

## **Ex-policeman gets two years for misconduct, perjury and perversion**

A former Police Constable (PC), who was charged by the ICAC, was today (Monday) sentenced to two years' imprisonment at the District Court for misconduct in public office, perjury and perverting public justice to facilitate an operator of four money lenders in collecting debts from six debtors.

Lau Wai-man, 48, was earlier found guilty of five charges – three of misconduct in public office, one of doing acts tending and intended to pervert the course of public justice, both contrary to Common Law, and one of perjury, contrary to Section 31 of the Crimes Ordinance.

In sentencing, Judge Gary Lam Kar-yan said the defendant had brought the Police into disrepute. It was a pity that he had also destroyed his previous contribution to the Police, but he only had himself to blame.

The judge also said the defendant had abused his power to commit the offences, which were of a serious nature, and seriously undermined the solemnity of search warrants, so he deserved a deterrent custodial 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 detective PC attached to a District Investigation Team of the Kowloon City District.

In early 2009, the defendant came to know an operator of four licensed money lenders when he acted as a guarantor in respect of a loan facility granted to his father by one of the money lenders for building a small house.

Shortly after the release of the second loan instalment, the operator requested the defendant to use his police power to conduct enquiries on registered particulars of a fisherman couple, who had defaulted repayment after obtaining a loan from a money lender of the operator. On other occasions, the operator also requested the defendant to check information of other debtors.

Subsequently, the defendant caused requests to be sent to Hong Kong and China Gas Company Limited, CLP Holdings Limited and the Immigration Department between March 2009 and March 2010 for personal particulars of four debtors, including the fisherman couple. He also falsely represented that the requests were related to the Police's criminal investigations involving them.

After obtaining related information from the government department and public bodies, the defendant disclosed the information to the operator for debt collection.

The court also heard that afterwards, the operator provided the defendant with an account number of another debtor with a bank.

On October 19, 2009, the defendant applied in chambers before a magistrate in the Shatin Magistrates' Court for the issue of a search warrant by laying false information on oath that the account number of the debtor was involved in an investigation by the Police into an offence of fraud.

Having obtained the search warrant, the defendant executed it at the bank and obtained the particulars of the debtor, including his address and the identity card number, to facilitate the operator in collecting a debt from the debtor.

The court further heard that between May 10 and July 20, 2010, the defendant incited a woman not to testify against her son for forging her signature in a sale and purchase agreement in respect of a flat in Lai Chi Kok, which was jointly held by the duo.

The defendant told the woman that if she was to sell her half share of the flat at about \$1 million to the money lender of the operator to which her son was indebted, her son would not be prosecuted for forging her signature, the court was told.

The Police had rendered full assistance to the ICAC during its investigations.

The prosecution was today represented by prosecuting counsel Bernard Yuen, assisted by ICAC officer Henry Lung.

## 前警員行為失當作假證供及妨礙司法公正判囚兩年

2015年12月7日

一名前警員身為公職人員期間行為失當、作假證供及妨礙司法公正，以便利四間放債人公司的負責人向六名欠債人追收債項，早前被廉政公署拘控。被告今日(星期一)在區域法院被判入獄兩年。

劉偉文，四十八歲，早前承認共五項罪名，即三項公職人員行為失當、一項作出多於一項傾向並意圖妨礙司法公正的行為，同違反普通法，以及一項宣誓下作假證供，違反《刑事罪行條例》第31條。

法官林嘉欣在判刑時表示，被告的行為令警隊蒙羞，其之前在警隊所作的貢獻亦毀於一旦，實在令人惋惜，惟他只可自責咎由自取。

法官續稱，被告濫用職權以犯案，罪行性質嚴重，並嚴重損害搜查令的嚴肅性，故必須判處阻嚇性的監禁刑罰。

廉署較早時接獲貪污投訴，調查其後揭發上述罪行。

案情透露，被告於案發時是九龍城區一隊刑事調查隊的偵緝警員。

二〇〇九年初，被告認識了一名經營四間持牌放債人公司的負責人。被告父親當時獲其中一間公司批出貸款以興建丁屋，而被告則為有關貸款的擔保人。

在發放第二期分期貸款後，該負責人要求被告運用其警察權力，查詢一對借貸後拖欠還款的漁民夫婦的登記資料。該負責人又於不同場合要求被告查詢其他欠債人資料。

被告於二〇〇九年三月至二〇一〇年三月期間，安排向香港中華煤氣有限公司、中電控股有限公司及入境事務處作出要求，索取四名欠債人的個人資料，當中包括該對漁民夫婦。被告亦虛假地表示有關要求與涉及該四名人士的警方刑事調查有關。

在從有關政府部門及公共機構取得相關資料後，被告將資料向該負責人披露，以便其向有關欠債人追收債項。

案情又透露，該負責人其後向被告提供另一名欠債人的銀行戶口號碼。

被告於二〇〇九年十月十九日，在沙田裁判法院內庭一名裁判官前申請發出搜查令的程序中依法宣誓為證人後，故意作出虛假的陳述，即該名欠債人的帳戶號碼涉及警方正在調查的一項欺詐罪。

取得手令後，被告在該銀行行使手令以取得有關欠債人的資料，包括其地址及身分證號碼，以協助該負責人收數。

案情又透露，被告於二〇一〇年五月十日至七月二十日期間，煽惑一名女士不要作供指證其兒子在他們兩人在荔枝角一個共同持有的單位的買賣協議上偽造她的簽名。

被告告訴該女士若她以約一百萬元把她持有該單位的一半業權售予其子欠債的放債人公司，其子便不會因偽造她的簽名而被檢控。

警方在廉署調查案件期間提供全面協助。

控方今日由大律師袁國華代表出庭，並由廉署人員龍浩恩協助。