

## Company director extradited from US jailed for \$2.8m fraud

9 June 2015

A former subcontractor of the Highways Department (HyD), who returned voluntarily from the United States (US) to Hong Kong, was today (Tuesday) sentenced to 29 months and three weeks in jail after admitting conspiracy to defraud the main contractor and HyD of road maintenance works payments totalling over \$2.8 million.

Ip Ching-sang, 58, former shareholder-cum-director of Hop Hei Engineering Company Limited (Hop Hei), today pleaded guilty to one count of conspiracy to defraud, contrary to Common Law.

In sentencing, District Court Judge Timothy Casewell said an immediate custodial sentence was imposed on Ip in view of the seriousness of his offence as well as safety issue.

The case arose from a corruption complaint received in 2005. Subsequent ICAC enquiries revealed the above offence of conspiracy to defraud.

The court heard that at the material time, Hop Hei was the subcontractor of Hung Mau Realty & Construction Limited (Hung Mau), the main contractor of a three-year road maintenance term contract awarded by HyD. Hop Hei was subcontracted to supply and paint a layer of cementitious material called "Nucem skim coat" to protect concrete surfaces of profile barriers.

Between 1999 and 2002, Ip conspired with other persons to defraud Hung Mau and HyD, their employees or agents.

They falsely represented that "Nucem skim coat" was sufficiently used in works carried under the term contract in respect of road maintenance works in Sha Tin, Sai Kung and Islands Districts.

They also caused Hung Mau and HyD, their employees or agents to be under a false impression that all the painting material used in the contract works was "Nucem skim coat". Enquiries however revealed that Hop Hei had only procured about 26 per cent of the total volume of "Nucem skim coat" to be applied to the contract works.

As a result, Hung Mau and HyD were induced to release payments totalling over \$2.8 million for the contract works, the court was told.

On January 9, 2011, Ip was arrested by ICAC officers when he returned to Hong Kong. He was then released on bail, pending further inquiries.

Ip failed to report bail to the ICAC on January 18, 2011, and a warrant was issued by a magistrate for his arrest.

On August 16, 2012, Ip was placed on the Interpol Red Notice for his apprehension. He was arrested in Seattle by officers of the US Marshals Service on December 1, 2014 at the request of the Department of Justice in Hong Kong.

Ip later waived his right for the extradition proceedings in the US, and agreed to return to Hong Kong voluntarily. Escorted by ICAC officers, Ip arrived in Hong Kong on February 5, 2015 to face prosecution.

The ICAC thanked the US Marshals Service as well as the US Federal Bureau of Investigation and the US Department of Justice for rendering valuable assistance in securing the arrest and extradition of Ip.

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

The prosecution was today represented by Senior Public Prosecutor Jonathan Lin, assisted by ICAC officer Angus Wong.

## 美國引渡返港公司董事詐騙二百八十萬元判囚

2015年6月9日

一名路政署分判商串謀詐騙總承判商及路政署道路維修工程付款共二百八十多萬元，早前自願由美國返港，並被廉政公署落案起訴。被告今日(星期二)承認控罪，被判入獄二十九個月三星期。

葉清生，五十八歲，合禧工程有限公司(合禧)前股東兼董事，今日承認一項串謀詐騙罪名，違反普通法。

區域法院法官祁士偉在判刑時指，由於葉觸犯的罪行性質嚴重，而且涉及工程安全，故判處他即時監禁。

廉署於二〇〇五年接獲貪污投訴，調查其後揭發上述串謀詐騙罪行。

案情透露，合禧於案發時為鴻茂地產建設有限公司(鴻茂)的分判商。鴻茂獲路政署批出一份為期三年的道路維修定期合約，成為有關合約的總承判商。合禧則獲分判供應及塗抹一層稱為「Nucem skim coat」的水泥物料，以保護防撞欄的混凝土表面。

一九九九年至二〇〇二年期間，葉與其他人士串謀詐騙鴻茂及路政署，以及其僱員或代理人。

他們訛稱根據該定期合約在沙田、西貢及離島區進行道路維修工程時，採用了足夠的「Nucem skim coat」。

他們又導致鴻茂及路政署，以及其僱員或代理人，誤以為有關合約工程採用「Nucem skim coat」。廉署調查則發現，合禧僅購買合約工程所需約百分之二十六的「Nucem skim coat」。

案情透露，鴻茂及路政署因而被誘使發放該合約工程付款共達二百八十多萬元。

葉於二〇一一年一月九日於回港時被廉署人員拘捕。他其後獲廉署准予保釋，以待進一步調查。

葉未能於二〇一一年一月十八日到廉署續保，裁判官遂簽發手令通緝他歸案。

國際刑警於二〇一二年八月十六日發出全球通緝告示以逮捕葉。因應香港律政司的要求，他於二〇一四年十二月一日在西雅圖被美國法警局人員拘捕。

葉其後在美國放棄就其引渡的申訴，並同意自願返回香港。他在廉署人員陪同下，於二〇一五年二月五日返抵香港並被起訴。

廉署感謝美國法警局、美國聯邦調查局及美國司法部提供寶貴協助，將葉緝拿及引渡回港。

路政署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連普禧代表出庭，並由廉署人員黃宗輝協助。

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