

Police Station Sergeant gets three years for soliciting and accepting advantages from subordinate

27 January 2014

A Police Station Sergeant, charged by the ICAC, was today (Monday) sentenced to three years' imprisonment at the District Court for soliciting and accepting advantages, including a loan from one of his subordinates, and making and using false instruments in relation to a mortgage loan application for a real property.

Tang Wai-ming, 48, was earlier found guilty of a total of five charges - two of public servant soliciting an advantage, contrary to Section 4(2)(a) of the Prevention of Bribery Ordinance (POBO), one of public servant accepting an advantage, contrary to Section 4(2)(a) of the POBO, one of forgery and one of using a false instrument.

In sentencing, Judge Sham Siu-man reprimanded the defendant for breaching the law and failing to set a good example for his subordinates.

The judge also said it was the choice of the defendant not to abide by law, but he should not cause his subordinate who might have a bright future to break the law as well. Such circumstance aggravated the offences he had committed.

The defendant was also ordered to pay \$50,000 in restitution to the government.

The court heard that at the material time, the defendant was a Police Station Sergeant attached to Patrol Sub-unit 2 of Tai Po Division. Around April 2011, the defendant became one of the supervisors of a Police Constable (PC).

In July 2011, the PC failed to attend court as a witness in a theft case. The defendant asked the PC's appraising supervisor, also a Police Station Sergeant, to give the PC a chance and no disciplinary action was instituted against the PC.

Afterwards in early August 2011, the defendant impressed on the PC that he had made great efforts in saving the PC from punishment, and solicited a loan of \$80,000 from the latter.

Fearing that the defendant might ask the appraising supervisor to reconsider taking disciplinary action against him, the PC reluctantly applied for a loan of \$50,000 from the Hong Kong Police Credit Union. On August 19, 2011, the PC deposited the whole sum of loan in cash to the defendant's bank account.

The court heard that about a year later on August 17, 2012, the defendant asked if he could use the PC's name to apply for a mortgage loan for purchasing a real property after telling the PC that "his matter" should have no problem.

Being afraid that the defendant might make use of his mistake against him, the PC provided the defendant with his signature sample, a copy of his Hong Kong Identity Card and other supporting documents, so that the defendant could use the PC's name to apply for the mortgage loan.

On the same day, the defendant signed a provisional sale and purchase agreement (PSPA) with a vendor for purchasing a real property in Tai Po at \$3 million.

Three days later, the purchaser's name on the PSPA was changed to that of the PC upon the defendant's request, and the defendant countersigned on the amended PSPA.

The defendant also used the PSPA and other false instruments purportedly signed by the PC to induce a bank to accept them as genuine, resulting in the approval of a mortgage loan of \$2.1 million

to the PC, the court was told.

The case arose from a corruption complaint referred by the Police. In the course of the ICAC investigation, the Police had rendered full assistance.

The prosecution was today represented by Senior Public Prosecutor Jones Tsui, assisted by ICAC officer Keith Chu.

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警署警長向下屬索取及收受利益判囚三年

2014年1月27日

一名警署警長，向其中一名下屬索取及收受利益，包括一項貸款，並就一項物業的按揭貸款申請，偽造及使用虛假文書，被廉政公署拘控。被告今日(星期一)在區域法院被判入獄三年。

鄧偉明，四十八歲，早前被裁定共五項罪名成立，包括兩項公職人員索取利益，違反《防止賄賂條例》第4(2)(a)、一項公職人員接受利益，違反《防止賄賂條例》第4(2)(a)、一項偽造，以及一項使用虛假文書。

法官沈小民判刑時斥責被告帶頭破壞法律，未有給下屬樹立良好榜樣。

法官續稱，被告不守法是其個人選擇，但絕對不應導致擁有大好前途的下屬也破壞法律。以上情況令本案情節變得嚴重。

法官亦下令被告須向政府支付五萬元作為賠償。

案情透露，被告於案發時為警署警長，駐守大埔分區第二巡邏小隊。約於二〇一一年四月，被告成為一名警員的其中一名主管。

該名警員於二〇一一年七月沒有就一宗盜竊案出庭作證。被告要求該警員的評核主管，即另一名警署警長，給予他一次機會，該警員其後沒有遭受紀律處分。

被告於二〇一一年八月初向該警員傳遞信息，他曾作出極大努力令警員免受處分，並向警員索取一筆八萬元的貸款。

由於該警員恐怕被告會要求其評核主管重新考慮對他作出紀律處分，只好不情願地向香港警察儲蓄互助社申請一筆五萬元的貸款。該警員於二〇一一年八月十九日將貸款全數以現金存入被告的銀行戶口。

案情透露，約一年後，即二〇一二年八月十七日，被告向該警員表示「他的事情」應該沒有問題，並詢問該警員可否以他的名義為一項物業申請按揭貸款。

警員恐怕被告會利用其過失對付他，遂向被告提供其簽名樣本、其香港身份證副本及其他相關文件，讓被告以有關警員的名義申請按揭貸款。

被告於同日與一名賣家簽署臨時買賣合約，以三百萬元購入位於大埔的一項物業。

在被告的要求下，臨時買賣合約上的物業買家名字於三日後改為有關警員的名字，被告並簽名確認。

被告又以該份臨時買賣合約及其他看來是由該警員簽署的虛假文書，誘使一間銀行接受該些文書為真文書，因而批准有關警員一筆二百一十萬元的按揭貸款。

廉署早時接獲警方轉介的貪污投訴，調查後揭發上述罪行。警方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徐和中代表出庭，並由廉署人員朱偉波協助。

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