

## Account clerk sentenced for disclosing identity of person under ICAC probe

22 September 2016

An account clerk, charged by the ICAC, was today (Thursday) sentenced at the Eastern Magistracy for having disclosed to others on three occasions that his elder brother was the subject of an ICAC investigation.

Poon Hoi-kan, 39, was ordered by Magistrate Mr Jason Wan Siu-ming to perform 140 hours of community service.

The defendant earlier pleaded guilty to three counts of disclosing the identity of a person being investigated, contrary to Section 30(1)(b) of the Prevention of Bribery Ordinance (POBO).

In passing the sentence, the magistrate said the seriousness of the offences committed by the defendant rested on his disclosure of the identity of a person, namely his elder brother, under ICAC investigation, and reprimanded the defendant for abusing the complaint mechanism to make groundless accusations against his elder brother.

The magistrate added that he imposed a community service order on the defendant after taking into account various factors, including his guilty plea and remorse, as well as having been remanded in jail custody for two weeks.

The court heard that at the material time, the defendant had a family dispute with his elder brother, an employee of an office products company in Hong Kong.

Acting on the defendant's instruction, his wife lodged a corruption complaint with the ICAC against the elder brother on August 5, 2015.

Five days later, the defendant's wife attended an interview at the ICAC headquarters and gave a detailed account of the complaint learnt from her husband in a witness statement.

After the interview, the defendant's wife was given a photocopy of her witness statement, and warned that any disclosure of the ICAC investigation could constitute an offence under Section 30 of the POBO.

The defendant later photocopied the witness statement, and created an edited version by concealing the particulars of her wife and interviewing officers.

The court heard that on October 5, 2015, a director of the office products company in Hong Kong received an anonymous letter from the defendant. Enclosed in the letter was the edited witness statement, which revealed the corruption complaint and the elder brother being a subject of the ICAC investigation.

On October 9, 2015, the defendant sent the edited witness statement to 39 e-mail addresses belonging to staff members of the office products company in Hong Kong, its associated company in the United States; and another document management consultancy company in Hong Kong, a former employer of his elder brother.

On the following day, the defendant sent another e-mail to the same 39 e-mail addresses, with the edited witness statement attached to it. The staff members concerned received the e-mail, which contained the identical contents, the court was told.

The prosecution was today represented by ICAC officer Jeanne Lam.

## 會計文員承認披露受廉署調查人士身分判刑

2016年9月22日

一名會計文員先後三次向其他人士披露其兄長正被廉政公署調查，被廉署拘控。被告今日(星期四)在東區裁判法院判刑。

潘凱勤，三十九歲，被裁判官溫紹明判處須履行一百四十小時社會服務。

被告早前承認三項披露受調查人身分罪名，違反《防止賄賂條例》第30(1)(b)條。

裁判官在判刑時表示，被告披露受廉署調查人士即其兄長的身分，罪行性質嚴重，並斥責被告濫用舉報機制，作出缺乏事實基礎的指控誣告兄長。

裁判官續稱，惟考慮到被告認罪及有悔意，加上他已還押兩星期，故判處他須履行社會服務令。

案情透露，被告於案發時和其兄長發生家庭糾紛。其兄長當時受僱於一家在香港的辦公室用品公司。

被告妻子於二〇一五年八月五日在被告的指示下，向廉署投訴其兄長涉嫌貪污。

被告妻子於五天後在廉署總部與廉署人員進行會見，就她從丈夫知悉的投訴向廉署作出詳盡描述並提供證人供詞。

會見完成後，被告妻子收到一份其證人供詞的影印本，並被警告披露廉署調查的任何資料，均可能觸犯《防止賄賂條例》第30條所述的罪行。

被告後來將供詞影印，然後把其妻子和負責會見人員的資料遮蓋，製作成經修改版本的供詞。

案情透露，有關辦公室用品香港公司的一名總監於二〇一五年十月五日接獲被告的一封匿名信件，並附上經修改的供詞，當中披露了有關貪污投訴和被告兄長是廉署調查對象一事。

被告於二〇一五年十月九日向三十九個屬於有關辦公室用品香港公司、其美國相關公司及其兄長曾任職的另一家文件管理顧問公司員工的電郵地址，寄出附有經修改供詞的電郵。

案情透露，被告翌日向同樣的三十九個電郵地址寄出另一封電郵，並附上經修改的供詞。有關員工均收到該封內容相同的電郵。

控方今日由廉署人員林璐琪代表出庭。

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