

Chinese medicine practitioner admits issuing 650 false sick leave certificates

5 June 2015

A Chinese medicine practitioner (CMP), charged by the ICAC, admitted at the Fanling Magistracy today (Friday) that he had issued 652 false sick leave certificates to 14 then staff members of either the Department of Health (DoH) or the Hong Kong Jockey Club (HKJC) for deceiving sickness allowances and/or discretionary bonuses totalling about \$92,000.

Chan Tung, 60, a registered CMP, today pleaded guilty to 14 counts of conspiracy to use false instruments, contrary to Sections 73 and 159A of the Crimes Ordinance, while the prosecution offered no evidence to four similar offences against him.

Magistrate Wong Wai-kuen adjourned the case to June 22 for sentence, pending a background report.

Remanding the defendant in custody of the Correctional Services Department, the magistrate forewarned that a custodial sentence would be unavoidable.

The cases arose from a corruption complaint. Subsequent ICAC enquiries revealed the above offences.

The court heard that at the material time, the defendant was a registered CMP practising at Tung Yan Chinese Medicine Company in Tai Po.

Between November 2010 and April 2013, the defendant sold a total of 652 certificates for sick leave signed by him to 14 persons, including three then health surveillance assistants (HSAs) of the DoH and 11 then telebet services assistants (TSAs) of the HKJC.

Without conducting any medical consultation, the defendant accepted "orders" for certificates of sick leave being placed by phone or through telephone text messages.

Afterwards, he delivered certificates for sick leave to his "customers" in the vicinity of MTR Tai Po Market Station or the podium of a public housing estate in Tai Po.

By selling the certificates for sick leave at \$30 each, the defendant obtained \$19,560 in total, the court was told.

As a result of the conspiracies, the DoH was induced to grant sickness allowances totalling over \$30,200 to those HSAs, while the HKJC was induced to grant those TSAs sickness allowances and/or discretionary bonuses totalling about \$62,000.

The 14 HSAs and TSAs, who were also charged by the ICAC for their roles in the scams, earlier pleaded guilty to multiple counts of using false instruments. They had their cases adjourned to July 28 and August 10 for mention respectively.

The DoH and the HKJC had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Susanna Ku, assisted by ICAC officer Patrick Yu.

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中醫承認發六百五十張假「病假紙」候判

2015年6月5日

一名中醫向十四名當時任職衛生署或香港賽馬會(馬會)的人士，簽發六百五十二張虛假病假證明書，以詐騙疾病津貼及/或酌情發放的花紅共約九萬二千元，被廉政公署拘控。被告今日在(星期五)粉嶺裁判法院承認控罪。

陳通，六十歲，註冊中醫，今日在承認共十四項串謀使用虛假文書罪名，違反《刑事罪行條例》第73條及第159A條。被告另外四項相類罪名獲控方不提證供起訴。

裁判官黃偉權將案件押後至六月二十二日判刑，以待被告的背景報告。

裁判官將被告還押懲教署看管，並表示無可避免會判處監禁刑罰。

廉署早前接獲貪污投訴，調查其後揭發上述罪行。

案情透露，被告於案發時為註冊中醫，在大埔同仁參茸藥行應診。

被告於二〇一〇年十一月至二〇一三年四月期間，向十四名人士，包括三名當時任職衛生署健康監察助理及十一名當時任職馬會電話投注事務助理的人士，出售共六百五十二張由他簽發的病假證明書。

被告在沒有為上述人士作出診治的情況下，便透過電話或電話短訊接受預訂病假證明書。

其後，被告在港鐵大埔墟站附近或大埔一個公共屋邨的平台，與「客人」交收病假證明書。

案情透露，被告以每張三十元出售病假證明書，從而獲取一萬九千五百六十元。

該串謀勾當導致衛生署被誘使向該等健康監察助理發放疾病津貼共三萬零二百多元，而馬會則被誘使向該等電話投注事務助理發放疾病津貼及/或酌情發放的花紅共約六萬二千元。

該十四名健康監察助理及電話投注事務助理，亦因有關勾當而被廉署落案起訴。他們早前承認多項使用虛假文書罪名。他們的案件分別押後至七月二十八日及八月十日提訊。

衛生署及馬會在廉署調查案件期間提供全面協助。

控方今日由大律師顧佩芳代表出庭，並由廉署人員于伯章協助。

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