

## Tai Po DC member jailed for \$500,000 false claims

14 April 2015

A member of the Tai Po District Council (DC), charged by the ICAC, was today (Tuesday) sentenced to five months' imprisonment at the Fanling Magistratecy for false claims of Operating Expenses Allowance (OEA) and Operating Expenses Reimbursement (OER) totalling about \$500,000 from the Tai Po DC Secretariat.

Lo Sou-chour, 60, was earlier found guilty of four counts of fraud, contrary to Section 16A(1) of the Theft Ordinance.

In sentencing, Magistrate Mr David Cheung Chi-wai reprimanded the defendant for using his then assistants as a vehicle to make false claims of allowance.

The magistrate added that the starting point of six months in jail was reduced to five months after taking into account his service to the community.

Upon an application from the defendant, the magistrate granted him cash bail of \$30,000, pending his appeal against conviction. He was also ordered to surrender his travel documents to the court, not to leave Hong Kong and reside at his reported address.

The case arose from a corruption complaint. Subsequent ICAC enquiries revealed the above offences.

The court heard that at the material time, the defendant was a member of the Tai Po DC. He was entitled to obtain reimbursement for expenses related to discharging his duties, including the employment of his staff under OER, or known as OEA before January 2011.

As stipulated in the Guidelines on Remuneration Package for Members of the DCs, OER or OEA claims would only be reimbursed on an accountable basis.

Between August 1, 2008 and February 28, 2013, the defendant employed three councillor assistants (CA) and a part-time CA at a monthly salary ranging from \$1,980 to \$8,000.

Prior to paying salaries to those CAs, the defendant asked them to sign on their receipts, the court heard.

The defendant then submitted a total of 94 monthly salary receipts of the CAs to the Tai Po DC Secretariat for reimbursement when the salaries had not been paid to them.

The defendant subsequently received salary reimbursements totalling \$494,580. But the defendant defaulted in paying one of the CAs three months of salary totalling \$23,200 and the part-time CA five months of salary amounting to \$20,000.

Had the Tai Po DC Secretariat known that the defendant had not made the payments for the receipts submitted, it would not have approved the reimbursement claims made by him, the court was told.

The prosecution was today represented by Senior Public Prosecutor Samantha Chiu, assisted by ICAC officer Franki Law.

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## 大埔區議員虛假申領五十萬元判囚五個月

2015年4月14日

一名大埔區議會議員向大埔區議會秘書處虛假申領營運開支津貼及營運開支償還款項共約五十萬元，被廉政公署拘控。被告今日(星期二)在粉嶺裁判法院被判入獄五個月。

羅舜泉，六十歲，較早前被裁定四項欺詐罪名成立，違反《盜竊罪條例》第16A(1)條。

裁判官張志偉在判刑時斥責被告利用其當時的助理作為虛假申領津貼的工具。裁判官又表示，量刑起點為六個月，但考慮到被告服務社區，因此獲減刑至五個月。

裁判官另批准被告的申請，准許他以現金三萬元保釋外出，以候就定罪提出上訴。被告又受命須向法院交出旅遊證件、不准離開香港及須在報住的地址居住。

廉署早前接獲貪污投訴，調查後揭發上述罪行。

案情透露，被告於案發時為大埔區議會議員，他有權就其職務的開支，包括聘用職員，獲發營運開支償還或二〇一一年前稱為營運開支津貼。

根據區議會議員酬金、津貼和開支償還款額安排的指引，有關申領營運開支償還款項或營運開支津貼必須依照實報實銷的原則。

被告於二〇〇八年八月一日至二〇一三年二月二十八日期間，聘請了三名議員助理及一名兼職議員助理，月薪介乎一千九百八十元至八千元。

案情透露，被告在支薪予各議員助理前，先要求他們在薪金收據上簽署。

被告在尚未向各議員助理支付薪金前，已向大埔區議會秘書處呈交合共九十四份議員助理每月支薪收據，以申領有關款項或津貼。

被告其後收到償還薪金款項合共四十九萬四千五百八十元，但他卻拖欠其中一名議員助理三個月薪金合共二萬三千二百元，以及另一名兼職議員助理五個月薪金合共二萬元。

案情指出，倘若大埔區議會秘書處得悉被告並沒有依照他所提交的收據支付薪金，秘書處將不會批准其申領款項。

控方今日由高級檢控官招秉茵代表出庭，並由廉署人員羅君傑協助。

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