

Eight months' jail for issuing over 650 false sick leave certificates

22 June 2015

A Chinese medicine practitioner (CMP), charged by the ICAC, was today (Monday) sentenced to eight months' imprisonment at the Fanling Magistracy for issuing 652 false sick leave certificates to 14 then staff members of the Department of Health (DoH) or the Hong Kong Jockey Club (HKJC) so as to deceive sickness allowances and/or discretionary bonuses totalling about \$92,000.

Chan Tung, 60, a registered CMP, earlier pleaded guilty to 14 counts of conspiracy to use false instruments, contrary to Sections 73 and 159A of the Crimes Ordinance, while the prosecution offered no evidence to four similar offences against him.

In sentencing, Magistrate Wong Wai-kuen reprimanded the defendant for undermining public confidence in Chinese medicine practitioners in Hong Kong, and bringing the sector into discredit.

The magistrate added that an immediate custodial sentence was imposed on the defendant as the offences committed by him were serious in nature, lasted a long period of time, and involved a large number of employees and sick leave certificates.

The cases arose from a corruption complaint. Subsequent ICAC enquiries revealed the above offences.

The court heard that at the material time, the defendant was a registered CMP practising at Tung Yan Chinese Medicine Company in Tai Po.

Between November 2010 and April 2013, the defendant sold a total of 652 certificates for sick leave signed by him to 14 persons, including three then health surveillance assistants (HSAs) of the DoH and 11 then telebet services assistants (TSAs) of the HKJC.

Without conducting any medical consultation, the defendant accepted "orders" for certificates of sick leave being placed by phone or through telephone text messages, the court heard.

Afterwards, he delivered certificates of sick leave to his "customers" in the vicinity of MTR Tai Po Market Station or the podium of a public housing estate in Tai Po.

By selling the certificates of sick leave at \$30 each, the defendant obtained \$19,560 in total.

As a result of the conspiracies, the DoH was induced to grant sickness allowances totalling over \$30,200 to those HSAs, while the HKJC was induced to grant those TSAs sickness allowances and/or discretionary bonuses totalling about \$62,000, the court was told.

The three HSAs and 11 TSAs, who were also charged by the ICAC for their roles in the scams, earlier pleaded guilty to multiple counts of using false instruments. The HSAs and TSAs had their cases adjourned to July 28 and August 10 for mention respectively.

The DoH and the HKJC had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by Public Prosecutor Kasmine Hui, assisted by ICAC officer Patrick Yu.

[Back to Index](#)

中醫發六百五十多張假「病假紙」 判囚八個月

2015年6月22日

一名中醫向十四名當時任職衛生署或香港賽馬會(馬會)的人士簽發六百五十二張虛假病假證明書，以詐騙疾病津貼及/或酌情發放的花紅共約九萬二千元，被廉政公署拘控。被告今日(星期一)在粉嶺裁判法院被判監八個月。

陳通，六十歲，註冊中醫，早前承認共十四項串謀使用虛假文書罪名，違反《刑事罪行條例》第73條及第159A條。被告另外四項相類罪名獲控方不提證供起訴。

裁判官黃偉權在判刑時斥責被告損害公眾對香港中醫的信任，並令中醫界蒙羞。

裁判官又指被告所犯罪行性質嚴重，持續一段長時間，並涉及僱員眾多和大量病假證明書，因此必須判處被告即時監禁。

廉署早前接獲貪污投訴，調查其後揭發上述罪行。

案情透露，被告於案發時為註冊中醫，在大埔同仁參茸藥行應診。

.../2

被告於二〇一〇年十一月至二〇一三年四月期間，向十四名人士，包括三名當時任職衛生署健康監察助理及十一名當時任職馬會電話投注事務助理的人士，出售共六百五十二張由他簽發的病假證明書。

案情透露，被告在沒有為上述人士作出診治的情況下，便透過電話或電話短訊接受預訂病假證明書。

被告其後在港鐵大埔墟站附近或大埔一個公共屋邨的平台，與「客人」交收病假證明書。被告以每張三十元出售病假證明書，從而獲取一萬九千五百六十元。

該串謀勾當導致衛生署被誘使向該等健康監察助理發放疾病津貼共三萬零二百多元，而馬會則被誘使向該等電話投注事務助理發放疾病津貼及/或酌情發放的花紅共約六萬二千元。

該三名健康監察助理及十一名電話投注事務助理，亦因有關勾當而被廉署落案起訴。涉案的健康監察助理及電話投注事務助理早前承認多項使用虛假文書罪名，他們的案件分別押後至七月二十八日及八月十日提訊。

衛生署及馬會在廉署調查案件期間提供全面協助。

控方今日由檢控官許熙晴代表出庭，並由廉署人員于伯章協助。

[返回目錄](#)