



## Press Releases

### **Wong Tai Sin DC member jailed for \$15,000 salary payments fraud**

**2018-11-22**

A member of the Wong Tai Sin District Council (DC), charged by the ICAC, was today (November 22) sentenced to two months and three weeks' imprisonment at the Kowloon City Magistracy after being convicted of defrauding the Home Affairs Department (HAD) of reimbursement of his part-time assistant's salary payments totalling \$15,000.

Joe Chan Yim-kwong, 48, was found guilty of one count of fraud, contrary to Section 16A of the Theft Ordinance.

In sentencing, Magistrate Ms Amy Chan Wai-mun said the fraud committed by the defendant was serious in nature as it not only tainted the DC, but also made him fail to live up to expectations of the public. Imprisonment was the only appropriate sentence for him.

The magistrate said she reduced the starting point of three months in jail to two months and three weeks after taking into account the defendant's public service and his clear record.

The magistrate also ordered the defendant to pay \$15,000 as compensation to the Government.

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

The court heard that at the material time, the defendant was a member of the Wong Tai Sin DC. He employed a woman as his part-time assistant at a monthly salary of \$5,000 for the period between January and December 2016. In March 2016, the woman tendered her resignation.

Between May 5 and July 12, 2016, the defendant falsely represented that the woman was employed by him as a part-time assistant between April and June 2016; and submitted to the HAD Operating Expenses Reimbursements applications to evidence that he had paid a monthly salary to the woman in the sum of \$5,000 each month.

With intent to defraud, the defendant induced staff members of the HAD to approve the applications and pay a total of \$15,000 as reimbursement of the operating expenses into his bank account, the court was told.

The HAD had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Stephen Ma, assisted by ICAC officer Alex Ho.

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## 新聞公佈

### 黃大仙區議會議員詐騙一萬五千元薪金判囚二個月三星期

2018年11月22日

一名黃大仙區議會議員就其兼職助理詐騙民政事務總署共一萬五千元的薪金償還款項，早前被廉政公署起訴。被告今日(十一月二十二日)在九龍城裁判法院被裁定罪名成立，被判入獄二個月三星期。

陳炎光，四十八歲，被裁定一項欺詐罪名成立，違反《盜竊罪條例》第16A條。

裁判官陳慧敏判刑時稱，被告的欺詐行為性質嚴重，除令區議會蒙上污點，亦不符市民的期望，監禁是唯一合適的刑罰。

裁判官稱，量刑起點為監禁三個月，但她考慮到被告的公共服務，而且並無案底，故此將其刑期減至二個月三星期。

裁判官又命令被告須向政府歸還一萬五千元作為賠償。

廉署早前接獲貪污投訴，調查後揭發上述罪行。

案情透露，被告於案發時為黃大仙區議會議員，並以月薪五千元聘請一名女士於二〇一六年一月至十二月期間擔任其兼職助理。該名女士於二〇一六年三月辭職。

被告於二〇一六年五月五日至七月十二日期間，虛假地表示該名女士於二〇一六年四月至六月受僱於他為兼職助理；並向民政事務總署遞交營運開支償還款額申請，以證明他曾每月向該名女士支付五千元作為月薪。

案情透露，被告意圖詐騙而誘使民政事務總署職員批核有關申請，並將共一萬五千元的營運開支償還款項存入他的銀行戶口。

民政事務總署在廉署調查案件期間提供全面協助。

控方今日由控方大律師馬明德代表出庭，並由廉署人員何文駿協助。

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