

## Senior Station Officer of FSD sentenced for perversion

7 March 2014

A Senior Station Officer (SSO) of the Fire Services Department (FSD), charged by the ICAC, was today (Friday) sentenced at the Kowloon City Magistracy for perverting public justice by failing to prosecute a case of storing dangerous goods without a licence.

Isaiah Tong Man-choi, 49, was ordered by Deputy Magistrate Mr Chu Chung-keung to perform 160 hours of community service.

In sentencing, the deputy magistrate said he imposed a community service order on the defendant after taking into account his clear record and various mitigating factors.

The defendant was earlier found guilty of one count of doing acts tending and intended to pervert the course of public justice, contrary to Common Law.

The case arose from a corruption complaint referred by the FSD. Subsequent ICAC enquiries revealed the above offence.

The court heard that at the material time, the defendant was an SSO posted to the Building Improvement Division under Fire Safety Command. He was tasked to handle fire hazard complaints.

The maximum storage of bromotrifluoromethane (BTM) without a licence is two cylinders. Over-storage of BTM is an offence under the Dangerous Goods Ordinance.

On March 12, 2012, the FSD received a complaint against over-storage of BTM inside a meter room at the basement of World Finance Centre (North Tower) in Canton Road, Kowloon.

The defendant was assigned to handle the complaint. During an inspection at the scene, he discovered 44 BTM cylinders stored in a pipe duct room inside the main switch room of the centre.

Without taking any action for collecting evidence to prosecute the management company, Harbour City Estate Limited (HCEL), for the over-storage of BTM, the defendant asked a staff member of HCEL to remove all BTM cylinders by the next day.

The court heard that on the following day, the FSD received another complaint against over-storage of BTM cylinders on the same location. An SSO of the FSD's Dangerous Goods Division (DGD) was assigned to handle the complaint.

On the same day, the defendant phoned the HCEL staff and his supervisor, asking them to remove the BTM cylinders immediately prior to the inspection by the SSO of DGD.

Upon his arrival at the scene, the SSO of DGD saw the HCEL supervisor and other staff removing those BTM cylinders. The SSO stopped the removal, and later discovered a total of 43 BTM cylinders and one oxygen cylinder on different locations at the basement of the centre.

The HCEL supervisor called the defendant to inform the latter of the arrival of the SSO of DGD. Over the telephone, the defendant suggested that the supervisor tell the SSO of DGD the 44 cylinders were recently moved to the centre.

On March 15, 2012, the defendant submitted a complaint inspection report to DGD via his immediate supervisor. In the report, the defendant stated that no BTM cylinder was noted during his inspection in the centre three days ago, the court was told.

The FSD had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by Senior Public Prosecutor Jones Tsui, assisted by ICAC officer Heidi Cheung.

## 高級消防隊長妨礙司法公正被判刑

2014年3月7日

一名消防處高級消防隊長，未有就一宗無牌儲存危險物品案件作出檢控，被廉政公署控以妨礙司法公正罪名。被告今日(星期五)在九龍城裁判法院被判刑。

湯萬財，四十九歲，被暫委裁判官朱仲強判處須履行一百六十小時社會服務。

暫委裁判官在判刑時表示，考慮到被告並無案底及其求情理由，因此判處社會服務令。

被告早前被裁定一項罪名成立，即作出可導致及意圖妨礙司法公正的行為，違反普通法。

廉署早時接獲消防處轉介的貪污投訴。調查其後揭發上述罪行。

案情透露，被告於案發時擔任消防安全總區轄下樓宇改善課的高級消防隊長，負責處理火警危險投訴。

在沒有申領牌照的情況下，三氟溴甲烷氣樽的最高儲存量為兩瓶，過量存即屬違反《危險品條例》。

消防處於二〇一二年三月十二日接獲一宗有關九龍廣東道環球金融中心(北座)地庫錶房儲存過量三氟溴甲烷氣樽的投訴。

被告獲指派處理有關投訴。在巡查過程中，被告發現四十四瓶三氟溴甲烷氣樽存放在該中心總掣房內的管喉房。

被告不但沒有採取任何蒐證行動，以檢控該中心物業管理公司海港城置業有限公司(「海港城置業」)存放過量三氟溴甲烷氣樽，反而要求一名「海港城置業」職員於翌日內將該等三氟溴甲烷氣樽全部移走。

案情透露，消防處翌日接獲另一宗有關同一地點儲存過量三氟溴甲烷氣樽的投訴。消防處危險品課一名高級消防隊長獲指派處理該宗投訴。

被告於同日致電上述「海港城置業」職員及其上司，要求他們在該名危險品課高級消防隊長巡查前，立刻將該等三氟溴甲烷氣樽移走。

該名危險品課高級消防隊長抵達該地點時，見到該名「海港城置業」上司及其他職員正將三氟溴甲烷氣樽移走。該高級消防隊長遂停止他們的遷移行動，他其後在該中心地庫的不同地點發現共四十三瓶三氟溴甲烷氣樽及一瓶氧氣氣樽。

該名「海港城置業」上司曾以電話通知被告該名危險品課高級消防隊長到來巡查，被告當時建議他可說該四十四瓶三氟溴甲烷氣樽是最近才移至該中心。

被告於同年三月十五日透過其直屬上司向危險品課提交一份投訴巡查報告。在該報告中，被告表示於三日前巡查該中心時，沒有發現任何三氟溴甲烷氣樽。

消防處在廉署調查案件期間提供全面協助。

控方今日由署理高級檢控官徐和中代表出庭，並由廉署人員張詠婷協助。

[返回目錄](#)