投訴，調查後揭發上述罪行。

案情透露，林焯豪於案發時為中國藝術金融的項目統籌及營運經理，該公司是一家藝術金融服務供應商，從事藝術品拍賣業務。中國藝術金融在香港持有中金國際(香港)拍賣有限公司(中金國際)。郭振聲是中金國際的裝修承辦商大紅的僱員。

中金國際於二〇一八年初在灣仔一幢商業大廈租用了一個辦公室，並委聘大紅把單位裝修為陳列室。中國藝術金融幾個月後決定中止有關裝修工程，並與大紅就終止費用有糾紛。

林焯豪獲中國藝術金融指派尋找另一間承辦商，在租約結束前把正進行裝修的陳列室恢復原貌。大紅不得參與還原項目，但仍希望入標競投。

案情透露，林焯豪及郭振聲遂串謀詐騙中金國際，不誠實地以郭振聲哥哥相關人士的一間小型裝修工程公司，代替大紅競投上述還原工程。

林焯豪於二〇一八年八月八日向中國藝術金融提交六份報價單，其中一份報價單來自該小型裝修工程公司，並由郭振聲親自處理，有關報價為三十六萬八千元。

林焯豪於數日後向郭振聲表示，該小型裝修工程公司的投標價與另一間公司的投標價非常接近，要求郭振聲把其投標價調低兩萬元，即改為三十五萬元。

郭振聲同意調低投標價，而該還原工程最終以三十五萬元判授予上述小型裝修工程公司。惟有關工程其實由大紅負責。

案情透露，如中國藝術金融知悉該還原項目實際是由大紅進行，則不會把項目判授給該小型裝修工程公司

中國藝術金融在廉署調查案件期間提供全面協助。

控方今日由大律師王興偉代表出庭，並由廉署人員李麗瑩協助。

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