



香港特別行政區
廉政公署

Independent Commission Against Corruption
Hong Kong Special Administrative Region

Press Releases

Ex-manager of electric motors company charged by ICAC gets 54 months' jail at High Court for \$70m purchase orders fraud over conflict of interest

2024-12-4

A former manager of an electric motors company, charged by the ICAC, was today (December 4) sentenced to 54 months' imprisonment at the Court of First Instance of the High Court for deceiving the company into placing over 1,300 purchase orders of electronic parts worth totalling over \$70 million with a supplier in six and a half years by concealing the interest of himself and his family member in the supplier.

Seh Yat-wing, 60, former manager of Johnson Electric Group, earlier pleaded guilty to two counts of fraud, contrary to section 16A of the Theft Ordinance.

In sentencing, Mr Justice Andrew Chan Hing-wai noted that the defendant had abused his position, breached the trust in him and made a profit of nearly \$7.4 million out of the scheme secretly. Having taken various mitigating factors into account, a 54 months' imprisonment was imposed on the defendant.

The ICAC advises business organisations to establish clear guidelines and systems of declaration on conflict of interest. Staff members of business organisations are reminded to avoid conflict of interest situations and to make timely declaration to their employers. Concealing any conflict of interest in relation to one's official duties to benefit himself or his associates may constitute a breach of the Prevention of Bribery Ordinance or other criminal law.

The court heard that publicly listed Johnson Electric Holdings Limited and its subsidiaries (collectively referred to as Johnson Electric Group) engaged in the

manufacturing and sale of motion systems. In accordance with the policy of Johnson Electric Group managing conflict of interest, its employees should not engage in any business of its suppliers or customers. In addition, its employees should disclose relationships that may present a possible conflict of interest.

The defendant joined Johnson Electric Group in 2006 as assistant manager and was promoted to manager in 2015. He was responsible for selecting suitable suppliers for the group and procuring electric parts.

The ICAC investigation arose from a corruption complaint. Enquiries revealed that in September 2010, the defendant approved the applications of Eaton Enterprise Limited (Eaton) for registering as supplier of Johnson Electric Group. Between September 2010 and March 2017, Johnson Electric Group placed over 1,300 orders of electric parts with Eaton and settled payments amounted to over \$70 million.

ICAC enquiries revealed that the defendant concealed from Johnson Electric Group his or his family member's interests in Eaton. At the material time, the defendant and the registered sole director cum shareholder of Eaton gave birth to a girl, but the defendant had never declared to Johnson Electric Group their relationship and his interest in Eaton. Had Johnson Electric Group known the relationship between the defendant and Eaton, it would not have registered Eaton as its supplier and placed orders with it.

Enquiries also revealed that the defendant received from Eaton around \$7.4 million out of the payments settled by Johnson Electric Group totalling over \$70 million.

Johnson Electric Group rendered full assistance to the ICAC during its investigation into the case.

The prosecution was today represented by Senior Public Prosecutor Audrey Parwani, assisted by ICAC officer Kenneth Chan.

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新聞公佈

隱瞞利益衝突發7,000萬元訂單予供應商 遭廉署控欺詐電機公司前經理高等法院判囚54個月

2024年12月4日

一名被廉政公署落案起訴的電機公司前經理，因隱瞞自己和家人在一間供應商的權益，致使公司向供應商發出逾1,300張電子零件採購訂單，六年半內詐騙貨款逾7,000萬元，今日(12月4日)在高等法院原訟法庭被判入獄54個月。

余日榮，60歲，德昌集團前經理，早前承認兩項欺詐罪名，違反《盜竊罪條例》第16A條。

高等法院法官陳慶偉於判刑時指被告濫用職權，違反誠信，並透過非法勾當獲取秘密利益約740萬元。法庭考慮各種求情因素後，判處被告監禁54個月。

廉署建議商業機構為僱員制定清晰的處理利益衝突指引及申報機制，並提醒私營機構僱員應避免利益衝突，適時向僱主作出相關申報。僱員在處理職務上隱瞞利益衝突使自己或親友從中獲利，有可能觸犯《防止賄賂條例》或其他刑事罪行。

案情透露，上市公司德昌電機控股有限公司及其子公司(合稱德昌集團)從事驅動系統製造和銷售業務。根據德昌集團處理利益衝突的政策，僱員不得參與任何供應商或客戶的業務，並須披露可能存在利益衝突的關係。

被告於2006年加入德昌集團為助理經理，並於2015年晉升為經理，負責為集團挑選合適的供應商及採購電子零件。

廉署早前接獲貪污投訴遂展開調查，發現被告於2010年9月核准益騰企業有限公司(益騰)加入德昌集團的認可貨物供應商名單。德昌集團其後於2010年9月至2017年3月期間，向益騰批出逾1,300張電子零件採購訂單，並支付貨款共逾7,000萬元。

廉署調查發現，被告向德昌集團隱瞞自己或家人在益騰的權益。案發期間，被告其實與益騰唯一註冊董事兼股東育有一名女童，但他從來沒有向德昌集團申報二人的關係，以及他在益騰的權益。如德昌集團知悉被告與益騰的關係，不會同意把益騰列為供應商及向其發出訂單。

調查又發現，就上述德昌集團支付予益騰的7,000多萬元貨款，被告從中收取共約740萬元。

德昌集團在廉署調查案件期間提供全面協助。

控方今日由高級檢控官柏愛莉代表出庭，並由廉署人員陳堅定協助。

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