

Ex-deputy chairman of listed company gets 18 months for perversion

29 February 2016

A former deputy chairman of a listed company, charged by the ICAC, was today (Monday) sentenced to 18 months' imprisonment at the District Court after he was convicted of perverting the course of public justice by intimidation with a view to influencing the Chief Executive (CE) and the ICAC Commissioner to terminate an ICAC investigation.

Lew Mon-hung, 67, former deputy chairman and executive director of Pearl Oriental Oil Limited (POOL), was today found guilty of one count of doing acts tending and intended to pervert the course of public justice, contrary to Common Law.

In sentencing, Judge Mr Frankie Yiu Fun-che said the seriousness of the offence in this case hinged on the target recipients of the defendant's e-mails and letters, who were the CE and the ICAC Commissioner.

The judge added that perverting the course of public justice was a serious offence which undermined fairness of the judicial system and public confidence in it.

The court heard that at the material time, the defendant was the deputy chairman and executive director of publicly listed POOL. He was also a member of the National Committee of the Chinese People's Political Consultative Conference (CPPCC).

On January 8, 2013, the defendant was interviewed under caution by the ICAC in relation to an investigation into him and other persons regarding POOL. After the cautioned interview, he was arrested for his alleged role in the case. He was then released on ICAC bail, and required to report bail on January 14, 2013.

In the evening of January 9, 2013, the defendant instructed his personal secretary to prepare and send an email, addressed to CE Leung Chun-ying, to the email address of the CE's Office.

The court heard that based on a draft prepared by the defendant, his personal secretary typed out the e-mail addressed to the CE.

In the email, the defendant urged Leung to ask ICAC Commissioner Peh Yun-lu and his colleagues to be "cautious" when dealing with the case, otherwise he (the defendant) would "detonate a political bomb".

In the same evening, the defendant instructed his personal secretary to prepare and send an email, addressed to Peh, to the general email address of the ICAC. The two emails addressed to Leung and Peh were similar in content.

The court heard that in the afternoon of January 10, 2013, the defendant instructed his personal secretary to type a letter addressed to the CE, copied to the ICAC Commissioner and signed by the defendant, in the letter printed with the letterhead of "Dr Lew Mon-hung, Member of CPPCC National Committee".

In the letter, the defendant stated that if the ICAC did not stop the groundless accusation against him and others, thus affecting his reputation, political acclaim and financial situation, he would take revenge.

The defendant instructed his personal secretary to send the letter to the CE's Office. He also instructed his personal secretary to send the copy to the office of the ICAC Commissioner. Leung and Peh received the letters respectively.

Upon the instruction of the CE, the Private Secretary to CE replied to the defendant on January 29,

2013 refuting the contents of his e-mail and letter addressed to the CE, and copied the reply to the ICAC Commissioner.

The defendant was arrested for perverting the course of public justice on February 20, 2013, the court was told.

The prosecution was today represented by Senior Assistant Director of Public Prosecutions Anna Lai, assisted by ICAC officers William Lam and Eric Chan.

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上市公司前副主席妨礙司法公正罪 被判囚十八個月

2016年2月29日

一名上市公司前副主席，以恐嚇手段尋求影響行政長官及廉政專員，以終止廉政公署一項調查，早前被廉署拘捕及控告妨礙司法公正罪名。被告今日（星期一）在區域法院被裁定罪名成立，判囚十八個月。

劉夢熊，六十七歲，東方明珠石油有限公司(東方明珠)前副主席兼執行董事，今日被裁定一項傾向並意圖妨礙司法公正的作為的罪名成立，違反普通法。

法官姚勳智判刑時稱，本案控罪的嚴重之處是在於被告發出電郵的對象是行政長官及廉政專員。

法官續稱，妨礙司法公正是嚴重罪行，影響司法制度的公正及公眾對司法制度的信心。

案情透露，被告於案發時為上市公司東方明珠副主席兼執行董事。他又是中國人民政治協商會議全國委員會(全國政協)委員。

被告於二〇一三年一月八日就一宗關於東方明珠而涉及被告及其他人士的調查接受廉署警誡會面。被告於警誡會面後因涉案被捕，並獲廉署准許保釋外出，但他須於同年一月十四日返回廉署報到。

被告於二〇一三年一月九日傍晚指示其私人秘書準備及發出一封電郵至行政長官辦公室的電郵地址，收件人為行政長官(特首)梁振英。

案情透露，被告的私人秘書按被告預備的手稿謄打致特首電郵。

被告在電郵內催促梁請廉政專員白韞六及其同事在處理有關案件時「慎之又慎」，否則他(被告)將「引爆政治炸彈」。

被告於同日傍晚指示其私人秘書準備及發出一封電郵至廉署的一般電郵地址，收件人為白。致梁及白兩封電郵的內容大致相同。

案情透露，被告於二〇一三年一月十日下午指示其私人秘書謄打一封信，並在信件上簽署，收件人為特首，副本抄送廉政專員，信印有「劉夢熊博士，全國政協委員」。

被告在信件中聲稱，倘若廉署不停止對他和其他人的無理指控，造成他在聲譽、政治及經濟上的損失，他必定會復仇。

被告指示其私人秘書將信件送往行政長官辦公室。他亦指示其私人秘書將副本抄送給廉政專員。梁及白分別接獲相關信件。

特首私人秘書按特首指示於二〇一三年一月二十九日覆信給被告，反駁其電郵及信件的內容，並將信件副本抄送給廉政專員。

被告於二〇一三年二月二十日因妨礙司法公正而被拘捕。

控方今日由高級助理刑事檢控專員黎婉姬代表出庭，並由廉署人員林榮傑及陳卓熙協助。

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