

## Last batch of defendants sentenced for sick leave fraud

25 August 2015

The last batch of defendants, who earlier pleaded guilty to ICAC charges of using false sick leave certificates to deceive sickness allowances and/or discretionary bonuses totalling over \$13,300, were today (Tuesday) sentenced at the Fanling Magistracy.

The defendants were Man Kam-tung, 28, Leung Tit-kwan, 30, Lee Hung-pang, 42, and Au Ka-tung, 46, all former telebet services assistants (TSAs) of the Hong Kong Jockey Club (HKJC).

In ordering them to perform community service ranging from 81 hours to 180 hours, Magistrate Colin Wong Sze-cheung said the offences committed by the defendant were serious in nature.

The magistrate added that he imposed community service orders on the defendants after taking into account their guilty pleas and various factors, including their repayments for allowances and/or discretionary bonuses.

The defendants were among 25 former staff members of the Department of Health (DoH) or the HKJC charged by the ICAC for the sick leave scams. They earlier pleaded guilty in four separate cases to a total of 43 counts of using false instruments, contrary to Section 73 of the Crimes Ordinance.

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

The court heard that at the material time, Man Kam-tung, Leung Tit-kwan, Lee Hung-pang and Au Ka-tung were employed by the HKJC as TSAs to receive telephone bets from customers, while Man Kam-tung was also a full-time play assistant of Playright Children's Play Association (PCPA).

Chan Tung was a registered Chinese medicine practitioner practising at Tung Yan Chinese Medicine Company (Tung Yan) in Tai Po.

The court heard that between December 2011 and April 2013, the four defendants submitted to the HKJC and PCPA a total of 108 certificates for sick leave, which purportedly showed that Chan Tung had examined them and diagnosed that they were suffering from various illnesses.

As a result, the four defendants obtained a total of 195 days of sick leave, and sickness allowances and/or discretionary bonuses amounting to over \$13,300.

When interviewed under caution by ICAC officers, the defendants admitted that they bought the certificates for sick leave at \$30 each from Chan Tung, and that they had never attended Tung Yan or received medical consultation from him, the court was told.

Apart from the four defendants, other defendants, aged between 23 and 54, were four former health surveillance assistants of the DoH – Wong Ka-man, Tse Chi-hang, Lee Wing-ka and Kei Pui-sheung; and 17 former TSAs of the HKJC – Cheung Ho-lung, Ng Siu-ming, So Lai-har, Wong Tak-wai, Tsui Wai-fai, Hui Siu-fung, Ho Chi-fan, Chu Long-tat, Lam Chak-yin, Ho Sai-man, Cheung Siu-fai, Fan Ling-kwong, Pauline Lam Po-ning, Lok Ka-wing, Patricia Yip Wai-man, Ng Cheuk-kai and Fung Siu-ha.

After pleading guilty to a total of 193 charges of using false instruments or conspiracy to use false instruments at the Fanling Magistracy, Cheung Siu-fai was earlier sentenced to a probation order of 12 months, while the remaining defendants were ordered to perform community service ranging from 100 hours to 200 hours.

Chan Tung, 60, who was also charged by the ICAC, earlier pleaded guilty to his roles in various cases, and was jailed for eight months at the Fanling Magistracy.

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

The prosecution was today represented by ICAC officer Patrick Yu.

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## 疾病津貼欺詐案最後四名被告今判刑

2015年8月25日

廉政公署分案起訴多人使用虛假病假證明書，以詐騙疾病津貼及/或酌情發放的花紅，案件最後四名被告早前承認詐騙共一萬三千三百多元，今日(星期二)在粉嶺裁判法院被判刑。

被告為文錦東，二十八歲，梁鐵軍，三十歲，李鴻鵬，四十二歲，及區家棟，四十六歲，同為香港賽馬會(馬會)前電話投注事務助理。

裁判官黃士翔判處被告須履行八十一小時至一百八十小時社會服務，並在判刑時指出，他們所犯的罪行性質嚴重。

裁判官續稱，考慮到被告認罪及多項因素，包括歸還其詐騙的津貼及/或酌情發放的花紅，故判處他們履行社會服務令。

廉署早前就假病詐騙假案，落案起訴二十五名衛生署或馬會前職員，包括今日被判刑的四名被告。他們早前分別在四宗案件中承認共四十三項使用虛假文書罪名，違反《刑事罪行條例》第73條。

廉署早前接獲貪污投訴，調查其後揭發上述罪行。

案情透露，文錦東、梁鐵軍、李鴻鵬及區家棟於案發時受僱於馬會任職電話投注事務助理，負責接收顧客的電話投注。文錦東同時是智樂兒童遊樂協會(智樂)的全職遊樂助理。

陳通為註冊中醫，在大埔同仁參茸藥行(同仁)應診。

案情透露，四名被告於二〇一一年十二月至二〇一三年四月期間，向馬會及智樂提交共一百零八張病假證明書，而有關病假證明書看來顯示陳通曾為他們進行檢查，並診斷他們有不同病患。

四名被告因而獲得一百九十五日病假，以及疾病津貼及/或酌情發放的花紅共一萬三千三百多元。

各被告在警誡下接受廉署人員問話時承認，他們以每張三十元向陳通購買有關病假證明書，而他們從未到訪同仁或接受陳通的診治。

除該四名被告外，其餘年齡介乎二十三歲至五十四歲的被告為四名衛生署前健康監察助理 — 黃嘉敏、謝志恒、李詠嘉及祁沛償；以及十七名馬會前電話投注事務助理 — 張浩龍、吳兆銘、蘇麗霞、王德偉、崔偉輝、許少豐、何子梵、朱朗達、林澤賢、何世文、張紹暉、樊凌光、林寶寧、駱嘉永、葉蕙敏、吳焯佳及馮少霞。

各被告早前在粉嶺裁判法院承認共一百九十三項使用虛假文書或串謀使用虛假文書罪名，張紹暉被判須履行十二個月感化令，而其餘被告則被判須履行一百小時至二百小時社會服務。

陳通，六十歲，亦被廉署拘控。他早前在粉嶺裁判法院承認涉及上述多宗案件，被判入獄八個月。

衛生署、馬會及智樂在廉署調查案件期間提供全面協助。

控方今日由廉署人員于伯章代表出庭。

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