

Ex-senior staff of charitable organisation in court over theft, fraud and perversion

20 January 2016

Two former senior staff members of a charitable organisation appeared in the Eastern Magistracy today (Wednesday) after being charged by the ICAC with misappropriating funds totalling over \$600,000 from the organisation, fraud, perversion and possessing false instruments.

Leung Man-lee, 39, then financial controller of Yan Oi Tong Limited (YOT); and Chan Ka-wing, 36, then internal auditor of YOT, who were charged on Monday (January 18), respectively faced three counts and two counts of theft, contrary to Section 9 of the Theft Ordinance.

Leung further faced five charges – four of fraud, contrary to Section 16A of the Theft Ordinance, and one of doing acts tending and intended to pervert the course of public justice, contrary to Common Law.

Chan alone also faced one count of possessing false instruments, contrary to Section 75(2) of the Crimes Ordinance.

No plea was taken today. Principal Magistrate Ms Bina Chainrai transferred the case to the District Court for plea on February 5 this year.

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

At the material time, Leung was the financial controller cum company secretary of YOT, a charitable organisation providing medical, education and social services in Hong Kong; while Chan was its internal auditor.

Four of the charges alleged that on January 29, 2013 and March 4, 2013 Leung and Chan stole \$54,000 and \$27,000 each respectively, totalling \$162,000, all being the properties of YOT.

Another charge alleged that between January 29 and April 26, 2013, Leung stole over \$442,000, being the property of YOT.

Four other charges alleged that between March 1 and May 31, 2013, Leung falsely represented to YOT that its board of directors had approved changes in the signing combination of the authorised bank signatories combinations of bank accounts in the name of YOT, and with intent to defraud, induced YOT to cause changes in the lists of authorised signatories combinations of 30 bank accounts in the name of YOT with four banks.

Another charge alleged that on May 16, 2013, Chan, without lawful authority or excuse, had in his custody nine documents entitled “cheque payment for the full time staff” purported to have been signed by the then chief executive officer of YOT and in favour of Chan, which Chan knew or believed to be false.

The remaining charge alleged that between February 4 and 27, 2014, Leung did a series of acts which had a tendency to pervert the course of public justice by supplying to the Labour Tribunal false documents, including copies of nine documents entitled “cheque payment for the full time staff” purported to have been signed by the then chief executive officer of YOT and in favour of Leung, to support his claim.

The management of YOT had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by ICAC officer Winnie Wong.

廉署起訴慈善組織前高層涉嫌盜竊 欺詐及妨礙司法公正今提堂

2016年1月20日

廉政公署落案起訴兩名慈善組織前高層人員，控告他們涉嫌盜竊屬於該慈善組織的款項共六十多萬元、欺詐、妨礙司法公正及管有虛假文書。被告今日(星期三)在東區裁判法院應訊。

梁民理，三十九歲，仁愛堂有限公司(仁愛堂)前財務總監；及陳家穎，三十六歲，仁愛堂前內部核數師，於星期一(一月十八日)分別被控三項及兩項盜竊罪名，涉嫌違反《盜竊罪條例》第9條。

梁另被控五項罪名，即四項欺詐，涉嫌違反《盜竊罪條例》第16A條；及一項作出多於一項傾向並意圖妨礙司法公正的作為，涉嫌違反普通法。

陳另被控一項管有虛假文書罪名，涉嫌違反《刑事罪行條例》第75(2)條。

被告毋須答辯。主任裁判官錢禮將案件轉介區域法院至本年二月五日答辯。

廉署早前接獲貪污投訴，調查其後揭發上述涉嫌罪行。

仁愛堂是一間在香港提供醫療、教育及社會服務的慈善組織。梁於案發時是仁愛堂的財務總監兼公司秘書，而陳則是其內部核數師。

其中四項控罪指梁及陳涉嫌於二〇一三年一月二十九日及三月四日，分別各偷竊五萬四千元及二萬七千元，即共十六萬二千元屬仁愛堂的財產。

另一項控罪指梁涉嫌於二〇一三年一月二十九日至四月二十六日期間，偷竊四十四萬二千多元屬仁愛堂的財產。

另外四項控罪指梁涉嫌於二〇一三年三月一日至五月三十一日期間，向仁愛堂虛假地表示，其董事局批准對仁愛堂名下銀行帳戶的授權銀行簽署人組合作出簽署組合的更改，並意圖詐騙而誘使仁愛堂致使其名下於四間銀行的三十個帳戶的授權簽署人組合名單有所更改。

另一項控罪指陳涉嫌於二〇一三年五月十六日，知道或相信九份看來是由仁愛堂當時的行政總裁簽署名為「支票付款全職員工」並對陳有利的文件屬虛假，而在無合法權限或辯解下保管該等文書。

餘下一項控罪指梁涉嫌於二〇一四年二月四日至二十七日期間，作出一連串有妨礙司法公正傾向的作為，即向勞資審裁處提交虛假文書以支持其中索，包括九份看來是由仁愛堂當時的行政總裁簽署名為「支票付款全職員工」並對梁有利的文件的副本。

仁愛堂管理層在廉署調查案件期間提供全面協助。

控方今日由廉署人員黃紅維代表出庭。

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