

## **Ex-senior executive of tunnel company gets three years and one month for soliciting \$6m bribe**

17 December 2013

A former senior executive of a tunnel management company, charged by the ICAC, was today (Tuesday) sentenced to three years and one month's imprisonment at the District Court for soliciting a bribe of over \$6 million from another management company in relation to a new contract for management of two tunnels.

Victor Leung Yau-wing, 66, former assistant general manager of Greater Lucky (HK) Company Limited (Greater Lucky), earlier pleaded guilty to one count of agent soliciting an advantage, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance. He also admitted one count of failing to surrender to custody.

Citing a judgment of the Court of Appeal in relation to a review of sentence of a bribery case, District Court Judge Kevin Browne said bribery was an evil which could strike at the heart of commercial and public life if it was left unchecked.

The judge said the offences committed by the defendant constituted a significant breach of trust and there were no exceptional circumstances involved in the case.

The judge added that the starting point of four and half years in jail for the bribery offence was reduced by one-third to three years in view of the defendant's guilty plea. A lenient one month imprisonment was meted out after taking into account his willingness to surrender himself.

The court heard that at the material time, the defendant was employed by the parent company of Greater Lucky as a transport affairs director acting for Greater Lucky to handle the tendering exercise of the new contract.

In April last year, Greater Lucky was awarded the new contract by the Transport Department (TD) to replace Serco Group (HK) Limited (Serco) as the new management company of Kai Tak Tunnel and Lion Rock Tunnel at over \$400 million.

With the signing of the contract scheduled for late July last year, the defendant became assistant general manager of Greater Lucky as from August 1 last year.

On July 10 last year, prior to the signing of the new contract, an executive director of Serco met with the defendant upon the latter's request.

During the meeting, the defendant solicited a sum equivalent to 1.5% of the price of the contract, amounting to over \$6 million, for deferring the signing of the contract by Greater Lucky with the TD, the court heard.

The defendant was subsequently arrested by the ICAC. On May 16 this year, he was charged by the ICAC with one count of agent soliciting an advantage.

After pleading not guilty to the charge on June 11, the defendant was scheduled to face trial at the District Court on August 12. But he failed to turn up at the court for trial on that day, and a warrant of arrest was issued.

Upon his return to Hong Kong from the Mainland on October 21, the defendant was arrested and laid with an additional charge of failing to surrender to custody, the court was told.

The prosecution was today represented by Acting Senior Public Prosecutor Jonathan Lin, assisted by ICAC officer Joseph Leung.

## 隧道管理公司前高層索賄六百萬元 判囚三年零一個月

2013年12月17日

一名隧道管理公司前高層人員，就兩條隧道的新管理合約，向另一間管理公司索取六百多萬元賄款，早前被廉政公署拘控。被告今日(星期二)在區域法院被判入獄三年零一個月。

梁佑榮，六十六歲，越運亨(香港)有限公司(「越運亨」)前助理總經理，早前承認一項代理人索取利益罪名，違反《防止賄賂條例》第9(1)(a)條。他又承認一項沒有按照法庭的指定歸押罪名。

區域法院法官鮑理賢判刑時引用上訴法庭就一宗貪污案件刑期覆核的判案書，指貪污行為若不被揭發，會嚴重打擊商業活動及民生。

法官指被告所犯的罪行嚴重違反誠信，而案件並不涉及任何特殊情況。

法官續稱，該貪污罪行的量刑起點為監禁四年半，但考慮到被告承認控罪，故將他的刑期扣減三分之一至三年。被告棄保潛逃後回港自首，獲輕判一個月。

案情透露，被告於案發時受僱於「越運亨」的母公司為交通事務發展總監，負責為「越運亨」處理有關新管理合約的招標工作。

「越運亨」於去年四月獲運輸署以逾四億元批出有關新合約，接替信佳集團管理有限公司(「信佳」)成為啟德隧道及獅子山隧道的新管理公司。

有關合約訂於去年七月底簽署，而被告則於去年八月一日起出任「越運亨」助理總經理。

去年七月十日，即簽署新合約前，被告約見一名「信佳」的執行董事。被告於會面時向對方索取相等於有關合約價格的百分之一點五的款項，即為六百多萬元，以延遲「越運亨」與運輸署簽署該合約。

被告其後被廉署拘捕，並於本年五月十六日被控一項代理人索取利益罪名。

被告於六月十一日否認控罪，案件押後至八月十二日在區域法院進行審訊。由於被告於審訊當日沒有出庭，法官遂簽發手令通緝他歸案。

被告於十月二十一日由內地回港後被拘捕，並被加控一項沒有按照法庭的指定歸押罪名。

控方今日由署理高級檢控官連普禧代表出庭，並由廉署人員梁家豪協助。

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