

## C&E officers charged with misconduct over duty-not-paid cigarette seizure

22 April 2015

Three officers of the Customs and Excise Department (C&E) have been charged by the ICAC today (Wednesday) for alleged misconduct in public office over duty-not-paid cigarettes seized from a cross-border driver at the Lok Ma Chau Control Point (LMCCP).

Chiu Kang-wo, 53, and Kong Wing-yi, 33, both Customs Inspectors (CIs); and Chow Kwong-wah, 46, Senior Customs Officer (SCO), jointly face one count of misconduct in public office, contrary to Common Law.

The defendants will appear at the Fanling Magistracy on Friday (April 24) for plea.

The case arose from a corruption complaint. Subsequent ICAC enquiries revealed the above alleged misconduct offence.

At the material time, Chiu and Kong were CIs posted to a team under the Cargo and Vehicle Processing Unit of the LMCCP, whereas Chow was a SCO of the team.

The charge alleges that between July 27 and 28, 2013, the defendants, together with a Customs Officer, in the course of or in relation to their public offices, wilfully and intentionally misconducted themselves without reasonable excuse or justification by:

- initiating and suggesting to a cross-border driver that they would treat the driver to have imported into Hong Kong only 1,243 sticks of dutiable cigarettes;
- destroying about 757 sticks of dutiable cigarettes seized from the driver;
- dishonestly recording in the official record for the senior management of the C&E that the driver had imported to Hong Kong only 1,243 sticks of dutiable cigarettes; and
- compounding the two offences committed by the driver, namely possession of dutiable goods and failing to declare dutiable goods under the Dutiable Commodities Ordinance, in respect of only 1,243 sticks of dutiable cigarettes seized from the driver by accepting from him as penalties a total sum of \$12,602.70 pursuant to the Ordinance.

The defendants further face a joint alternative charge of doing acts tending and intended to pervert the course of public justice, contrary to Common Law.

The alternative charge alleges that between July 27 and 28, 2013, the defendants did the series of acts aforementioned which had a tendency to pervert the course of public justice.

The C&E had rendered full assistance to the ICAC during its investigation.

The defendants have been released on ICAC bail, pending their court appearance on Friday.

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## 廉署起訴三名海關人員涉嫌就檢取未完稅香煙行為失當

2015年4月22日

廉政公署今日(星期三)落案起訴三名香港海關(海關)人員，控告他們就於落馬洲管制站從一名跨境貨車司機檢取的未完稅香煙，涉嫌公職人員行為失當。

趙鏡和，五十三歲，及江詠儀，三十三歲，同為海關督察；及周光華，四十六歲，高級海關關員，同被控一項公職人員行為失當罪名，涉嫌違反普通法。

被告將於星期五(四月二十四日)在粉嶺裁判法院答辯。

廉署早前接獲貪污投訴，調查其後揭發上述涉嫌公職人員行為失當罪行。

案發時趙及江同為海關督察，隸屬落馬洲管制站貨物及車輛處理組的一個小隊，而周則為該小隊的高級海關關員。

控罪指被告涉嫌於二〇一三年七月二十七日至二十八日期間，與一名海關關員在處理或在與他們公職有關的情況下，未有合理辯解或理由，故意及蓄意作出失當行為，即：

- 向一名跨境貨車司機提出及建議指他們視該司機只曾將一千二百四十三支應課稅香煙進口香港；
- 銷毀大約七百五十七支檢取自該司機的應課稅香煙；
- 在向海關高層管理人員呈交的公事紀錄上，不誠實地記錄該司機曾將一千二百四十三支應課香煙進口香港；
- 只以從該司機所檢取的一千二百四十三支應課稅香煙，有代價地不予檢控其干犯的兩項罪行，即《應課稅品條例》下的非法管有應課稅貨品及未有申報其所攜帶的應課稅貨品，並按上述條例接受該司機所繳交的一萬二千六百零二元七角罰款。

被告另同被控一項交替罪名，即作出可導致及意圖妨礙司法公正的行為，涉嫌違反普通法。

交替控罪指被告涉嫌於二〇一三年七月二十七日至二十八日期間，意圖妨礙司法公正而作出上述一連串可導致妨礙司法公正的行為。

海關在廉署調查案件期間提供全面協助。

被告已獲廉署准予保釋，以待星期五應訊。

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