



Press Releases

Four months' jail for disclosing identity of person under ICAC probe

2018-7-10

A man, who was charged by the ICAC, was today (July 10) sentenced to four months' imprisonment in the Eastern Magistracy after admitting breaching the Prevention of Bribery Ordinance (POBO) by disclosing the identity of a person under investigation.

Yip Kwan-wah, 31, pleaded guilty to one count of disclosing the identity of a person being investigated, contrary to Section 30(1)(a) of the POBO.

In sentencing, Principal Magistrate Mr Peter Law Tak-chuen said he had to mete out a custodial sentence to the defendant in view of the seriousness of the offence.

The case arose from a corruption investigation. Subsequent ICAC enquiries revealed the above offence.

The court heard that since January 2016, the defendant had been remanded in the custody of the Correctional Services Department (CSD) for his alleged involvement in a dangerous drug trafficking case.

On February 12, 2017, the defendant wrote a letter to the ICAC while in prison, asking for an interview. Four days later, ICAC officers interviewed him in Stanley Prison.

During the interview, the defendant complained to the ICAC officers that a woman, who was a prosecution witness in the dangerous drug trafficking case, might have offered advantages to two police officers with a view to framing up him and another defendant in the case.

The court heard that ICAC officers commenced an investigation into the woman in respect of the corruption complaint on February 28, 2017, and later took a witness statement from the defendant.

ICAC officers had repeatedly reminded the defendant of the statutory restriction under Section 30 of the POBO after the first interview and statement taking exercise. The defendant confirmed his understanding.

The court heard that on March 7, 2017, the woman visited the defendant in Stanley Prison when the investigation was ongoing.

During the visit, the defendant, without lawful authority or reasonable excuse, disclosed to the woman that she was the subject of the investigation and it was likely that she would be arrested. He even told her that it was up to her to consider fleeing so as to evade the investigation.

On January 5, 2018, the defendant was interviewed under caution for an offence of disclosing the identity of a suspect being investigated, contrary to Section 30 of the POBO.

The defendant admitted that he had disclosed to the woman that he had lodged a complaint with the ICAC against her and she was the subject of the investigation, the court was told.

CSD had rendered full assistance to the ICAC during its investigation into the case.

The prosecution was today represented by Senior Public Prosecutor Andrew Cheng, assisted by ICAC officer Chik Che-hang.

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新聞公佈

男子披露受廉署調查人士身分被判囚四個月

2018年7月10日

一名男子披露一名受調查人的身分，違反《防止賄賂條例》，早前被廉政公署起訴。被告今日(七月十日)在東區裁判法院承認控罪，被判入獄四個月。

葉坤華，三十一歲，承認一項披露受調查人身分罪名，違反《防止賄賂條例》第30(1)(a)條。

主任裁判官羅德泉判刑時指出，鑑於被告的罪行性質嚴重，他必須判處被告即時入獄。

廉署早前在調查一宗貪污案件時揭發本案上述罪行。

案情透露，被告自二〇一六年一月起因涉嫌涉及一宗販賣危險藥物案而還押懲教署看管。

被告於二〇一七年二月十二日在獄中寫信給廉署要求會面。廉署人員於四日後在赤柱監獄會見被告。

被告於會面期間向廉署人員投訴一名女子，即販毒案的一名控方證人，指她可能向販毒案中兩名警務人員提供利益以陷害被告及該案另一名被告。

案情透露，廉署人員於二〇一七年二月二十八日就被告的貪污投訴展開調查，其後向被告錄取一份證人供詞。

廉署人員於首次會面及錄取供詞後多次提醒被告《防止賄賂條例》第30條的法律限制，被告確認他明白。

案情透露，該女子於二〇一七年三月七日，即廉署的調查仍在進行期間，到赤柱監獄探訪被告。

被告在該次探訪期間，在沒有合法權限或合理辯解下，向該女子披露她是該項調查的受調查人及有機會被拘捕。被告甚至對該女子說，她可自行考慮逃走以避過調查。

被告於二〇一八年一月五日因披露受調查人的身分，違反《防止賄賂條例》第30條，在警誡下接受會面。

案情透露，被告承認他曾向該女子披露他已向廉署投訴她，以及她是該項調查的受調查人。

懲教署在廉署調查案件期間提供全面協助。

控方今日由高級檢控官鄭致行代表出庭，並由廉署人員植志恆協助。

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