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Police Sergeant jailed for misconduct in handling suspected drug trafficking case

11/10/2011

A Police Sergeant, charged by the ICAC, was today (Tuesday) sentenced to 21 months' imprisonment at the District Court after being convicted of misconduct in public office in relation to the handling of a suspected drug trafficking case.

Leung Wai-yin, 47, was today found guilty of one count of misconduct in public office, contrary to the Common Law.

In sentencing, Deputy Judge Timothy Casewell remarked that the misconduct offence committed by the defendant was of a serious nature as he, as a police officer, had breached the trust placed on him by members of the public.

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

The court heard that at the material time, the defendant was attached to a District Anti-triad Squad (DATS) of Yuen Long District.

On September 2, 2008, a man was arrested by officers of the DATS for a suspected offence of possession of a dangerous drug. During a body search on the man, the officers recovered a door key to a flat where a quantity of dangerous drug was found.

As a result, the man was detained at Yuen Long police station. After visiting the man at the police station, his parents were invited by the defendant to meet at a restaurant in Yuen Long where the defendant told them not to worry about the case since it was of a minor nature.

Two days later, the man was charged with one count of trafficking in a dangerous drug. He appeared at Tuen Mun Magistracy the next day, and was granted bail pending his next court appearance.

A few days after September 5, the defendant told the man's father on one hand that he could introduce to him a barrister, who was a former senior police officer and also his former supervisor, the court heard.

On the other hand, the defendant told the barrister that he intended to introduce to him a client, namely the man's father. The barrister then told the defendant to contact a legal executive of a solicitors firm for making the necessary arrangement.

In mid September, the defendant arranged for the parents of the man to attend a dinner at a restaurant in Tsimshatsui. During the dinner, the defendant introduced the barrister to the couple when the particulars of the case were discussed.

After the dinner gathering, the defendant told the man's parents that the barrister was the former supervisor of the case officer, and that the case officer would show favour to his son in handling the case.

Subsequently, the man's parents engaged the barrister and the legal executive to represent their son in his case.

The court also heard that the defendant met the man's father to discuss the case at a restaurant in Yuen Long shortly after the Lunar New Year in 2009. During the meeting, the defendant solicited a loan of \$5,000 from the man's father. Yet his request was turned down.

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

The prosecution was today represented by prosecuting counsel Thomas Lu, assisted by ICAC officer Hazel Law.

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