

Senior Police Inspector admits misconduct in public office

04.06.10

A Senior Inspector of Police (SIP), charged by the ICAC, today (Friday) admitted at the District Court that he had abused his official capacity to obtain and divulge privileged information relating to two suspected fraud cases handled by the Police to a civilian.

Francis Lam Koon-wah, 40, pleaded guilty to one count of misconduct in public office, contrary to the Common Law.

Deputy Judge Ada Yim Shun-ye adjourned sentencing to next Monday (June 7), and granted the defendant cash bail of \$30,000.

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

The court heard that the defendant was an officer-in-charge of an investigative team of the Cheung Sha Wan Division when the offence took place between November 2005 and November 2007.

On December 7, 2005, the defendant was assigned to investigate a suspected fraud case lodged with the Police by a businessman against his partner.

After taking a statement from the businessman, the defendant repeatedly told the latter that the Police might not have sufficient resources to handle his case.

He suggested the businessman to hire a private detective agency to investigate his complaint and to give the findings to ICAC afterwards as ICAC might have interest in the case.

In September 2006, the defendant again suggested to the businessman that he should commission a private agency, which would cost around \$700,000 to \$800,000, to continue with the investigation.

Two months later, when the defendant met with the businessman at a fast food shop in Sham Shui Po, he gave the businessman a folder containing information of the suspect's companies and properties held by those companies. Such information was obtained through the police investigation.

Meanwhile, the aforesaid businessman told the defendant that he had lodged a separate complaint against a couple, alleging them of fraud.

After obtaining the relevant police case number, the court heard that the defendant then instructed his subordinate to apply for five search warrants to obtain bank documents of the said couple by falsely claiming in the application that the bank documents pertained to an ongoing police investigation.

The defendant also admitted that he had obtained tax information from the Inland Revenue Department by applying for two separate Production Orders pursuant to the Organised and Serious Crimes Ordinance at the Court of First Instance.

He had subsequently passed to the businessman information, including company and land searches records, tax returns documents, bank account documents, police report and police witness statements relating to this case.

Enquiries with the Police confirmed that the documents are confidential in nature and the defendant was not authorized to disclose the same to the businessman.

The court also heard that the defendant had told the businessman on various occasions that he had spent lots of money in investigating the above two cases. Upon the defendant's request, the businessman paid him \$20,000 on an occasion.

The prosecution was today (Friday) represented by Acting Senior Public Prosecutor Margaret Lau, assisted by ICAC officer Jack Hui.