

## **Policeman charged with bribery, misconduct and unauthorised computer checks**

16 July 2014

A Police Constable (PC) has been charged by the ICAC today (Wednesday) with soliciting and accepting advantages, misconduct in public office and conducting unauthorised checks on personal particulars and/or criminal records from government computer databases for a businessman.

Cheng Chi-yuen, 36, faces one count of public servant soliciting an advantage and one of public servant accepting an advantage, contrary to Section 4(2)(a) of the Prevention of Bribery Ordinance.

Cheng further faces one count of misconduct in public office, contrary to Common Law; and 16 of obtaining access to a computer with a view to dishonest gain for himself or another, contrary to Section 161(1)(c) of the Crimes Ordinance.

The defendant, currently on ICAC bail, will appear in the Fanling Magistracy at 9:30 am on Friday (July 18) for transfer to the District Court.

At the material time, the defendant was a PC of the Hong Kong Police Force (HKPF). The defendant came to know a businessman in an investigation of the HKPF in 2009 when he was attached to a District Investigation Team of Yuen Long District. Since April 2012, he had been posted to a District Investigation Team of Tai Po District.

Sixteen of the charges allege that the defendant, with a view to dishonest gain for himself or another, obtained the personal particulars and/or criminal records of five persons and the registration details of a vehicle from the computer databases of the HKPF and the Transport Department (TD) respectively for himself or the businessman.

Two other charges allege the defendant of having solicited \$20,000 from the businessman and accepted from him the discharge of a liability to pay \$10,000 as rewards for obtaining and divulging the above information to him.

The remaining charge alleges that the defendant, in the course of or in relation to his public office, without reasonable excuse or justification, wilfully and intentionally misconducted himself by obtaining or instructing another PC to obtain the above information by conducting searches from the said computer databases, and divulging those information to the businessman.

The above alleged offences took place between November 2012 and January 2013.

The case arose from a corruption complaint referred by the HKPF.

The HKPF and the TD had rendered full assistance to the ICAC during its investigation.

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## 廉署起訴警員涉嫌貪污行為失當及 未獲授權查取電腦資料

2014年7月16日

廉政公署今日(星期三)落案起訴一名警員，控告他涉嫌索取及接受利益，公職人員行為失當，並在未獲授權的情況下，為一名商人在政府電腦資料庫查取多名人士的個人資料詳情及/或刑事紀錄。

鄭智遠，三十六歲，被控兩項罪名，即一項公職人員索取利益及一項公職人員接受利益，涉嫌違反《防止賄賂條例》第4(2)(a)條。

被告另被控一項公職人員行為失當罪名，涉嫌違反普通法；及十六項目的在於使其本人或他人不誠實地獲益而取用電腦罪名，涉嫌違反《刑事罪行條例》第161(1)(c)條。

被告已獲廉署准予保釋，將於星期五(七月十八日)上午九時三十分在粉嶺裁判法院應訊，以待案件轉介區域法院。

被告於案發時為香港警務處的警員。被告於二〇〇九年隸屬元朗區一個刑事偵緝調查隊，並於調查一宗香港警務處案件時認識一名商人。自二〇一二年四月起，被告駐守大埔區一個刑事偵緝調查隊。

其中十六項控罪指被告涉嫌為其本人或該商人，分別取用香港警務處及運輸署的電腦資料庫，以取得五名人士的個人資料詳情及/或刑事紀錄和一部車輛的登記資料詳情，而其目的為使其本人或他人不誠實地獲益。

另外兩項控罪指被告涉嫌向該商人索取二萬元及接受該商人解除其支付一萬元的法律責任，作為取得及泄露有關資料予該商人的報酬。

餘下控罪指被告涉嫌在擔任其公職期間或在涉及其公職的事情上，無合理辯解或理據，故意及蓄意作出失當行為，即藉搜尋或指示另一名警員搜尋有關電腦資料庫以取得資料，並向該商人泄露有關資料。

上述涉嫌罪行於二〇一二年十一月至二〇一三年一月期間發生。

廉署早前接獲香港警務處轉介的貪污投訴。在調查有關案件期間，廉署獲得香港警務處及運輸署提供全面協助。

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