

Woman sentenced for bribing public servants over niche application

2 July 2015

A woman, charged by the ICAC, was today (Thursday) sentenced at the Kowloon City Magistracy for having offered \$23,300 in bribes to two government officials and used a false letter of identity in her application for a niche for her late grandmother.

Anita Lo Wai-yee, 70, was sentenced to a total of 12 months in jail, suspended for three years, by Deputy Magistrate Edward Wong Ching-yu.

In sentencing, the magistrate said the offences committed by the defendant were serious in nature. In view of her guilty plea, old age, and that she committed the offences out of filial piety for her late grandmother, a suspended sentence was imposed on her.

The defendant earlier pleaded guilty to three charges – two of offering an advantage to a public servant, contrary to Section 4(1)(a) of the Prevention of Bribery Ordinance, and one of using a false instrument, contrary to Section 73 of the Crimes Ordinance.

The court heard that at the material time, the defendant was applying to the Food and Environmental Hygiene Department (FEHD) for a niche for her deceased grandmother. To support her application, the defendant was required to apply to the Immigration Department (ImmD) for a documentary proof of the deceased's identity as a Hong Kong resident.

On May 7, 2014, the defendant submitted to the ImmD an application for a Certificate of Registered Particulars in respect of a Deceased Person for her late grandmother.

A Clerical Officer of the ImmD later issued a letter to the defendant, informing her that there was no registration record of her grandmother kept by the ImmD.

On August 25, 2014, the Clerical Officer received from the defendant a letter attached with her signed personal cheque for \$3,850 payable to the Clerical Officer.

In the letter, the defendant stated that the cheque was offered to the Clerical Officer for her assistance in searching for the records of her late grandmother, and that the amount of the cheque was equivalent to 10 times of the administrative fee for the application.

The court heard that on August 25, the defendant called an Assistant Venue Manager of the FEHD to request the extension of the deadline for submitting the niche application for her deceased grandmother.

In response, the Assistant Venue Manager rejected the request, and told the defendant that August 26 was the deadline for submission of the application as the allocation of niches by way of a computer ballot would take place on September 11, and the FEHD would need around two weeks to process all applications before the date of the ballot.

The defendant, however, said she had prepared a crossed cheque to express her gratitude for him. The Assistant Venue Manager then reported the incident to his supervisors the following day.

On August 27, the Assistant Venue Manager received an envelope with a signed personal cheque of the defendant for \$19,450, of which only the surname of the Assistant Venue Manager was written as the payee. There was also a letter written by the defendant, which stated that the amount on the cheque was equivalent to five times of the application fee.

The court heard that on August 30, the defendant used a letter, purportedly issued by the Clerical Officer of the ImmD, stating that her grandmother was a holder of a Hong Kong Permanent Identity Card. But the Clerical Officer confirmed that she had never issued the letter.

The case arose from a corruption complaint referred by the FEHD. During its investigation, the ICAC had received full assistance from the FEHD and the ImmD.

The prosecution was today represented by Public Prosecutor Kasmine Hui, assisted by ICAC officer Patrick Yu.

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婦人就申請龕位行賄公職人員判刑

2015年7月2日

一名婦人為其已故外祖母申請靈灰龕位時，向兩名政府部門職員行賄共二萬三千三百多元，以及使用一封虛假的身分證明信件，被廉政公署拘控。被告今日（星期四）在九龍城裁判法院被判刑。

盧慧儀，七十歲，被暫委裁判官王證瑜判處監禁共十二個月，緩刑三年。

暫委裁判官在判刑時表示，被告所犯的罪行性質嚴重，但考慮到她認罪、年老及出於孝心才犯案，因此判處緩刑。

被告早前承認三項罪名，即兩項向公職人員提供利益，違反《防止賄賂條例》第4(1)(a)條，及一項使用虛假文書，違反《刑事罪行條例》第73條。

案情透露，被告於案發時為其已故外祖母向食物環境衛生署（食環署）申請靈灰龕位。被告須向入境事務處（入境處）申請證明文件，證實已故人士具備香港居民身分，以支持其靈灰龕位申請。

被告於二〇一四年五月七日向入境處為其已故外祖母遞交一份「登記事項證明書申請表 — 有關已故人士」。入境處一名文書主任其後發信通知被告，該處並無其外祖母的登記資料。

該名文書主任於同年八月二十五日收到被告一封信件，內附一張由被告本人簽署，面額三千八百五十元的支票。被告在信中稱，支票是給予該名文書主任，以協助尋找其已故外祖母的紀錄。支票的款額是處理有關申請行政費用的十倍。

案情透露，被告於八月二十五日又致電食環署一名助理場地經理，要求延長其遞交申請已故外祖母龕位的期限。

該名助理場地經理在回覆時拒絕被告的要求，並告知被告八月二十六日是遞交申請的最後限期，因為有關龕位的編配將於九月十一日透過電腦抽籤進行，而食環署在抽籤日期前需約兩星期時間去處理所有申請。

不過，被告表示已準備一張劃線支票以向他表示謝意。該名助理場地經理於翌日向其上司報告此事。

該名助理場地經理於八月二十七日收到一個信封，內裡有一張由被告簽署而抬頭人只寫上該名助理場地經理姓氏，面額為一萬九千四百五十元的個人支票。另外，還有一封由被告書寫的信件稱支票的款項是申請費用的五倍。

案情又透露，被告於八月三十日利用一封看來是由該名入境處文書主任發出的信件，註明其外祖母是一張香港永久居民身分證的持有人。不過，該名文書主任證實她從未發出該封信件。

廉署早前接獲食環署轉介的貪污投訴，廉署調查案件期間獲得食環署及入境處提供全面協助。

控方今日由檢控官許熙晴代表出庭，並由廉署人員于伯章協助。

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