



Press Releases

Ex-manager of beverage company charged by ICAC for allegedly concealing conflict of interest in advertisements worth \$1.9m

2023-2-23

A former marketing manager of a beverage company was charged by the ICAC yesterday (February 22) for allegedly deceiving the company into awarding various outdoor advertisement purchase orders worth totalling about \$1.9 million to a vendor by concealing that the latter was controlled by him. The former manager and a subordinate also allegedly used a number of false quotations and outdoor advertisement inspection reports to mislead the company.

Chan Wing-fung, 38, former manager of marketing department of Vitasoy International Holdings Limited (Vitasoy), faces one count of fraud, contrary to section 16A of the Theft Ordinance.

Chan and Keung Tze-ping, 47, former outdoor visibility officer of marketing department of Vitasoy, jointly face two counts of conspiracy for agents to use documents with intent to deceive his principal, contrary to section 9(3) of the Prevention of Bribery Ordinance and section 159A of the Crimes Ordinance.

The duo were released on ICAC bail, pending their appearance in the Tuen Mun Magistrates' Courts tomorrow (February 24) for mention, pending the prosecution's application for transferring the case to the District Court.

At the material time, Chan was the manager of the merchandising team and outdoor advertising team of Vitasoy's marketing department. Among other duties, Chan was responsible for approving the engagement of vendors. Keung was an outdoor visibility officer working in the outdoor advertising team. She was responsible for assisting Chan to obtain quotations from vendors. The duo were required to obtain at least two or three quotations, subject to the amount of a procurement exercise involved.

Staff handbook of Vitasoy stipulates that all staff members are required to disclose any possible conflict of interest to Vitasoy and seek permission in writing prior to participating in any business which would possibly cause a conflict of interest.

It is alleged that between January 2016 and early October 2019, Chan concealed from Vitasoy his interest in Why Creative Graphic Design House (Why Creative), and with intent to defraud, induced Vitasoy to award 39 outdoor advertisement purchase orders to Why Creative.

The ICAC investigation arose from a corruption complaint. Enquiries revealed that Why Creative was in fact controlled by Chan. The 39 outdoor advertisement purchase orders concerned worth totalling about \$1.9 million.

In an internal audit conducted by Vitasoy, it was revealed that a majority of the purchase orders issued by the outdoor advertising team during July 2017 and April 2019, totalling around \$6.3 million, were awarded to three vendors, including Why Creative. Chan had further approved to pay a monthly fee of \$36,000 to one of the vendors for conducting inspections on all outdoor advertisements of Vitasoy to make sure that they were in good condition and were updated. Hence, Vitasoy requested the outdoor advertising team to provide the

relevant quotations and inspection reports for examination.

Between early May and June 2019, Chan and Keung allegedly conspired together with a subordinate in the outdoor advertisement team to use 31 sets of quotation documents purportedly issued by four outdoor advertising vendors to mislead Vitasoy.

It is also alleged that the trio had used 37 sets of outdoor advertisement inspection reports purportedly prepared by one of the above vendors to mislead Vitasoy that it had conducted the relevant inspections and prepared and submitted the reports concerned.

ICAC investigation revealed that the four vendors had never issued the quotations concerned, and had never been engaged to conduct the relevant inspection.

Vitasoy has rendered full assistance to the ICAC during its investigation into the case.

The ICAC reminds staff of business organisations to avoid conflict of interest situations and to make timely declarations to their employers. Concealing any conflict of interest in relation to one's official duties to benefit himself or his associates may contravene the criminal law. It may constitute a breach of the Prevention of Bribery Ordinance if offering and accepting of bribes are involved.

The ICAC recommends business organisations to establish clear guidelines and systems of declaration on conflict of interest with which employees should strictly comply. "How to handle conflict of interest": hkbedc.icac.hk/en/integrity_focus/how_to_handle_conflict_of_interest.

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新聞公佈

廉署起訴飲品公司前經理涉嫌隱瞞利益衝突判授190萬元廣告

2023年2月23日

廉政公署昨日(2月22日)落案起訴一名飲品公司前市場經理，涉嫌隱瞞自己操控一間服務供應商，詐騙公司把多張戶外廣告採購訂單授予該供應商，金額總值約190萬元。該名前經理及一名下屬另涉嫌在內部審計時，以多份虛假報價單及戶外廣告巡查報告誤導公司。

陳永峰，38歲，維他奶國際集團有限公司(維他奶)市場部前經理，被控一項欺詐罪名，違反《盜竊罪條例》第16A條。

陳永峰亦與維他奶市場部前戶外展銷主任姜梓萍，47歲，同被控兩項串謀使代理人使用文件意圖欺騙其主事人罪名，違反《防止賄賂條例》第9(3)條及《刑事罪行條例》第159A條。

二人已獲廉署准予保釋，以待明日(2月24日)在屯門裁判法院應訊，待控方稍後申請將案件轉介區域法院。

陳永峰案發時是維他奶市場部採購組及戶外廣告組的經理，職責包括批核委聘服務供應商。姜梓萍任職戶外廣告組戶外展銷主任，負責協助陳永峰向服務供應商索取報價單。二人需視乎採購項目的金額，取得最少兩份或三份報價單。

維他奶員工手冊訂明，所有員工必須向公司申報潛在利益衝突，並在參與可能導致利益衝突的業務前索取書面批准。

陳永峰涉嫌於2016年1月至2019年10月初期間，向維他奶隱瞞他在Why Creative Graphic Design House (Why Creative)的權益，並意圖詐騙而誘使維他奶把39張戶外廣告採購訂單判授予Why Creative。

廉署接獲貪污投訴遂展開調查，調查顯示Why Creative實質上由陳永峰營運及操控。涉案39張戶外廣告採購訂單總值約190萬元。

此外，維他奶進行內部審計時發現，於2017年7月至2019年4月期間，戶外廣告組大部份訂單都判授予包括Why Creative在內的三間服務供應商，涉及總金額約630萬元。陳永峰又批核向其中一間服務供應商支付月費36,000元，安排巡查所有維他奶戶外廣告，以確保狀況良好及內容有更新。維他奶遂指示戶外廣告組提交相關報價單及巡查報告作審核。

於2019年5月初至6月期間，陳永峰及姜梓萍涉嫌串謀戶外廣告組一名下屬，使用31套看來是由四間服務供應商發出的報價單以誤導維他奶。

三人又涉嫌串謀使用37份看來是由其中一間服務供應商擬備的戶外廣告巡查報告，誤導維他奶該供應商已進行相關檢查，及擬備和提交報告。

廉署調查發現，該四間服務供應商從沒有發出涉案的報價單，亦沒有受委聘進行巡查。

維他奶在廉署調查案件期間提供全面協助。

廉署提醒私營機構僱員，應避免利益衝突及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，有可能觸犯刑事罪行。若當中涉及提供及收受賄賂，更有可能違反《防止賄賂條例》。

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，僱員亦應遵從相關指引。「如何處理利益衝突」專題網頁：hkbedc.icac.hk/zh-hant/integrity_focus/how_to_handle_conflict_of_interest。

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