

Ex-Tai Po DC member goes to jail after appeal dismissed

29 January 2016

A former member of the Tai Po District Council (DC), charged by the ICAC, was today (Friday) sent to jail to serve his five-month prison term after the Court of First Instance dismissed his appeal against conviction of making false claims of about \$500,000 from the Tai Po DC Secretariat.

Lo Sou-chour, 61, was found guilty at the Fanling Magistracy of four counts of fraud, contrary to Section 16A(1) of the Theft Ordinance, and jailed for five months in April last year. He was granted bail pending his appeal against conviction.

In dismissing his appeal against conviction today, Madam Justice Maggie Poon Man-kay ordered that Lo be sent to jail to serve his five-month jail term.

The judge also rejected Lo's application for bail pending his appeal to the Court of Final Appeal.

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

The court heard that at the material time, Lo was a member of the Tai Po DC. He was entitled to obtain reimbursement for expenses related to discharging his duties, including the employment of his staff, under Operating Expenses Reimbursement (OER), or known as Operating Expenses Allowance (OEA) before January 2011.

As stipulated in the Guidelines on Remuneration Package for Members of the DCs, OER or OEA would only be paid on an accountable and reimbursement basis.

Between August 1, 2008 and February 28, 2013, Lo employed three councillor assistants (CA) and a part-time CA at a monthly salary ranging from \$1,980 to \$8,000.

Prior to paying salaries to those CAs, Lo asked them to sign on their receipts, the court heard.

Lo then submitted a total of 94 monthly salary receipts of the CAs to the Tai Po DC Secretariat for reimbursement when the salaries had not been paid to them.

Lo subsequently received salary reimbursements totalling \$494,580. But he defaulted in paying one of the CAs three months of salary totalling \$23,200 and the part-time CA five months of salary amounting to \$20,000.

Had the Tai Po DC Secretariat known that Lo had not made the payments for the receipts submitted, it would not have approved the reimbursement claims made by him, the court was told.

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前大埔區議員上訴駁回即時入獄服刑五個月

2016年1月29日

一名前大埔區議會議員向大埔區議會秘書處虛假申領款項共約五十萬元，被廉政公署拘控，較早時被判入獄。他其後就定罪提出上訴，今日(星期五)被原訟法庭駁回，並隨即被送往監獄服刑五個月。

羅舜泉，六十一歲，在粉嶺裁判法院被裁定四項欺詐罪名成立，違反《盜竊罪條例》第16A(1)條，並於去年四月被判入獄五個月。他獲准保釋外出，以候就定罪提出上訴。

法官潘敏琦今日駁回羅就定罪提出的上訴，並下令他須即時入獄服刑五個月。此外，法官亦拒絕羅申請保釋到終審法院上訴。

廉署早前接獲貪污投訴，調查後揭發上述罪行。

案情透露，羅於案發時為大埔區議會議員，他有權就其職務的開支，包括聘用職員，獲發營運開支償還或二〇一一年前稱為營運開支津貼。

根據區議會議員酬金、津貼和開支償還款額安排的指引，有關申領營運開支償還款項或營運開支津貼必須依照實報實銷的原則。

羅於二〇〇八年八月一日至二〇一三年二月二十八日期間，聘請了三名議員助理及一名兼職議員助理，月薪介乎一千九百八十元至八千元。

案情透露，羅在支薪予各議員助理前，先要求他們在薪金收據上簽署。

羅在尚未向各議員助理支付薪金前，已向大埔區議會秘書處呈交合共九十四份議員助理每月支薪收據，以申領有關款項或津貼。

羅其後收到償還薪金款項合共四十九萬四千五百八十元，但他卻拖欠其中一名議員助理三個月薪金合共二萬三千二百元，以及另一名兼職議員助理五個月薪金合共二萬元。

案情指出，倘若大埔區議會秘書處得悉羅並沒有依照他所提交的收據支付薪金，秘書處將不會批准其申領款項。

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