

# 廉政公署

## Independent Commission Against Corruption

廉政公署 (A) 及 (B) 組就廉政公署調查的案件提供法律指引，並處理相關的檢控工作及上訴。(A) 組集中處理涉及公營機構貪污和選舉罪行的案件，包括公職人員行為失當和涉及公職人員及公共機構的賄賂行為。(B) 組主要處理私營機構貪污案件，包括在商業或機構環境中的賄賂及詐騙行為。兩組均根據《檢控守則》評估證據是否充分、就控罪和審訊法院提供法律指引、在適當情況下進行檢控、監察審訊結果，並在必要時提出上訴或覆核。

下文載述該組在 2025 年處理的一些值得關注的案件。

ICAC Sections (A) and (B) advise on cases investigated by the Independent Commission Against Corruption and handle related prosecutions and appeals. Section (A) focuses on public sector corruption and electoral offences, including misconduct in public office and bribery involving public servants and public bodies. Section (B) focuses on private sector corruption, including bribery and fraud in commercial and institutional settings. In accordance with the Prosecution Code, the Sections assess the sufficiency of evidence, advise on charges and venue, conduct prosecutions where appropriate, monitor trial outcomes, and pursue appeals or reviews when necessary.

Some notable cases handled by the Sections in 2025 are highlighted below.



## 公營機構貪污案件

### Public sector corruption cases

1



在 **香港特別行政區 訴 羅世華及另七人** [2025] HKDC 1024 案中，食物環境衛生署的八名首席小販管理主任被裁定“串謀犯藉公職作出不當行為罪”罪成，違反普通法及《刑事罪行條例》(第 200 章) 第 159A 條。各被告在 2019 年助理小販管理主任招聘工作中，傳閱部分應徵者的面試時間表，並編製“自己人”名單，以便遴選委員會成員優待該等應徵者，違背了公務員招聘工作必須公開、公平且富競爭性的規定。雖然無法證明該等應徵者曾得到實際利益或評分優待，但這項計謀仍有損招聘工作的公正和公信力。第一被告認罪後被判處 150 小時社會服務令，第二至第八被告經審訊後被判處 220 至 240 小時社會服務令。

In **HKSAR v Lo Sai-wah and 7 others** [2025] HKDC 1024, eight Principal Hawker Control Officers of the Food and Environmental Hygiene Department were convicted of “conspiracy to commit misconduct in public office”, contrary to common law and section 159A of the Crimes Ordinance (Cap. 200). The defendants circulated interview schedules of certain candidates in the 2019 recruitment exercise of Assistant Hawker Control Officers and compiled a “buddy” list so that selection board members could give those candidates preferential treatment. This was contrary to the civil service requirement of open, fair and competitive recruitment. Although no actual advantage or preferential marking was proved, the scheme undermined the fairness and credibility of the recruitment exercise. D1, who pleaded guilty, was sentenced to 150 hours’ community service, while D2-D8 were sentenced to 220 to 240 hours’ community service after trial.

2



在**香港特別行政區 訴 楊敬倫及另二人** [2025] HKDC 635 案中，一名懲教署人員、一名在囚人士及一名釋囚經審訊後被裁定“串謀犯藉公職作出不當行為”罪成。該懲教署人員與該在囚人士串謀，讓後者在未經授權下於塘福懲教所內管有和使用手提電話。該在囚人士又與該釋囚及其他人串謀，為自己取得增值服務、電話卡及違禁香煙。法庭裁定該在囚人士是幕後主腦，判監 24 個月。該懲教署人員及釋囚分別判監 18 個月和九個月。

In **HKSAR v Yeung King-lun and 2 others** [2025] HKDC 635, a Correctional Services Department (“CSD”) officer, a serving prisoner and a released prisoner were convicted after trial of “conspiracy to commit misconduct in public office”. The CSD officer and the serving prisoner conspired over the prisoner’s unauthorised possession and use of a mobile phone in Tong Fuk Correctional Institution, while the serving prisoner also conspired with the released prisoner and others to arrange for top-up services, SIM cards and prohibited cigarettes for himself. The Court found the serving prisoner to be the instigator and sentenced him to 24 months’ imprisonment. The CSD officer was sentenced to 18 months’ imprisonment, and the released prisoner was sentenced to nine months’ imprisonment.

3



在**香港特別行政區 訴 陳志昌及另十人** [2025] HKCA 1150 案中，11 名原居男村民參與一項違反地政總署所訂小型屋宇政策的“套丁”(出售興建小型屋宇的權利)計劃，被裁定“串謀欺詐罪”罪成。上訴法庭裁定，《基本法》第四十條保障的“合法傳統權益”只保護一項公法權利，即申請人有權要求按照申請時適用的政策準則處理申請，並受地政總署依法行使的酌情權所規限。然而，上訴法庭撤銷所有定罪，裁定各申請人的律師涉及嚴重利益衝突和失職，致使各申請人無法得到公平審訊。

In **HKSAR v Chan Chi-cheong and 10 others** [2025] HKCA 1150, 11 indigenous male villagers were convicted of “conspiracy to defraud” over a “To Ding” (selling the rights to build small houses) scheme in violation of the small house policy of the Lands Department. The Court of Appeal held that the “lawful traditional rights and interests” protection by Article 40 of the Basic Law is only protecting a public law right to have one’s application dealt with according to the criteria of the policy that was current at the time of the application and subject to the lawfully exercised discretion of the Lands Department. Yet, the Court quashed all convictions, finding that the applicants had been denied a fair trial due to their lawyers’ serious conflicts of interest and incompetence.

## 私營機構貪污案件 Private sector corruption cases

4



在**香港特別行政區 訴 周貴輝** WKCC 5542/2024 案中，任職地盤工人的被告經審訊後被裁定“代理人接受利益”罪及“勒索”罪罪成，分別違反《防止賄賂條例》(第 201 章)第 9(1)(a) 及 12(1) 條，以及《盜竊罪條例》(第 210 章)第 23(1) 及 (3) 條。被告向一名受其監督的建築工人索取每日港幣 350 元回佣，並以失去工作等損害威脅該工人。在 2020 年 10 月至 2021 年 4 月期間，被告共向該工人勒索港幣 43,925 元。被告被裁定罪成，判監合共六個月。法庭依據《防止賄賂條例》第 12 條，命令被告須向僱主歸還所有款項。

In **HKSAR v Chow Kwai-fai** WKCC 5542/2024, the defendant, being a construction site worker, was convicted after trial of a charge of “agent accepting advantage”, contrary to sections 9(1)(a) and 12(1) of the Prevention of Bribery Ordinance (Cap. 201) (“POBO”), and a charge of “blackmail”, contrary to section 23(1) and (3) of the Theft Ordinance (Cap. 210) for demanding HK\$350 kickback on a daily basis from a construction worker under his supervision while threatening harm, such as the loss of job. Between October 2020 and April 2021, a total of HK\$43,925 was extorted. Upon conviction, the defendant was sentenced to a total of six months’ imprisonment and ordered to repay his employer in full pursuant to section 12 of the POBO.

5



在**香港特別行政區 訴 翟國雄** [2025] HKCFI 4164 案中，受僱於殯儀館的上訴人為招攬生意而提供港幣 3,000 元回佣，經審訊後被裁定一項“向代理人提供利益”罪罪成，違反《防止賄賂條例》第 9(2)(a) 及 12(1) 條。上訴人向教友提供回佣，而該教友受託為同一教會的一名成員安排殯葬服務。上訴人在上訴時辯稱，該教友並非死者的遺產執行人，兩人沒有事先存在的法律關係，故該教友並非死者的遺產代理人。原訟法庭維持定罪，並引用終審法院在**香港特別行政區 訴 趙鶯** (2020) 23 HKCFAR 194 案及**香港特別行政區 訴 陸健** (2016) 19 HKCFAR 619 案中確立的法律原則，指出要建立主事人與代理人關係，兩人無須有事先存在的法律關係。就本案而言，在該教友同意代表死者遺產行事而安排殯葬服務時，主事人與代理人關係便告成立。

In **HKSAR v Chak Kwok-hung** [2025] HKCFI 4164, the appellant, an employee of a funeral parlour, was convicted after trial of one count of “offering an advantage to an agent”, contrary to sections 9(2)(a) and 12(1) of the POBO for offering kickback of HK\$3,000 with a view to business touting. The offer was made to a church-goer who had been entrusted to make arrangement for the funeral service of a fellow member of the same congregation. On appeal, it was argued that the church-goer was not the executor of the deceased’s estate, thus not an agent of the deceased’s estate for want of a pre-existing legal relationship. In upholding the conviction, the Court of First Instance applied the legal principles set down by the Court of Final Appeal in **HKSAR v Chu Ang** (2020) 23 HKCFAR 194 and **HKSAR v Luk Kin Peter Joseph** (2016) 19 HKCFAR 619 that no pre-existing legal relationship was required for establishing a principal-agent relationship. In the context of the present case, such relationship was created when the church-goer agreed to act for the deceased’s estate in arranging the funeral service.

6



在**香港特別行政區 訴 梁偉鍵** [2025] 4 HKLRD 897 案中，上訴人在原訟法庭承認兩項“串謀詐騙”罪，判監合共 54 個月。控方案情指，患有癌症的上訴人與保險代理及醫療保單持有人串謀，冒充該保單持有人接受約值港幣 100 萬元的醫學檢查及治療，使該保險代理及保單持有人可在扣除所招致的費用後，平分根據保單所得、總額逾港幣 880 萬元的危疾賠償。上訴法庭把總刑期減至監禁 2 年 11 個月，理由是上訴人沒有策劃該欺詐行為，且其動機主要出於個人需要而非貪念，有別於另外兩名串謀者。

In **HKSAR v Leung Wai-kin** [2025] 4 HKLRD 897, the appellant was convicted upon his own plea of two charges of “conspiracy to defraud” in the Court of First Instance, and was sentenced to a total of 54 months’ imprisonment. It was the prosecution’s case that the appellant, a cancer patient, conspired with an insurance agent and a medical insurance policy holder to pose as the policy holder to attend medical examinations and treatment worth some HK\$1 million, so that the insurance agent and the insurance policy holder could share equally the critical illness compensation obtained under the policy, after deducting the costs incurred, in a total sum of over HK\$8.8 million. On appeal, the total sentence was reduced by the Court of Appeal to 2 years and 11 months’ imprisonment on the basis that the appellant did not engineer the fraud and was motivated more by need than greed, unlike the other two conspiring parties.