

## Solicitor jailed for pocketing \$24,000 legal fee and deception

10 July 2014

A solicitor, charged by the ICAC, was today (Thursday) sentenced to six months' imprisonment at the Eastern Magistracy after admitting that he had pocketed a legal fee of \$24,000 belonging to a solicitors firm and deceiving \$3,000 from a client of the firm.

Tong Yee-chun, 67, a practising solicitor, today pleaded guilty to one count of theft and one count of obtaining property by deception.

In sentencing, Magistrate Mr David Chum Yau-fong reprimanded the defendant for taking advantage of his client's nescience of legal proceedings and undermining public confidence in legal practitioners.

The magistrate added that the offences committed by the defendant constituted a serious breach of trust, warranting an immediate custodial sentence to serve as a deterrent.

Upon the defendant's application, the magistrate granted him cash bail of \$20,000, pending his appeal against sentence.

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 practicing solicitor in Hong Kong and a consultant of Messrs Raymond Chan, Kenneth Yuen & Co., Solicitors (the solicitors firm).

On June 13, 2012, a restaurant owner met with the defendant at the solicitors firm after he was charged by the Immigration Department (ImmD) with employing an illegal worker.

At the meeting, the restaurant owner engaged the defendant as his legal representative in the legal proceedings at a legal fee of \$30,000. Upon the defendant's request, the restaurant owner paid him \$1,000 in cash as an initial deposit.

The defendant and the restaurant owner subsequently negotiated the legal fee over the phone, and the legal fee was revised to \$24,000.

On July 3, 2012, the restaurant owner discussed his case with the defendant at the solicitors firm. As the defendant insisted on receiving cash, the restaurant owner gave him \$23,000 in cash instead of a cheque to settle the outstanding legal fee.

The defendant was required to deposit all clients' legal fees into a bank account of the solicitors firm for profit sharing with other lawyers, but he had never reported to the solicitors firm that the restaurant owner had paid him the legal fee of \$24,000

The court heard that a week later, the defendant told the restaurant owner over the phone that the ImmD requested a "court fee" of \$2,000 for amending the charge laid against him.

The defendant later called the restaurant owner again, and told him that the "court fee" requested by the ImmD was \$3,000 instead of \$2,000.

On July 13, 2012 when the restaurant owner was due to enter plea to his charge at the Shatin Magistracy, upon the defendant's request, the restaurant owner gave \$3,000 in cash to him before entering the court room.

The ImmD confirmed that no "court fee" would be charged for amending charges against any defendant, the court was told.

The prosecution was today represented by Acting Senior Public Prosecutor Jonathan Lin, assisted by ICAC officer Thomas Ho.

## 律師盜取二萬四千元法律費用及欺騙判囚

2014年7月10日

一名律師盜取屬於一間律師事務所的二萬四千元法律費用，並騙取該行客戶三千元，被廉政公署拘控。被告今日(星期四)在東區裁判法院承認控罪，被判入獄六個月。

唐汝駿，六十七歲，執業律師，今日承認兩項罪名，即一項盜竊罪及一項以欺騙手段取得財產。

裁判官覃有方於判刑時，斥責被告利用其客戶不認識法律程序以謀取利益，影響大眾對法律從業員的信心。

裁判官續稱，被告所犯罪行嚴重違反誠信，故須判處被告即時入獄以示阻嚇。

裁判官批准被告提出的申請，准許他以現金二萬元保釋外出，等候就刑期提出上訴。

廉署早前接獲貪污舉報，調查後揭發上述罪行。

案情透露，被告於案發時是本港執業律師，並獲陳兆明袁耀彬律師事務所聘任為顧問。

二〇一二年六月十三日，一名酒樓東主遭入境事務處(入境處)檢控聘用一名非法勞工後，在該律師事務所與被告會面。

會面期間，該酒樓東主聘請被告在相關訴訟中擔任其法律代表，法律費用為三萬元。該酒樓東主應被告要求，向其支付現金一千元作首期訂金。

雙方其後以電話洽談有關法律費用，並將法律費用修訂為二萬四千元。

同年七月三日，該酒樓東主與被告在有關律師事務所討論其案件。由於被告堅持收取現金，該酒樓東主給予被告二萬三千元現金而非支票，以支付仍未清繳的法律費用。

被告須將所有客戶支付的法律費用存入律師事務所的銀行戶口，以便與其他律師攤分利潤，但被告從未向該律師事務所披露該酒樓東主已向其支付二萬四千元法律費用。

案情透露，被告於一星期後致電該酒樓東主，表示入境處要求二千元「堂費」，以修改其控罪。被告其後又致電該酒樓東主聲稱，有關「堂費」實為三千元，而並非二千元。

同年七月十三日，該酒樓東主到沙田裁判法院就其控罪答辯。他於進入法庭前應被告要求給予對方三千元。

入境處確認，該處從沒有就修改控罪，要求任何被告繳付「堂費」。

控方今日由署理高級檢控官連普禧代表出庭，並由廉署人員何智恒協助。

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