



## Press Releases

### **YLDC member jailed for \$147,000 salary payments fraud**

**2019-3-21**

A member of the Yuen Long District Council (YLDC), charged by the ICAC, was today (March 21) sentenced to eight months' imprisonment at the Tuen Mun Magistracy for defrauding the Home Affairs Department (HAD) of reimbursement of his part-time assistant's salary payments totalling \$147,000.

Man Kwong-ming, 57, was earlier found guilty of one count of fraud, contrary to Section 16A of the Theft Ordinance.

In sentencing, Magistrate Kelly Shui said the defendant had breached the trust placed on him by voters and shown no remorse. The offence he had committed was serious as it lasted over four years.

The magistrate said she reduced the starting point of 12 months in jail to eight months after taking into account his health, willingness to make a repayment to the Government and contribution to society.

The magistrate also rejected an application by the defendant for bail pending his appeal.

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 YLDC. He was entitled to apply for Operating Expenses Reimbursement (OER) which he incurred from executing his duties as a DC member. The claims were processed by the YLDC Secretariat administered by the HAD.

Between February 28, 2012 and June 29, 2016, the defendant falsely represented that a man was employed by him as a part-time assistant to distribute leaflets, post banners and posters, and assist in organising communal activities between January 1, 2012 and January 31, 2016.

The defendant submitted OER application forms and salary receipts to the HAD to evidence that he had paid a monthly salary to the man in a sum of \$3,000 each month during that period.

The court heard that investigation revealed the man had never worked as a part-time assistant for the defendant. He had not signed on any of the salary receipts submitted by the defendant to the HAD. The signatures on the salary receipts were not his signatures.

Relying on the forms and salary receipts, the HAD had made reimbursement of the man's salary to the defendant in a total sum of \$147,000.

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

The prosecution was today represented by prosecuting counsel Kenny Chan, assisted by ICAC officer Karson Li.



## 新聞公佈

# 元朗區議會議員詐騙十四萬七千元薪金償還款額判囚八個月

2019年3月21日

一名元朗區議會議員就其兼職助理詐騙民政事務總署共十四萬七千元的薪金償還款額，早前被廉政公署起訴。被告今日(三月二十一日)在屯門裁判法院被判入獄八個月。

文光明，五十七歲，早前被裁定一項欺詐罪名成立，違反《盜竊罪條例》第16A條。

裁判官水佳麗判刑時表示，被告違反選民對他的信任，並且無悔意。他所犯的罪行歷時逾四年，性質嚴重。

裁判官續稱，量刑起點為監禁十二個月，但考慮到被告的健康狀況、自願向政府償還涉案款項及對社會的貢獻，故此將其刑期減至八個月。

裁判官亦拒絕被告申請保釋外出等候上訴。

廉署早前接獲貪污投訴，調查後揭發上述罪行。

案情透露，被告於案發時為元朗區議會議員，他有權申請償還款額，以支付他因履行區議會議員職務而須付出的開支。有關償還款額申請由民政事務總署轄下的元朗區議會秘書處處理。

被告於二〇一二年二月二十八日至二〇一六年六月二十九日期間虛假地表示，他聘請一名男子為兼職助理，並於二〇一二年一月一日至二〇一六年一月三十一日期間負責派發傳單、張貼橫額和海報，以及協助舉辦公共活動。

被告向民政事務總署遞交償還款額申請表和薪金收據，證明他在該段期間曾每月向該名男子支付三千元月薪。

案情透露，調查顯示該名男子從來未曾擔任被告的兼職助理。他從未在被告遞交予民政事務總署的任何薪金收據上簽署，而有關薪金收據上的簽署亦不是他的簽署。

民政事務總署根據有關償還款額申請表和薪金收據，就該名男子的薪金向被告發還共十四萬七千元。

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陳永淦代表出庭，並由廉署人員李梓軒協助。

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## Press Releases

### **YLDC member guilty of \$147,000 salary payments fraud**

**2019-3-8**

A member of the Yuen Long District Council (YLDC) was today (March 8) convicted at the Tuen Mun Magistracy of defrauding the Home Affairs Department (HAD) of reimbursement of his part-time assistant's salary payments totalling \$147,000.

Man Kwong-ming, 57, was found guilty of one count of fraud, contrary to Section 16A of the Theft Ordinance.

Magistrate Kelly Shui remanded the defendant in the custody of the Correctional Services Department until March 21 for sentence, pending a background report.

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 YLDC. He was entitled to apply for Operating Expenses Reimbursement (OER) which he incurred from executing his duties as a DC member. The claims were processed by the YLDC Secretariat administered by the HAD.

Between February 28, 2012 and July 29, 2016, the defendant falsely represented that a man was employed by him as a part-time assistant to distribute leaflets, post banners and posters, and assist in organising communal activities between January 1, 2012 and January 31, 2016.

The defendant submitted OER application forms and salary receipts to the HAD to evidence that he had paid a monthly salary to the man in a sum of \$3,000 each month during that period.

The court heard that investigation revealed the man had never worked as a part-time assistant for the defendant. He had not signed on any of the salary receipts submitted by the defendant to the HAD. The signatures on the salary receipts were not his signatures.

Relying on the forms and salary receipts, the HAD had made reimbursement of the man's salary to the defendant in a total sum of \$147,000.

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

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## 新聞公佈

# 元朗區議會議員詐騙十四萬七千元薪金償還款額罪成候判

2019年3月8日

一名元朗區議會議員就其兼職助理詐騙民政事務總署共十四萬七千元的薪金償還款額，早前被廉政公署起訴。被告今日(三月八日)在屯門裁判法院被裁定罪名成立。

文光明，五十七歲，被裁定一項欺詐罪名成立，違反《盜竊罪條例》第16A條。

裁判官水佳麗將被告還押懲教署看管至三月二十一日判刑，以待背景報告。

廉署早前接獲貪污投訴，調查後揭發上述涉嫌罪行。

案情透露，被告於案發時為元朗區議會議員，他有權申請償還款額，以支付他因履行區議會議員職務而須付出的開支。有關償還款額申請由民政事務總署轄下的元朗區議會秘書處處理。

被告於二〇一二年二月二十八日至二〇一六年六月二十九日期間虛假地表示，他聘請一名男子為兼職助理，並於二〇一二年一月一日至二〇一六年一月三十一日期間負責派發傳單、張貼橫額和海報，以及協助舉辦公共活動。

被告向民政事務總署遞交償還款額申請表和薪金收據，證明他在該段期間曾每月向該名男子支付三千元月薪。

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