

Senior Police Inspector gets 11 months for misconduct in public office

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A Senior Inspector of Police, charged by the ICAC, was today (Monday) sentenced to 11 months' imprisonment at the District Court for abusing his official capacity to obtain and divulge privileged information relating to two suspected fraud cases handled by the Police to a civilian.

Francis Lam Koon-wah, 40, earlier pleaded guilty to one count of misconduct in public office, contrary to the Common Law.

Deputy Judge Ada Yim Shun-ye noted that the defendant had taken advantage of an existing loophole in the procedures for obtaining search warrants for securing bank documents not connected with any ongoing police investigation, and that his conduct was more than merely helping a friend as he had claimed.

The Judge added that the starting point of 30 months was reduced to 11 months, having taken into account the defendant's guilty plea and other mitigating circumstances.

The case arose from a corruption complaint. Subsequent ICAC enquiries revealed the misconduct offence.

The court heard that the defendant was an officer-in-charge of an investigative team of the Cheung Sha Wan Division when the offence took place between November 2005 and November 2007.

On December 7, 2005, the defendant was assigned to investigate a suspected fraud case lodged with the Police by a businessman against his partner.

After taking a statement from the businessman, the defendant repeatedly told the latter that the Police might not have sufficient resources to handle his case.

He suggested the businessman to hire a private detective agency to investigate his complaint and to give the findings to the ICAC which might have an interest in the case.

In September 2006, the defendant again suggested to the businessman that he should commission a private agency, which would cost around \$700,000 to \$800,000, to continue with the investigation.

Two months later, when the defendant met with the businessman at a fast food shop in Sham Shui Po, he gave the businessman a folder containing information of the suspect's companies and properties held by those companies. Such information was obtained through the police investigation.

Meanwhile, the aforesaid businessman told the defendant that he had lodged a separate complaint with the police against a couple, alleging them of fraud.

After obtaining the relevant police case number, the court heard that the defendant instructed a subordinate to apply for five search warrants to obtain bank documents of the said couple by falsely claiming in the application that the bank documents pertained to an ongoing police investigation.

The defendant also admitted that he had obtained tax information from the Inland Revenue Department by applying for two separate Production Orders pursuant to the Organised and Serious Crimes Ordinance at the Court of First Instance.

He had subsequently passed to the businessman information, including company and land searches records, tax returns documents, bank account documents, police report and police witness statements relating to this case.

Enquiries with the Police confirmed that the documents were confidential in nature and that the defendant was not authorized to disclose the same to the businessman.

The court also heard that the defendant had told the businessman on various occasions that he had spent lots of money in investigating the above two cases. Upon the defendant's request, the businessman paid him \$20,000 on one occasion.

The prosecution was today represented by Acting Senior Public Prosecutor Margaret Lau, assisted by ICAC officer Eric Leung.