

## Policeman charged with perversion over traffic offence

22 April 2016

A Police Constable (PC) has been charged by the ICAC with perverting the course of public justice by booking a motorcyclist with a lesser traffic offence.

Chong Yuk-lun, 35, who was charged yesterday (April 21), faces one charge of perverting the course of public justice, contrary to Common Law. He also faces an alternative charge of misconduct in public office, contrary to Common Law.

The defendant will appear in the Eastern Magistracy next Monday (April 25) for plea.

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

At the material time, the defendant was a PC attached to the Enforcement and Control Division of the Traffic Hong Kong Island.

The charge alleges that on June 3, 2015, the defendant did an act which had a tendency to pervert the course of public justice at the entrance of Aberdeen Tunnel by choosing not to pursue enforcement action against the driver of a motorcycle for having crossed a continuous double white line at the junction of Gloucester Road near Percival Street in breach of the Road Traffic (Traffic Control) Regulations (the Regulations), but issued a fixed penalty ticket to the driver for a lesser traffic offence of "failing to comply with road markings".

Under the Regulations, an offender will be issued with a fixed penalty ticket of \$450, plus a deduction of three driving-offence points, if he commits an offence of crossing a continuous double white line. As for an offender who commits an offence of "failing to comply with road markings", only a fixed penalty ticket of \$450 will be issued.

The alternative charge alleges that between June 3 and 8, 2015, the defendant, in the course of or in relation to his public office, without reasonable excuse or justification, wilfully misconducted himself by taking the afore-mentioned actions, and entering into a transaction of purchase of the motorcycle from the driver.

It was alleged that the defendant had never declared a conflict of interest in relation to his official duty and the purchase of the motorcycle from the driver as required by the Force Procedures Manual.

The Police have rendered full assistance to the ICAC during its investigation.

The defendant has been released on ICAC bail, pending his court appearance next Monday.

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## 廉署起訴警員涉嫌就處理交通違例 事項時妨礙司法公正

2016年4月22日

廉政公署落案起訴一名警員，控告他涉嫌在處理交通違例事項時妨礙司法公正，即以性質較輕微的交通罪行，向一名電單車司機發出定額罰款通知書。

莊玉麟，三十五歲，於昨日(四月二十一日)被控一項妨礙司法公正罪名，涉嫌違反普通法。他亦被控一項公職人員行為失當的交替罪名，涉嫌違反普通法。

被告將於下星期一(四月二十五日)在東區裁判法院答辯。

廉署早前接獲貪污投訴，調查後揭發上述涉嫌罪行。

被告於案發時為一名警員，駐守港島交通部執行及管制分區。

控罪指被告涉嫌於二〇一五年六月三日，在香港仔隧道入口作出有妨礙司法公正傾向的行為，即對一名電單車司機在告士打道近波斯富街的路口橫過連續雙白線，違反《道路交通(交通管制)規例》(《規例》)，他選擇不採取執法行動，反而以「沒有遵從道路標記」性質較輕微的交通罪行，向該名司機發出定額罰款通知書。

根據《規例》，任何人士若涉及橫過連續雙白線的違法行為，將被發出四百五十元的定額罰款通知書，並被扣減三分。若任何人士涉及「沒有遵從道路標記」的違法行為，則只會被發出四百五十元的定額罰款通知書。

交替控罪指被告涉嫌於二〇一五年六月三日至八日期間，於執行其職務或在與其職務有關的情況下，無合理辯理或理據，蓄意行為失當，即作出前述的行為，以及訂立從該名司機購買其電單車的交易所。

被告涉嫌從未有遵照《警察程序手冊》的要求，申報與其公職及從該名司機購入電單車的利益衝突。

警方在廉署調查案件期間提供全面協助。

被告已獲廉署准予保釋，以待下星期一應訊。

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