

Policeman penalised for failure to comply with POBO notice

20 January 2014

A Police Constable, charged by the ICAC, was today (Monday) fined \$5,000 at the Eastern Magistracy after being convicted of failing to comply with a notice served on him under the Prevention of Bribery Ordinance (POBO) requiring him to declare all his properties, expenditures and liabilities.

Chung Hin-lok, 40, was today found guilty of one count of failing to comply with a notice issued under Section 14(1)(a) of the POBO, contrary to Section 14(4) of the POBO.

In sentencing, Magistrate Mr Marco Li Kwok-wai remarked that the High Court had on many occasions emphasised that corruption was difficult to tackle and required special tools to combat the evils of corruption. Any attempt to defeat this power must be lawfully sanctioned.

The court heard that on February 4 last year, Deputy High Court Judge Wright granted an order authorising the ICAC Commissioner to issue a notice under Section 14(1)(a) of the POBO to the defendant.

On the same day, a notice pursuant to the order was issued by the ICAC and duly served on the defendant requiring him to enumerate in the form of a statutory declaration his properties, expenditures and liabilities of an amount of \$2,000 or more in the three years immediately preceding February 4 last year.

After receiving two letters of reminder from the ICAC and being granted an extension of 21 days to comply with the notice, the defendant submitted to the ICAC on March 25 last year the original notice served on him with his handwritten answers marked on it, and attached a one-page handwritten note as a reply.

The court heard that while the reply was not in the form of a statutory declaration, the defendant failed to include details of his properties, including his account with a bank.

The defendant also failed to include liabilities incurred by him, which included a loan of over \$95,000 from the Hong Kong Police Credit Union and loans of over \$700,000 from four financial institutions, the court was told.

The case arose from a corruption complaint referred by the Police. In the course of the ICAC investigation into the complaint, the defendant committed the above offence.

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

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警員不遵照防賄條例通知書罪成被判刑

2014年1月20日

一名警務人員不遵照根據《防止賄賂條例》向他發出，要求他就其一切財產、開支及法律責任提交聲明的通知書，被廉政公署拘控。被告今日(星期一)在東區裁判法院被裁定罪名成立，被判罰款五千元。

鍾衍樂，四十歲，今日被裁定一項罪名成立，即不遵照根據《防止賄賂條例》第14(1)(a)條發出的通知書辦理，違反《防止賄賂條例》第14(4)條。

裁判官李國威判刑時稱，高等法院多次強調貪污舞弊調查困難，需要特殊的工具打擊貪污禍害。任何試圖打擊這權力者必須接受法律的制裁。

案情透露，高等法院暫委法官韋毅志於去年二月四日授予命令，授權廉政專員根據《防止賄賂條例》第14(1)(a)條向被告發出通知書。

廉署於同日根據有關命令向被告發出及妥為送達通知書，要求他以法定聲明形式，列明在緊接去年二月四日之前三年內其價值二千元或以上的財產、支出及法律責任。

在接獲兩封由廉署發出的備忘信及獲准將提交期延長二十一日後，被告於去年三月二十五日向廉署呈交送達予他的通知書正本，上面載有其手寫答覆，並隨附一頁手寫字條作回覆。

案情透露，有關回覆並不是以法定聲明作出，當中亦沒有披露被告的財產，即他在一間銀行的戶口。

被告亦沒有申報他所承擔的法律責任，包括一筆向香港警察儲蓄互助社獲取逾九萬五千元的貸款，以及從四間財務公司獲取共逾七十萬元的貸款。

廉署早前接獲警方轉介的貪污投訴。被告在廉署調查有關投訴期間觸犯上述罪行。

控方今日由署理高級檢控官連普禧代表出庭，並由廉署人員柳智浩協助。

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