

## **GLD Controller sentenced for \$4.2m housing loan and allowances fraud**

4 September 2015

A Controller of the Government Logistics Department (GLD), who was charged by the ICAC, was today (Friday) sentenced to eight months' imprisonment, suspended for two years, at the District Court for having defrauded the Hong Kong Government of a downpayment loan and housing allowances totalling over \$4.2 million.

Leung Chiu-ping, 56, Controller of Land Transport Division of the GLD, pleaded guilty to one count of fraud, contrary to Section 16A(1) of the Theft Ordinance on July 27, 2015 when the prosecution withdrew the same charge against his wife Helen Law Pik-hang.

On that day, Leung made to the Hong Kong Government a repayment of \$7.076 million being the overclaimed housing allowances plus interest accrued in respect of the allowances and the downpayment loan.

In sentencing, Deputy Judge Ms Ivy Chui Yee-mei said the defendant deserved a custodial sentence as the offence committed by him constituted a significant breach of trust, and involved a substantial amount of government revenue.

The deputy judge added that she meted out a suspended sentence to the defendant after taking into account various factors, including the defendant's genuine remorse, his disclosure of the matter to his supervisor and the Treasury, and his repayment to the Hong Kong Government.

The case arose from a corruption complaint referred by the Treasury. Subsequent ICAC enquiries revealed the above offence of fraud.

The court heard that in October 1992, Leung joined the Government Land Transport Agency (GLTA) as a Government Transport Manager, and was an eligible applicant of the Home Financing Scheme (HFS). GLTA later merged with two other departments to form the GLD.

In December 1992, Leung applied to the Hong Kong Government for a monthly allowance under the HFS to rent a property in Laguna City, Kwun Tong from November 30, 1992 to November 7, 1994. The property was purchased in the name of Law, his then girlfriend, in August 1991.

As requested by the Treasury to prove that he was paying rent for the flat, Leung submitted to the Treasury in October 1994 a self-certified rent receipt signed by Law purporting to show that Leung was still renting the flat from October 8 to November 7, 1994.

Law in fact sold the flat on April 29, 1994, and hence Leung had since ceased living in the flat. The rent receipt was therefore false.

Had the Treasury known that Leung had moved out and/or that the rent receipt was false, Leung would not have been granted HFS monthly allowances totalling \$151,200 for renting the flat from April 29 to November 7, 1994.

The court heard that in March 1995, Leung made an application for a downpayment loan under the HFS for the purchase of a property at Palm Springs, Yuen Long. Leung submitted another application in May 1995 for the HFS monthly allowance to settle the mortgage repayment of the property. One month later, Leung and Law got married.

After both applications were approved, Leung was granted a downpayment loan of \$1.46 million and monthly allowances totalling over \$2.6 million for the remainder of his 10-year entitlement from May 1, 1995 to May 22, 2003.

The court heard that Leung should have ceased to receive the HFS monthly allowance in April 1994

when he moved out from the Laguna City property. In view of the maximum six-month break rule of the HFS, his entitlement to make a fresh application for further housing benefits would have ended on October 28, 1994.

In conclusion, Leung had received the HFS monthly allowances in a total amount of over \$2.75 million and the downpayment loan of \$1.46 million, to which he was not entitled, the court was told.

The GLD and the Treasury had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by Senior Public Prosecutor Samantha Chiu, assisted by ICAC officer Flora Wong.

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## 物流署總監詐騙居所貸款及津貼四百二十萬元判刑

2015年9月4日

一名政府物流服務署(物流署)總監詐騙香港政府首期貸款及居所津貼共四百二十多萬元，早前被廉政公署拘控。被告今日(星期五)在區域法院被判入獄八個月，緩刑兩年。

梁潮炳，五十六歲，物流署總監(車輛管理)，於本年七月二十七日承認一項欺詐罪名，違反《盜竊罪條例》第16A(1)條，而控方則撤銷其妻子羅碧嫻共同被控的罪名。

梁於同日向香港政府歸還七百零七萬六千元，即就津貼及首期貸款而超額申領的津貼連累算利息。

暫委法官徐綺薇於判刑時稱，被告所干犯的罪行嚴重違反誠信，而且涉及龐大政府收入，故應判處監禁刑罰。

暫委法官續稱，考慮多項因素而判處被告緩刑，包括被告真心有悔意，主動向其上司及庫務署披露事件，以及已歸還涉案款項予香港政府。

廉署早前接獲庫務署轉介的貪污投訴，調查其後揭發上述欺詐罪行。

案情透露，梁於一九九二年十月加入政府車輛管理處，任職政府車輛事務經理，並是居所資助計劃的合資格申請人。政府車輛管理處其後與另外兩個部門合併為物流署。

梁於一九九二年十二月向香港政府申請居所資助計劃下的每月津貼，以租住觀塘麗港城一個單位，租期由一九九二年十一月三十日起至一九九四年十一月七日為止。該單位是以羅，即當時其女朋友的名義於一九九一年八月購置。

為應庫務署的要求以證明他正為該單位支付租金，梁於一九九四年十月向該署遞交一份由梁自行核證並由羅簽署的租金收據，而該收據看來是顯示梁由一九九四年十月八日起至十一月七日為止仍然租住該單位。

事實上，羅於一九九四年四月二十九日已出售該單位，而梁自始不再在該單位居住，所以該租金收據乃屬虛假。

若庫務署得悉梁已遷離該單位及/或該租金收據乃屬虛假，梁不會獲發由一九九四年四月二十九日起至十一月七日為止的每月居所資助計劃津貼合共十五萬一千二百元。

案情透露，梁於一九九五年三月就購置元朗加州花園一個物業申請居所資助計劃下的首期貸款。他於同年五月再申請居所資助計劃下的每月津貼，以支付該物業的按揭供款。一個月後，梁及羅結婚。

該兩項申請獲批准後，梁獲發首期貸款一百四十六萬元，以及其為期十年的餘下領款期，即由一九九五年五月一日起至二〇〇三年五月二十二日為止的每月津貼合共二百六十多萬元。

案情透露，梁應於一九九四年四月遷離麗港城單位時停止獲發居所資助計劃下的每月津貼。基於居所資助計劃下最長只可停止六個月的時限，梁重新申請該計劃的房屋福利理應於一九九四年十月二十八日屆滿。

總括而言，梁並不符合資格收取他獲發的居所資助計劃每月津貼共二百七十五萬多元及首期貸款一百四十六萬元。

物流署和庫務署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招秉茵代表出庭，並由廉署人員黃慧旌協助。

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