

Press Release

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Solicitor, barrister and two others jailed for plot over ICAC protected witness

Four persons, including a solicitor and a barrister, charged by the ICAC, were today (Friday) sentenced at the District Court for their respective roles in a plot over a protected witness.

Kanjanapas Chong Kwong Derek, also known as Wong Chong-kwong, 38, businessman, received a jail term of three years for conspiracy to pervert the course of public justice.

Mandy Chui Man-si, 26, company director, was jailed for two and a half years for the above conspiracy charge and one year for attempted perjury, to run concurrently.

Andrew Lam Ping-cheung, 54, solicitor, was sentenced to four years' imprisonment for the same conspiracy offence.

Kevin Barry Egan, 59, barrister-at-law, was jailed for two and a half years for two counts of attempting to disclose information about the identity of a participant in the witness protection programme, in violation of the Witness Protection Ordinance.

In sentencing, Chief Judge Barnabas Fung Wah said the conspiracy offence was serious and a direct assault on the administration of justice.

He said as an officer of the court, Lam had a duty to protect, not abuse the administration of justice.

The judge said a four years' imprisonment for Lam, who had planned the plot, was in proportion to his criminality.

The judge added that while Wong was the instigator of the scam, Chui did tell lies when making the affirmation.

The judge also noted that Egan's act was a blatant breach of the Witness Protection Ordinance.

Earlier on, when delivering his reasons for verdict, Judge Fung noted that testimony of the key prosecution witnesses was credible. He added that those witnesses were reliable, and that he had no doubt they had told the truth.

On the issue of the signing by the ICAC of a memorandum of understanding concerning a witness under protection, the judge said there was no mala fides whatsoever on the part of the Commission in its handling of the case.

An ICAC spokesman said the case originated from a request from the Court of Appeal to the Secretary for Justice, who subsequently referred the matter to the ICAC to investigate whether an offence under the Witness Protection Ordinance had been committed.

"The Commission had vigorously pursued every case without fear or favour and would continue to uphold the principles of justice and carrying out the anti-corruption duties in strict accordance with the law in all circumstances," the spokesman said.

The court heard that Wong, Chui and Lam had conspired to pervert the course of public justice between July 11 and 17, 2004.

The trio, knowing that Wong and others had been arrested in an ongoing investigation by the ICAC and that criminal proceedings arising from the investigation were possible, had obstructed and hindered the investigation and possible proceedings by seeking to gain access to a person whom they believed to be co-operating with and assisting the ICAC in that investigation.

The court heard that the trio had sought to ascertain what the witness had said to ICAC investigators and influence her against providing assistance or information to the ICAC.

Chui made an attempted perjury on July 16, 2004, the court was told.

The court also heard that Egan had attempted to disclose to a newspaper reporter information about the identity of a participant in the witness protection programme on July 15, 2004, and on another occasion on the same date, without lawful authority or reasonable excuse.

The prosecution was today represented by Roger Beresford, counsel on fiat, assisted by ICAC officer Raymond Yuen.