

A Senior Police Constable, charged by the ICAC, was today (Thursday) sentenced to nine months' imprisonment at the District Court for misconduct in public office in relation to a police investigation into a theft case involving a woman suspect.

Lam Chi-yung, 43, earlier pleaded guilty to one count of misconduct in public office. A charge of forgery against him was ordered to be placed on court file.

In sentencing, Judge Eddie Yip Chor-man remarked that the defendant deserved a custodial sentence as his offence seriously undermined the administration of justice whereby the credibility of a witness in a police investigation handled by the defendant might be adversely affected.

The court heard that at the time of the offence, the defendant was attached to an investigation team of the Kowloon City District.

On February 2 last year, the defendant was assigned to investigate a theft case, in which a woman was suspected to have committed shoplifting at a department store in Hunghom.

As a security guard of the department store witnessed the occurrence of the theft case, the defendant took a statement from him on the same day. The security guard was then given a copy of the statement.

Afterwards, the defendant also conducted a cautioned interview with the woman suspect. During the interview, the woman told the defendant that she planned to visit the mainland between February 10 and 20 and was worried that the case would affect her trip.

The defendant told the woman that he could ask his supervisor to postpone the date of prosecution so that she could proceed with the trip. He then recommended to his supervisor that the date for the woman suspect to report bail be postponed to February 21.

Moreover, the defendant amended the date of the security guard's statement to February 4, and falsified records in his notebook and investigation report purporting to show that the said statement was taken by him on that day, the court heard.

In the small hours of February 3 shortly after the release of the woman suspect, the defendant, without authorisation from his supervisor, paid a private visit to her while she was alone at her residence, and made no record of the visit.

At her residence, the defendant offered advice to the woman in his capacity as the case officer, and persuaded her to plead guilty to a theft charge in order to reduce his workload, the court was told.

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

The Police had rendered full assistance to the ICAC in its investigation.

The prosecution was today represented by prosecuting counsel Susanna Ku, assisted by ICAC officer Matilda Wong.