

IN THE PRIVY COUNCIL

No. 37 of 1980

37/81

O N A P P E A L
FROM THE COURT OF APPEAL OF HONG KONG

B E T W E E N :

TSANG PING NAM

Appellant

- and -

THE QUEEN

Respondent

RECORD OF PROCEEDINGS

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O N A P P E A L
FROM THE COURT OF APPEAL OF HONG KONG

B E T W E E N :

TSANG PING NAM Appellant

- and -

THE QUEEN Respondent

R E C O R D O F P R O C E E D I N G S

No. 1

JUDGES NOTES

In the District
Court of Hong Kong

No. 1

Judges Notes

Evidence of PW1
John Edward Picken

Examination-in-
Chief

23rd April 1979

PW1 John Edward Picken Sworn in English.

Examination-in-Chief:

I am a senior investigating officer with ICAC. I was so employed on 1st February 1977. On that date I was concerned with a particular investigation into allegations of an illegal corrupt syndicate involving and serving police officers of Mongkok Police Division. It was in particular the special duties squad known as the Vice Squad. Defendant Tsang Ping-nam was arrested by ICAC on 1st February 1977. In previous arrests and interviews he had been named as one of the sergeants in the special duties squad involved in receiving corrupt money. I saw him at the ICAC offices that day. I now identify defendant. I spoke to him. There was a Chinese investigating officer present. He is Wong Kwok-leung. I spoke to defendant through Wong. Defendant said he did not speak English. I interviewed defendant. Before the interview I had had a profuse of questions typed and these questions were asked by Wong to defendant. Wong also had an identical Chinese copy of the questions pre-prepared. Defendant replied to my questions. They were interpreted to me by Mr. Wong. I recorded the replies given by Wong

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Judges Notes
continued

Evidence of PW1
John Edward Picken

Examination-in-
Chief
continued

23rd April 1979

personally at that time. I have a record of that interview. My personal record was not read over to Defendant. At the completion of the interview Wong read over his record of the interview which he had completed at the same time. I have now got the record I kept. It was a contemporaneous record that I made at the time. Defendant denied any knowledge of the matters I was investigating and any corruption on his part in the first instance. The interview started at 1515 hours and terminated at 1635. Defendant was left in the room where he was being detained under a guard. I saw him again later the same evening in the same room. It was at ICAC Hutchison House. Wong was interpreting again. I made a record of the interview in my own writing. The record was made at the time. I have it with me. [Leave to refresh memory]. The interview commenced at 2000 hours. Through Wong I said to Tsang "After further study of evidence I am convinced that you and other sergeants were very much involved in a corruption syndicate in Mongkok. Evidence we have already collected indicates without doubt that you are not telling the truth". Tsang replied to this. 10 20

Mr. Lau: This is hearsay. It was through the interpreter.

C.C. Mr. Wong will give evidence that he interpreted what was said.

Court: Question allowed.

PW1:

He replied "If you know what happened what do you want me to say." I said "All I want you to do is to tell the truth." He said "If I tell you what favour can you do for me?" I replied "Absolutely no favour. If you tell the truth it will be in your favour when you appear at Court." He then said "Well, what do you want to know?" I said "When you worked with the Vice Squad did you take any squeeze money?" He replied "Yes, I did." I then said "How much?" He replied "About \$2,000 a week." I asked "How did you divide the money?" He replied "\$200 to a police constable and \$100 to a woman police constable." I said "Did you get the money from Ku Ming?" He said "No. Tai Tau-so gave over it." I repeated "Are you sure you didn't get it from Ku Ming?" He said "No. So got the money from Lo Wing-bon. I think Ku Ming gave it to Lo Wing-bon." I said "Have you been involved in other corruption in Mongkok?" He said "You know about it so I might as well tell you." I said "Tell us what?" He replied "I was also 30 40

the caterer for the Nuisance Squad." I said "Are you willing to give a statement about the Vice and Nuisance Squads?" He said "Yes. I will give a written statement." I then instructed Wong to take this statement. I knew from my investigations about Ku Ming. He was not prosecuted in the Mongkok conspiracy case. He was given a nolle prosequere and used as a witness. Ku Ming was not a policeman. He was a merchant who was heavily involved in collecting money on behalf of police officers. He was a collector for the corruption syndicate. He employed a number of sub-collectors and the money came from vice establishments - brothels, manage saloons, illegal gambling establishments in Mongkok. Tai Tau-so is a nickname for Sergeant So who was later prosecuted. That was not first time I had heard that name. So Siu-kuen was arrested on 1st February as was defendant. He was being detained at the time I was interviewing defendant. He was prosecuted in the Mongkok conspiracy case and acquitted. Prior to 1st February 1977 I had not heard the name Lo Wing-bon in connection with my investigation. I later came to know his identity. He was a chief inspector of Royal Hong Kong Police Force. He was later arrested by ICAC for alleged involvement in corruption in Mongkok Police Division. He was not prosecuted in the Mongkok conspiracy case. He was also given a nolle prosequere and used as a Crown witness. He gave evidence at that trial. He was alleged to have received money for Ku Ming and also serving police sergeants in Mongkok Division. A "caterer" refers to a person who organizes in collection and distribution of corrupt money. It describes Lo Wing-bon's alleged involvement. I knew quite a bit about the case when I interviewed defendant on 1st February. I had been investigating the case for about twelve weeks. In first statement by defendant there were two things I didn't already know. I had never heard of Lo Wing-bon and more importantly this was first time I was aware of a corrupt syndicate with the Nuisance Squad. The Nuisance Squad is the uniformed section of the police dealing with the control of hawkers. It was 1st February when I first learned that corruption was involved in the Nuisance Squad. I was very surprised. At that time I didn't even know what a Nuisance Squad was. I was thereafter concerned with this squad. It was in the whole investigation. The prosecution before Judge Silke incorporated the Nuisance Squad and the Vice Squad. I was not present when Wong took the statement from defendant. I later saw it. Defendant left ICAC on the evening of 2nd when he was bailed. Bail was in his own recognizance to report in one month in sum of \$10,000.

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Court of Hong Kong

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No. 1

Judges Notes
continued

Evidence of PW1
John Edward Picken

Examination-in-
Chief
continued

23rd April 1979

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No. 1

Judges Notes
continued

Evidence of PW1
John Edward Picken

Examination-in-
Chief
continued

23rd April 1979

I think that was the date. He had been detained overnight. I next saw him on 4th February. I keep a note book. I saw defendant on a number of occasions. I made entries in my note books on those occasions. The entries were made immediately after I had seen him - as soon as practicable. It would assist my memory if I could refer to those entries. [Leave to refresh memory]. On 4th February Wong Kwok-leung and I were making enquiries in New Territories. We were seeing Ku Ming. While at Ku's residence Wong rang our office - just a routine call to see if there were any messages for me - and we were told that defendant had come to our office to see us. I had not requested defendant to come on that date - nor had any other officer to my knowledge. We returned to the office and saw defendant at 16.5. I spoke with him. Mr. Wong acted as interpreter. I ascertained why defendant had come to ICAC on that day. He said he had come in to make a further statement regarding his corrupt activities. He was then cautioned. He then briefly told me the circumstances of his involvement with other sergeants and police officers in Mongkok involving corruption money from hawkers. I asked Wong to take a statement from him. I was not present when it was recorded. I next saw defendant on 11th February. This was by prior arrangement through Wong to defendant. I saw him at Pearl Island in New Territories. It is a hotel and promontory. I again spoke with defendant with Mr. Wong acting as interpreter. I first told defendant that no offers of immunity were being offered to him but any information he had would be accepted but this did not alter his position in respect of any future prosecution. In the previous interview on 1st February when he asked us what favour I could give him I told him I could give him no favour. Subsequent to that he was well aware that there was no offer of immunity from prosecution. Defendant said he fully understood and as he had told us any things he might as well tell everything. No statement was recorded on 11th February. The purpose of my seeing him was to get him to go over the structure of corruption and the syndicate in Mongkok. At that time I was still not completely in the picture as to the full structure of the different squads - their duties etc. The most senior officer at ICAC concerned with this investigation was myself.

11.30 a.m.

Short adjournment.

11.45 a.m.

Court resumes.

PW1. I saw defendant again on 23rd February 1977 with Wong Kwok-leung. I met him by prior arrangement at Pearl Island. On this occasion I told him that if he agreed I would like him to make a full witness statement about his whole corrupt activities and that if he agreed to make this statement it would not be used in any corruption prosecution against him provided he told the whole final truth of his involvement. Tsang agreed and said he would be prepared to make such a statement under those conditions. I had in mind the possibility of Tsang giving evidence. He said he would. That meeting on 23rd February was as a result of legal advice from the Assistant to the Attorney General Mr. Corcoran that the defendant could be approached and asked if he would make a witness statement under those conditions. A witness statement was made at a subsequent date but I was not concerned with taking it. I next saw defendant I think on 1st June - definitely 1st June - at Hutchison House. On that occasion he had been asked to come to examine some photographs to see if he could identify the police officers with whom he had had corrupt dealings. I was not present when defendant was shown a series of photographs. I was present before that. I was later shown a sheet of paper on which a number of Nos. had been written. (Shown document). This is it. I wrote on it. (mfi 1). All the writing in pencil is mine. When I was given this piece of paper I was told that these were the Nos. that had been identified by defendant of police officers with whom he had had corrupt dealings. On the page it has page numbers and then a single number. The single number refers to the actual photograph identified on that particular page. I then from a master list examined the numbers to verify the exact identity of the police officers indicated by Tsang. I did not see defendant after 1st June in connection with this case until 13th January 1978 when I again saw him at Pearl Island. That was not connected with this case. It was to gain his assistance into another corruption investigation I was conducting at that time.

First time I heard Wong Kam-tai's name was as a result of the interviews with Tsang - the statements he made to Wong in February. By memory I think I first heard Wong Yu-keung's name again as a result of the statements made by defendant in February.

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No. 1

Judges Notes
continued

Evidence of PW1
John Edward Picken

Examination-in-
Chief
continued

23rd April 1979

In the District
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No. 1

Judges Notes
continued

Evidence of PW1
John Edward Picken

Cross-examination

23rd April 1979

Q. When was defendant taken to the ICAC after his arrest?

A. I can't remember the exact time of arrival. I think it was in the morning but I can't be sure.

Q. Your first interview with defendant at 1515?

A. Yes.

Q. Before that did any of your officers interview defendant?

A. Not to my knowledge no.

Q. How about Wong Kwok-leung?

A. No.

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Q. After taking this statement and before the statement at 2000 hours did you see defendant?

A. No.

Q. How about Wong Kwok-leung?

A. Not to my knowledge no.

Q. Just before first cautioned statement made by defendant you said to him that he was lying in his statement made at 1515 and you asked him to co-operate with ICAC?

A. I asked him the questions I recorded.

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Q. That statement you say you made at 2000 hours was made next morning?

A. Certainly not. It was made at that time.

Q. Just before defendant made his first cautioned statement you said you would ask Attorney General for immunity for him?

A. Certainly not. That is totally incorrect.

Q. You said you could not make a promise then but had to see what defendant said first?

A. That's not true.

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Q. Ku Ming had been arrested some time before defendant?

A. He was.

Q. Did you interview Ku Ming?

A. Yes.

Q. Did Ku Ming give you information which led to the arrest of defendant?

A. Yes.

Q. What was the allegation against defendant?
A. That he was one of the Vice Squad sergeants who received corrupt money.

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No. 1

Q. Did Ku Shing tell you who was the caterer?
A. At that time our knowledge of the syndicate was that each of the Vice Squad sergeants used to collect corrupt money and then distribute it through their squad.

Judges Notes
continued

Evidence of PW1
John Edward Picken

10 Q. From Ku Ming you already knew the caterer was Lo Wing-bon?

Cross-examination
continued

A. No. Not at that time.

23rd April 1979

Q. Why did you not ask for more details?
A. Because Tsang said he was prepared to make a full truth statement about the whole business.

Q. What was the last question?
A. I asked him if he was prepared to make a full statement about his affairs and then I instructed Wong to take it.

20 Q. Lo Wing-bon's name was mentioned before defendant agreed to make a full statement?

A. Yes.

Q. Why did you not ask for more details about him?
A. It was the name of a corrupt police officer like many others.

Q. I suggest the reason you did not ask was that you already knew about Lo Wing-bon?

A. No. I had no knowledge of him at all.

Q. Did you make an application that defendant's travelling documents be surrendered to ICAC?

30 A. Yes.

Q. When?

A. I think it was on 2nd. I did not make it personally.

Q. Did you ask Mr. Wong to instruct defendant to return to ICAC on 4th February?

A. No.

Q. You don't know if Mr. Wong made this request?

A. I don't know. I would not have known.

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Judges Notes
continued

Evidence of PW1
John Edward Picken

Cross-examination
continued

23rd April 1979

Evidence of PW2
Wong Kwok-leung

Examination-in-
Chief

23rd April 1979

Q. Defendant returned on 4th February to bring back his travel documents not to give further information?
A. There was no mention of travel documents.

Q. Defendant was directed to give a further statement on that reason?
A. Not true.

Not re-examined.

(Sd.) E. de B. Bewley
Judge of the District Court.

PW2 Wong Kwok-leung Affirmed in Punti. 10

Examination-in-chief:

C. C. I ask Court to obtain release of a sheet of photographs exhibited in the Mongkok case. It is Exh. 102 in Case No. 221/78. I wish to use them.

Court: Application granted.

PW2. I am an investigating officer of ICAC - Class III. I was employed on 1st February 1977 as a Class III investigator. That is the most Junior grade of investigator. On 1st February 1977 I was concerned with investigation of corruption in Mongkok Division of Royal Hong Kong Police. I had been so involved for about 2 months. It had been going on for some time before I became involved. Mr. Picken was the most senior officer involved in that investigation. He was in charge. I saw defendant Tsang Ping-nam at ICAC office on 1st February 1977. I identify him. I first saw him on 1st February at about 1530 - 1535 hours. I was with Mr. Picken. Now I recall the time was 1515. I spoke with defendant in Punti dialect. This was his native tongue. A number of questions were asked of defendant. Mr. Picken had formulated the questions beforehand and written them down on paper. I read these questions to defendant. He replied. I recorded his replies. Defendant was cautioned at the commencement of this interview. At the conclusion the record of his statement - the replies and the questions - were read over to defendant. He was given an opportunity to make additions and alterations. He did make some alterations. He signed the record. (Shown document). This is the record. I caused a certified translation into English to be made. (Ex. P2). The black writing is the questions formulated beforehand. The blue writing is my record 20 30 40

of defendant's replies. I confirm that record is a true and accurate record of the questions asked and the answers given. I also interpreted to defendant in Cantonese what Mr. Picken said in English. I did this truly and accurately. The questions in English had been translated previously before the interview by a qualified translator so at the interview when Mr. Picken asked one question I simply read out the translation of that question to defendant. Whatever Mr. Picken said to defendant in English I truly interpreted to defendant in Cantonese. When defendant said something in Cantonese I truly and accurately interpreted that to Mr. Picken in English. After first interview I saw defendant again. I kept a record of the meetings and interviews in my note book. The records were made each time after the interview. I saw defendant on a number of occasions. I had an entry in my note book most times I saw defendant. On those occasions I made the record immediately after the interview. It would assist me if I were permitted to refer to these notes to refreshing memory. (Leave granted). On 2nd occasion I saw defendant on 1st February it was 8.0 p.m. It was at ICAC. Mr. Picken was present. A number of questions were asked of defendant. They were formulated by Mr. Picken in English. I interpreted them to defendant in Cantonese. I did this truly and accurately. Defendant replied. I interpreted his replies to Mr. Picken in English. I did that truly and accurately. This interview concluded at 8.20 p.m. Then we left the room. I returned at 8.40 p.m. My purpose was to take a statement from him. He had agreed to make a statement in the interview that concluded twenty minutes ago. First I asked defendant if he was willing to give a statement. He replied yes. Then I again cautioned him and asked him if he wanted to write it himself or if I should write it for him. He said "It's better if you write it for me." So I began by writing down the caution terms on a piece of white paper invited him to sign it. He signed after the caution. So did I. Then I began to record the statement. I recorded his words sentence by sentence. First he asked me what he should begin with. I suggested he began with telling about himself. When he first joined the police. I recorded everything he said to me. I recorded every word he said. The statement concluded at 11.05 p.m. I read out the whole statement to him. Before that I said to him "Listen carefully. If you want to make any additions or deletions or alterations you must tell me at once." He said "Understand." So I began to

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No. 1

Judges Notes
continued

Evidence of PW2
Wong Kwok-leung

Examination-in-
Chief
continued
23rd April 1979

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Judges Notes
continued

Evidence of PW2
Wong Kwok-leung

Examination-in-
Chief
continued

23rd April 1979

read it. During my reading he made some alterations. At the end I invited him to sign the bottom of the statement and to initial each alteration he made. He signed it. I also signed it. I recorded the time I concluded the statement. (Shown document) This is the statement. His full signature appears at the bottom here (lower right corner). On second page it is at the bottom next to mine (indicates two signatures). I caused a translation into English of the original translation.

Mr. Lau: No objection to admission of statement if purpose is to show that such a statement was made and not to show whether statement is true or false.

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C.C. I do not rely on statement as confession by defendant to matter he has there related. Crown simply seeks to show that defendant made this statement and is not concerned to prove truth or otherwise of matters contained in statement.

Court: (Ex. P3).

1.0 p.m.
Adjourned to 2.0 p.m.

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2 p.m. Court resumes.
Appearances as before.

PW2 reminded of affirmation.

Examination-in-chief:

(Shown P3) Defendant said he had many things to tell but was a little tired and would like to rest. The statement was terminated and was signed after that. The interview was concluded at 2305 hours. Defendant was detained at ICAC overnight. I saw him next day. At about 11.10 a.m. I went back to Room 736 and saw defendant. I asked him if he was willing to continue to give evidence-I mean the statement. He replied yes. I reminded him of his caution. I wrote down the reminded caution on a piece of paper and passed it to him. He looked at it. Then I invited him to sign at the end of the reminded caution. Then I resumed recording the statement. It was recorded in the same manner as the previous statement. I wrote down sentence by sentence what defendant told me. Again I told defendant to listen carefully while I read the whole statement to him: that he should tell me immediately if there was anything he wished to alter or delete or to add another piece of

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information. At the end I invited him to sign at the
bottom of each page and also at the end of the whole
statement and to initial each alteration. He did
accordingly. (Shown document). This is the state-
ment. On first page defendant's signature appears here
(top and bottom). On second page he signed in the
middle and later after he had given me some additional
information. The signature in the middle of the page
was after I had read the statement over to him at 1330
10 hours. Defendant gave me some additional information
after this which I recorded on the same sheet of paper.
This was at 1405 hours. I read this over to him. He
signed at the bottom. This is the signature (at foot of
page). I produce it and the English translation. (Ex.
P4). I next saw defendant on 4th February. On 2nd
February he was released on bail. On 4th February I
saw him at ICAC. This was not by arrangement. On
that morning I set out very early with Mr. Picken to
New Territories to do some investigating work. At
20 about 2.0 p.m. I called the office to ask if anyone had
called in to ask for Mr. Picken. A colleague told me
defendant was waiting at our office and wished to see
me. I went there. I saw defendant. This was 4.15
p.m. that day. I spoke with him. This was in an
interview room in Hutchison House. I ascertained why
he had come. He said he intended to give us additional
information and was willing to give another statement.
Mr. Picken cautioned him. I interpreted his words to
defendant in Puntì. Defendant told us about the corrupt
30 activities of the Nuisance Squad in Mongkok Division.
I made a record of this information. At 4.50 p.m. that
day I wrote down the caution on a piece of paper and
showed it to defendant and requested him to sign at the
end of the caution. After that I began to record every
sentence he spoke. At the conclusion as on the two
previous occasions I told him I was going to read the
whole statement to him and that he should tell me imme-
diately if he wished to make any alteration or addition.
I read out the whole statement from beginning to end.
40 He made some alterations. I requested him to sign at
the bottom of each page and to initial each alteration. He
did accordingly. (Shown document). This is the state-
ment I recorded. Defendant's signature on first page is
here (bottom right hand corner), on second page it is here
(same place) and on last page here (at foot of writing). I
recorded the time as 1950 hours when defendant appended
this last signature. I caused a translation of this state-
ment into English to be made (Ex. P5). I next saw defen-
dant on 11th February 1977. I arranged the meeting by
50 phone. Mr. Picken was present. It took place at Pearl

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Judges Notes
continued

Evidence of PW2
Wong Kwok-leung

Examination-in-
Chief
continued

23rd April 1979

Island New Territories. The gist of the information was that we wished to obtain information from defendant concerning three corrupt accounts in Mongkok Division. I asked him about those matters. He provided us with information. No statement was recorded. I next saw defendant on 23rd February 1977. I arranged this meeting. It took place at the same place - Pearl Island. Mr. Picken was present. I acted as interpreter. I confirm that I truly and accurately interpreted what Mr. Picken said in English and defendant in Cantonese. I interpreted what defendant said in Cantonese truly and accurately to Mr. Picken in English. The gist of the conversation was about three matters. First we received a complaint concerning defendant about a motor garage. We wanted to question him about the complaint. Second matter was that we hoped he might be able to identify a certain person. Third matter which was our main purpose of seeing him was to tell defendant that if he was willing to give us a true and accurate statement of the corrupt activities the Attorney General would undertake not to use the material in that statement to prosecute him on any corruption charges. Defendant agreed to make such a statement. It was not contemplated that defendant might be called as a witness in the prosecution of other persons. No decision had been made at that time as to who was and who was not going to be prosecuted. Defendant might have been prosecuted. It was made clear to him that he might be prosecuted. I cannot recall when it was said to defendant that he might be called as a witness. Anyway it was some time between 20th June - 10th October 1977. I told him this previously. I ascertained that he was willing to give evidence. I next saw defendant on 15th April 1977 at the ICAC office. I was the only officer present. I had arranged this meeting with defendant in order to ask him to make a witness statement. I ascertained that he was willing to do so. He made a witness statement. I made a true and accurate record of it. I summarized all those cautioned statements given to us by him. I also put together the additional information obtained from defendant at later stages. I arranged events in chronological order and made a record. Before I hope to write a paragraph I first told him the gist of the paragraph I was going to write. He agreed the correction of it. Then I began to write. I had made a brief summary of the statement beforehand. At the end I told defendant I was going to read the whole statement to him. I asked questions of defendant throughout the recording of this statement. I have no record of the questions and answers. After I wrote out the statement I read the whole statement to him

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from beginning to end. I requested him to sign at the end and also at the bottom of each page and to initial each alteration or deletion made by either him or me. He did that. (Shown document). This is it. (Ex. P6). I confirm that his signature appears at the bottom of each page. At the conclusion of the statement it is here (left hand bottom corner). That statement was resumed on 20th June 1977. That day I again saw defendant. I spoke to him to clear up some ambiguous points. Also on that day defendant pointed out definitely some police officers as being involved and I recorded the information. It was a continuation of defendant's earlier statement. I read over to defendant that part of the statement recorded on 20th June. Defendant had an opportunity to make additions, alterations and deletions. He was asked to sign and signed it. His signature appears here (bottom right hand bottom corner). I produce it and an English translation. (Ex. P6). I saw defendant on 26th April 1977 at ICAC. He was shown photographs of persons for the purpose of identifying persons mentioned in earlier statements. I saw him on 1st June 1977 again at ICAC. He was again shown photos for the same purpose. He identified a number of persons. He identified twenty three photographs. (Shown mfi 1). I have saw this before. The writing in black ball point pen was made by defendant at the time of examining the photographs. The writing in pencil was made at a later date by Mr. Cass. Also towards the end of the writing the two lines of writing in pencil were written by Mr. Picken. Defendant pointed out that those persons whose pictures he had identified received corrupt money. I saw defendant write on that sheet of paper. It was in my presence. I produce it. (Ex. P7). In first column the letter "P" denotes "page". The figure next to it denotes the number of the photograph. First column relates to page numbers in an album. If defendant recognized someone on that page he would write something. If he identified a corrupt officer he wrote the page number, the photograph number and - if he could remember - the police number, the name and any nicknames of that particular officer. (Shown file). These are the photographs defendant was shown. (Asked to look at p.35). On this page he recognized the person whose picture is No. 4 whose name was Tai Tau-so. He was the man who handed him corrupt money when he was in the Vice Squad. It is recorded here - "p.35, 4 Vice, Tai Tau-so." I knew his proper name as So Siu-kuen, Sergeant 6691. He was charged with corruption in the Mongkok Conspiracy trial in April 1978. Wong Yu-keung's photograph appears in this album. When defendant was shown this page he did not pick Wong out. Chief Inspector

In the District
Court of Hong Kong

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No. 1

Judges Notes
continued

Evidence of PW2
Wong Kwok-leung

Examination-in-
Chief
continued

23rd April 1979

In the District
Court of Hong Kong

No. 1

Judges Notes
continued

Evidence of PW2
Wong Kwok-leung

Examination-in-
Chief
continued

23rd April 1979

Wong Kam-tai's picture does not appear in this album. Defendant was never shown his photograph. Defendant was shown a list of numbers of serving officers on the afternoon of 1st June. Defendant was shown the photograph album that morning. He told me that he knew most of the persons - more than half - whose pictures appeared in that album because he had served with the force for such a long time. He said he hoped he could be shown a list of police sergeants who had been attached to Mongkok Division. So he was told to come to our office again in the afternoon when he was shown a list of police numbers. He looked at the list and marked with a tick or named some of the police numbers. He remarked that those officers were officers who had received corrupt money. (Shown two large sheets of paper). This is the list of numbers defendant was shown that day. When he was shown that piece of paper the pieces of cardboard were in place as I now see them. He could only see the three columns of numbers. They are the numbers of sergeants who had served at Mongkok Police Station. He was asked to indicate those persons with whom he had had corrupt dealings. He indicated by writing on the pink sheets. He made a tick or wrote the name in those cases where he remembered it - next to the number. 4342 appears on first sheet. Defendant recognized this number and wrote the name Wong Yu-keung in the space next to the number. The same course was adopted in the case of the other sheet. Defendant wrote on the pink cardboard. He made a remark next to several numbers. I produce both sheets (p. 8 A-B). Alongside No. 6691 defendant wrote a question mark. Defendant said something about this but I can't remember what he said. Wong Kam-tai was a chief inspector and his number could not have appeared in the list. I next saw defendant on 20th June. I also saw him on 3rd June. This was not at ICAC. Again it was at Pearl Island Mr. Cass was present. The purpose was to clear up some ambiguous points in his witness statement. On 20th June a statement was recorded. I next saw him on 10th October. It was at Lau Fau Shan. The purpose was to take a statement from him about his corrupt activities from the time he first joined the force to the time of his arrest. It was also hoped to learn from him how he had spent the corrupt money received in Mongkok Division. It was anticipated that defendant might be called as a witness in a prosecution of other officers. At that stage he had been informed of this possibility. He was willing to give evidence. He was willing to give me the statement about his own corrupt dealings. (Shown document). This is it. He wrote it himself. (Shown document). This

is an English translation). I produce them. (Ex. P9). I saw him write this statement. On 9th May 1978 I saw defendant at ICAC. I recorded another statement from defendant. It had been decided that defendant would be granted immunity from prosecution and would be called as a prosecution witness in the Mongkok trial. I read the statement over to defendant after I had written it. Defendant signed it and acknowledged it's truth. (Shown document) This is it. His signature is here (foot of page). I produce it. (Ex. P10) I also produce the English translation. The Mongkok Conspiracy trial commenced on 17th April 1978. I have seen defendant on other occasions than those I have mentioned. I had instruction to contact him by phone or to visit him after a certain period of time. The purpose was to make sure he was safe and able to be a Crown witness on the due date. They were general calls. The question of defendant's immunity for his own corrupt activities was raised. After I had informed him of his immunity and also that he would be a Crown witness at each of the following meetings he asked me when he would receive the certificate of immunity - that is the letter of immunity signed by Attorney General's representative. In February defendant raised the matter. He asked me about immunity. Our reply was that the decision in such matters was in the hands of Attorney General. He raised the matter on more than one occasion. I can't be sure how many. It was quite frequent. In April he also brought up the matter of immunity. We made it clear to him that the Attorney General had not yet come to a decision about immunity and that he might be prosecuted as well. Defendants in Mongkok trial were charged in October 1977. By that time I believe it had been decided that defendant should be granted immunity although the letter was not served on him until a short time prior to trial.

3.50 p.m. Adjourned to 24th April 1979 at 10.0 a.m.

Defendant remanded in gaol custody.

(Sd.) E. de B. Bewley

Judge of the District Court
23/4/79

In the District
Court of Hong Kong

No. 1

Judges Notes
continued

Evidence of PW2
Wong Kwok-leung

Examination-in-
Chief
continued

23rd April 1979

In the District
Court of Hong Kong

—
No. 1

Judges Notes
continued

Evidence of PW2
Wong Kwok-leung
Cross-examination
24th April 1979

24th April 1979

Court resumes. Appearances as before.

PW2 reminded of affirmation.

Cross-examined:

Q. Were you a police officer attached to Mongkok
Police Station before you were employed by ICAC?

A. Yes.

Q. When there did you have any experience of this sort
of corruption. I mean the Vice and Nuisance Squads?

A. No.

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Q. Did you know it was going on?

A. No.

Q. During which period did you serve at Mongkok Police
Station?

A. Some time in 1971.

Q. The same time as the Mongkok Conspiracy trial was
concerned with?

A. It was some time before the date in the charge.

Q. You had knowledge of corrupt activities in Mongkok
while serving in that police station?

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A. I had no knowledge at all. I was never attached to
Vice Squad.

Q. Do you know a former police officer nicknamed Coolie
Kau?

A. I cannot be sure. Maybe I knew such a person. They
police officers bear the same nickname.

By Court: Q. How many do you know?

A. More than one.

Q. His number is 2009?

A. Yes. I knew him.

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Q. When defendant was brought to ICAC after his arrest
on the morning of 1st February 1977 you told him that
Coolie Kau had told you about corrupt activities in
Mongkok Division?

A. No. Not true.

Q. Before first cautioned statement taken at 1515 hours

you had interviewed defendant and had had con-
versed with him at various locations at ICAC?
A. Apart from the occasions with Mr. Picken I did
not interview defendant alone that day.

Q. What happened to defendant between the time of
his arrest at 1515 hours?

A. He was kept in a room guarded by another inves-
tigator. Mr. Picken and I interviewed him twice
that day on three occasions. I took a statement
from him.

Q. How many police officers were arrested with
defendant that morning?

A. Five.

Q. Including So Siu-kuen?

A. Yes.

Q. Did you interview So?

A. No.

Q. That morning you interviewed defendant and told
him you had already arrested five persons includ-
ing So and said "This is a big case and you know that
not only you and the other four officers are involved
and we are taking you five first to see if any of you
will cooperate with ICAC"?

A. I did not say that.

Q. You said "I thought that you are quite a nice man
among the five and would be a suitable person to be
a Crown witness"?

A. No. I did not say that.

Q. You asked defendant to think it over and left the
room?

A. I did not say that. I did not interview him alone.

Q. After the defendant gave his statement at 1515 hours
you returned and told him that Mr. Picken thought
he was lying?

A. I have interviewed him alone.

Q. You said "Since you denied all the things how can I
help you"?

A. I did not say that. Neither did I interview him alone.

Q. You said to him "You listen to me. If you want to
get off you had better tell us the whole affair otherwise

In the District
Court of Hong Kong

No. 1

Judges Notes
continued

Evidence of PW2
Wong Kwok-leung

Cross-examination
continued

24th April 1979

- A. we can prosecute you for various offences"?
I did not say that.
- Q. You said "Tai Tau-so has already told us you
succeeded him in taking over the vice account"?
A. I did not say that.
- Q. You said "You had better think it over. I now only
want to help you. My boss will return soon"?
A. No. Not true.
- Q. Mr. Picken returned and stayed in the room for a
while. He then left. You remained alone with
defendant? 10
A. At what stage?
- Q. You told defendant that the persons you really wanted
to get at were Ku Ming, Lo Wing-bon and Wong Kam-
tai?
A. No. I did not say that.
- Q. You said "We have already arrested Ku Ming but not
the other two"?
A. I did not say that.
- Q. You said "If you give a statement mentioning Lo Wing- 20
bon and Wong Kam-tai we can arrest Lo and Wong"?
A. I did not say that.
- Q. Where was first cautioned statement taken?
A. At the office of ICAC.
- Q. (Shown P3). How was this taken?
A. I recorded his words like taking dictation from him.
- Q. When he was giving the statement did you have any
conversation with him?
A. Yes.
- Q. Can you remember the gist of it? 30
A. When he mentioned some persons I would put in a few
questions about their names and particulars.
- Q. That is not shown in the statement?
A. I did not record my questions.
- Q. When he mentioned Tai Tau-so in the middle of first
page can you remember what was said?
A. He mentioned No. 6691. I did not ask him anything
because I knew already who that officer was. Then

he mentioned an Inspector Read. I also knew him so I did not question him. I mean I had got the name from him and that was enough for the time being so I did not go on to ask him anything about the inspector. Then he mentioned two police constables and a woman police constable. At this stage I asked him if he could tell me their numbers.

In the District
Court of Hong Kong

No. 1

Judges Notes
continued

Evidence of PW2
Wong Kwok-leung

Cross-examination
continued

24th April 1979

Q. That is not the case?

A. It was.

10 Q. Defendant told you he received money from Ku Ming not Tai Tau-so?

A. I recorded his words word by word in the statement.

Q. You said to him that Ku Ming had told you it was defendant who succeeded Tai Tau-so?

A. No.

Q. When defendant denied that he succeeded Tai Tau-so you told him Tai Tau-so would be a Crown witness?

A. No.

20 Q. You said Tai Tau-so had admitted it was he who handed the account to defendant?

A. I did not say that.

Q. You said "It doesn't matter who passed the money to whom. All we want is to get at Lo Wing-bon"?

A. I did not.

Q. Defendant said "In that case you do what you want"?

A. No. Not true.

Q. From "After taking over the Vice Squad" up to "the others cannot be recalled" it is not defendant's statement?

30 A. It is his statement.

Q. Also the paragraph starting "Wong Kam-tai also took over" and ending "Just the caterer in name". Was there any conversation between you about that sentence?

A. Nothing was said after this sentence.

Q. The sentence "I still have many things to tell but I am a little tired" was not said by defendant?

A. He said it.

Q. He only said he was tired and if there was anything to be said let's do it tomorrow?

40 A. No. I don't agree. I recorded his words accurately.

In the District
Court of Hong Kong

—
No. 1

Judges Notes
continued

Evidence of PW2
Wong Kwok-leung

Cross-examination
continued

24th April 1979

Q. (Shown P4) The sentence "To my best of my know-
ledge the vice account then was collected in Wong
Kam-tai's name ... " was not said by defendant?
A. Defendant said it.

Q. After second cautioned statement defendant was
granted bail. Did you make any arrangement for
his return?

A. I do not remember if I did.

Q. Did he surrender his travel documents on 1st
February 1977?

A. I'm not quite sure. It seems to me we took away
his travel documents on second day.

Q. On 3rd February 1977 did you receive a telephone
call from defendant?

A. No. He did not call me.

Q. He did?

A. No.

Q. You told him to return with his travel documents to
ICAC office next day 4th February?

A. As far as I can remember I did not have such a tele-
phone conversation with him.

Q. Defendant returned to ICAC to look for you on 4th
February as arranged?

A. No prearrangement was made for him to call at my
office that morning. If I had made such an arrange-
ment I would not have gone to New Territories that
morning.

Q. When you returned you told defendant that the state-
ment he gave you on 2nd was not sufficient and you
asked him to give you a further statement?

A. I did not say that.

Q. You told him that Lo Wing-bon had several Ma Chai
including Wong Yu-keung, 4324?

A. I did not say that.

Q. Defendant denied that and you said "If you want to be
a witness you cannot say you don't know Wong Yu-
keung. Since he was barrack sergeant he must
have been involved in the corruption"?

A. I did not say that.

Q. You said "If you say you don't know I can't help you

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and you will get into trouble."?

A. I did not say that.

Q. When taking third cautioned statement on 4th February you insisted defendant mention Sergeant 4324 Wong Yu-keung and Wong Kam-tai were involved in corruption activities?

A. I did not insist that he told me anything.

Q. Before 1st June 1977 did you ask for MRB's from Mongkok Police Station?

10 A. ICAC took a number of RB's from Mongkok Police Station.

Q. (Shown P6) The numbers of the sergeants in paragraph twenty nine were written without defendant's consent?

A. Defendant first wrote those numbers on a piece of white paper. I simply copied them into the statement.

Q. You got this information from the MRB's.

A. No. I did not read the MRB's myself.

20 Q. The witness statement of 13th April 1977 was largely based on the information supplied by defendant in his previous cautioned statements?

A. Yes. I agree.

Q. Did you have any conversation with him while he was giving his witness statement?

A. Yes.

Q. What was the gist?

30 A. Before I began to write the next one or two paragraphs I first told defendant the gist of the paragraph I was going to write. I began actual writing when he agreed.

Q. Defendant also denied that he had any knowledge of the corrupt activities of Wong Kam-tai, So Siu-kuen and Wong Yu-keung?

A. I recorded everything he said.

Q. He denied that?

A. It was information given to us by him.

40 By Court: Q. You compiled the witness statement from his previous statements. He did not dictate it?

A. Yes. I agree.

In the District
Court of Hong Kong

No. 1

Judges Notes
continued

Evidence of PW2
Wong Kwok-leung

Cross-examination
continued

24th April 1979

Q. Did you deny that on this occasion?

A. He did not.

Q. He did?

A. No. He did not.

Q. You told him you were not going to help him unless he mentioned these three people in the statement?

A. I did not say that.

Q. You did not ask defendant to initial any correction?

A. I admit it was negligent on my part. I forgot to do so. I only asked him to sign at the bottom of each page.

10

Q. According to paragraph twenty four the statement was completed at 1730 hours on 15th April 1977.

How were the following paragraphs added?

A. They were to clarify some ambiguous points.

Q. When did that happen?

A. The additional paragraphs were written on 20th June.

Q. How good is your English?

A. My English standard is about Form V graduation level.

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Q. Have you any formal qualifications?

A. No.

Q. Can you speak English fluently?

A. Quite well.

Q. Are you able to give evidence in English?

A. If I do it slowly I think I can.

Q. Why do you choose to give evidence in Chinese?

A. It is my mother tongue. I can express myself better in Chinese and speak more fluently. I dont wish to delay Court by speaking English slowly.

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Not re-examined.

(Sd.) E. de B. Bewley

Judge of the District Court.

11.30 a.m.

Short adjournment.

11.55 a.m.

Court resumes.

PW3 Li Chuen-kwok affirmed in English

Examination-in-chief:

10 I am an investigating officer of ICAC. I recognize
defendant Tsang Ping-nam. I saw him on 16th June 1978.
I went with three other ICAC officers and saw him in Yuen
Long. He was in a "safe" house. He was in protective
custody. It was the Hilton Hotel. We conveyed him
from Yuen Long where he lived to the Hilton. I knew he
was to be called at a prosecution of numerous police
officers. The trial was already in progress at that time.
I made entries in my note book on 16th June. It would
assist me if I could refer to my note book to refresh my
memory as to the events of that day. (Leave to refresh
memory). I saw him at 1630 hours at the Hilton Hotel
and spoke with him. I asked him "Do you wish to read
the statements you previously made to refresh your
20 memory?" He replied "Yes. The Chinese copy." He
was shown the Chinese copy of the statements - 2 state-
ments he made to ICAC. (Shown P6) He was shown a
copy of this. It was a photostat copy of this document.
He read the statement himself for about half an hour.
Then he said "Okay." I then asked him "Do you still
agree the contents are true and accurate?" He replied
"Yes. I can still remember everything very clear. It's
all true." I saw him again later that day. I'm not sure
when. I handed him another document. (Shown document)
30 This is a photocopy of the document that I handed him. I
also handed him a Chinese translation. The original of
this document was kept by defendant. I produce it.(Ex. P11).

Cross-examined:

In the District
Court of Hong Kong

No. 1

Judges Notes
continued

Evidence of PW3
Li Chuen-kwok

Examination-in-
chief

24th April 1979

Cross-examination

Q. You did not show defendant the statement at 1630
hours in the Hilton Hotel?

A. I did show him the Chinese copy.

Q. He was shown it at midnight?

A. I don't agree.

Q. You and he went through it together?

A. No. Mr. Tsang read it himself.

40 Q. Defendant disputed certain paragraphs in the state-
ment. But you said to him "I was not in charge of

In the District
Court of Hong Kong

No. 1

Judges Notes
continued

Evidence of PW3
Li Chuen-kwok

Cross-examination
continued

24th April 1979

this case so it doesn't concern me"?
A. Mr. Tsang never said anything to that effect.

Not re-examined.

(Sd.) E. de B. Bewley

Judge of the District Court.

C.C. I hand up copies of the charge sheets in respect of
So Siu-kuen, Wong Kam-tai and Wong Yu-keung.
It is agreed under S.65C that these are the charges
laid against these three persons on that date.
(Ex. P12-14).

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Crown case closed.

26th April, 1979.

Court resumes.

Appearances as before.

Ruling: Case to answer on all three charges.

Evidence of
Defendant
Tsang Ping-nam

Examination-in-
chief

26th April 1979

Defendant Tsang Ping-nam Affirmed in Puncti.

Examination-in-chief:

I am a serving police sergeant. I lived at Flat D,
3/F., Lok Fu Building, Ma Miu Road, Yuen Long. I
was arrested by ICAC on 1st February 1977. I was
taken to ICAC office shortly after 11.0 a.m. Shortly
after that a Chinese investigator came into my room.
He spoke to me by addressing me by my nickname Tung
Kwan. I have seen him in Court. He is PW2 Wong
Kwok-leung. He said "Do you know me?" I said "No".
He said "I know you. I am an ex-police officer. In
1971 I worked at Mongkok Police Station as a reserve
duty office." He asked me if I knew Coolie Kau. I
said "Which Coolie Kau?" He said he was a Sergeant
2009 formerly attached to Mongkok who later lost his
job. He continued "Last week I saw him in Central
District. I know that formerly you took good care of
him." Wong did not tell me why I had been arrested.
He then left the room. He did not say anything else
about Coolie Kau on this occasion. After a while he
came back. He said "Do you know how many people
have been arrested today?" I said "I dont know." He

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said "Five people counting you." He continued "Including Hak Chai-lau, Ah Shun, Ah Pong, Tai Tau-so. Tai Tau-so's full name is So Siu-kuen. Then he said "Five people were arrested and you know why." I said "I don't know". He said "You five people are involved in Mongkok corruption. You and Tai Tau-so were officers in the Vice Squad at the early stage. The others were implicated in late 1975. I know you people were not the prime movers behind this. We know very well who was the caterer in Mongkok." After some other conversation he left the room.

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At about 3.0 p.m. he returned to the room with a European who he introduced as Mr. Picken. He said that he was in charge of the case. Mr. Picken gave evidence in Court. Picken asked me "How long did you serve in Mongkok with the Vice Squad?" I said "Several weeks". He asked "What period?" I replied "I remember it was in 1972." Mr. Picken spoke to me through the interpretation of Mr. Wong Kwok-leung. This was the case in subsequent conversation with Mr. Picken. Then Mr. Picken asked "Did you serve with the Vice Squad on any other occasions?" I said "No." He asked "In 1972 in which month did you serve with the Vice Squad?" I said "I cannot be sure." He said "You don't know but I know. Is it true that you served with the Vice Squad in August and September?" I said "Since you know that why should you ask me? In 1972 many sergeants served with the Vice Squad. Why do you choose to ask me only?" He said "We shall go into this matter further." Then he instructed Wong Kwok-leung to take a statement from me. It was a pre-translated set of questions. Mr. Picken left the room leaving Wong Kwok-leung and I in that room. Wong took a statement from me. It has been put in as an exhibit. Before taking this statement Wong Kwok-leung read out the caution terms to me but he never introduced himself to me - telling me his name was Wong Kwok-leung. Mr. Picken's evidence is not correct. He is wrong on this point. I have told Court what he said to me before the statement was taken. Wong Kwok-leung took the statement from me in the form of question and answer. (Shown P2). In it I denied knowledge of Koo Ming. Afterwards Wong Kwok-leung went out. After a while Wong Kwok-leung returned with Mr. Picken. Mr. Picken was angry. He blamed me for lying. He said he had investigated the case for a long time and had gathered all sorts of information. He continued that I was not only involved in the Vice Squad matter but also some other activities. I understood that he was talking about corrupt activities. He said "If you tell me

In the District Court of Hong Kong

No. 1

Judges Notes continued

Evidence of Defendant Tsang Ping-nam

Examination-in-chief continued

26th April 1979

In the District
Court of Hong Kong

—
No. 1

Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Examination-in-
chief
continued

26th April 1979

the truth and cooperate with me I shall help you out. If you do not cooperate I shall detain you until the investigation is finished." I remained silent. Mr. Picken and Wong then left the room. Later Wong came back alone. He said to me "Tung Kwan. I indeed want to help you. I know many things about you because Coolie Kau told me. In the past when you served with the Nuisance Squad did you not ask Coolie Kau to help you. I know the public account had nothing to do with you. The public account was a matter concerning Wong Kam-tai and Lo Wing-pong." I said "Since you already know that why don't you people arrest them instead of me?" He said "Do you know we have already arrested all of Lo Wing-pong's henchmen? You know Koo Ming, Heung Pei, Lau Pak and many others were arrested. Frankly I tell you now today five of you are arrested. We intended to find out which of you five can be a witness for us. Koo Ming and the others are unwilling to be witnesses against Lo Wing-pong and Wong Kam-tai. If any of you can supply information to us leading to the arrest of Lo Wing-pong and Wong Kam-tai he will be granted immunity. You are a nice chap. I have spoken to my boss and suggested you could be our witness. You had better consider this situation." Then he left the room.

Later after the meal - about 7 or 8 p.m. - Wong Kwok-leung came back to the room. He said "What is the result of your consideration? Tai Tau-so is showing willingness to give a statement. But I do not go ahead yet. I want to see your reaction." He asked "Did you take over the job in Vice Squad from Tai Tau-so?" I said "Yes". He said "Is it true that when you served with Vice Squad you had \$2,000 a week?" I gave no answer. I asked him "If I am willing to cooperate and give evidence what kind of favour shall I have. Shall I receive immunity from prosecution?" Wong Kwok-leung said "You are a policeman with a long history. You should know the situation clearly. We are going to submit witnesses to the Attorney General. You certainly will get immunity with our support." Then he said "If you are willing I shall tell my boss." He told me I had been smart and that Mr. Picken had come to Hong Kong from England after over ten years in the British police as detective chief inspector. Then he left the room.

Later some time after 8 p.m. he came to the room with Mr. Picken. Mr. Picken was in a good mood, happy and smiling. He said "Mr. Tsang if you cooperate with us I shall help you out. Don't worry." I said "What can

you do to help me?" He said "If you cooperate with us I shall put you forward as an immunized witness but at this stage I can not yet confirm your position. It has to depend on the information you are going to supply to us." After that he instructed Wong Kwok-leung to take a statement from me. Wong Kwok-leung got hold of a sheet of paper ready to go ahead with the statement. He said "The caution comes first. You know it is routine procedure." Then he began the statement. Mr. Picken was not there. When Mr. Picken was talking to me I did not see him writing anything. I did not see him make any record at the time of the conversation as I have no idea when he made that record. After the caution Mr. Wong spoke to me for a while about the statement he was going to get from me. It was about my activities with the Vice Squad. He said he would begin with 1972 and later he would come to 1975 when I was the caterer of the Vice Squad account. (Shown P3). This is the statement. Most of it is true. A small part is not. The part relating to Sergeant 6691 Tai Tau-so is not true. I told Wong Kwok-leung that I took over the job from Tai Tau-so. At this stage Wong Kwok-leung said "In that case he handed you \$2,000 every week." I said "I did not take money from him. I took money from Koo Ming." He said "Koo Ming does not agree with you and Tai Tau-so says he gave you money." I said "How come Tai Tau-so said that?" He said "Who paid who is not important. The main thing is to get at Lo Wing-pong. Tai Tau-so is also willing to help us." I said "I don't mind if it suits you." He said in that case he might accept Tai Tau-so's statement. In that case my statement would be useless to them. As a result I would not get immunity. I followed what Wong suggested. I put in the statement. Another part relating to Wong Kam-tai is untrue. It is second page of Chinese copy. When we came to 1973 Lo Wing-pong was transferred to Complaints Section. Wong Kwok-leung asked me if at that time Wong Kam-tai took over the job from him. I said yes. His next question was "Then you handed the account to him". I said "No. I was with the Nuisance Squad and the account was not handed to him." He said "Did you not say Wong Kam-tai also was a caterer of the account?" I said "Yes. But not in this period. Lo Wing-pong was transferred to another post. Wong Kam-tai did not take over the job immediately. There was an interval. Early on when I told you Wong Kam-tai took over from Lo Wing-pong I meant that he took over the post of CSI from him." Then he asked me if Wong Kam-tai also took over the account from Lo Wing-pong. I told him I was not sure. I said "Later in 1975 when I was on

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Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Examination-in-
chief
continued

26th April 1979

special duty in Vice Squad I heard people from outside mention Wong Kam-tai's name." I have no direct knowledge of Wong Kam-tai's involvement in corruption. Later Wong Kwok-leung told me that when Wong Kam-tai took over Lo Wing-pong's post Lo was still the caterer of the account, though Wong Kam-tai's name was used. I said "I don't know all these matters because at that time I was attached to PTU." At this time I felt tired so I told him I wanted a rest and it was better to go on next day. I did not say I had many things to tell. Originally we were in a small room. The ventilation was bad so we went to a larger room. Later I felt tired. I told him and he said he still had many questions to ask me. I said he had better ask me the next day. We only covered matters up to 1972 that night. I knew he had many questions to ask me about 1975 so I asked him to resume next day. When Wong gave evidence he said I had made quite a number of alterations in this statement. That is not true. This was written after some discussion between us so I made no mistakes at all. Later I initialled some alterations but those were mistakes made by him.

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I saw Wong again next day 3rd February in the morning. I'm not sure of the time. First thing Wong said to me was "Did you have a good sleep last night?" I said "Quite all right." He said "Soon I shall show the statement you made last night to my boss." Then he went out. He came back after a while. He said "My boss appreciates it. Finish the next part and then you can go." It was 11 or 12 a.m. He came in with Mr. Picken. Mr. Picken also asked me if I had had a good night's sleep. Then he said he had read my statement and was happy to see I had told the truth and Wong Kwok-leung would take second part of the statement from me and after that the matter could be fixed up. He then left the room and Wong resumed the statement taking.

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11.30 a.m.
Short adjournment.

Noon.
Court resumes.

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Defendant
Examination-in-chief:

(Shown P4) This was taken on 2nd February at 11.0 a.m. Most of it is true. I have to read it once before I can tell you which part is untrue. (Reads). The paragraph beginning "1405 hours". It says I gave

\$1,000 to Lo Wing-pong. In fact I only gave him \$500. When I discovered the mistake I pointed it out to him. That is why an explanation was made in the statement about the \$1,000 I gave to Lo Wing-pong. It was not my idea to put down such an explanation. I see the sentence. "To the best of my knowledge the vice account then was collected in Wong Kam-tai's name." Koo Ming's henchmen went out to collect money from those sex joints, gambling stalls and drug divans. His henchmen told those operators that if there was trouble they would try to contact Wong Kam-tai. I don't know if Wong Kam-tai consented to this practice. After that I asked Wong Kwok-leung "Can I go now?" He said "Very soon you can go but I must first show it to my boss" and he went out. But he did not come back to me again. I waited for two to three hours and I told the officer who was guarding me that I wished to see Wong Kwok-leung. I said to Wong "Have you fixed up the matter? Can I be allowed bail?" Later at 8-9 p. m. I again asked for Wong Kwok-leung. I said to him "You have promised to get an immunity for me. Are you cheating me?" He said "Don't worry. Everything is fixed up. You will be leaving soon." Shortly after that I signed my own recognizance in sum of \$10,000. Wong asked me to wait for a while. I waited for about half an hour. Then he said he could not find my travel documents. I told him the arresting officers had taken them from my home when they arrested me. In the end he was still unable to find them. He asked me to wait and he would get a car to take me to my home in Yuen Long for a search. But then he told me he was unable to get hold of a driver. I got angry. I said "I cooperated with you on everything yet you are delaying me." Eventually he allowed me to go but he told me that when I first arrived home I must make a search for my travel documents. He told me to phone him at 9.0 a. m. next morning 3rd February. I returned home that night. I discovered my two travel documents together with some other documents in a bag in the boot of my car. Obviously the ICAC officers had forgotten to take them away when they were occupied with other things found in the boot. Next morning Wong phoned me shortly after 8.0 a. m. He asked me about my travel documents. I told him I had found them. I asked him if he required me to bring him the travel documents that day. He said no but asked me to tell him the numbers of the documents over the phone. He asked me to bring the documents to him the following afternoon - 4th February. He reminded me not to come in the morning. The reason was that the other four arrested officers were going to his office the following morning to collect a receipt

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Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Examination-in-
chief
continued

26th April 1979

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No. 1

Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Examination-in-
chief
continued

26th April 1979

from ICAC for taking their travel documents into custody. It was better for me to avoid seeing those people.

On 4th February I went to the ICAC office at 2.0 p.m. I saw another Wong. He took my two travel documents and gave me a receipt. He said to me "Wait for a while. Wong is coming back." I subsequently saw Wong Kwok-leung that afternoon at about office closing time. He said "Sorry. I was out with Mr. Picken on a mission. You must have been waiting for a long time." I said "Yes." Then Mr. Picken spoke to me and said "I have seen your two statements. Generally they are quite good but not enough details. I hope you can supply us with more details. Then I can help you to get immunity." Then he instructed Wong Kwok-leung to take another statement from me and he left. He was not seen again that day. After his departure Wong said to me "Do you know where my boss and I have been this morning? We went to New Territories and talked to Koo Ming. That was why we were delayed." Then he told me he was going to take a detailed statement from me. I said "I have told you everything. There is that much I can say at this moment." He said "Just now my boss and I had tea with Koo Ming. Koo Ming said that Lo Wing-pong had three henchmen and that they were all police officers. Do you know who they were?" I replied "No." Then he said "I was Sergeant 4324 Fung Lau. I was Tai Tau-so and I was Sze Ngan-fong." Then we began the statement. The full name of Sergeant 4324 is Wong Yu-keung. (Shown P5) This is the statement. Part of it is true and part untrue. The part relating to Wong Yu-keung 4324 is untrue. He asked me "when you came back from PTU was Wong Yu-keung the barrack sergeant? Were you familiar with him?" I replied "Before I was transferred to PTU Wong was in my shift." He asked me "Do you know Wong Yu-keung assisted Lo Wing-pong?" I replied "I don't know but one thing I'm sure of is that they were all working in the office so they had a chance to talk to each other. When I came back I saw Wong Yu-keung. I asked him to tell Mr. Lo I was back and ask him to take good care of me whenever he had a chance to see Mr. Lo. The post of barrack sergeant was under the supervision of Lo Wing-pong. By liaison work I meant the day to day work in the police station. All this part (next sentence) was written by Wong Kwok-leung and was not my own idea. We talked for some time and then he wrote the statement.

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I mentioned 6691 Tai Tau-so in the statement. In the conversation I also mentioned Tai Tau-so. At an earlier stage Wong Kwok-leung told me that Tai Tau-so was Lo Wing-pong's henchmen. Later I told Wong that when I returned to Mongkok Police Station Tai Tau-so was attached to PTU. I said nothing else about Tai Tau-so in the conversation. Wong wrote that Tai Tau-so was responsible for payments of squeeze on behalf of Lo to all the Vice Squads. I never told him that. How could I know Tai Tau-so received several \$100 every week. There is another part relating to Wong Kam-tai which is untrue. It is in the middle of the statement - "In about 1973 Lo was on leave and his place was taken by Wong Kam-tai." During conversation with Wong he brought up the matters of Wong Kam-tai. I had some discussion with him about Wong Kam-tai. He said "There is evidence now pointing to Lo Wing-pong's involvement in the corruption. Lo Wing-pong had a connection with Wong Kam-tai. You must know something about Wong Kam-tai, such as you paid money to Wong Kam-tai." I said "I went on to deliver the account of Lo Wing-pong after his transfer. The account of Sai Yeung Choi Street ceased one to two weeks after Wong Kam-tai took over the post. There was one period which was one to two weeks when the post of Lo Wing-pong was left vacant after his transfer. Later a Chief Inspector Kan Kwok-chu was posted to take over. Kan remained in the post for shortly over one month and was then transferred. Wong Kam-tai did not take over for another one to two weeks after Kan had left. It is difficult for me to say that Wong Kam-tai received money during that period at Mongkok Division. Wong Kwok-leung said "You must do according to my words or we still not be able to catch Wong Kam-tai. We have information that Wong Kam-tai took over Lo Wing-pong's post and also took over the account from Lo. You have already told us that in 1975 Wong Kam-tai's name was used in collecting the account from those joints. You must involve him. Otherwise how can we help you out?" I said "I don't know Wong Kam-tai. We have worked together. How can I comment him like this?" Then he said "Did you have tea with him somewhere or a chat with him at the police station?" I said "We all went for lunch at the Silver Palace. Very often I saw him there. But I never talked to him." Then Wong said "Well. Let us say you had a talk with him at the Silver Palace." I said "Is it alright to do this?" Wong said "Your statement will not be actually used but if you can be a witness and give evidence this way you stand a better chance to get immunity. After

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Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Examination-in-
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Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Examination-in-
chief
continued

26th April 1979

all I just want to help you." So he made up that part of the statement. It starts "Lo went on leave. Wong Kam-tai took over his post." Up to the part "Then I gave him \$3,000." When I signed this statement I saw these false paragraphs. Then he said "Well. There is nothing else. You sign here."

1.0 p.m.
Adjourned to 2.0 p.m.

2 p.m. Court resumes.
Appearances as before.

Defendant reminded of affirmation.

I saw Wong Kwok-leung again on 11th February 1977 at Pearl Island Hotel, New Territories, with Mr. Picken. My statements were discussed and also Wong Kam-tai. In my statement I mentioned that after Lo Wing-pong's transfer the post of chief inspector was left vacant for a period. So he asked me about this period. I told him that to my knowledge a senior inspector of police took over the account. He asked me how I knew that. I told him that he - the senior inspector of police - had contacted my henchman Or Wah and had had a discussion with him about helping him to take care of the account. Later the discussion was a failure.

I next saw Wong Kwok-leung on 23rd February again at Pearl Island Hotel. Mr. Picken was also present. First thing Mr. Picken told me through Wong was that Attorney General had approved me to be a Crown witness under immunity authorization. He was holding a heap of photographs - picture of police officers. He asked me if I could identify some of those people from the photographs and asked me to supply additional information about the corrupt activities of those people. Mr. Picken said that later Mr. Wong would take a witness statement from me, that it would not be used to prosecute me. He did not say anything else about the witness statement. Nothing else special was said apart from what I have already mentioned.

I think I gave the witness statement on 15th April. (Shown P6). This is it. Generally speaking Mr. Wong's evidence that he summarized this witness statement from my earlier statements is right. Parts of it are true and parts untrue. Those parts concerning Wong Kam-tai, Tai Tau-so and Wong Yu-keung and also the figures of amounts of money are untrue. Because according to the

figures in this statement I paid out more than I collected. In other words I was losing money. This statement was not taken in the normal way. The procedure was that we first had a discussion about a certain matter. We finished the discussion. Then he wrote one paragraph. Then we began another discussion for second paragraph. Wong Kwok-leung said to me "If you don't stick to your previous statements you may be prosecuted on a charge of giving false information to ICAC. It is a fact that Sergeant 6691 was my predecessor and I took over his part. About the \$2,000 (paragraph four) it is true that I received \$2,000 a week but the money was not given to me by Tai Tau-so. In order to stick to my statement on 1st February I simply repeated here that Tai Tau-so give me \$2,000 per week. It was Wong Kwok-leung's idea to write this paragraph in this way.

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Judges Notes
continued

Evidence of
Defendant
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Examination-in-
chief
continued

26th April 1979

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I discussed paragraph 18 with Wong before he wrote it. Based on the previous statements Wong Kwok-leung said that was the correct way to write. Inwardly I was objecting but I dared not say anything to him fearing that I might annoy him.

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I saw Wong Kwok-leung again on many occasions. I met him frequently and I ask Court to allow me to see my own note book for reference. (Leave to refresh memory). On 26th April 1977. I was informed by him to attend ICAC office in the afternoon of 26th April to identify some photographs. He showed me a photograph album containing over one hundred photographs. The pictures were old. They were taken at PTS period. I could not see the images clearly enough for identification. He told me to pick out all those sergeants who had been attached to Mongkok Division and those who had been posted to Nuisance Squad. I told him that I had told him already it was hard for me to remember which officer had been posted to the squad and that it was a matter four years old in 1973 and that I just could not remember who were the sergeants working with me at that time. The purpose was to find out who were the sergeants will be on Nuisance Squad between June and December 1973.

The next meeting was on 1st June 1977. Again it was photograph identification. On this occasion on my arrival at ICAC office he showed me a set of paper - several pages - containing the numbers of over forty sergeants. There was information about the number of hawkers arrests made by each sergeant between June and

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Judges Notes
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Evidence of
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Examination-in-
chief
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26th April 1979

December 1973. I remember the arrest figure of one sergeant was over one thousand and seven hundred hawkers. The smallest figure of arrests by one sergeant was fifty odd hawkers. He asked me if I was able to tell him who were the sergeants working with me during that period by studying those documents. My reply was impossible. I said "I believe most of these sergeants were on Nuisance Squad duty." ICAC picked out ten sergeants from this set of paper. They were the ten top officers with the highest arrest figures. It is not true that I identified twenty-three photographs. I picked out twenty-three people on first occasion - 28th April. On 1st June he indicated ten numbers and asked me to try and pick out the ten persons in question from some photographs. I did so. According to them these were the officers working with me on Nuisance Squad during that period. Mr. Wong did not say that the purpose of picking out these photographs was receiving corrupt money. He said Tai Tau-so was the man who gave me money and asked me to try and pick out his photograph. I did so. 10 20

On the afternoon of 1st June 1977 I was shown a list of sergeants who were attached to Mongkok Police Station during that period. I looked at the list. When I came across someone I knew I made a mark and if I remembered his name or number I wrote it down accordingly. (Shown P7) This is the paper I wrote on. I wrote the figures in black on on 26th April 1977 not 1st June 1977. (Shown P8) This is the one I wrote on on 1st June 1977. He told me he had picked out ten officers who had made the biggest arrests in that period and told me to write down their nicknames if I remembered them. He also told me to write down the names or nicknames of those officers I had mentioned in my previous statements such as Tai Tau-so. When I wrote their names I did not say they had been involved in corruption. 30

I next saw Wong Kwok-leung on 20th June. He told me to give an additional statement as a supplement to my witness statement on 15th April. (Shown P6) It is paragraphs 25-29. Most of this part is untrue. The numbers in paragraph 29 were the same numbers that had been picked out on 1st June. They were the officers who had made the biggest hawker arrests. I did not put these numbers in the statement on my own initiative. It was Wong Kwok-leung's idea. I made objection. I was quite angry that day. I said "In my statement I admitted I gave squeeze money to those sergeants who 40

were working with me on the Nuisance Squad but I cannot remember who they were so some of the officers whose numbers appear here are wrongly accused. Officers who made the biggest hawker arrests might not be on the Nuisance Squad. I remember one sergeant - 1767 - who always acted as the squad leader. I believe he never was attached to Nuisance Squad. Even if he was on the squad for a short period he was there only as a relief for another officer. Because of what I said to him he did not include this number. Without Wong Kwok-leung's insistence I would not have written down these numbers. I did not write them. I would not have signed it I mean.

I saw Wong Kwok-leung in July. A statement was taken from me in July but not by Wong Kwok-leung.

I saw a copy of my witness statement on the day before that day I was to appear in court. That was 18th May 1978. It was at Hilton Hotel. Investigator Thomas Lee showed it to me. I have seen him in court. He is PW3. It was not 16th June 1978 at 6.30 p.m. Both date and time are incorrect. It was about 12 midnight on 18th May 1978. It was the early morning of the day I appeared to give evidence in court. No. I think I appeared in court on 19th May 1978. [Pointed out that it is admitted he gave evidence on 19th-20th June] June. My mistake. It was around midnight on 18th-19th. I read my statement and discovered a lot of matter. I discovered that some alterations had not been initialled by me and some additions I had not seen before. I did not tell this to Mr. Lee. He did not speak to me at all that night. On 16th June I told Mr. Lee something about the contents of the statement. He did not show me the statement on 16th June. On 16th he took out a statement but he did not show it to me. I was first shown it at midnight on 18th-19th. He left it with me for me to read over. He did not give it to me on 16th. On 18th-19th he did not ask me if I wished to refresh my memory from the statement. At about some time after 9.0 p.m. on 16th Thomas Lee was holding the statement and was doing a revision with me in the form of question and answer. He corrected me when I made a wrong answer. At this point I told him that due to the fact that some of the statement was not made according to my knowledge I was unable to remember any bit of it. He said "I'm not responsible for this case. My duty now is just to help you in a revision of the statement."

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Judges Notes
continued

Evidence of
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Tsang Ping-nam

Examination-in-
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continued

26th April 1979

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Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Examination-in-
chief
continued

26th April 1979

Cross-
Examination

I told a different story in court because in my view I should tell the truth when I gave evidence in court. I feel I have been used by the ICAC in this case.

Cross-examined:

Q. You feel you have been used by ICAC, do you?
A. Yes.

Q. You are a self confessed corrupt policeman?
A. Yes.

Q. You admit you were heavily involved in corruption
in Mongkok Police Station?
A. Yes. 10

Q. According to one of your statements you personally
were making \$4,000 per week?
A. No.

Q. That's not true?
A. Not true.

Q. According to the statement you wrote in your own
handwriting you got \$80,000 from corruption at
Mongkok (P9)?
A. Yes. 20

Q. You had been caterer for Nuisance Squad?
A. Yes.

Q. After first statement denying your guilt you admitted
throughout your involvement in corruption at
Mongkok Police Station?
A. Yes.

Q. You did this in the hope that if you talked and co-
operated with ICAC you would not be prosecuted?
A. Yes.

	Q. From the day of your arrest you hoped you would be called as a witness in a future prosecution?	In the District Court of Hong Kong
	A. That was my way of thinking up to 20th June 1977. On that day I gave a witness statement.	————— No. 1
	Q. You still hoped them to avoid your own prosecution?	Judges Notes continued
	A. Not so.	Evidence of Defendant Tsang Ping-nam
	Q. When you made the witness statement in April and the follow up in June you didn't hope them to be called as a witness?	Cross-examination continued
10	A. Right.	26th April 1979
	Q. What did you hope would happen to you at that time?	
	A. I was waiting to see the development of this case.	
	Q. Did you hope you would be prosecuted?	
	A. No.	
	Q. The whole purpose in making these witness statements was in order that you might be called as a witness. That was your purpose?	
	A. It's true at that time.	
	Q. When you made these statements - the witness statements - did you hope you would be called as a witness?	
20	A. Yes.	
	Q. Why did you say before that you didn't?	
	A. On 20th June I was trying to find out who were the persons going to be charged.	
	Q. In April when you made the witness statement you as a long serving police officer would have realized the importance of such a statement?	
	A. Yes.	
	Q. You knew that these statements are looked at by Attorney General or his representative when launching prosecutions?	
30	A. Yes.	
	Q. You knew that many of the individuals mentioned in your statements might be prosecuted?	
	A. At that time I thought some of them but not all would be prosecuted.	
	Q. By October 1977 you knew exactly who was going to be prosecuted and who was not?	
	A. Yes.	

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No. 1

Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Cross-examination
continued

26th April 1979

- Q. You had led the ICAC officers to believe that you were prepared to give evidence along the lines of your statements?
- A. According to Wong Kwok-leung my statement would not be used in court.
- Q. Didn't you lead officers of ICAC to believe that you were going to give evidence in court along the lines of this statement. Otherwise none of this makes any sense?
- A. Those defendants were not arrested because of my statement. 10
- Q. Answer the question (repeated)?
- A. According to what you are now telling me the answer is yes.
- Q. Answer yes or no. (Question repeated).
- A. Yes.
- Q. When you made the witness statement on 15th April 1977 had you made up your mind that when you came to give evidence you were going to say something different? 20
- A. No.
- Q. You were prepared to stick to that story and repeat those alleged falsities in court at the time you made the statement?
- A. Yes.
- Q. That is not what you said in evidence at the Mongkok trial?
- A. Part of it was different.
- Q. In April when you made the witness statement you knew it contained a lot of lies? 30
- A. Yes.
- Q. You were prepared at that time to go to court as a witness and repeat those lies?
- A. Yes.
- Q. When did you change your mind and decide you were going to depart from the statement?
- A. Throughout the whole period from the beginning to today.
- Q. (Question repeated).
- A. Can I explain. The statement made on 15th April 40

was connected with the one made on 20th June 1977.
Then I felt I had to tell the truth in court.

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Court of Hong Kong

No. 1

Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Cross-examination
continued

26th April 1979

Q. When. On 20th June?

A. Yes.

Q. 20th June was the date when you decided you were
going to tell court something different to your
statement of 15th April?

A. Yes.

Q. But you didn't tell ICAC or anyone in authority that?

10 A. Right. I understood that if I told them frankly I
would get no benefit.

Q. In October those charged in the Mongkok Conspiracy
were arrested?

A. Yes.

Q. You were very concerned to know who was being
prosecuted and who was not?

A. No. I only wished to know if those people who had
been implicated by my statement had been arrested.

Q. You were particularly interested in that?

20 A. Yes.

Q. A lot of people arrested and charged in October had
been mentioned in your statement?

A. Yes.

Q. A lot of people mentioned in your statement were not
arrested?

A. Right.

Q. You have been prepared to admit in the other court
and in this court the truth of your allegations against
persons not prosecuted?

30 A. Yes.

Q. You have been concerned in both trials to deny the
truth of those statements as they relate to persons
who were prosecuted in the Mongkok case?

A. Right.

4.5 p.m.

Adjourned to 27th April 1979 at 10.0 a.m.

(Sd.) E. de B. Bewley
Judge of the District Court
26.4.79

In the District
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No. 1

Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Cross-examination
continued

27th April 1979

27th April 1979.

Court resumes. Appearances as before.

Defendant reminded of affirmation.

Cross-examined:

Q. (Shown P3, 4, 5 & 6). Start with P3. Apart from your wife first name on page 1 is Tai Tau-so 6691?

A. Yes.

Q. He was a defendant in Mongkok Conspiracy case?

A. Yes.

Q. Your statement contains an allegation of corruption about that defendant?

A. Yes.

Q. You said at the trial and you still say that was fabricated by ICAC?

A. I have now given evidence in this trial that Wong Kwok-leung told me about those corrupt activities.

Q. Is the answer yes?

A. Yes.

Q. I am going to ask you about thirty-six people named in your statement. I am going to ask you whether the allegation came from you or ICAC in each case. I am not interested in the circumstances. You can answer yes or no. Understand?

A. Yes.

Q. Next name in P3 is Lo Wing-pong?

A. Yes.

Q. He was a witness at the Mongkok trial?

A. Yes.

Q. Did the allegation of corruption come from you or ICAC?

A. From me.

Q. Next name is Ku Ming. He was not a defendant. He was a witness at Mongkok trial?

A. Yes.

Q. Did the allegation of corruption come from you or ICAC?

A. From me.

10

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Q. Next name is Lam Pak. He was not a defendant at Mongkok trial?

A. Right.

Q. Was the allegation made by you or ICAC?

A. ICAC.

Q. Hung Pei. What do you say about him. He was not a defendant at Mongkok trial?

A. I agree.

Q. Was that allegation made by you or ICAC?

10 A. By ICAC.

Q. A lot follows about Tai Tau-so. Do you say that all of that concerning Tai Tau-so's corrupt activities was fabricated by ICAC?

A. Yes.

Q: Next names are three Europeans, Raynolds, Smallsher and Renner. You say they were not corrupt?

A. Yes.

Q. We are not concerned with them. The next name is Wong Kam-tai. He was a defendant in Mongkok trial?

20 A. Yes.

Q. You have already told us that allegation was fabricated by ICAC?

A. Yes.

Q. So in first statement four people were accused of corruption by ICAC?

A. Yes.

Q. You signed a statement which was in effect a false accusation of corruption by those people so far as your knowledge was concerned?

30 A. That's right.

Q. Do you say that you faithfully signed that statement?

A. It is a difficult question.

Q. The reason I ask it is that is what you said in evidence at Mongkok trial. Do you remember being cross-examined by Mr. Odgen about your April witness statement?

A. Yes.

In the District
Court of Hong Kong

No. 1

Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Cross-examination
continued

27th April 1979

In the District
Court of Hong Kong

—
No. 1

Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Cross-examination
continued

27th April 1979

- Q. Do you remember saying in the Mongkok case that when you signed the April statement you asked ICAC to show you the earliest statement you had made at the time of your arrest in that you might tell which parts of the witness statement were true and which were untrue?
- A. I remember telling Court that though I asked for my previous statements to be shown to me my request was rejected.
- Q. Counsel quotes answer at top of page 21 of P1 commencing "I reiterated my request" and ending "that was never allowed"?
- A. Yes.
- Q. Anything you want to say about that answer?
- A. Nothing. The answer is correct.
- Q. What does it mean. Does it mean this. You were telling Court in Mongkok trial that you had faithfully signed these statements that you had made at the time of your arrest and now you are telling this Court something quite different - that parts of those statements were fabricated by ICAC?
- A. I remember I never used the word "faithfully" in Mongkok trial. I did not say I had signed those statements faithfully.
- Q. You are telling lies. We knew that you did?
- A. As far as I can remember I did not say that.
- Q. All of the allegations of fabrication of P3, P4 & P5 were invented by you for first time in relation to this trial?
- A. I don't agree.
- Q. Do you remember being cross-examined by Miss Tam in Mongkok case?
- A. Yes.
- Q. Do you remember saying to her in relation to the witness statement that you wished to go into great detail how certain numbers were obtained and put in that statement?
- A. Yes.
- Q. You said you were asked by ICAC to give evidence of corruption against Koo Ming and Lo Wing-pong?
- A. Yes.

- Q. In the Mongkok case first suggestion of any fabrication of statements by ICAC came in relation to the very last statement that you made - the June statement that was added to your witness statement?
- A. Please repeat.
- Q. (Question repeated).
- A. Yes. But the fact is I only gave my answer to a question.
- 10 Q. We have a copy of the transcript. You gave a long dissertation about your dealings with ICAC from the time of your arrest. How you agreed to cooperate in making accusations against Koo Ming and Lo Wing-pong?
- A. Yes.
- Q. You can read English?
- A. A little.
- Q. To save me reading it and His Honour writing it all down would you like to look at the transcript?
- A. Yes, please.
- 20 Q. (Shown P1). Read second part of page 30 to half way down page 31 starting "To start with before this statement was made" through to "given money".
- A. (Reads). Apart from some small details I think I have got the general idea.
- Q. My point is this. Nowhere in that account did you suggest that at the time of your arrest ICAC was fabricating statements?
- A. I agree.
- 30 Q. Do you recall being asked by Mr. Ogden at page 37 about your witness statement. He said "Listen carefully. Do I understand your story to be this? When you made those statements before you all the matters which this morning you said were false were suggested to you by ICAC officer at that time.?"
- A. Yes. I recall.
- Q. During the whole of your evidence Mr. Ogden was asking you about your April and June witness statements?
- A. I agree.

In the District
Court of Hong Kong

—
No. 1

Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Cross-examination
continued

27th April 1979

In the District
Court of Hong Kong

—
No. 1

Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Cross-examination
continued

27th April 1979

Q. Your answer was "They were partly thought up by myself."?

A. Yes.

Q. He repeated the question "Were they all either thought up by you or suggested to you by ICAC at that time?"?

A. Yes.

Q. You answered "right"?

A. Yes.

Q. Page 29. "Is your April statement based on some previous statement that you have signed?" Do you remember being asked that?

10

A. Yes. I remember.

Q. Did you answer "I believe it could be the case because although I cannot be sure about it first statement I gave ICAC I asked for it so that I could read it but my request was turned down."?

A. Yes. I said that.

Q. You were asking to have a look at your earlier statements when you came to sign your April statement?

20

A. Yes.

Q. Turn to page 21. There is a long answer starting on page 20. You were being asked about your April statement?

A. Yes.

Q. You were giving Court an account of how you came to sign the witness statement P6?

A. Yes.

Q. On page 21 five lines down you said - and this is what you said in this Court - "And I was also told that should I refuse to sign that statement they would immediately charge me with the offence of giving false information to ICAC."?

30

A. Yes.

Q. You said that and it is true. You said it in the Mongkok case and you maintain now that it is true?

A. Yes.

Q. Look at the next sentence - "I reiterated my request to be shown the statement I had faithfully signed in order to see which part was true and which part was untrue but that was never allowed."?

40

A. Yes.

Q. I ask you again. Is there anything you want to say about that?

A. Could you elaborate?

Q. I'm giving you an opportunity to explain an answer you gave in the other Court. Is there anything you want to say?

A. The focus is the word "faithfully". I think there must be a difference in translation. In my opinion I did not use the word "faithfully".

10 Q. You told Mr. Ogden that the falsities in your witness statement were invented by ICAC at the time you made that statement?

A. Yes.

Q. In giving an account of your dealings with ICAC you never suggested there was any fabrication of statements prior to the April statement?

A. I was not asked so I did not tell them.

Q. Is there anything more you want to say?

A. It is the same. No question. No answer.

20 Q. You told Court in Mongkok case that you had faithfully signed your earlier statement?

A. I told the judge I signed the statement but I did not use the word "faithfully".

By Court: Q. What word do you think you used?

A. I believe I told him that I agreed and signed the previous statement.

Q. What do you mean by agreed?

30 A. I meant I was willing to sign when the officer showed me the statement. When the officer showed me the statement. In other words I signed it of my own free will.

Q. What was your object in asking for that statement in order to compare it with your witness statement?

A. He had promised me that only those few people who had involvement in corrupt activities in 1972 would be prosecuted. So at the time of the April statement I asked him to show me my previous statement as I did not have a clear recollection of what I had signed.

40 Q. (Shown P4). There is a lot on page 2 about Hak Kwai-hoi or Ah Hoi. Do you see that?

A. Yes. I see it.

In the District Court of Hong Kong	Q. He was not on trial?	
	A. Right.	
<u> </u> No. 1	Q. Was that fabricated by ICAC or come from you?	
Judges Notes continued	A. It came from my own mind.	
Evidence of Defendant	Q. Next name is Chan Yiu-tim?	
Tsang Ping-nam	A. Yes.	
Cross-examination continued	Q. He was not on trial?	
	A. Right. Can I explain. He was on another charge in a different case.	
27th April 1979	Q. I am solely concerned with Mongkok Conspiracy case in which you gave evidence. He was not a defendant in that case?	10
	A. Right.	
	Q. Did the allegation come from you or ICAC?	
	A. From me.	
	Q. Next name is Chow Yuen?	
	A. Yes.	
	Q. Not a defendant?	
	A. Right.	
	Q. Did the allegations come from you or ICAC?	20
	A. From me.	
	Q. (Shown P5) Sergeant 4324 Wong Yu-keung?	
	A. Yes.	
	Q. He was defendant in the case?	
	A. Right.	
	Q. 5675 Sze Ngan-pang?	
	A. Yes.	
	Q. He was defendant in Mongkok case?	
	A. Yes.	
	Q. Did the allegations come from you or ICAC?	30
	A. From ICAC.	
	Q. Next name is Ah Chung. Was he defendant?	
	A. Yes. The name Ah Chung was first brought up by ICAC. The officer asked me what his number was. At that time I made a mistake. I told him it was 2285. Now I can tell Court it is 2252.	

	Q. Was the allegation made by you or ICAC?	In the District
	A. By ICAC.	Court of Hong Kong
	Q. Next new name is on page 3. Ah Hang?	No. 1
	A. Yes.	Judges Notes
	Q. He was not defendant?	continued
	A. Right.	Evidence of
	Q. Did the allegation come from you or ICAC?	Defendant
	A. From me.	Tsang Ping-nam
	Q. Next one is Fung Hoi-kuen?	Cross-examination
10	A. Yes.	continued
	Q. He was not on trial?	27th April 1979
	A. Right.	
	Q. Did the allegation come from you or ICAC?	
	A. From me.	
	Q. Page 4. Next new name is 7345?	
	A. Yes.	
	Q. He was defendant?	
	A. Yes.	
20	Q. Was the allegation made by you or ICAC?	
	A. ICAC.	
	Q. You recall being asked about that by Mr. Ogden?	
	A. Yes.	
	Q. You said it was a lie?	
	A. Yes.	
	Q. Last name on that page is Sergeant 4393 Tai Kwo-hung?	
	A. Yes.	
	Q. He was defendant?	
	A. Yes.	
30	Q. Did the allegation com from you or ICAC?	
	A. ICAC.	
	Q. You signed a statement containing fabrication about five police officers?	
	A. Yes.	
	Q. That is most of the statement. You said before that the statement was largely true?	

Court. I think he said part of it is true and part untrue.
But he specified that the untrue parts referred
to the three officers named in the charges.

Q. I withdraw that. In fact there are seven names
about which you say ICAC fabricated the allegations.

A. You misunderstand me. In this statement apart
from the three officers named in the present
charges four other people were mentioned. I did
not make any accusation of corruption against
these four people.

10

Q. So there are seven parts of the statement that are
untrue?

A. Counsel asked me why I did not previously mention
the other four. My reason for not including the
four was I had never given the ICAC any inform-
ation relating to their actual corrupt activities.

Q. You say that so far as seven defendants were
concerned that was all made up by ICAC?

A. Right.

Q. Did you make it clear to Mr. Wong that you did not
know anything about the corrupt activities of those
seven?

20

A. Yes. I did.

Q. Finally your witness statement. (Shown P6)
First new name is on page 4 paragraph 9 - Ah Pan?

A. Yes.

Q. He was defendant in Mongkok case?

A. Yes.

Q. Was that fabricated by ICAC or did it come from
you?

30

A. By ICAC. This officer never worked with me.

Q. Paragraph 10. O Wah?

A. Yes.

Q. Not defendant?

A. Right.

Q. Did that come from you or ICAC?

A. From me.

Q. Tak Chai?

A. Yes.

Q. Not defendant?

A. Right.

Q. Did that come from you or ICAC?

A. From me.

Q. Ah Sui. Was he defendant?

A. Yes. He is 2297.

Q. Did that come from you or ICAC?

A. ICAC.

Q. Next new name is Tung Kwan in paragraph 20?

10 A. Yes.

Q. Was he defendant?

A. That's me.

Q. Paragraph 25. Sergeant 7548. He was defendant?

A. Yes.

Q. Did that come from you or ICAC?

A. ICAC.

Q. 7345. He was defendant?

A. Yes.

Q. Did that come from you or ICAC?

20 A. From ICAC. I have told you already.

Q. Paragraph 29. All the numbers in second last sentence were people on trial in Mongkok Case?

A. No.

Q. Which were not?

A. 3860 and 4669.

Q. I am talking about the sentence before?

A. Yes, they were defendants.

Q. Was all that put in by ICAC not you?

30 A. ICAC. If what you say is correct ICAC must have realized that you were not in a position to give true evidence about all those people who you say they fabricated allegations about?

A. I believe only Wong Kwok-leung knew about this.

Q. Mr. Picken had read these statements?

A. Yes. But I think Wong Kwok-leung would not tell Mr. Picken anything about how he obtained the statement from me.

In the District
Court of Hong Kong

No. 1

Judges Notes
continued

Evidence of
Defendant
Tsang Ping-nam

Cross-examination
continued

27th April 1979

Q. Would you say Mr. Picken was truthful witness?

A. Apart from two points.

Q. These statements implicate sixteen defendants. The allegations in respect of each you say were fabricated by ICAC?

A. Yes. I go further. The charges against these sixteen were not solely supported by my statement.

Q. We are looking only at your conduct. You knew these statements could not be used in evidence in the trial of those defendants?

A. Yes.

Q. The only thing that would be evidence against them was what you said in the witness box?

A. Yes.

Q. According to your own evidence Wong must have known that you were not in a position to give evidence against any defendant?

A. Yes. But Wong had never expected I would come to court and tell the truth.

Q. This is a fairy story on your part. Think. You have told us you were not in a position to give evidence against any defendant because all the matters in your statements about them had been fabricated by Wong?

A. But at that time he thought I would stick to his information when I gave evidence in court.

Q. You have agreed you were deeply involved in corruption in Mongkok?

A. Yes.

Q. From the statements of Koo Ming, Lo Wing-pong and yourself ICAC had ample evidence with which to prosecute?

A. Prosecute me.

Q. In October 1977 they had ample evidence against you even on the basis of your own confession?

A. Yes.

Q. You say ICAC were prepared to recommend that you receive immunity from Attorney General in spite of the fact that you were not able to give evidence against any man on trial?

10

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30

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A. Yes.

Q. You didn't have a copy of any of your statements during the many months before the trial?

A. Right.

Q. You are not suggesting that Wong said "This is your script. Leave it off and make sure you know it when you come to court"?

A. No. I don't say that.

Q. Do you know what a fairy story is?

10 A. Yes.

Q. A story that has no basis in reality. I put it to you that that sums up your evidence?

A. I oppose.

Q. You are a man who is prepared to say anything at any time to get yourself out of trouble?

20 A. No. All these statements were made between my arrest and 15th April 1977 apart from the one on 20th June 1977. Wong knows very well the exact circumstances. He promised me that all these statements would be sent to Attorney General for reference only. He said the main purpose of calling me to be a witness was to testify about the activities of that Vice Squad in 1972 and also about the activities of two station sergeants who were my squad members in 1975. He further told me that their goal was to break down on the public account and also the vice account in Mongkok Division and that they would not pay much attention to trivial matter such as the account held by the Nuisance Squad. So during that period I was quite prepared to be an earnest witness for the Crown.

30

Q. You did not expect to be asked about any of these seventeen defendants?

A. Right.

Q. And if you were asked about them you intended all along to tell the truth in court?

A. Yes.

Not re-examined.

(Sd.) E. de B. Bewley

40

Judge of the District Court.

Particulars of offence

TSANG Ping-nam, on a date unknown between 31st January 1977 and 21st June 1978, in this Colony, attempted to pervert the course of public justice relating to the prosecution of WONG Kam-tai, Chief Inspector of the Royal Hong Kong Police Force, for the offences relating to the involvement of the said WONG Kam-tai in a corruption conspiracy in the Mongkok Division of the Royal Hong Kong Police Force.

In the District
Court of Hong Kong

No. 2

Reasons for
verdict of
Bewley, D.J.

9th May 1979

continued

10 3rd Charge

Statement of offence

Attempt to pervert the course of public justice, contrary to Common Law.

Particulars of offence

20 TSANG Ping-nam, on a date unknown between 31st January 1977 and 21st June 1978, in this Colony, attempted to pervert the course of public justice relating to the prosecution of WONG Yu-keung, Police Sergeant 4324 of the Royal Hong Kong Police Force, for the offences relating to the involvement of the said WONG Yu-keung in a corruption conspiracy in the Mongkok Division of the Royal Hong Kong Police Force.

30 The facts of the case are as follows. On 1st February, 1977, the defendant and five other police officers were arrested by officers of the ICAC for suspected complicity in a corruption syndicate in Mongkok Division of the Royal Hong Kong Police between 1972-75. At 3.15 p.m. that day the defendant was interviewed by Mr. John Picken (PW1), the officer in charge of this case, with Mr. Wong Kwok-leung (PW2) acting as interpreter. Mr. Picken had, prior to the interview, written out a series of questions which he now put to the defendant through Mr. Wong. The latter cautioned the defendant and recorded his replies. The record of this interview is contained in Ex. P2. Apart from certain general questions about his work in Mongkok Division the defendant was asked if he knew two men called Koo Ming alias Koo Chiu and Lam Hon alias Lam Pak. In each instance he replied that he had heard the name. He denied having telephoned either man or having had a financial relationship with him or having visited Koo's shop in Tong Mei Road.

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In the District
Court of Hong Kong

—
No. 2

Reasons for
verdict of
Bewley, D.J.
9th May 1979
continued

The defendant was interviewed again by the same two officers at 8.00 p.m. that evening. According to Mr. Picken, who said he made a record of the interview at the time, he told the defendant, through Mr. Wong, that the evidence in their possession showed he had been involved in corruption in Mongkok and suggested that he had not told the truth at the earlier interview. The defendant asked Mr. Picken what he wanted him to say and Mr. Picken told him to tell the truth. The defendant then asked him what favour he would be given in return and Mr. Picken replied, "Absolutely no favour. If you tell the truth it will be in your favour at court." The defendant then asked Mr. Picken what he wanted to know. Mr. Picken asked him, "When you worked with the Vice Squad did you take any squeeze money?" The defendant admitted that he did and, in reply to further questions, said that he had received \$2,000 a week, out of which the police constables received \$200 and the woman police constables \$100, from a man called Tai Tau-so. He denied that he had received money from Koo Ming, but said that So had got it from Lo Wing-pong and he thought that the latter had got it from Koo Ming.

Mr. Picken then asked the defendant about other corruption in Mongkok and the defendant admitted that he had been the caterer for the Nuisance Squad. At this point Mr. Picken asked if he would be prepared to make a statement and he agreed to do so. Mr. Picken then instructed Mr. Wong to take a statement from the defendant and left the room.

Mr. Picken told the court that, at the time he interviewed the defendant, he already knew quite a lot about the case, which he had been investigating for about twelve months. Koo Ming was a merchant, who was suspected to be a collector of corrupt money for the syndicate. Tai Tau-so was the nickname of Sergeant So Siu-kuen (1st charge), who had also been arrested on 1st February, 1977. But Mr. Picken learned two new things; he had never before heard the name Lo Wing-pong - a chief inspector who was later arrested - and he did not know that the Nuisance Squad had been involved in corruption.

Mr. Wong did not give detailed evidence of this second interview although he was allowed to refresh his memory from a record he made just after the interview concluded at 8.20 p.m. He merely said that Mr. Picken put certain questions to the defendant and that the latter agreed to make a written statement.

This statement was taken under caution at 8.40 p.m. and is Ex. P3. According to Mr. Wong, he asked the defendant if he himself wished to write the statement, but the defendant preferred Mr. Wong to record it. The defendant asked him where he should begin and Mr. Wong suggested he start at the time he first joined the police. The statement was then dictated by the defendant and Mr. Wong says he recorded every word. It concluded at 11.5 p.m., when it was read over to the defendant, corrected and signed.

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continued

This statement amounts to a complete and detailed confession of corruption by the defendant. Amongst other things he admits :

- (1) In 1972 he took over the Vice Squad from Sergeant 6691 "Tai Tau-so", who told him that the squad received \$2,000 a week, of which \$1,500 was for the sergeant and that Lo Wing-pong asked Koo Ming to collect the squeeze.
- (2) After the defendant took over the Vice Squad Tai Tau-so gave him \$2,000 every Wednesday, \$200 of which he gave to the police constables and \$100 to the woman police constable.
- (3) He believed the money came from "sex joints", gambling stalls, "tsz far" stalls and opium stalls.
- (4) Tai Tau-so or Lo Wing-pong notified the Vice Squad beforehand which places should be "raided" and the Vice Squad acted accordingly. The stalls were "fake" and the arrests prearranged.
- (5) When one of the three senior divisional officers led a raid the defendant first telephoned Koo Ming and warned him to cease operations at all his establishments.
- (6) In mid-1973 Lo Wing-pong was succeeded as chief inspector responsible for internal administration by Wong Kam-tai (2nd charge), but he continued to control the squeeze account and Wong was only the caterer in name.

At the end of the statement the defendant told Mr. Wong that he still had many things to say, but was tired and would like to continue the statement another time. It was read over to him, some alterations were made and initialled and the defendant signed it as a true statement at 11.5 p.m.

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continued

Next morning at 11.10 a. m. , when the statement was resumed, the defendant described the events of 1974-75. The salient features of this statement (Ex. P4) were :

- (1) Koo Ming's dissatisfaction when the Vice Squad arrested prostitutes who solicited members of the squad posing as customers. On these occasions the squad was led by a woman inspector or other senior officer, who decided where the raid should take place. 10
- (2) Koo Ming's even greater dissatisfaction when his cricket-fighting stalls were raided in similar circumstances.
- (3) A revolt against Koo Ming by a man named Hak Kwai Loi who, with the defendant's assistance, attempted to take over the account.
- (4) The receipt by the defendant from "Ah Loi" of \$8,000 - \$10,000 in advance of collection and \$40,000 - \$50,000 in all. 20
- (5) The payment by the defendant to Chan Yiu-tim, who had just taken over the Vice Squad, of \$5,000 every week for five weeks.
- (6) The payment to Chan Chow-yuen, after the latter took over the Vice Squad, of \$5,000 and its subsequent return to the defendant when Chow decided he preferred to deal with Lo Wing-pong and Koo Ming.
- (7) The collection of the account in Wong Kam-tai's name after Lo's transfer. 30
- (8) The end of the defendant's involvement after the fall of Ah Loi.

This statement concluded at 1.30 p. m. and was read over and signed. But at 2.5 p. m. the same day an addendum was made when the defendant told Mr. Wong that, on his taking over the Vice Squad in 1972, he had visited Lo Wing-pong in his office and given him \$1,000 as a present. It was the usual practice for the Vice Squad sergeant to give Lo \$500, but the defendant had doubled this sum in order to please him. This was signed at 2.15 p. m. 40

The defendant was released on bail the same evening; according to Mr. Picken he was to report to the ICAC in one month's time.

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continued

10 On 4th February Mr. Picken and Mr. Wong went to the New Territories to investigate another aspect of the case. At about 2.0 p.m. Mr. Wong rang the office to see if there were any messages and was told that the defendant was there and wished to see him. When Mr. Wong returned to Hutchison House, he spoke to the defendant in an interview room at 4.15 p.m. The defendant told him that he wished to give some further information and was willing to make another statement. He then spoke of the corrupt activities of the Nuisance Squad in Mongkok. At 4.50 p.m. Mr. Wong recorded a caution which the defendant signed. He then proceeded to take down a statement from the defendant, sentence by sentence and this document had been marked Ex. P5.

20 In this statement the defendant makes the following points :

- (1) All the Mongkok uniform branch accounts, except one, were controlled by Lo Wing-pong.
- (2) Lo had three close "ma chai's", Sergeant 4324 Wong Yu-keung (3rd charge), who was barrack sergeant and did liaison work for Lo, Sergeant 6691 "Tai Tau-so" who was responsible for paying the Vice Squad on Lo's behalf, and 5675 Sze Ngan Pang, who also did liaison work.
- (3) The Nuisance Squad account was controlled by Sze Ngan Pang and Ah Chung. Half the sum collected by these two was given to Wong Yu-keung and the other half divided among the Nuisance Squads and other Mongkok uniform branch sergeants.
- (4) Some sergeants became dissatisfied with the low level of payment and resumed arresting hawkers, who in turn refused to pay squeeze. The account therefore dwindled.
- (5) Wong Yu-keung asked the defendant to take over the account and a meeting was arranged in Lo Wing-pong's office at which the matter was discussed.

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continued

- (6) It was later agreed that the defendant should take over the account and pay Lo \$1,300 a week to start with.
- (7) The defendant collected about \$10,000 a week from hawkers in the district through PC9797 and two men called Ah Kang and Tak Chai. Of this sum Wong Yu-keung received \$500, each Nuisance Squad \$300-\$350, the other uniform branch sergeants \$50, as well as Lo Wing-pong's \$1,300, later increased to \$1,500. The defendant paid only one of the station sergeants - Chan Yiu-tim - who got \$100. 10
- (8) When Wong Kam-tai took over from Lo Wing-pong in 1973, it was agreed that the defendant should pay him \$3,000 twice a month. The defendant mentioned one particular meeting in the Mei Liu Cafe, Waterloo Road, when he handed over \$3,000.
- (9) In April or May 1974 the defendant went on leave and the account was taken over by Sergeant 7345. 20
- (10) On the defendant's return from leave he again took over the account, but after two or three weeks Sergeant 4393 "Tai Kwo Hung" told him that, since he was on indoor duties, he should hand over the account to him (4393). The defendant did so and that was all he knew about the account.

The statement was then read back to the defendant, some alterations were made and it was signed at 7.50 p. m. 30

On 11th February 1977 there was a meeting at Pearl Island Hotel in the New Territories, which was arranged by phone and attended by Mr. Picken and Mr. Wong. According to Mr. Picken, he told the defendant that he was not offering him immunity, but nevertheless would welcome further information. The defendant said he understood and might as well tell everything. He then gave the officer further information about the structure of the syndicate, but no statement was taken. 40

On 23rd February another meeting at Pearl Island Hotel was arranged by phone. On this occasion, apart

from one or two other matters, Mr. Picken invited the defendant to make a full witness statement which, provided he told the whole truth, would not be used against him in any prosecution for corruption. The defendant agreed. It had not yet been decided who would be prosecuted, but of course Mr. Picken had it in mind that the defendant might be called as a witness and the invitation to make a witness statement was made on the advice of the Attorney General's assistant. Mr. Wong however told the court that it was made clear to the defendant that he still might be prosecuted. It was not until some time between 20th June - 10th October that he told him that he was going to be called as a prosecution witness.

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Mr. Wong next saw the defendant on 15th April at the ICAC office. The defendant had been invited there to make his witness statement and he confirmed that he was willing to do so. A statement was then composed by Mr. Wong from the defendant's previous statements and from the additional information he had provided at the various meetings, e.g. concerning ticket "scalping" at cinemas. It is a very detailed account of corruption in Mongkok Division. Mr. Wong explained the gist of each paragraph to the defendant and obtained the defendant's agreement before writing it down. He had before him a brief summary and he also asked the defendant questions from time to time. When he had finished, he read it to him and the defendant signed it. This is Ex. P6 or rather the statement taken on 15th April is contained in the first twenty-four paragraphs of that document. The remaining five paragraphs were added on 20th June, when Mr. Wong asked him some further questions. This additional statement was also read over to the defendant and signed by him. The numbers of the sergeants in the final paragraph were first written by the defendant on a piece of white paper and then copied by Mr. Wong.

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On 26th April the defendant was shown some photographs in order to identify the persons whom he had mentioned in his statements. Mr. Wong did not say whether any identifications were made. The same thing happened on 1st June, when the defendant identified twenty-three persons. At the time he wrote down some names and numbers of corrupt officers on a piece of paper, which Mr. Wong identified in court (Ex. P7). The writing in pencil on this document is that of ICAC officers. The defendant identified So Siu-kuen in photo No. 35, and recorded against this number the words "4 Vice Tai Tau-so".

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He failed to identify Wong Yu-keung. Wong Kam-tai's photograph did not appear in that album. He told Mr. Wong that he knew more than half of those whose photographs appeared in this album. He added that he wished to be shown a list of sergeants who had served in Mongkok Division. He was told to return to the ICAC that afternoon.

When he came back he was shown a list of sergeants as requested (P8) and, when he recognized a number, he put a tick or wrote down a name. On 1st sheet (P8A) he wrote the name Wong Yu-keung against the No. 4324. Alongside No. 6691 he put a question mark and said something which Mr. Wong cannot remember.

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Mr. Wong next saw the defendant on 3rd June at Pearl Island Hotel together with another ICAC officer, Mr. Cass, in order to clear up an ambiguity in his witness statement.

On 10th October Mr. Wong interviewed the defendant at Lau Fa Shan and took from him a statement, which dealt briefly with his corrupt activities from the time he first joined the force (Ex. P9). By this time the defendant had been informed that he might be a prosecution witness. The defendant wrote this statement himself and he makes no mention of the names or numbers of other corrupt officers. On 25th October the defendants in the Mongkok conspiracy trial were charged (P12-14).

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The Mongkok conspiracy trial commenced on 17th April, 1978. On several occasions before this date the defendant asked Mr. Wong when he would receive his letter of indemnity. Mr. Wong replied that this was a matter for the Attorney General who had not yet decided whether the defendant should be granted immunity from prosecution.

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The third and final prosecution witness was Mr. Li Chuen-kwok, another ICAC officer, who saw the defendant at 4.30 p.m. on 16th June, 1978, in the Hilton Hotel, where he was being kept in protective custody. Mr. Li asked the defendant if he wished to read his statement. The defendant replied "Yes. The Chinese copy". Mr. Li then handed him a photostat copy of his witness statement (Ex. P6), which the defendant read for half an hour. When he had finished he said "Okay". Mr. Li asked him, "Do you still agree the contents are

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true and accurate?" The defendant replied "Yes. I can still remember everything very clear. It's all true".

Mr. Li visited the defendant later that day and handed him the letter of indemnity signed on behalf of the Attorney General. Ex. P11 is a photostat copy of this document, which is dated 14th April, 1978.

10 The defence admits several matters under S.65C, Cap. 221, namely, that the defendant was called by the prosecution and gave evidence at the trial of the persons named in the charges; that he gave evidence on 19th and 20th June, 1978; that Ex. P1 is a transcript of that evidence; that So Siu-kuen was arrested by officers of ICAC on 1st February, 1977 and charged on 25th October, 1977; that Wong Kam-tai was arrested by officers of ICAC on 25th October 1977 and charged the same day; that Wong Yu-keung was arrested by officers of ICAC on 20th July, 1977 and charged on 25th October, 1977.

20 In his evidence on 19th-20th June, 1978, the defendant frankly admitted his own part in the Mongkok corruption syndicate. He also confirmed those parts of his witness statement which implicated in corruption Lo Wing-pong, Chan Yiu-tim, Koo Ming, Pak Chai or Chung, PC9797, Ah Hang, Ho Wah and Or Wah. Most of these persons were called as prosecution witnesses in the conspiracy trial and none of them was a defendant. The defendant denied, however, that any of the allegations in his statement concerning So Siu-kuen, Wong Kam-tai or Wong Yu-keung - all defendants in
30 that trial - were true. Nor were they true in respect of the other defendants referred to in that document, namely Sergeants 4393, 7345, 1727, 2252 & 7345. Nor were they true about Sergeants 888, 926, 1765, 2760 & 4298 who were not defendants. He was not asked about Sergeant 5675 "Sze Ngan-tang", whose real name is Pang Ho-yin and who was a defendant and who was implicated in para. 9.

40 The defendant said that these persons had been named by the ICAC, that he knew the allegations concerning all of them were false, but that he had agreed to sign the statement, which included these allegations, to ensure a letter of immunity from prosecution and out of fear that he would be charged, (1) in respect of his financial assets (2) for giving false information to ICAC and (3) with the corruption to which he had already confessed. He was tired and anxious to leave the ICAC office as soon as

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possible and, promised a letter of immunity if he signed the statement, he agreed to do so. (See pages 20-28 of Ex. P1). Leave to treat the defendant as a hostile witness was granted and he was cross-examined on his witness statement, but not on his earlier statements, which do not appear to have been in prosecuting counsel's hands. At the conclusion of his evidence the court indicated that his evidence would carry no weight whatsoever.

In this court the defendant gives the same reasons for signing the witness statement. His account of what happened at the various interviews is as follows. 10

Beginning with his arrest on 1st February, 1977, the defendant told the court that, shortly after his arrival at the ICAC offices at 11.0 a.m., Mr. Wong came to his room alone. He addressed the defendant by his nickname - Tung Kwan - and said he himself had once worked at Mongkok Police Station. He asked the defendant if he knew a former sergeant nicknamed Coolie Khan and said that he had recently seen him in Central. He added that he knew the defendant formerly had taken good care of him. But he did not tell the defendant why he had been arrested. He then left the room. 20

He returned shortly and told the defendant that four other people had that day been arrested - Hak Chai-lan, Ah Shun, Ah Pang and Tai Tau-so. He alleged that they and the defendant had been involved in corruption in Mongkok and that he knew very well who the caterer had been. After some further conversation he again left.

At about 3.0 p.m. Mr. Wong returned with Mr. Picken, who asked the defendant a number of questions about the Vice Squad in Mongkok. He directed Mr. Wong to take a statement from the defendant and left the room. Mr. Wong then proceeded to take the question and answer statement, Ex. P2. 30

Mr. Wong then left but, after a while, returned with Mr. Picken. The latter was angry and accused the defendant of lying. He told the defendant that if he co-operated and told the truth he would help him, but that otherwise he would be detained. The defendant said nothing and the two men left. 40

Later Mr. Wong came back alone and said he wanted to help him. Coolie Khan had told him that the public account in Mongkok concerned Wong Kam-tai and Lo Wing-

10 pong, but had been nothing to do with the defendant. The defendant asked him why the ICAC did not arrest those people instead of him and Mr. Wong replied that they had arrested Koo Ming, Hung Pai, Lau Pak and many others of Lo Wing-pong's henchmen. Mr. Wong continued that none of these men was willing to be witnesses against Lo Wing-pong and Wong Kam-tai and, if any of the five who had been arrested that day could supply information leading to the arrest of Lo and Wong, he would be granted immunity. He told the defendant that he had suggested to his boss that the defendant might be the witness for whom they were looking. He asked the defendant to consider the situation and left the room.

Between 7-8 p.m. Mr. Wong returned and said that Tai Tau-so was showing willingness to give a statement and wanted to know the defendant's reaction. The defendant asked whether he would receive immunity from prosecution if he cooperated and Mr. Wong replied that with ICAC support he certainly would.

20 Some time later Mr. Wong returned with Mr. Picken. The latter told him that he would recommend him for immunity if he cooperated, but his position depended on the quality of the information he supplied. He then instructed Mr. Wong to take a statement from the defendant and left.

30 Mr. Wong cautioned the defendant and proceeded to take the statement, Ex. P3. According to the defendant it is all true, except for the parts relating to Sergeant 6691, Tai Tau-so, and to Wong Kam-tai. When he told Mr. Wong that he took over the Vice Squad from Tai Tau-so, Mr. Wong said, "In that case he handed you \$2,000 every week." The defendant denied it and Mr. Wong said, "Koo Ming does not agree with you and Tai Tau-so says he gave you money." But Mr. Wong said that who paid him was not important. The main thing was to get Lo Wing-pong. He pointed out that they might accept a statement from Tai Tau-so, in which case the defendant's statement would be useless and he would not get immunity. In these circumstances the defendant
40 agreed to incorporate in his statement whatever Mr. Wong suggested. When they came to Wong Kam-tai, Mr. Wong suggested he had handed the account to him. The defendant denied this and said there was an interval between Lo Wing-pong's departure and Wong Kam-tai's arrival. He was not sure if Wong Kam-tai eventually took over the account from Lo Wing-pong, he had only heard people mention Wong's name and he himself had no

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direct knowledge of Wong's involvement in corruption. At that point the defendant told Mr. Wong he felt tired and, knowing that more questions were going to be put to him, he asked for a rest until the following day. He did not say to Mr. Wong that he had many more things to tell him.

Next morning Mr. Picken told him he was happy to see he had told the truth and that when he had finished his statement the matter could be fixed up. He left and Mr. Wong resumed the statement taking.

The defendant was shown this next statement (Ex P4) and again said that most of it was true. He first mentioned that he had said he gave Lo Wing-pong \$500, not \$1,000, and when he discovered this mistake he pointed it out to Mr. Wong. His attention was then directed to the words, "To the best of my knowledge the vice account then was collected in Wong Kam Tai's name because Lo Wing-pong was already transferred away and was on leave." His answer to this was that Koo Ming's henchmen told the operators of the joints, divans etc that, if there was trouble, they could contact Wong Kam-tai, but he did not know if Wong consented to this.

When this statement was concluded, the defendant asked if he could go, but he was not allowed to sign his bail bond until the evening. Even then Mr. Wong asked him to wait another half hour because he could not find his travel documents. The defendant told him the arresting officers had taken the documents from his home. Mr. Wong still could not find them. He promised to send the defendant home in a car, but was unable to get hold of a driver. Eventually the defendant was allowed to go but was told to search for his travel documents when he got home and to telephone the ICAC office at 9.0 a.m. next morning.

When he got home that night, the defendant discovered his travel documents in a bag in the boot of his car. At about 8.0 a.m. next morning Mr. Wong telephoned him and asked him to bring the documents to the office the following day, 4th February, and in the meantime to give him the numbers of the documents over the telephone. He told him not to come on the morning of 4th February, as he might meet the other four officers, who were due to collect receipts for their travel documents.

Thus at 2.0 p.m. on 4th February the defendant returned to the ICAC offices. He gave his two travel

documents to another ICAC officer, who gave him a receipt and told him to wait for Mr. Wong. He saw Mr. Wong and Mr. Picken eventually at about office closing time. Mr. Picken told him he needed more details before he could help him to get immunity and instructed Mr. Wong to take another statement from him.

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10 When Mr. Picken had gone, the defendant told Mr. Wong that there was not much more he could tell him. But Mr. Wong said that Koo Ming had told him that very day that Lo Wing-pong had had three henchmen, Sergeant 4324 Fung Lan, whose full name was Wong Yu-keung, Tai Tau-so and Sze Ngan-tang. Then they began the statement (Ex. P5). The defendant says that part of this is true and part untrue. The part relating to Wong Yu-keung is untrue. He only told Mr. Wong that Wong Yu-keung was working in the same office as Lo Wing-pong and he had asked him to tell Lo that he was back and to ask him to take good care of him (defendant) when he had a chance to see Lo. The only mention of Tai 20 Tai Tau-so that the defendant made in the conversation was to say that, when he (defendant) returned to Mongkok Police Station, Tai Tau-so was at P.T.U. But Mr. Wong wrote, falsely, that Tai was responsible for payments of squeeze to the Vice Squads.

30 A third falsehood in this statement related to Wong Kam-tai on page 4 of the English translation. Mr. Wong said there was evidence pointing to Wong Kam-tai's involvement in corruption and the defendant must know something about it. The defendant gave an account of the movement of officers at that time and said it was difficult to say whether Wong Kam-tai received money during that period. Mr. Wong told him that he must involve Wong Kam-tai or they would not be able to help him. The defendant told him he did not know how he could do this, as they had never worked together and he did not know him. Mr. Wong asked him if he had never had tea or a chat with him. The defendant replied that he had often seen him having lunch at the Silver 40 Palace, but had never spoken to him. So Mr. Wong said they could say he had talked to him there. He added that his statement would not actually be used but, if he gave evidence on these lines, he stood a better chance of getting immunity. He then made up this part of the statement.

It would seem that the defendant maintains that the

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allegation against Sze Ngan Pang is also untrue, since he was supposed to be one of the three henchmen named by Koo Ming, but the defendant did not specifically say that it was untrue.

Concerning the meeting at Pearl Island on 11th February, the defendant said the only matter discussed was the taking over of the account after Lo Wing-pong's transfer. He told Mr. Wong that it was taken over by a senior inspector of police, who had later had a discussion with Or Wah, one of the defendant's henchmen.

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On 23rd February at Pearl Island, Mr. Picken told him the Attorney General had agreed that he should be a Crown witness and have immunity. He asked the defendant to identify some photographs of police officers and asked him for information concerning their corrupt activities. Mr. Picken also told him that Mr. Wong would take a witness statement from him, but it would not be used to prosecute him.

The witness statement was taken on 15th April and the defendant considers Mr. Wong's evidence as to how this was written is more or less correct. Those parts concerning Wong Kam-tai, Tai Tau-so and Wong Yu-keung are untrue. The defendant also says the figures are wrong, as they indicate he was paying out more than he was collecting. Mr. Wong told him that, if he did not stick to his previous statements, he might be prosecuted for giving false information to the ICAC. For this reason he "simply repeated here that Tai Tau-so gave me \$2,000 a week", although it was not Tai who had given him the money. Similarly, he dared not raise any objection to para. 18, which also concerned Wong Kam-tai.

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On 26th April the defendant was shown an album containing over 100 photographs. They were old - taken at Police Training School - and the defendant was unable to recognise anyone. Mr. Wong asked him to identify the sergeants attached to Mongkok Division and the Nuisance Squad in particular. The defendant replied that it was too long ago and he could not remember.

On 1st June the defendant was first shown some papers containing the numbers of over forty sergeants. Beside their numbers were the figures for hawker arrests by each sergeant between June - December, 1973. One sergeant had over 1700 arrests while another had only fifty odd. The defendant was asked if he could identify

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any of these sergeants as having worked with him during that period. He said that was impossible, but he believed most of these sergeants were on nuisance squad duty. Mr. Wong selected the ten sergeants with the most arrests and invited the defendant to identify them from a set of photographs. This the defendant proceeded to do. Mr. Wong told him that Tai Tau-so had given him money and asked him to try to pick out his photograph. The defendant did so. According to Mr. Wong, these ten men were the officers working with the defendant in the Nuisance Squad during that period. He said that identification did not necessarily involve corruption on their part. The defendant did not on this occasion identify twenty-three photographs: he had however done so on 26th April.

On 1st June the defendant was shown a list of sergeants who had been attached to Mongkok during that period. When he came across someone he knew, he made a mark on the list and, if he remembered his name or number, he wrote it down accordingly. He was also told to write down the names or nicknames of the persons he had mentioned in his previous statements, for example Tai Tau-so. The defendant first identified Ex. P7 as the list in question, but then said this was what he wrote on 26th April. Ex. P8 was the document he was shown on 1st June.

On 20th June paras. 25-29 were added to the witness statement at Mr. Wong's request. Most of this was untrue. The numbers of the sergeants in para. 29 were those which had been picked out on 1st June as having made the most arrests. The defendant was angry and objected to their inclusion. In particular he succeeded in convincing Mr. Wong that Sergeant 1767 should not be included. The defendant said he could not remember the sergeants to whom he had given squeeze money, but Mr. Wong insisted on writing down the remaining numbers (ten in all).

The defendant did not refer to his statements of 10th October, 1977 (P9) and 9th May 1978 (P10), but dealt next with his meeting with Mr. Thomas Li (PW3) at the Hilton Hotel. In fact he maintains there were two visits by Mr. Li, the first at 9.0 p.m. on 16th June and the second at midnight on 18th-19th June, the night before he gave evidence. On 16th June Mr. Li did not show him his statement, but he held it in his hand while he questioned the defendant about it. When the latter gave a wrong answer, he corrected him. The defendant told him that, as parts of the statement had not emanated from him, he

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was not able to remember everything in it. Mr. Li replied that he was not responsible for the case and his duty was limited to helping the defendant in a revision of the statement.

Mr. Li returned to see the defendant at midnight on 18th-19th June. He handed him the statement, but did not ask him if he wished to refresh his memory from it. The defendant read it through and discovered there were some additions, and also some alterations that had not been initialled, but he did not mention this.

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When the defendant went into the witness box next day he told the truth, which of course was not the same as the contents of his statements.

In cross-examination during the present trial the defendant admitted he had led the ICAC officers to believe that he was going to give evidence in court along the lines of his witness statement, which he knew would be considered by the Attorney General when deciding who should be prosecuted. A little later he said that at the time he made that statement (15th April) he was prepared to stick to that story and repeat those falsities in court. When asked when he had changed his mind, he said it was on 20th June, 1977. It was pointed out to him that he mentioned none of this at the Mongkok trial. At page 28 of the transcript Mr. Ogden suggests that he signed the statement on the basis that he would then get immunity and would then tell a different story in the witness box. The defendant replied that that was partly the case, but part of his statement to the ICAC was not taken down.

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So far as the first statement (P3) was concerned, it was Mr. Wong, and not he himself, who had named as corrupt officers both Lau Pak and Hung Pei, neither of whom were defendants in the Mongkok trial.

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When counsel for the Crown asked the defendant why he had said (at p. 21 of transcript) that he had "faithfully" signed a statement prior to the April witness statement, the defendant denied having used the word "faithfully". He believed he told the court that he had merely agreed and had signed the previous statement.

When it was put to him by counsel, he conceded however that he had not suggested at the earlier trial that at the time of his arrest the ICAC officers had fabricated a statement, but he pleaded that he was not asked about it. He also admitted that he had agreed with Mr. Ogden,

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when the latter suggested that the matters in the April and June statements were either thought up by him or suggested by the ICAC officers AT THAT TIME.

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10 The defendant agreed that in his statement of 4th February (P5) there are seven names, including the three officers named in the present charges, against which there are untrue allegations fabricated by the ICAC. The defendant made it clear to Mr. Wong at the time that he knew nothing about any corrupt activities on the part of those seven.

20 Counsel for the Crown, in the course of his cross-examination took the defendant through all the names mentioned in his various statements between 1st February - 20th June, 1977, and established that it was the defendant's case that all the allegations against persons who were defendants in the Mongkok trial were fabricated by the ICAC, while the allegations against most of the other persons came from the defendant himself. Having done this, he put it to the defendant that the ICAC must have
30 realized that he was not in a position to give true evidence against the defendants in the Mongkok trial. The defendant agreed that Mr. Wong realized this, but said he did not think the latter had told Mr. Picken all that had occurred. He also agreed that the ICAC made no attempt to make sure he was word perfect in his false story before going to court. In his view his testimony was intended to be mainly concerned with the Vice Squad and the public account, but not the Nuisance Squad account, which Mr. Wong considered to be a trivial matter. Thus, between
40 February - April, he was quite prepared to be an "earnest" witness for the Crown. He did not expect to be asked about any of the defendants in the Mongkok trial, who were mentioned in his statements. If he were asked about them, he intended all along to tell the truth. That concluded the defendant's evidence and there were no other defence witnesses.

40 I have set out the evidence at length in order to show that there is no possibility that the defendant's allegations against the ICAC can be true. Even assuming - as the defendant points out - that his was not the only "evidence" against the defendants in the Mongkok trial, the ICAC would never have dared to seek a letter of immunity for a witness whose statement to their knowledge contained so many lies. The defendant suggests that Mr. Wong may have deceived Mr. Picken as to the genuineness of the several statements. I do not believe this. Mr. Wong had little to gain by such a deceitful manoeuvre and a lot

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to lose if he should be found out. Moreover the scale of the deception would have been such that it is not realistic to conceive that such a junior officer as Mr. Wong might have embarked upon such a course. On the contrary, I found Mr. Wong to be an excellent witness. I am perfectly satisfied that he - and Mr. Picken and Mr. Li - are witnesses of truth. Besides, Mr. Picken would have taken pains to establish the true position before applying to the Attorney General for the defendant to be called as a witness.

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Even if a letter of immunity had been obtained in the circumstances alleged by the defendant, the ICAC would never have allowed the defendant to go into the witness box without ensuring that he was word perfect in the lies contained in the witness statement, which they knew would be in prosecuting counsel's hand. It is absurd for the defendant to suggest that the ICAC was not interested in the Nuisance Squad. The defendant admits that the statement itself was of no value. It was only useful as an indication of what he was prepared to say in court and he knew this. If Mr. Wong had not considered the Nuisance Squad account something more than a trivial matter, he would not have incorporated so many facts about it in the witness statement. He would certainly not have written a pack of lies about it. What purpose would that have served? Nor would Mr. Wong have, on 26th April, asked him to identify in particular the sergeants attached to the Nuisance Squad. It does not therefore lie in the defendant's mouth to say that he did not expect to be asked about any of the defendants in the Mongkok trial who had been mentioned in his statements. Indeed his final testimony - that if he were asked about them he intended all along to tell the truth - conflicts with his earlier evidence that, when making the statement on 15th April, he intended to repeat the falsities in court. He cannot have it both ways. It is significant also that at no point during his evidence in the Mongkok trial did he make it clear what his real intentions were when he made the statement, although Mr. Ogden (at pages 28-29) gave him every opportunity to do so.

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From the above general conclusions I pass now to several particular matters about which the defendant has clearly lied to the court.

(1) The travel documents. This was an absurd story. If their surrender was a condition of his bail, the defendant would not have been released without them. Moreover, if the ICAC had seized the documents they would

not have been subsequently found in the boot of the defendant's car. Nor would the defendant have been looking for them in such an unlikely place that evening. He did not explain why, having duly delivered the documents at 2.0 p.m., he waited another two hours for Mr. Wong's arrival, when he was under no obligation to do so.

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(2) Ex. P4. Wong Kam-tai. The defendant does not deny that he is responsible for the passage concerning the collection of the vice squad account. If the defendant knew that the operators of the divans were told to contact Wong Kam-tai in case of trouble, it is tantamount to saying that Wong was a member of the corruption syndicate.

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(3) Ex. P5. Wong Yu-keung. If the part relating to this officer is untrue, it is surprising that the defendant told him to ask Lo Wing-pong to take good care of him (the defendant). This implies that Wong was at least aware of the existing corruption.

(4) The photographs. If, on 26th April, the photographs were so old that he had been unable to recognize anyone, he could not, as he later stated, have identified twenty-three persons on that date.

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(5) The list of sergeants (Ex. P8). The defendant's evidence about this list was confused and contradictory. It contained only the sergeants' numbers and he would not, as he testified, have written down the NUMBER of anyone he remembered. He would, on the contrary, have written their names, for example Tai Tau-so, but obviously not because he had been told to write down all the names previously mentioned by him. It was only on Ex. P7 that he would have written both the name and number of the sergeant against the number of a particular photograph.

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(6) "Faithfully signed". The defendant attributes this word to the interpreter at the Mongkok trial. The transcript has been admitted by the defence and the defendant may not now say it contains such a gross inaccuracy. Besides, if the defendant had said he had "merely agreed and signed", there would have been no need for any embellishment by the interpreter. If, on the other hand, he did use this word, the inference is that the earlier statement is true. It is not clear from the passage on page 21 of the transcript to which of the three earlier statements he is referring, but, in any event, the defendant now says that all three are partly untrue.

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(7) Mr. Li's visit to the Hilton Hotel. The defendant admits that Mr. Li handed him his statement, but does not explain why he did not do so on the occasion of the first visit. This is what one would expect if the purpose of the visit, as alleged by the defendant, was to ensure that he knew what he was going to say in court. The defendant failed to mention that Mr. Li handed him the prized letter of indemnity. It was clear to me that the defendant was lying about the part played in this affair by Mr. Li.

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For these reasons I find that it has been proved beyond a reasonable doubt that the evidence of the Crown witnesses is true and that that of the defendant is false. It follows from this that I find that the information contained in the statements - whether it be true or not - was provided by the defendant and not the ICAC. It also follows - although I doubt if this has any bearing on the issues before the court - that, while the defendant gave the information in the hope of gaining immunity from prosecution, the statements were not preceded by any promise to that effect by officers of the ICAC. There is no suggestion of duress.

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So much for the facts. What of the law?

The defendant has received two undertakings from the ICAC. The oral undertaking given by Mr. Picken on 23rd February, 1977, prohibits his witness statement being used against him in any prosecution for corruption. The written undertaking dated 14th April, 1978, protects him from prosecution in respect of any corruption offence disclosed in the course of his testimony at the Mongkok trial. The present proceedings, although intimately concerned with corruption, do not amount to a prosecution for a corruption offence. Thus, the dictum of Hogan CJ in Attorney General v. Yuen Man-pan (1) when dealing with the question of undertakings given to defendants by the police, applies equally to the present situation. He said at p. 360 :

30

"Quite apart from any question as to whether such an undertaking could make the statement inadmissible or justify a court in ignoring it it would appear possible, from the case stated, that the undertaking should be regarded as extending only to the use of the statement in a prosecution of the accused for any offence disclosed in it, and not as

40

(1) 1969 HKLR 355

an undertaking that the statement would not be used for the purpose of showing that a subsequent statement made by the accused on oath in conflict with the earlier statement was untrue. As disclosed in the case stated, we do not think that the undertaking should necessarily be construed as relating to future offences and as conferring on the accused any measure of immunity in regard to its use in the prosecution of such offences."

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10 That is quite clear.

Turning to the present charges, the Crown's position is that it is unable to prove that the defendant lied in court. I make no comment on that, except to say that that is the basis on which this case has proceeded. The Crown submits that, although it cannot prove perjury or that the defendant wilfully gave false information to the ICAC, it has proved that the defendant lied either to the court or to the ICAC and that, in the circumstances, either alternative amounts to an attempt to pervert the
20 course of public justice.

I think there can be no doubt that, if the defendant committed perjury, ipso facto this amounts to such an attempt. Defence counsel has not sought to persuade me otherwise. In that event he intended to lie to the court, and did so lie, in order that his colleagues, who he knew to be guilty, might be acquitted.

There are therefore two issues: (1) Whether telling lies to the ICAC in the knowledge that the defendant's fellow police officers were thereby jeopardized and put at risk of prosecution for corruption, falls within
30 the boundaries of this offence and (2) whether there can be a conviction where the Crown fails to prove which version is true and which is false.

On the authority of the recent decision of the Court of Appeal in England in R. v. Rowell (2) I would answer the first question in the affirmative. In that case the defendant made a detailed statement to the police, in which he alleged that a man he had met in a public house named Timms had demanded £1 from him at gun point when they
40 were sitting in a bus at a bus depot. As a result, Timms was arrested; he had a long and violent record and was remanded in custody. A few days later the defendant, as a result of further questioning, retracted his statement. In consequence, Timms was released. On the following

(2) 1978 WLR 132

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day, the defendant asked a colleague to make a search of the buses. On doing so, the colleague found a toy pistol. Later, the defendant admitted to the police that he had placed the toy pistol in the bus to give credence to his original statement. The defendant was charged with attempting to pervert the course of public justice by making a false allegation that he had been robbed and threatened with a firearm by Timms. At his trial the defendant maintained, inter alia, that the indictment did not disclose a criminal offence. He was convicted and on appeal it was held that the indictment disclosed an offence known to law and distinct from the statutory offence of causing the wasteful employment of the police created by S. 5(2) of the Criminal Law Act 1967, in that the defendant had not only wasted police time but had exposed another person to the risk of arrest.

10

The court firstly took the view that, in the light of *R. v. Vreones* (3), it was not arguable that a single-handed attempt to pervert the course of public justice was not a criminal offence known to the law. It was argued that there had been no reported case where the making of false complaints to the police had been held to be such an offence; and that the matter was adequately covered by S. 5(2) of the Criminal Law Act, 1967. The court held that the answer depended, not on the label given to the offence, but on the nature of the conduct which is alleged to amount to a criminal offence. After considering *Vreones* and *R. v. Manly* (4), the court approved and adopted certain passages from the judgments in *Kerr & Hill* (5) and *R. v. Bailey* (6) - cases which were not binding on the Court of Appeal. Reading the judgment of the court, Ormrod LJ concluded :

20

30

"Consequently, all the defendant's acts, his two false statements to the police accusing the man, described but not identified by name, of robbery, the placing of the toy pistol in the bus, and the arranging that it should be found . . . , are all part of a course of conduct, between the dates alleged, which had a tendency and, as the jury must have found, was intended to pervert the course of justice."

40

Assuming that what the defendant told the ICAC was untrue, the main differences between the facts of the

- (3) 1891 1 QB 300
- (4) 1933 1 KB 529
- (5) 1930 JC 71
- (6) 1956 NI 15

present case and those in Rowell and the other cases referred to are that the defendant was being questioned in custody when he first made the allegations and, in addition, the ICAC very likely had other evidence against the three officers named in these charges. In the passage in Kerr and Hill adopted by Ormrod LJ, Lord Justice - General Normand said, at p.75 :

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" A charge which is perfectly general, and leaves the public at large open to suspicion, does nevertheless, constitute a crime if it is falsely made the point is that the criminal authorities were deliberately set in motion by a malicious person by means of an invented story "

And in Bailey, Lord MacDermott CJ said, at p.25 :

20

" the appellant's conduct was clearly prejudicial to the public interest, for he acted in a manner calculated to divert the efforts and waste the time of those charged with the duty of bringing criminals to justice, and calculated also to render innocent citizens liable to suspicion and arrest "

30

This seems to me to cover the present situation. Whatever the quality of the other evidence in the possession of the ICAC, the defendant's information was deemed sufficiently cogent to merit his being called as a prosecution witness and to receive in return a letter of indemnity. This information therefore could only have deepened whatever suspicion, if any, already existed against these three men. And, unlike the victim in Rowell's case, they were actually charged.

40

If the defendant's information was untrue he certainly acted in a manner calculated to waste the time etc. of the ICAC and no more need be said about this aspect of the matter. The offence is alleged to have taken place on a date unknown between 31st January 1977 - 21st June 1978; that is to say, the whole period between the defendant's arrest and his appearance in the witness box at the Mongkok trial. The indictment in Rowell's case was framed in similar terms. Time not being of the essence in this offence, I am satisfied that the Crown is entitled to frame the charges thus and that the offence may be proved by a series of acts or any one of them. (See Rowell page 138).

Mr. Lau has referred the court to a Hong Kong case, R. v. Yip Yuk-lun (7) which was a prosecution under

(7) 1961 HKLR 268

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Section 58A of the Police Ordinance, which with minor amendments has now been adopted as Section 29B of the Prevention of Bribery Ordinance, and which prohibits the giving of false information. The court drew a distinction between a person who volunteered information to the police and a suspect who was being questioned, and suggested the principal mischief at which the section was directed was the spontaneous tendering of misleading information.

I am not however dealing with a statutory prohibition. This is a common law offence and the English authorities have, in my judgment, described it in sufficiently wide terms to include a person who is being questioned by the authorities. The court in Yip Yuk-lun did not consider the position of a suspect who, while admitting his own guilt, at the same time implicates others with a view to obtaining immunity from prosecution. I believe counsel for the Crown is right when he submits that, for this reason, the defendant is in no different position to Rowell. 10

Mr. Lau also quoted from "The Criminal Law of Scotland" by G.H. Gordon, 1967 Ed, who submits at p. 1004 that, where a criminal accuses another to the police, the law is unsettled. But this was written before Rowell, which has now removed whatever uncertainty then existed. 20

Finally, Mr. Lau drew the court's attention to paras. 99-100 of the Law Commission Working Paper No. 62, 1975. The Commission took the view - also before Rowell - that it should be an offence to give false information to the police, or to any public authority, with the intention of obstructing them in their duty to decide upon the institution or conduct of criminal proceedings. In the opinion of the Commission, an offender who lied to the police when questioned about an offence probably could be convicted of perverting the course of justice. 30

I pass now to the second and in my view more difficult question. My task is made more difficult by the apparent lack of authorities on the point.

If the defendant told lies to the ICAC, he either intended at the time to repeat those lies in court but at some stage changed his mind, or he never intended to repeat them in court. The defendant's evidence as to his state of mind is contradictory and does not assist me. 40

If he told the ICAC the truth, he either intended to

repeat the allegations in court but changed his mind, perhaps at the last moment or maybe earlier, or he never intended to tell the court the truth once he had received his letter of indemnity. As in the first hypothesis, neither the evidence of the prosecution witnesses nor the transcript assist in revealing the defendant's state of mind.

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10 There are of course situations in the criminal
law where, depending on the view of the facts taken
by the jury, a defendant may be convicted of one of
several different offences. For example a man in
possession of recently stolen property may, in the
absence of a satisfactory explanation, be convicted of
theft or handling, or perhaps robbery or burglary. It
is a matter of inference. A jury may also in certain
circumstances convict of an offence less serious than
the one charged. But each offence is different. Con-
versely, on a charge of burglary, there may be doubt
as to which of several doors or windows the culprit
20 used in order to enter the building, but the prosecution
need only prove that he did in fact enter with the
requisite intent and that he did so as a trespasser.
It sometimes also happens in a burglary prosecution
that it is not possible to prove whether a burglar
intended to steal or to commit rape. In these cir-
cumstances the charge is usually framed in the
alternative and a conviction will follow if it is proved
that the defendant must have had one or the other
intent. In this case, depending on which version is
30 true, one of two other offences is proved i. e. perjury
or falsely giving information to the ICAC (subject to
Yip Yuk-lun). But both are attempts to pervert the
course of justice.

There is a recent case in England, which, although
not on all fours with the present case, touches on the
problem. This is R. v. Agbim (8). Agbim, a regis-
tered medical practitioner, was charged in six counts,
each alleging the procuring of the execution of a valuable
security by deception. The offences related to claims
40 he had submitted to the Area Health Authority for finan-
cial aid in respect of ancillary staff whom he employed
in his practice. He was convicted and an appeal com-
plaint was made that the jury was not directed that they
could not find that any one of the claim forms mentioned
in the indictment was not a true or correct statement,
unless they were all agreed that one, and the same one,

(8) 1979 CLR 171

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of the many pieces of evidence led by the Crown proved falsity. In other words, it was said that the judge should have told the jury, "You must not find that any claim form is false unless you are all agreed that the same piece of evidence proves the falsity of that claim form." The Court of Appeal did not agree. Dismissing the appeal, it held that each juror had the responsibility of giving a true verdict according to the evidence. He did not have to take the same view about the details of the evidence as every other juror. What the jury all had to be agreed about, if the verdict was unanimous, was that the prosecution had proved the charge or charges.

10

This decision is heavily criticized in the commentary in the Criminal Law Review: where it is submitted that the prosecution must satisfy the jury beyond reasonable doubt and that they do not do so by satisfying each juror that a case is made out, unless it is the same case.

However, whichever aspect of any claim form the jurors believed to be false, only one offence was committed. But, unlike the present case, the falsity of each claim form was susceptible of proof. This is perhaps the first time that a court has been asked to deal with such a situation. The common place examples and illustrations set out above do not, I realize, go to the heart of the problem. It is, in the absence of authority, a question of applying general principles.

20

Counsel for the Crown submits that there is no interpretation of the defendant's actions that is consistent with his innocence. He argues that the Crown does not have to prove the precise manner in which the offence was committed, but that the court should look at the facts which have been proved beyond reasonable doubt, and go on to ask itself whether it can be inferred beyond reasonable doubt that the defendant is guilty of the charge. On the facts of this case, he submits that there is no other inference reasonably open to the court.

30

One might argue that the Crown should be obliged to charge the defendant either with perjury, or with giving false information and if, in the event, it is unable to prove either offence, then that is the defendant's good fortune. But it is the prerogative of the Attorney General to select the offence with which a citizen should be charged and, in this instance, that offence is attempting to pervert the course of public justice. I agree with counsel for the Crown that all the court is called upon to do is to determine, on the proved facts, whether the

40

defendant is guilty of that offence. This seems to me to be a matter of logic and commonsense. It is consistent with the decision in Agbim and is an approach which carries with it no prejudice against the person accused. The defendant was well aware of the case he had to meet. Therefore, in the absence of authority to the contrary, I propose to determine the case on this basis.

10 It follows that I find the defendant guilty, on all three charges, of attempting to pervert the course of public justice and I convict him accordingly.

(E. de B. Bewley)
Judge of the District Court
9.5.1979.

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continued

IN THE DISTRICT COURT OF HONG KONG
HOLDEN AT VICTORIA
CRIMINAL JURISDICTION
CASE NO. 6 OF 1979

No. 3
List of Exhibits

The Queen
against
TSANG Ping-nam

20

No. 3

LIST OF EXHIBITS

<u>Item No.</u>	<u>Particulars</u>
P1	Transcript of accused's evidence (photostat copy)
P2	Questions and answers with certified translation
P3	Cautioned statement dated 1.2.77 with certified translation
P4	Accused's second cautioned statement dated 2.2.77 with certified translation

30

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No. 3

List of Exhibits

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Item No.

Particulars

P5	Accused's third cautioned statement dated 4.2.77 with certified translation	
P6	Accused's fourth cautioned statement dated 15.4.77 with certified translation	
P7	A piece of paper	
P8 A&B	2 pieces of paper	
P9	Accused's fifth cautioned statement dated 10.10.77 with certified translation	10
P10	Accused's sixth cautioned statement dated 9.5.78 with certified translation	
P11	A photostat copy of a letter dated 14.4.78	
P12	Charge sheet re SO Siu-kuen	
P13	Charge sheet re WONG Kam-tai	
P14	Charge sheet re WONG Yu-keung	20

No. 4

No. 4

Exhibit P1

EXHIBIT P1

Transcript of
Accused's evidence

P.W.68 TSANG Ping-nam

XD. BY MR. OGDEN:

Q. What is your full name, please?

A. TSANG Ping-nam.

Q. Have you any objection to giving the court your address?

A. No. I would prefer to write it out.

Q. Is that because you are apprehensive about giving your address in public?

A. Right.

30

MR. OGDEN: Your Honour, may he do that?

MISS TAM: No objection.

COURT: Yes.

Q. You have been granted an immunity from prosecution, have you not, on condition that you give full and true evidence in these proceedings, the nature of the immunity being that no prosecution will be instituted against you in respect of any offence involving corruption disclosed by you in the course of your testimony?

10

A. Yes.

Q. You were transferred to Mongkok Police Station, were you not, in November of 1971?

A. Yes.

Q. And by that time you had been promoted to the rank of sergeant; had you not?

A. I was then a corporal.

Q. Can you remember when you were promoted sergeant?

20

A. To my recollection it was about half a year after I had been transferred to Mongkok that I became a sergeant.

Q. At Mongkok did you work on the Nuisance Squad?

A. Yes.

Q. Did you work in the Vice Squad?

A. Yes.

Q. Are you what is called a 'red shoulder-strap sergeant'?

A. No.

30

Q. Therefore did you do any duty officer duties?

A. Never.

Q. Now, first of all, a little about beat patrol duties. Were they divided into shifts?

A. Three shifts.

Q. Were those loosely described as morning, middle, and night shifts?

A. Yes. It is what we call morning, middle, and evening shifts.

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No. 4

Exhibit P1

Transcript of
Accused's evidence
continued

Q. So far as the Nuisance Squad was concerned how many shifts was that divided into?

A. Two shifts.

Q. And what were they called?

A. They're generally called A and B shifts, or otherwise morning and middle shifts.

Q. About how many squads were there in the Nuisance Squad?

A. What period of time are you referring to, or in terms of years?

10

Q. We know that you served in Mongkok from November of 1971 until December of 1975 with an interval of a few months in the middle. I would like you to give his Honour an overall picture during that time of roughly how many squads there were.

A. Before I was transferred elsewhere for a few months to my recollection there were about 10 squads.

Q. And afterwards?

A. And after I had been transferred back to Mongkok to my recollection there were seven or eight squads.

20

Q. So far as the Vice Squad was concerned was there merely one Vice Squad as ... illegible

A. Right.

Q. About how long did a police officer normally serve in each of those squads at any given time?

COURT: Are we dealing with both the Vice and Nuisance?

MR. OGDEN: Vice and Nuisance.

A. As far as Vice Squads was concerned, to my knowledge a sergeant would remain in this squad for six or seven weeks.

30

Q. And the Nuisance Squad?

A. There was no fixed and fast rules as to this, but this squad was usually manned by what we call 'black-strap' personnel.

Q. After you had been transferred to Mongkok did you find anything in your locker?

A. Are you referring to 1971?

Q. Yes.

A. Yes.

Q. Would you please tell the court about it?

A. All I can remember is I found several tens of dollars, but I cannot remember any further details.

Q. Did there come a time when you were put on Nuisance Squad duties for the first time?

A. Yes.

10 Q. And on that occasion did you find any money in your locker?

A. As usual.

Q. Was it the same, less, or more?

A. 1 It is difficult for me to tell definitely. There was only a difference of, say, \$10, more or less.

Q. Did there come a time when you were transferred to the Vice Squad?

A. Yes.

20 Q. Can you remember roughly when that was?

A. I recall it was near mid-autumn festival in 1972; roundabout October, perhaps.

Q. Did you know your predecessor?

A. Yes, I knew him.

Q. Who was he?

A. He was numbered 6691.

Q. Did he have any nickname?

A. I heard about his nickname as Tai Tau SO, or Big Head SO.

30 MR. OGDEN: Your Honour, I now propose to ask him if he can identify the officer he has just spoken of. Would you please look around the court?

MISS TAM: Your Honour, I think it has been canvassed before as to whether there should be some evidence of previous identification elsewhere before we try and have a court identification. I mean, if your Honour should allow the application, of course, it would be a matter of weight.

MR. OGDEN: I simply don't know, your Honour. I will ask him if he's been asked to identify that officer.

Q. Have you been asked to identify that officer as a result of being shown photographs?

A. Yes.

Q. Is he an officer you know well by sight?

A. Yes.

Q. Have you seen him on a number of occasions?

A. You're referring to his photographs or --

Q. No, to the man himself.

A. Oh, many times.

10

MR. OGDEN: Your Honour, I now ask that he be allowed to identify the person if he can.

Q. Would you please look around the room and point out that officer to us?

A. The fifth one from the right, the one wearing the floral-patterned Hawaiian shirt.

Q. You mean the one who's standing up at the moment?

A. Yes.

INTERPRETER: D.29, your Honour.

20

Q. When you took over from him did he tell you anything about the Vice Squad?

A. Yes, he did.

Q. What was that?

A. About working procedure.

Q. Did he tell you anything about money?

A. No.

Q. When you took over the Vice Squad did you receive any money?

A. Yes.

30

Q. How much was that?

A. Several thousand dollars. Can't remember exact figure.

Q. Who paid you the money?

A. Two men.

Q. Who introduced you to KU Ming?

A. It was CI LO Wing-pong who told me to meet him.

COURT: I'm sorry, to meet him, him being LO Wing-
pong or KU Ming?

A. Told me to meet KU Ming.

Q. And who actually took you to KU Ming and intro-
duced you to him?

A. No one took me there. I went by myself.

Q. What did you do with the money?

A. To my recollection after receipt of this money on
the first and second occasions I distributed the
10 money to the PC's and WPC's.

Q. Were there any arrangements between you and KU
Ming about what could happen so far as sex,
gambling, and drug cases were concerned?

MISS TAM: That's very leading.

COURT: Well, we are dealing with Vice Squad, and I
take your point, but I think it's a different question
he had in mind.

MR. NECHOLAS: Your Honour, there were a couple of
20 questions before that, which although one can say
were misleading, as a whole no great damage was
done because we are talking about a subject to
circumvent a shorter version. Your Honour, at
certain times perhaps my learned friend may say,
"When you talk about what happened" rather than
directly to the point of "We're talking about", may-
be one more question interposing between the two
'carriers' as such.

MR. OGDEN: I would encourage my friends to intervene
before the interpreter translates the question.
30 Inevitably one tries to direct the witness's mind to
some general area rather than getting a long
rambling history about all sorts of events of no con-
sequence whatsoever. I merely encourage my
friends to intervene and object.

Q. Were there any arrangements between you and KU
Ming relating to sex, gambling, drug cases?

A. Yes.

Q. What were they?

A. KU Ming told me that he hoped that whenever any raid
40 was to be made I would inform him.

- Q. Anything else?
- A. He told me that within Mongkok area many places have made payments.
- Q. Yes?
- A. And he also advised me should I not (be) clear on the situation I might as well ask LO Wing-pong who would then put me in the real picture about it.
- Q. Go on.
- A. That was generally the sort of things we discussed.
- Q. Did you in fact do what he asked you to do? 10
- A. Sometimes.
- Q. What did you do on those occasions?
- A. Sometimes when I received instructions to take actions from SDI's provided I have the time I would act accordingly.
- Q. How did you inform KU Ming?
- A. I had his Tak Shing Hong telephone number.
- Q. On occasions when you had done that had you been one of the party making the raid on the establishment in question? 20
- A. Almost invariably I had to be present.
- Q. And when you made such raids what was the situation in the establishment?
- A. Well, in what respect? Situation in the establishment?
- Q. If you had warned KU Ming that an establishment was going to be raided and then you were one of the party to raid it what was happening when you got to the establishment?
- A. If one did inform or pass message effectively upon arrival on such establishment, say, a gambling house, most likely we wouldn't arrest any person there, otherwise if we hadn't passed message effectively we might be able to arrest a lot of people. 30
- MISS TAM: I'm sorry. Can we clarify when he said, "otherwise, if we hadn't passed message effectively" should it be 'we' or 'I' who has not passed message effectively?
- A. I mean I, myself, pass such a message.
- MR. NECHOLAS: I also have a point in Mr. TSANG's 40

evidence on this here. Your Honour, I may be wrong, but I believe Mr. TSANG said, "If we had been able to effectively pass the message then when we arrive at the establishment we would not be able to arrest anybody, or very few persons". Contrary, "If we are not able to pass effectively the message we would arrest many persons"; would that be --

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No. 4

Exhibit P1

Transcript of
Accused's evidence

continued

10 COURT: Yes. Well, my note is, "Not arrest any persons there, that's when the message had been passed." You say that should be 'any' or 'very few'?

MR. NECHOLAS: Any or very few.

COURT: Perhaps that could be clarified.

Q. On the occasions when you had effectively passed a message and then went on a raid did you say that you were not able on those occasions to arrest any people, or did you say that you were not able to arrest any, or alternatively very few people?

20 A. Well, I said that because sometimes we could make no arrests sometimes we could arrest only a few. Sometimes we could make quite a bit of arrests.

Q. I'm concerned specifically with the occasions when you had been able to pass messages through. What was the position on those occasions? Perhaps you are still not quite with me.

A. Even if I could pass message effectively sometimes we still could make arrests; sometimes we couldn't.

30 Q. So far as drug and gambling cases were concerned were the people arrested always people who'd been engaged in taking drugs or gambling?

A. Sometimes this took place and sometimes not the case.

Q. On the occasions when it was not the case what kind of people were they that you did arrest?

A. They were mostly unemployed people we would call scapegoats.

Q. Would you explain in what way they were scapegoats?

40 A. For example, when we got to gambling house we could immediately tell which was not a gambler and which was a gambler.

MISS TAM: I think he was talking about himself, "When I got to the gambling house I could tell" --

COURT: Could you clarify when he does say the pronoun whether he means himself, or whether he means a party? We or I?

A. I, singular person.

Q. I want to know a little more about these scapegoats. If they were not gamblers do you know how they got to be there and got arrested?

A. I believe that those scapegoats had been arranged to be present there beforehand, to wait for such occasions. 10

Q. And who arranged for them to be there?

A. To my feeling sometimes it was those keepers of gambling stalls who would have arranged for those scapegoats to be there while the real people, the employees, escaped. Sometimes it was KU Ming who made the arrangement, such arrangement.

Q. Did you discuss this matter with KU Ming?

A. I have not really discussed the matter for such things with KU Ming. 20

MR. OGDEN: Would this be a convenient moment, your Honour?

COURT: Yes.

A. I have one request to make.

COURT: Yes?

A. I wish to see a senior police officer during the adjournment.

COURT: I'm sorry. I'm not quite clear. Why do you wish to see him? 30

A. Well, I'm supposed to liaise with the police every day but over the past few days I'm a bit puzzled why I've lost this liaison, and so, I wish to liaise with the police.

COURT: What is all this, do you know, Mr. OGDEN?

MR. OGDEN: I haven't the remotest, your Honour.

COURT: What do you mean liaise with the police? What does the police have to do with it? What is your present occupation?

A. I'm a police sergeant.

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COURT: And when you talk about liaising with the
police what do you mean?

No. 4

A. I wonder if I've been forgotten by the police because
over the past three days I've lost contact with the
police force. I haven't reported to the police, nor
have I been contacted by any member of the police
force requiring it.

Exhibit P1

Transcript of
Accused's evidence

continued

10 COURT: Well, you're in public at the moment giving
evidence in this court. I think a matter of which
most people would be aware. From what you say,
if it's necessary you can contact any senior police
officer in the course of the adjournment.

A. Well, nor is my family aware of my whereabouts.

COURT: Well, there's no reason why they shouldn't be.

A. Well, over the past four days I haven't made my
whereabouts known to my family. Some police
officers have tried to locate me by contacting my
family people, and no one knows my whereabouts.

20 MR. OGDEN: Your Honour, I have no doubt that if the
witness would be good enough to write down on a
piece of paper his telephone number I can arrange
for someone to telephone his family and say that
he's at this court giving evidence.

A. Oh, I have been told by the prosecution that I'm
not supposed to let anyone know my telephone
number or whereabouts.

COURT: Mr. NECHOLAS, you wish to say something?

30 MR. NECHOLAS: I wonder whether the witness is in
fact asking for the court's protection from anybody.
He seems to be.

COURT: It seems to be the other way around, actually.

40 MR. NECHOLAS: It seems he is making an appeal to
this court that for the past few days he has been
kept from his family. It may be understandable,
your Honour, under the circumstances that the
witness is telling the court that he is unable to
contact his family. His family does not know where
he is or where he has been kept. Is he asking for
protection from his protectors?

MR. OGDEN: I think, if I may say so, that is not a

warranty comment by my friend. I say it once, implied on sort of what has been said, that he has been in a safe house. As to that I make no secret of it at all. Certainly there's absolutely no reason why he shouldn't have telephoned his family; or we can do it for him.

COURT: Mr. TSANG, there's no reason whatsoever why you shouldn't contact your family. The only point is that you should not discuss the evidence which you're going to give or the evidence that you have given in this case until such time as you've completed it. Do you understand that? 10

A. I understand that.

COURT: You say that during the last few days you haven't been in contact with your family. Why is that? I'm accepting, as has been said, that you've been in a safe house.

A. The first thing I would like to say is that the place now I'm staying in is not one chosen by me, but I was made to remain in that place. Although I did make telephone calls to my family I was not supposed to tell them where I was over the phone. 20

COURT: You have, in fact, been in contact with your family?

A. Yes.

COURT: Well, I think, as I say, if you wish to contact your family during the adjournment there's nothing whatsoever to prevent you from doing so.

A. Well, the other thing I wish to know is whether or not I'm being wanted by the police. 30

COURT: I think that's something of which I would not be aware. Wanted in what connection?

A. Because I understand two police officers came to my house and saw my children, telling them that I've been missing for a few days.

COURT: That might equally well be due to the fact, Mr. OGDEN, that he was in a safe house.

MR. OGDEN: I find it a bit mysterious because, of course, the ICAC knew perfectly well where he was. Of course it was the ICAC that arranged the safe house for him and what police officers should be doing going around to the house of the witness's family at the moment I'm not very clear. 40

MR. NECHOLAS: Your Honour, may I try to assist here? I believe Mr. TSANG had earlier said that, "I had been reporting to the Police." I wonder whether that was a condition of Mr. TSANG's bail or whatever, that he had been making, as I understand it, daily reports to the police?

COURT: The word he used is 'liaise' with the police.

10 MR. NECHOLAS: He said 'liaise'. Indeed he did, yes. Your Honour, the Chinese can be sort of inter-changeable, and Mr. TSANG may be telling us that he had been reporting daily to the police, some police station, and for the last few days he had not been reporting and now the police are looking for him. Your Honour, as I say, this because the defendants happen to be police officers and therefore we might get the impression that these police are looking for him, whereas --

COURT: I haven't got that impression at all.

MR. NECHOLAS: I'm most grateful.

20 MR. WINTER: Your Honour, my instructions are that it may well be that the police are wanting to speak to this witness about some other entirely different offence which has nothing to do with the trial whatsoever.

COURT: Perhaps that could be clarified on this line. You've told us, Mr. TSANG, that prior to your going into the safe house you've been liaising, as you used to express it, with the police every day. Would you tell us why that was?

30 A. I'm an interdicted police officer, so I have to liaise or report to the police every day, although I didn't have to work any more.

MR. OGDEN: Your Honour, I can easily arrange for a telephone call to be made to that police station if he would tell us, and if possible the name of the officer, if there is one in particular, to whom we should say where he is and what he's doing.

COURT: Very good. To what police station were you required to report?

40 A. Yuen Long Police Station.

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Exhibit P1

Transcript of
Accused's evidence
continued

COURT: I think this could be elaborated on further, if counsel so desire, in the course of examination. At this point I would simply say that there is no reason whatsoever why you should not contact your family. It's obvious why you should be in a safe house, and the Yuen Long Police Station can be contacted and informed that you are not reporting at the moment because you're in this court giving evidence.

MR. OGDEN: We can certainly do that. If I may be permitted to just ask him this. Do you know the telephone number of that police station you are telephoning? 10

A. Yes.

MR. OGDEN: Would you give it to us please?

A. 774211.

MR. OGDEN: Is there any particular person to whom you report?

A. I have to report to the police personally and ...

COURT: Yes, but to whom do you have to report? Who is the main person? 20

A. Duty officer.

MR. OGDEN: In that case, your Honour, I will ensure that the duty officer at that police station is telephoned over the adjournment and told that he is here in court giving evidence.

A. The reason why I want to make this request to his Honour is that I wish to know why the Police Force hasn't tried to liaise with me during this time.

COURT: Perhaps enquiries might be made as to that, Mr. Ogden. 30

MR. OGDEN: Yes, your Honour.

A. Another request I make is that I wish I can, during the adjournment, remain by myself without being accompanied by anybody else.

MR. OGDEN: Your Honour, that can be easily arranged because, as your Honour knows, there is a witness room immediately outside this door and I will have arrangements made that he can stay in there quietly, and indeed someone will stay outside the door to ensure that no one goes in. 40

COURT: No doubt lunch will be arranged as well. Yes, Mr. Necholas?

MR. NECHOLAS: Your Honour, my learned friend's remark appears to be that the witness doesn't want to be interfered with by anybody. His remarks, so far as I seem to understand it, is that he wants to be by himself. He doesn't want to be kept at any place, watched over by anybody. He said he wants to be by himself, and if he is being watched, although there is no evidence, there is some implication that someone is trying to interfere with him.

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continued

10 COURT: There is no implication that someone is trying to interfere with him. When you said you want to be by yourself, it has been suggested that you wait in the witness room by yourself but with somebody outside the door to see that nobody interferes with you. Is that what you mean when you say by yourself?

A. I want to be treated like any other witness, in that I can freely go anywhere I choose for lunch, like other witnesses. When the time comes I will be
20 back in court to give evidence.

COURT: Any reason why he shouldn't?

MR. OGDEN: No.

COURT: No reason why you shouldn't, but you will bear in mind the warning I have given you that you will not discuss the evidence you have given or the evidence you will give with anyone until such time as you have left that witness box for good.

If I said 2.45 rather than ... I'm thinking three o'clock, but of course it might be a little late in
30 the day. We will resume again at 2.45, Mr. TSANG, and you will be back here at that time to give evidence.

A. Yes.

1.26 p.m. Court adjourns.

2.53 p.m. Court resumes.

All accused present. Appearances as before.

P.W.68 TSANG Ping-nam On former Affirmation.

(XN BY MR. OGDEN CONTINUES)

MR. OGDEN: Your Honour, I have made some enquiries about one of the matters which was troubling the witness. Last Thursday the ICAC told what I understand to be the Police Headquarters - I may not have the word right - in the New Territories, that the witness would be going into a safe house on the Friday, and it was agreed that he need not report to the police at Yuen Long from that time on, presumably until such time as he'd finished giving evidence, but that I didn't ask. Apparently, there was a failure of communication between two branches of the police because the Yuen Long police telephoned on Sunday morning asking about the witness. They were told the position, but possibly by then it was too late for the two policemen to be stopped who did in fact go to the witness's house on Sunday afternoon. The police at Yuen Long have been spoken to yet again. They presumably do now understand the position. Your Honour, that's the result of my enquiries.

10

20

COURT: Thank you. You understand that, Mr. TSANG.

A. I understand the situation, but I discovered some amount of discrepancy. Mr. Ogden has said that some communication has been made on the Thursday. I'm not quite sure about that.

COURT: Yes. Well, if Mr. Ogden says it has been made, it was made. We must accept that.

A. At sometime shortly after two o'clock in the afternoon, I myself went to ICAC and asked them whether it was necessary to communicate with the police that I was going to move into the safe house as from Friday.

30

COURT: Yes?

A. The ICAC people told me that they would do so, they would notify the police. On Friday I was told that that had already been done. I was told that the New Territories Headquarters had been notified. I had already told them that it was a matter for the Personnel Department of Police Headquarters, Hong Kong, although the place I was to report to regularly was Yuen Long Police Station. I wish to confirm whether or not the police station was aware that I was with the ICAC by making a telephone call to them, but this request was refused by the ICAC. That is why all this time I have no idea whether the police were aware of my whereabouts.

40

COURT: Yes?

A. I was told not to tell my family people where I was staying. That's all.

COURT: Yes. Well, it has been made clear that there was a failure of communication of some nature between two branches of the Police Force. Yuen Long is now fully aware of where you are and they don't think you have, as it would appear, avoided the requirement to report to them. Yes, Mr. Ogden.

10

XN BY MR. OGDEN CONTINUES:

Q. Would you have a look at this photograph please, photograph number 12. Who is that?

A. He is Chief Inspector ... C.I. LO Wing-pong.

Q. When you were working in the Vice Squad did you have anything to do with him so far as money was concerned?

A. At that time I did make a personal gift in the nature of first meeting someone.

20 Q. How much money was that?

A. One thousand dollars.

Q. Who else did you pay money to while you were on the Vice Squad?

A. I have so far given money to two PCs and one WPC.

Q. How often?

A. Not regularly. Sometimes two hundred, sometimes one hundred.

COURT: "How often" was the question.

30 A. About once every week.

Q. For how long?

A. To my recollection, for about five weeks.

Q. And to anyone of any other rank?

A. No.

Q. And did anyone give you money apart from Ku Ming?

A. Apart from Ku Ming I believe some people of the gambling stalls may have given me some money, but I don't have a clear recollection of it.

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Transcript of
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continued

Q. Any police officers?

A. No.

Q. We know that you were transferred from Mongkok on the 20th of November 1972, and transferred back again on the 30th of May of 1973.

A. Right.

Q. Did someone speak to you about the Nuisance Squad?

A. You are talking about civilians or police officers?

Q. Police officers.

A. As for police officers, it was LO Wing-pong who spoke to me.

10

Q. What did he say?

A. He asked me if I was interested in something connected with the hawkers.

Q. And what was that?

A. In other words, whether or not I was interested in taking care of the collection of money.

Q. Does that mean corrupt money?

A. Right.

Q. Was there someone else present when you discussed this with LO Wing-pong?

20

A. On the first occasion we discussed this in the office, and there was no other person present.

Q. On the next occasion was there someone present?

A. I recall on the second occasion we had discussions in a restaurant on the ground floor of a hotel. It was in the Hawaii Room in Empress Hotel.

Q. Was anyone else present?

A. When we were having the discussion for some time, SDI Mongkok came.

30

Q. Who was that?

A. I recall probably it was Mr. Macpherry(?).

Q. Did you ever have any discussion with LO Wing-pong about this corrupt money in his office when anyone else was there?

A. Never.

Q. Did you agree to do this work?

A. I told him that I wanted to think it over.

Q. And after you had thought it over what did you then tell him?

A. I had to find out in the first instance whether I could recruit the right people, and whether or not I could obtain support from my superiors in this matter.

Q. Whether you could what?

INTERPRETER: Obtain support from my superiors in this matter, before I could make any decision.

10 Q. And did you see whether you obtained any support from your superiors?

A. He personally told me that D.S. KONG Fung-chuk could support me.

Q. And did you later speak to LO again?

A. Yes.

Q. And what did you say to him on that occasion?

A. I told him - that was before he went off duty on that day - that I belonged to Patrol Squad under S.D.I. I would like to know whether or what S.D.I. would say in this matter.

20

Q. Eventually did you agree to do this or did you not agree to do it?

A. Eventually I agreed to do this.

Q. And how did you set about it?

A. I made some arrangements involving several people.

Q. Who were they?

A. To my recollection, one was Pak Chai.

Q. May he see the photograph of P.W.22? Is that him?

A. That's him.

30 Q. And what's his real name?

A. At that time I didn't know him, his name, at all, but later on I came to know that his surname is CHUNG.

Q. And who else did you get ...

COURT: Yes, Mr. Necholas?

MR. NECHOLAS: I wonder whether the witness said, "From the newspapers I saw his name"?

INTERPRETER: "From the newspaper," yes.

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continued

MR. NECHOLAS: Thank you.

Q. And what other people helped you?

A. And another person who was then a policeman,
police constable 9797.

Q. And what was his name?

A. FUNG Hoi-kuen.

MR. OGDEN: May he see the photograph of P.W.23?
I'm told it is number 4.

A. That's him.

Q. Yes, who else?

A. And another one by the name of Ah Hang.

10

MR. OGDEN: May he see the photograph of P.W.24?

A. That's him.

Q. Anyone else?

A. Another one by the name of Ho Wah who was
directly assisting me by liaising with them.

Q. Anyone else?

A. Those directly under me are the lot.

MR. OGDEN: Merely for the purposes of your Honour's
note, Ah Hang is in fact HANG Siu-ting.

20

COURT: Yes, the 28th witness in order of call. 28 as
he was called.

MR. OGDEN: Yes.

COURT: Just for the record, I think, as well, the other
person who was mentioned, FUNG Hoi-kuen, was
the 27th witness in order of call.

MR. OGDEN: Yes, indeed, that is right. Would your
Honour just give me a moment's grace? I want to
just look something up. CHUNG Tak-ming did not
in fact give evidence. I can't now remember why.

30

COURT: Yes, that is correct.

Q. Without going into it in detail, what were these
people doing for you?

A. I posted them separately with Ah Hang responsible
for collecting from Sai Yeung Choi St., that part of
Shantung St. and Soy St. between Sai Yeung Choi St.
and Nathan Rd.

Q. Were the others that you have mentioned also collecting for you in different areas?

A. Except one.

Q. Who was that?

A. Or Wah, who didn't collect.

Q. I think you have said he acted as your personal assistant.

A. Yes, indeed.

10 Q. And how much money a week did these people pay over to you on average?

A. It's very hard to decide how much, but my estimate would be from five thousand to eight thousand or even nine thousand.

Q. And what did you do with the money?

A. Having received such money, I would pay LO Wing-pong twelve hundred or thirteen hundred per week. I can't remember exactly which amount.

Q. Who else did you pay?

20 A. Once I paid D.S. KONG Fung-chuk courtesy money or first meeting money.

Q. While you were collecting this Nuisance Squad money who else did you pay?

MR. WINTER: Your Honour, I wonder if I could just interject there. Surely the witness should be asked if he paid anyone and, if so, how much?

COURT: He has been talking on the lines of paying LO. He's been asked who else he paid and he said he also paid KONG Fung-chuk.

30 MR. WINTER: Yes, but the question assumed that he did pay other people.

COURT: Yes, I appreciate that.

MR. WINTER: He may well have kept a bit of the money, for all we know.

MR. OGDEN: I am quite happy to rephrase it.

Q. Did you pay any money to anyone else and, if so, to whom?

A. I paid Or Wah five hundred per week.

Q. Anyone else?

A. No one else.

Q. Did there come a time when LO Wing-pong was transferred from Mongkok?

A. To my recollection, he left Mongkok towards the end of 1973.

Q. So far as this Nuisance Squad corrupt money was concerned, did anyone take his place?

A. I have to treat the matter separately. The first part of it was that after he left the C.S.I. post was filled by KAM Kwok-chu.

10

Q. Go on.

A. The second part of it I would like to say is that after the first week, payment of one thousand two hundred or three hundred dollars paid to LO Wing-pong, the amount paid to him was increased to fifteen hundred dollars for two to three weeks.

Q. Go on.

A. That is why while KAM Kwok-chu was in the office there I continued to pay LO Wing-pong. Four or five weeks after that, to my recollection KAM Kwok-chu was transferred to P.T.U.

20

Q. Yes?

A. Several weeks after his transfer, KAM's transfer, his post was filled by WONG Kam-tai.

Q. And you see him here, do you?

A. Yes, I do.

Q. Did you discuss anything with him?

A. No.

Q. After this time did you pay any money to anyone?

A. While WONG Kam-tai was in the office there I continued to pay LO Wing-pong until March or April 1974 ...

30

Q. Was this after he had left Mongkok ...

(Miss Tam interrupts)

INTERPRETER: ... until March or April 1974, when I ceased to pay him any more.

Q. Were these payments being paid to LO Wing-
pong after he had left Mongkok?

A. Yes.

Q. After you stopped paying LO Wing-pong did
you pay anyone else?

A. By April I had already stopped getting any more
money. I could no longer collect any more
money. I wish to add that by April or May
the amount I collected was too negligible for
me to pay anything to LO Wing-pong.

10

Q. What did you do about the Nuisance Squad
corrupt money account?

A. The amount collected was only limited to two
or three thousand dollars each time, so I
spent it myself.

Q. Did you ever hand over this account to anyone
else?

A. There's no question of taking care of this
account.

20

Q. Well, did you hand it over to anyone else ever?

A. I stopped having anything to do with this
account when it was May or June 1974. I was
transferred to indoor duty in the station.

Q. Yes. I would be grateful if you would answer
my question. Did you ever hand over the
account to anyone else?

A. No.

Q. During this time did you ever go on vacation
leave?

30

A. Yes.

Q. Did anyone look after the account for you when
you were on leave?

A. This account has always been taken care of by
Or Wah, so I hardly needed any one else to take
care of it.

Q. So I understand you to say that no one took care
of it for you while you were on vacation leave
except that man?

A. Right.

40

Q. Now look at this document please. Would you
look at the very end.

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Exhibit P1
Transcript of
Accused's evidence
continued

A. Is that this one?

Q. Is that your signature at the bottom of that page?

A. Yes.

Q. May I have the document back?

MR. OGDEN: Your Honour, I have just shown the witness the page numbered 7.

Q. Would you now look at the bottom of every other page and tell me whether that is your signature?

A. I remember reading this document last night.

COURT: Try and answer the question you're asked.

A. That's right.

Q. Is that a statement taken on two different dates by the ICAC?

A. No recollection.

Q. Perhaps you would look at the end page. Just above your signature does it say, "At 1600 hours, 20th June 1977"?

A. Yes.

Q. May I have it back please? Would you look at the bottom of page 6. Just above your signature does that say, "1730 hours, 15.4.77"?

A. Yes.

Q. And those were two statements which you signed?

A. Yes.

MR. OGDEN: Your Honour, I now put before your Honour a translation. Your Honour, in order to take it in your Honour has to translate some of the numbers that are given, police numbers, into the identities of various defendants, and it may be that I can help your Honour as we go through in doing that. Copies are just coming for my learned friends. If your Honour will be good enough to tell me when you have read as far as the beginning of paragraph 4, I think at that stage I can help you.

(Court reads through document)

COURT: Yes.

10

20

30

MR. OGDEN: The third line of paragraph 4 is of course D.29, as we knew already, and he is also the person called Tai Tau So. The third line up from the end of that paragraph. I think I can next help when you get to paragraph 9.

COURT: Yes.

MR. OGDEN: Line 5, "5675" is D.27, and if you then go on four lines, "4324" is D.12. May
10 I ask how far your Honour has got at the moment?

COURT: Paragraph 11.

MR. OGDEN: Has your Honour got to 17 by now?

COURT: Yes.

MR. OGDEN: Of course line 5 is D.12 again, WONG Yiu-kuen, and line 2 of paragraph 18 is D.6., and line 3 of paragraph 19 is D.30. Three lines from the bottom of that paragraph "4393" is D.24.

MR. OGDEN: Can your Honour get to paragraph 25?

COURT: Yes, I've just reached that paragraph.

MR. OGDEN: Your Honour, the first line "4393" is
20 24. "7548" is 32, that is the second line. And three lines from the bottom of that paragraph is D.30.

COURT: Paragraph 29 you are talking about?

MR. OGDEN: Yes. "888" is D13. "926" is D14. "1727" is D17. "1765" is D18. "2252" is D19. "2760" is D21. "4298" is D23. "7345" is D30. And then at the end of the same line, "4669" is D26.

COURT: Thank you. It wasn't another statement that
30 you refer to?

MR. OGDEN: No, your Honour. It's in fact a statement in two parts in this sense. If you look at paragraph 24, you will find at the end of that the time and date specified.

COURT: Oh yes, I see it.

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MR. OGDEN: And then it merely carries on to para-
graph 25 that at the end you find a different time
and date. Your Honour, I apply to treat the
witness as hostile.

COURT: Anything you wish to say?

MISS TAM: Your Honour, the defence is objecting
to this application on the ground that the defence
does not agree that the witness is undesirous of
telling the truth, although the defence would not
challenge that your Honour has the discretion to
decide on that matter.

10

MR. NECHOLAS: Your Honour, it is our submission
that the witness is not hostile. He has shown no
animus to the Crown at all. Apart from reading
that statement which your Honour has just read,
your Honour couldn't tell that this witness has told
you anything but the truth. He has in fact answered,
and to the point. Questions had been put to him,
including what your Honour may consider a very
remarkable memory for time, date and places.

20

Your Honour, the paragraph which your Honour is
now more familiar than before, if I may put it that
way, 521 of Archbold, says really this that:

"A party producing a witness shall not be
allowed to impeach his credit by general
evidence of bad character; but he may, in
case the witness shall, in the opinion of
the judge, prove adverse, contradict him
by other evidence, ..."

So there is this part. The Crown may call other
evidence to contradict this witness -

30

"or, by leave of the judge," -

this is really another part altogether -

"prove that he has made at other times a
statement inconsistent with his present
testimony; ..." -

which, your Honour, I say, the Crown has already
done so. The Crown has asked the witness, "Have
you made this statement? Is this your signature?"
The witness said, "Yes, this is my signature."

40

10 What else is the Crown looking for here? If this is what they want, they have already got it. Your Honour, so proving that the witness has made a statement elsewhere at a different time inconsistent with his present testimony is one thing; the Crown is now asking you for another step - to treat this man as hostile and then to cross-examine him with this statement. Your Honour, this is where your Honour's discretion comes in, and your Honour's discretion is whether in the opinion of your Honour, this witness is hostile.

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continued

20 Your Honour, the process is not unfathomable for us to learn how a witness goes to make a statement. A man starts off as a suspect, he starts off in the particular section, that when he was arrested or asked to testify as a suspect, allegations were put to him. He is told, "In fact others have already said this, that and the other about you." He is then told, "And we know your dealings in this matter because you did this, that and the other." So it starts on the process. A great amount of cross-fertilization then takes place. Your Honour, the last paragraph is most indicative of that - "I was then shown a name list." Like a sort of a shooting gallery in a -- a ducks gallery in an amusement part - "Let's take a shot at this following that goes by." There is a cross-fertilization there; and then your Honour is told he has made a statement. Your Honour, with great respect, although it does not say so here, 30 the Crown may "by leave of the judge, prove that he has made at other times a statement inconsistent with", your Honour, I would say, "prove at another time that he has made a voluntary statement inconsistent with his present testimony." Your Honour, this statement, although taken over two sessions, really is a composite of many small bits and pieces. His very first admission might be no more than, "I admit that my name is TSANG Ping-nam"; the next one, "I admit that I was a Sergeant in 1976 (or 40 '72, or '74)." And then when you put all these together, throw away the other bits, you have the statement. So it would, in my submission, be incumbent upon the Crown to prove that without coaxing, coercing, etc., the Crown has obtained a voluntary statement, a truthful statement, from a witness; and then shown that he had not been in fact telling the truth in court.

Your Honour would recall my learned friend started

asking Mr. Tsang this, "Have you got the immunity? You know that it carries with it the obligations of telling the court true and full facts?" The witness was reminded of that and he started this testimony. It is really a case of you can treat it either as failing to come up to prove, or we may be hearing the truth for the first time. Your Honour, this is where in the appeal just last week learned counsel Mr. Hidden had this to say, although the decision has yet been reserved. He said this, "Is this a case where a man continued to ingratiate those who give him the immunity by simply repeating what he has repeated once earlier?"

10

COURT: In what connection did Mr. Hidden make that observation?

MR. NECHOLAS: In the question of immunity, your Honour, and whether immunity has in fact made a man more likely to tell the truth or otherwise. He says, "Really is this: a man has given a version of anything, and then in court he sticks to that version?" Or is this really -- is it that situation or is it a situation where in court your Honour may be hearing, or any court may be hearing, the truth for the first time.

20

At the end of day it is really very much in your Honour's discretion to, first of all, rule whether this witness is hostile. And I would ask your Honour to make this decision not merely because someone has made elsewhere a different version to what he has said in court. Very often a man can say the truth in one place and a different version in another place. So it acts both ways - truth outside, dishonesty inside, and vice versa. Your Honour, for that reason, I oppose.

30

COURT: Mr. Winter?

MR. WINTER: Your Honour, the evidence of this witness does not affect either of my clients and in the circumstances I am happy to leave the matter entirely to the court.

COURT: There has been of course a reference, although only a passing reference.

40

MR. WINTER: My note of the evidence was, your Honour, that the witness said that after he had been discussing

the matter for some time with the other, with LO Wing-pong, at a later stage, Mr. Pelly arrived. It was only an answer to a question. I think it was a fairly innocuous question, simply: was anybody else present when he said at a later stage?

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Exhibit P1

Transcript of
Accused's evidence
continued

10 MR. OGDEN: Your Honour, we've travelled this ground unfortunately before. I am afraid I don't quite follow with reference to immunities. It may be a matter for your Honour to consider as to weight. It may be that the witness has lost the protection of his immunity. But those are all matters that your Honour can take into account in due course. I have never understood it to be the practice that it is necessary for the Crown to prove that the statement one has put to the witness was obtained voluntarily. The manner in which it is put very succinctly in Archbold is that which I have followed. I have always understood that to be the usual procedure and one which I have followed previously in this case.

20
30
40 What this witness has done is to give evidence, which is broadly along the lines of his statement, until it came to the moment at which he made reference to any of these defendants. At that moment, he went wholly contrary to the dozen or so defendants whom he implicated. And having implicated about a dozen of them specifically - he having said that he paid corrupt money to some and received it from others, but when he was on leave, a defendant took over management of the account from him, that he discussed with another defendant the taking over of the account, and how other defendants eventually took over the account from him, he has now gone back on the whole of that evidence. When I say "evidence", it's not a correct word, of course. He has gone back on what he said in his statement, that being a statement which he, a sergeant of police, signed on every page. And in my respectful submission, we have gone quite far enough for this witness to be treated as hostile and I repeat my application.

MR. NECHOLAS: Your Honour, just very briefly, the immunity that I mentioned is really a case of your Honour may take that into account of what the witness has said in the box.

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Exhibit P1
Transcript of
Accused's evidence
continued

COURT: I think what Mr. Hidden, the point he was possibly making in that case was the fact that having an immunity might tempt the person to live up to that for which he was given the immunity when it wasn't necessarily so. That is really the point.

MR. NECHOLAS: Yes.

COURT: Nothing to do with the issue before this court.

MR. NECHOLAS: No, your Honour, that is so, your Honour. I mentioned it in the sense that the witness was reminded before he actually started giving his evidence. My learned friend has mentioned that. Your Honour, with regard to the statement being voluntary, your Honour, although Archbold did not use that word, I would say on reading it, it must be implicit that the Crown must prove that a witness has given a voluntary statement elsewhere and now his testimony is inconsistent with that. Your Honour, the reasoning is, in my submission, very simple. The Crown cannot by hook or by crook, by phones, or whatever, simply get someone, force a statement out of him, implicating another person, bring him to court, knowing very well that this person, when he has the full protection of the judicial process and the court, may speak the truth; immediately the statement is handed in to brand another person. Of course, that is not treated as evidence, but nevertheless another person may be branded by such accusation in a statement. 10 20

COURT: I don't see how a person could be branded by accusation in a statement as I would of course totally ignore it for prejudicial purpose. 30

MR. NECHOLAS: Your Honour, so, in my submission, it would really be a case of if they say a witness was telling the truth elsewhere, let them prove they have made a voluntary statement elsewhere. This is my submission.

COURT: I may be mistaken, but that does not really matter. If the Crown were to force the statement out of a person and then that person comes into court and gives his evidence and doesn't say, or says something contrary to that which appears in the false statement, would it be very foolish of the Crown? Because the witness's evidence has no effect of any kind whatsoever once he is treated as 40

hostile. I am aware of a decision in Hong Kong that says it shouldn't be totally ignored, but in effect, it is.

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MR. NECHOLAS: That is so, your Honour.

Exhibit P1

COURT: I mean where would it lead the Crown on that analogy?

Transcript of
Accused's evidence

continued

10 MR. NECHOLAS: But nevertheless, it is still my submission really that in Hong Kong our situation is perhaps a bit unique in the sense that all the old authorities are going back to Godber and elsewhere. Those were the cases where people really - or most of the time there were people making complaints about a certain person and then later on they more or less retracted their complaint, rather, at our present day situations here, we start off with those witnesses who are not witnesses in the true sense as we normally know it, being a complainant or a witness to an incident, but really they were themselves accused persons or suspect persons. There-
20 fore, it lies the distinction of the court ought to be satisfied that those statements were somehow voluntary and bearing some substance of truth.

COURT: Well, I have heard the evidence, so far, of the witness and I have had shown to me statements made by him on two occasions which are inconsistent with that which he has said in the witness-box in the particulars as to the persons involved, that is the persons he had referred to in his statement. It is in my view previously inconsistent statement
30 and the Crown is entitled to cross-examine out of it. As I said a moment ago, the effect of the evidence of the witness is negligible, to put it at its highest. I receive the application.

XXN. BY MR. OGDEN:

Q. You signed those two statements as being truthful statements, did you not?

A. When I signed, I was aware that parts of the statement were incorrect.

40 Q. You have been a police officer for twenty years, have you not?

A. Yes.

- Q. You know the importance of a statement of this kind, do you not?
- A. Yes.
- Q. You know the importance of it being accurate in every respect, do you not?
- A. Right.
- Q. In this statement you accused a number of the defendants of crime, did you not?
- A. I didn't make this accusation.
- Q. In the statement which you signed, it says that a number of the defendants committed crimes. 10
- A. Under those circumstances I was compelled to do it.
- Q. Answer my question. You knew very well the statement you were signing accused a number of defendants of crime, did you not?
- A. Yes, I knew it.
- Q. Were those accusations true?
- A. Partly true and partly untrue.
- Q. You realize I am talking about the defendants, don't you? 20
- A. Right.
- Q. Which accusations made against which defendants were true?
- A. Those accusations led against LO Wing-pong and CHAN Yiu-tim are correct.
- Q. You know very well they are not defendants, do you not?
- A. I didn't know then.
- Q. When you made your statements, you made a number of accusations of crime against the defendants who are in this court now, did you not? 30
- A. Some accusations were not raised by me, but by ICAC people.
- Q. You knew the importance of signing a statement which was true in every respect, did you not?
- A. I know it.
- Q. Why did you sign the statement if it included incorrect accusations?

10 A. Because I was told that if I didn't co-operate, I
would be in much trouble. Besides, I wouldn't
get the letter of immunity. Besides, I would be
included in the list of defendants. There would
be charges against me in respect of my financial
assets. When I made the statements in April, I
was reminded of a statement I made on the day of
my arrest. I was reminded that a lot of the
things I said in the statement were not in my
favour and if I should refuse to co-operate, those
things would be raised again against me. During
the couple of days after my arrest, I was rather
nervous and I was very tired. I did not give much
thought to the matter about what might happen and
I signed the statements being very anxious to leave
I.C.A.C. office as soon as possible. I did ask to
be shown that statement to enable me to see which
part was true and which part was untrue, but that
request was refused; and I was told that should I
20 sign that statement which I was shown, the things
said in it would be consistent with the other state-
ment I made previously. I was also told that they
had available adequate evidence about me being
involved in the conspiracy; and besides, they had
evidence against me in respect of my financial
assets. And I was also told that should I refuse
to sign that statement, they would immediately
charge me with the offence of giving false informa-
tion to the I.C.A.C. I reiterated my request to
30 be shown the statement I had faithfully signed in
order to see which part was true and which part was
untrue, but that was never allowed. They had
already assured me that should I sign the statement,
I need not come back again and they would grant me
a letter of immunity. The reason why I should
sign that statement was in view of the circumstances
of my family and in view of my financial condition.
If I was to be charged with the offence of supplying
false information, I would be required to put up a
40 bail in the amount of ten thousand dollars.

Q. But that is exactly, according to you, what you did
do. You say you signed a statement which was
untrue.

COURT: But that is what you did do, you signed a state-
ment which is untrue.

A. Quite.

Q. So what you are saying is you signed a lying statement which you knew to contain lies, is that it?
A. I have so far signed a number of statements, I wonder which particular one you are referring to.

Q. The one you have in front of you now.
A. Right.

Q. So you knew you were committing a criminal offence when you signed that statement, is that correct?

A. I didn't know whether or not that was a commission of criminal offence because I was still not aware whether or not the first statement was a true one or not. 10

Q. You read that statement before you signed it, didn't you? You said so.

A. I have considered this point, that is, should I be accused of the conspirator, this must be in a conspiracy between myself and the I.C.A.C.

Q. Now answer my question.

A. May that question be repeated? 20

Q. It says in that statement that you read it before you signed it. That is true, is it not?

A. In actual fact, I had not gone through the whole statement.

Q. You knew it contained lies, is that it?

A. Right.

Q. You knew that it was a criminal offence to tell lies in a statement like that, did you not?

MR. NECHOLAS: Your Honour, ...

COURT: Yes. 30

MR. NECHOLAS: "A criminal offence to sign something which contains lies", your Honour. The criminal offence is telling of lies, not the signing of a document containing lies. When a witness says ...

COURT: Well, I don't follow you. He's giving false information.

MR. NECHOLAS: I am sorry. Giving of the false information is the criminal offence, merely signing a document containing false information may not be the criminal offence, your Honour - as the witness said, "I was coerced."

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Court of Hong Kong

No. 4

Exhibit P1

Transcript of
Accused's evidence
continued

10 COURT: He has already said that if he didn't sign the other statement, he would be charged with giving false information and he would be required to put up a ten-thousand-dollar bail. It is a perfectly proper question.

Q. You knew that it was a criminal offence, didn't you?

A. Yes, I knew it, but so should I.C.A.C.

Q. You knew that the statement contained numerous accusations of crime against the defendants now in this room, did you not?

A. I did not know whether they were listed as defendants. All I could see was a series of numbers.

20 Q. You knew who the numbers were, didn't you?

A. Although I knew who these numbers belonged to, I.C.A.C. should also know how these numbers were obtained.

Q. Mr. Tsang, I really don't want to waste a lot of time on you, but I would be much shorter if you would be good enough to answer my questions. You knew, did you not, that this statement contained a number of allegations against a number of police officers, did you not?

30 A. I did.

Q. And those were allegations of criminal offences, you knew that, did you not?

A. But I must explain that I was not told that they were being accused.

Q. I didn't ask you that question. You knew that they were allegations of criminal offences, did you not?

A. I think I have already been heard twice that I knew these accusations.

40 COURT: Would you answer the question you were asked. Yes, Mr. Ogden?

Q. Try again. You knew the allegations were allegations of criminal offences, did you not?

A. Yes.

Q. Do I understand that this is the position? You were prepared to accuse other police officers of criminal offences in the hope of getting a letter of indemnity and escaping prosecution.

A. This is one of the reasons.

Q. And the other?

A. I was given to understand that these accusations were against LO Wing-pong, KU Ming and myself as well, but if I were to co-operate, I should not be charged. 10

Q. You knew the statement contained an allegation that SO Siu-kuen, that is Sergeant 6691, paid you corrupt money, did you not?

A. It was so written there.

Q. And you knew that?

A. I didn't know that there was such a thing, but I knew this was written that way.

Q. Yes. When you signed the statement, you knew that that allegation was contained in the statement, did you not? 20

A. Yes.

Q. You knew that the statement contained an allegation that WONG Yiu-kuen asked if you would manage the Nuisance Squad account?

A. I have no recollection. May I be allowed to read through the statement again?

MR. OGDEN: Your Honour, for reasons which I needn't expatiate upon at this moment, I think, I want to take him through each one of these allegations. I hope to do it in a succinct and brief form, just as I dealt with the first one, but it's bound to take a little time. Would this be a convenient moment, since he says he wants to read through the statement again? 30

COURT: Yes, I think it probably would be.

MR. OGDEN: He would be provided with a copy. I prefer him not to have the original.

COURT: Yes, provide him with a copy, so that the original could be kept. I think I haven't actually seen the original, but I take it this is in Chinese characters.

MR. OGDEN: Yes.

COURT: May I just see it please? (Court shown). Yes, if there is a copy, that can be provided.

MR. OGDEN: Here it is, your Honour.

10 COURT: Very well, I will adjourn then to ten o'clock tomorrow morning to give you an opportunity, Mr. Tsang, of reading over that. I think it is in fact two statements.

MR. OGDEN: Yes, yes.

COURT: Very well, ten o'clock tomorrow morning then.

MR. NECHOLAS: Your Honour, this witness was about to mention something to you.

COURT: Yes?

A. Does it mean from now on I am not obliged to contact anyone or to see anyone?

20 COURT: In connection with what?

A. Supposing I.C.A.C. wants to see me again.

COURT: Nobody would see you. You will just be back here tomorrow morning. (To counsel). He was in the safe house last night?

MR. OGDEN: He was. He will not be tonight.

COURT: Yes. (To witness): There is no need to return to the I.C.A.C., return to where you wish, but you must be back here tomorrow at ten o'clock.

A. My clothing happened to be in the hotel.

30 COURT: Yes, that can be arranged for you. Very well, ten o'clock tomorrow morning.

4.35 p.m. Court adjourns.
19th June, 1978

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20th June, 1978

10.05 a.m. Court resumes.

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Exhibit P1
Transcript of
Accused's evidence
continued

All Accused present. Appearances as before.

P.W. 68 - TSANG Ping-nam - On former affirmation

XXN. BY MR. OGDEN (Continues) :

A. Before cross-examination continues, may I have another opportunity of reading the original statement of which I have a copy here?

COURT: Why is that Mr. Tsang?

A. This being a photostat copy I find something rather peculiar here so I have to check the original with this one. 10

COURT: May I see that please?

A. I don't want to be misunderstood - what I mean is the original must be in a much clearer form than the photostat copy.

COURT: On looking at both it would only seem that page 7 is the statement made at the later date, paragraph 28 is the one, only one which is not as clear as the others. 20

A. Another thing is I find there is a slight difference between signatures that appear on the original and the signatures on the photostat copies. The same applies to some of the dates.

MR. OGDEN: Your Honour, I think I may intervene to say this - perhaps it does not matter at all. I am now going to invite him, your Honour, to have the original while I cross-examine him.

A. I wish to draw your Honour's attention to a certain place, namely the statement began at 14.30 and ended at 17.30. The times noted here appear in a different handwriting as of the handwriting in other parts of the statement. A different pen was used. The handwriting or perhaps the pen used shows great similarity to that in the statement I made in June. 30

COURT: Yes, do you still want to see the original before you are cross-examined? You will have the original during the course of your cross-examination. 40

A. What I wish to do is to have this original before me and for me to point out the number of doubtful points to your Honour.

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COURT: It is not a matter for you to point out anything to me Mr. Tsang. The matter is for you to answer questions put to you by counsel. All I am asking you now is do you want to read the original of your statement prior to your cross-examination or not?

Exhibit P1

Transcript of
Accused's evidence
continued

10 A. Yes, I wish.

COURT: If the witness does wish to read through, I will allow him to do so in the witness box. I will adjourn for a short while for that purpose. I gather as you have already read the photostat it will not take long.

A. Fifteen minutes would be sufficient. All I need to do now is to point out several things I have some doubt in, in the original. I have no need to read the photostat copy at all.

20 COURT: We are not referring to the photostat copy at all. I am grateful if you will listen to what I am saying. The point is do you want to read through the original of the statement prior to your cross-examination?

A. No, I don't need.

COURT: Very good.

Q. Look at paragraph No. 7 - it reads as follows :-

30 "In the second week after I took over the Vice Squad Tai Tan Seung brought me to Tat Shing Hong to see Ku Ming with the view to introduce us to each other so that we can get into direct contact if there was trouble."

Is that statement true or false?

A. It is partly true and partly untrue.

MISS TAM: Your Honour, I am sorry to interpose. Mr. Ogden has read out half of paragraph 7 - I don't know how good is Mr. TSANG's English. He may not know whether it is the whole paragraph that he is questioned on.

COURT: I presume the interpreter read out the portion Mr. Ogden has read through.

INTERPRETER: I haven't got the copy.

COURT: That portion that has been read out, please read to the witness.

MR. OGDEN: Starts off with "in the second week" down to the first full stop. The question is, is that true or false.

A. It is utterly untrue - this sentence.

Q. When you said it was partly true and partly untrue, what were you then referring to?

A. I was referring to the whole of paragraph 7 when I said partly true and partly untrue. 10

Q. When you signed the statement you knew then that what was contained in that paragraph was partly untrue did you not?

A. Right.

Q. Look at paragraph 9 about one-third of the way down, there is a sentence which reads :

"At that time the Barracks Sergeant was
WONG Yu-Keung 4324"

A. Yes, I see it. 20

Q. The statement continues:

"He invited me to his office for a meeting.
I went to his office to see him. He asked
if I can rearrange management of Nuisance
accounts. I agreed with him."

Is that true or false?

A. False.

Q. When you signed that statement did you realise that it contained that falseness?

A. Yes. 30

Q. Look at paragraph 18. It reads as follows:

"In October 1973 LO Wing-pong was on
vacation leave and transferred away from
Mongkok. His place was succeeded by
WONG Kam-tai. Shortly after WONG came
I met him in Ngau Kung Restaurant, Boundary
Street to talk about Nuisance Squad account.
At that time WONG agreed to the weekly

payment of 1,500 as before. Payment was to be changed to once a month \$6,000. - each time because he did not want to see me too often."

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Further down the same paragraph there is a sentence :

Exhibit P1
Transcript of
Accused's evidence
continued

"I gave him .. "

And that is WONG Kam-tai,

"\$3,000. - in cash"

10 A. Yes, I see it.

Q. Is that true or false?

A. It is false.

Q. When you signed that statement did you realise it contained those falsities?

A. Right.

Q. Look at the next paragraph No. 19 :

"In about April or May 1974 I was on vacation leave for one month. During the period I was on leave I handed over the management of the Nuisance Squad account to Sergeant 7345."

20

Is that true or false?

INTERPRETER: In my copy it is 7548, it is not 7345.

COURT: It is 7345 in this - may I see the original please - 7548 - 7345 is struck out. 7548 appears, it could be a '3', but I think it is '8'. It is also altered a little way along where the same 7345 appears to 7548.

MR. NECHOLAS: May I have a look at the Chinese copy?

30 COURT: Certainly.

MR. OGDEN: Has the original gone back to him? Taking the number as being 7548, is what is set out in the statement true or false?

A. It is false.

Q. When you signed the statement did you realise it contained that falsity?

A. Right.

MR. OGDEN: Your Honour, just for the purpose of the
note, 7548 is D.32.

COURT: Yes.

Q. The statement continues ..

MR. NECHOLAS: I am sorry, is my friend now conceding
that what is written in the statement is 7548?

MR. OGDEN: As I understand it, it has been looked at,
everyone has looked at it - what happened is the
number has been crossed out - I don't need to look
at it, his Honour has looked at it, you have looked
at it, you tell me it is 7548, I accept that you say.

10

MR. NECHOLAS: For the purpose of our English copy
what it should be?

COURT: 7548 - in so far as 7345 has been crossed out -
7548 in the two places.

MR. NECHOLAS: I would like to know so we have a
uniform copy - everyone will now amend to 7548.

MR. OGDEN: That paragraph continues about your return
from leave and taking over the accounts again. Is
that correct?

20

A. That is not correct.

Q. Do I take it then that when it continues :

"Then a sergeant 4393 nicknamed Tai Kwok
Hung told me that I was doing indoor duties
and should not handle the Nuisance Squad
account, and that I had to hand the account
over to him, so I washed my hands and let
him manage it"

That too is false?

A. It is false.

30

Q. And when you signed the statement did you realise
it contained that falsity?

A. Right.

Q. Turn to paragraph 25 - this is now the interview in
June :

"In paragraph 19 I mentioned that 4393 Tai

Kwok Hung came to my office and asked me to give up the Nuisance Squad account. Sergeant 7548 was also present"

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Is that also false?

A. That is false.

Q. Did you realise its falsity when you signed the statement?

A. I did.

Exhibit P1

Transcript of Accused's evidence

continued

10 MR. OGDEN: Your Honour may I invite the interpreter to be good enough to look at the original and see whether the number at the end of that paragraph, 7345, has also been altered to 7548.

INTERPRETER: The photostat copy does not show that your Honour.

COURT: Paragraph 25?

MR. OGDEN: Yes.

COURT: Would you just confirm?

INTERPRETER: It does not show - it remains 7345.

COURT: It remains 7345.

20 MR. OGDEN: The penultimate sentence in that paragraph reads as follows :

"Sergeant 7345 managed the accounts for me when I was on leave and all the rent collectors handed the squeeze to him direct."

Is that true or false?

A. It was false.

Q. Did you realise the statement contained that falsity when you signed it?

A. Yes, I did.

30 Q. Look at paragraph 29, second sentence onwards,

"After close examination .. "

I had better start from the beginning :

"On the 20th of June, 1977 WONG Kwong-leung showed me a name list of sergeant's numbers

at Hutchison House, 7th floor. After close examination I remember I had handed the squeeze personally to the following sergeants during the first six months when I was the Nuisance Squad caterer. By squeeze I mean the squeeze for the whole shift. I handed it to one of them and then he paid the others. They were Sergeants 888, 926, 1727, 1765, 2252, 2760, 4298, 7345"

- A. That part is false. 10
- Q. Did you realise its falsity when you signed the statement?
- A. I did.
- Q. It is apparent from what we have been through this morning and yesterday that your statement contained a number of things which you say to be false and which you realised before you signed the statement were false?
- A. Right.
- Q. And as I understood what you said yesterday you signed it so that you yourself would avoid prosecution and would be given immunity. 20
- A. Part of the reasons.
- Q. Let's have the others.
- A. Another reason is that should I refuse to sign it I won't be able to put up the bail of \$10,000. - when I was to be charged with the offence of supplying false information.
- Q. Any other reasons?
- A. That is all the reasons. 30
- Q. Of course you realise, did you not, that your immunity was given to you on condition that you gave full and true evidence?
- A. I realised it then.
- MR. OGDEN: I am sorry Mr. Interpreter - I want to be quite certain that I heard correctly your interpretation.
- INTERPRETER: I realised it at that time.
- Q. I realised it at that time.
- A. But I also realised that even if they having given me this immunity they still dared not prosecute me. 40

MISS TAM: I think there may be some misunderstanding - I heard the witness said - he did not say 'even if they had given me immunity' - what he said is, 'even if they have given me HUNG SO SZE - a charge sheet of some kind, he did not use the Chinese word 'immunity' at all.

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Exhibit P1

Transcript of
Accused's evidence

continued

INTERPRETER: HUNG SO SZE - they would not be bold enough to prosecute

Q. Why not?

10 A. Because in actual fact the numbers listed here were supplied by I.C.A.C. people.

Q. Why ..

A. And the question is how they could obtain these numbers.

Q. Why shouldn't they prosecute you for the offence of corruption in view of your signed statement?

A. Well the immunity requires me to tell the truth and here in this court I am telling the truth.

20 Q. So is this the position that you signed a statement containing a lot of lies on the basis you would then get the immunity and would then tell a different story in the witness box?

A. That is partly the case.

Q. Let's have the whole of it.

A. Part of the statement I made at I.C.A.C. was not taken down.

Q. And how did that effect the matter?

30 A. A lot of things dealing with the period starting from the time I was first transferred to Mongkok till the time I left concerned KU Ming and Lo Wing-pong were very much unfavourable to them.

Q. Anything else?

A. That is about all I want to say.

XXN. BY MISS TAM:

Q. Mr. Tsang, the copies of the Chinese statement before us, is it in your handwriting?

A. None of the statements is in my handwriting except my signatures.

- Q. Am I right to say that the statement had already been written out for your signature?
A. It is not the case either. I am saying this because this statement was written down in my presence.

- Q. I don't know what happened, Mr. Tsang, you see, so you will have to tell me. Is this statement based on any previous statement you have signed?

COURT: I am taking you are talking about the first statement rather than ..

MISS TAM: The first statement.

10

COURT: ..the April statement.

MISS TAM: The April statement.

- A. I don't understand which April statement you are referring to.

- Q. Is your April statement based on some previous statement that you have signed?

- A. I believe it could be the case because although I cannot be sure about it the first statement I gave I. C. A. C. I asked for it so that I could read it but my request was turned down.

20

- Q. Am I right to say that your first statement was written down in someone else's writing?

- A. Yes.

- Q. In any event you never saw it after you signed it?

- A. Right.

- Q. And is it right that in April you were told that unless you signed the April statement you may be prosecuted for giving false information to the I. C. A. C.

- A. Right.

30

- Q. Now you are aware that your April statement contained false information?

- A. Right.

- Q. Which was written down by the officer who had been writing this statement, the April statement, before you signed?

- A. This information was supplied by him to me and was only written down when I was present.

Q. Am I right to say that in your previous inter-
view the same thing happened?

A. There were many interviews - sometimes there
was conversation unrecorded.

Q. Since you don't remember what happened in the
previous interview, I am not interested in them
any more - so in your mind you thought that the
I.C.A.C. knew that the statements contained
falsities?

10 A. Right.

Q. And therefore they should not in any way make
use of this statement and say that you had
provided those falsities?

A. They should not do so.

Q. Likewise your other statement dated 15th April,
1977, the other part ..

COURT: Sorry?

MISS TAM: Sorry, 30th of June, 1977, page 7.

20 A. I believe both statements were written on the
same day either in April or in June.

Q. I see, you cannot remember which date but there
should not be two dates appearing, is that what
you mean?

A. I would infer it must have been written in April.

Q. Likewise the falsity therein contained was supplied
by the officer who wrote it?

INTERPRETER: I beg your pardon?

30 MISS TAM: Likewise that the falsities that we
have covered, namely paragraph 29, when you
can see the numbers of various sergeants, were
the falsities supplied by the I.C.A.C.

A. Right.

Q. And paragraph 25 concerning Sergeant 7345.

COURT: Was also supplied by I.C.A.C.?

A. Right.

Q. Can you tell me how those numbers came to appear
on your statement in paragraph 29 - what exactly do
you mean by 'supplied by I.C.A.C.'?

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Exhibit P1

Transcript of
Accused's evidence
continued

A. Judging upon the series of numbers I wish to go into the great details as to how these numbers were obtained.

Q. Please.

A. To start with before this statement was made I was asked by the I.C.A.C. people to give as much information as possible to them regarding the offence of corruption against LO Wing-pong and KU Ming.

Q. Yes?

A. In view of the fact firstly that we had been in co-operation in taking charge of the accounts I made these accusations against them so that I could obtain a letter of immunity. That is why I agreed to co-operate with I.C.A.C. towards that end, that is to make accusations against KU Ming and LO Wing-pong. Some time after that I was interviewed again by the I.C.A.C. and I was told by them that in order to prove the accusations against KU Ming and LO Wing-pong I have to same time prove that I was also corrupt, and I was also asked to supply the list of names of people who have conspired with me in getting the money to pay LO Wing-pong, so I supplied several names of people who have helped me collect monies. I have already mentioned his name in this court.

Q. Their names?

A. Their names. Aided by the information given by me as regards those names, those people were all arrested. After their arrests I was again interviewed by the I.C.A.C. They said, 'Very well this time we wish to enlarge our area of arrests, in the sense that we want to make more arrests.' They said, 'You must be clearer about those Police Stations which were involved in this case or such cases formerly.'

Q. Yes?

A. They said, 'Every case of corrupt syndicate must involve higher ranking officers, such as superintendents, S.D.I.'s and other inspectors. As for rank and file, station sergeants must also be involved.'

Q. He called ..

A. The name they use was 'major' in reference to station sergeants, and at the the same time as sergeants P.C.'s must also be involve.

Q. Yes?

A. I then told them that the Nuisance Squad account was so small that they were negligible. I have told them that the amount collected would not be sufficient for distribution to inspectors or superintendents.

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Q. Yes?

A. I said, 'I have only once given \$2,000 to D.S. Mongkok, KONG Fung-chuk.' I also said that apart from LO Wing-pong whom I paid I have never given money to any other officers below that rank. They told me that if I should refuse to co-operate and supply more information, my evidence might be considered to have no weight at all. They said all they could do then was to charge me for having collected the Nuisance Squad account. those witnesses I so far supplied to I.C.A.C. would give that evidence against me. Then I was asked during June or July when I was put on Nuisance Squad duties how many people had been working with me. I was asked to supply him with whatever names and numbers or numbers I could remember of those people who have worked on Nuisance Squad duties with me. They said I simply had to give them the numbers that I could remember of those I have, to my recollection, given money.

Transcript of
Accused's evidence
continued

COURT: Of those?

MISS TAN: The numbers of those ..

INTERPRETER: To my recollection I have given money.

MR. NECHOLAS: The way we heard but perhaps the witness could be re-asked, I heard, 'They said I simply have to give them the numbers that I could remember and treat as if, and say as if I have given them money' - that is the way I understand.

COURT: That is right - clarify that?

A. I was asked to supply them the numbers of those people who have been put on Nuisance Squad duty during the period from June or July till December and point out that those are people I have paid them and that would do. He was referring to the seven or eight Nuisance Squad ..

COURT: I don't think the witness means that he would point out, but that he was to say that he had paid these people.

INTERPRETER: Yes, to say.

COURT: Yes.

Q. And you were in fact given a list of numbers for you to point at? That's what it looks like in the statement.

A. I'm coming to that. I told the ICAC people that in Mongkok area there were over 30 sergeants. This was in 1973, but the statement was given in 1977, a lapse of four years already. I told them that I couldn't remember exactly which of those sergeants had been put on Nuisance Squad duties. Then they said that would be all right. I'll give you some help to pick out who they are. I remember after several days the ICAC people had a list consisting of several pages, several sheets. I can't remember how many sheets there were. I was told that there were several tens of numbers of sergeants. They said that they had already found out that during the period from June until December, 1973 those sergeants - there was a record of those sergeants making arrests of hawkers. I was also told that this record of hawkers arrests made by those sergeants was found in the report book that year. I read through the lists and I remembered the highest incidents of arrests made by one individual sergeant. It was about between 1,000 and 2,000 arrests during that period; and the lowest one was several tens of arrests of hawkers. I also remember one number there, it wasn't that of a sergeant, namely 5582 who was a constable. There were one or two other PC's whose names I can't remember. I told them that there were so many people who had a record of arrests I can't remember which of them have been on Nuisance Squad duty together with myself. I also pointed out that during those months duties of each individual personnel changed from time to time.

COURT: Is all this necessary, Miss TAM?

MISS TAM: I did try and divert his attention elsewhere.

Q. All right. So, the point is that they have shown you the MRB's, showing that certain officers had been on duty at that period on the Nuisance Squad and asked you to say that they were being paid by you from the Nuisance Squad account?

A. I was merely required to point to seven or eight.

Q. And they appreciate --

MR. OGDEN: Your Honour, perhaps before it goes on, my friend used the expression in her question, "shown the MRB books", I think was the expression she used. I don't know whether the interpreter translated that to the witness or not, and if he did, whether or not the witness agreed.

Q. Were you ever shown any report books?

10 COURT: MRB's, Miscellaneous Report Books. The point of Miss TAM's question was that you were shown Miscellaneous Report Books and out of that you were asked to pick certain numbers out of those Miscellaneous Report Books.

A. What I said was I was not shown such a book but I was told that they found those numbers from the MRB.

Q. Right. You were not given extracts from MRB's, just a simple list of service numbers; is that right?

20 A. Yes, I was shown a list of names and numbers.

Q. And finally, Mr. TSANG, you presumably have been interviewed several times, and each time there's a record of your interview?

COURT: He has already said that on certain times he was interviewed without a record. He has said this before.

Q. And there are incidents where you had interviews without records?

A. Right.

30 Q. Am I right to say that you have no recollection which part of the falsity goes into which particular record of interview?

A. Right.

Q. And am I right to say that this discussion about the list may or may not have happened before June the 20th of 1977?

A. Quite right.

40 MISS TAM: Your Honour, I have no further questions, but I have subpoenaed four people for the purpose of producing documents for my cross-examination of

Mr. TSANG the witness. Now, I don't wish to use them. I think I have to ask you to release those people. They're waiting out there with the original documents ..

Exhibit P1
Transcript of
Accused's evidence
continued

COURT: Yes, certainly. I mean, if they're not going to be used, and they're under subpoena, they're free to go as far as I'm concerned.

MISS TAM: In that case I will just inform them they can go.

COURT: Anything from you, Mr. NECHOLAS?

10

MR. NECHOLAS: Your Honour, I've just got two matters.

XXN BY MR. NECHOLAS:

Q. Mr. TSANG, you recall yesterday you said, in effect -- I would not look up the exact words that you mentioned. You said if there was a conspiracy it was a conspiracy between some ICAC officers and yourself. Do you remember saying that in evidence yesterday?

A. Right.

Q. What you have told us in the last 15 minutes or so, is that the substance of this conspiracy that you're talking about?

20

A. Right.

Q. Mr. TSANG, another matter I want to touch on, I think you told us sometime last Friday you were taken into some kind of protective custody; is that right?

COURT: No, he didn't - protective custody - it might be, I don't know, but that's putting it too far at this stage.

30

Q. You were asked to go somewhere. Don't tell me the address, but you were asked to go somewhere?

A. Yes.

Q. As far as you know your family was not told where you were going?

A. That was an instruction given by ICAC.

Q. Did you ask to go somewhere with them? Was it at your request?

A. It was at their request that I went.

Q. Were you told, Mr. TSANG, that you didn't have to if you didn't want to?

A. No. this was not said.

Q. What was your impression? Did you feel that you were obliged to go?

A. Such was my impression.

Q. You told us, I think, that the night before you in fact came to this court yesterday you read over your statement?

10 A. I was referring to one I had before.

Q. Mr. TSANG, apart from reading that statement did anybody talk to you during those - was it two or three days that you were in this secret place - about this case or the evidence that you're going to give about this case?

A. Yes.

Q. Without going into too great detail what was the gist of your conversation?

20 A. On that Friday afternoon after I had checked in the hotel a Chinese gentleman, personnel of the ICAC was holding a statement in English. It looked as if he were in the place of Queen's counsel there. He examined me in the same manner as I had been examined by counsel for the Crown.

Q. Like a dress rehearsal, would you put it like that?

A. You might put it that way.

Q. Was that about the gist of what took place?

A. Yes.

30 MR. NECHOLAS: Thank you, Mr. TSANG. I have no further questions.

COURT: Mr. WINTER, anything from you?

MR. WINTER: Your Honour, I don't know if this would be an appropriate time to --

COURT: Will you be long?

MR. WINTER: I think I'll be perhaps a quarter of an hour.

COURT: All right. We'll take a break at this stage for 15 minutes.

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11:26 a.m. Court adjourns.

11:48 a.m. Court resumes.

Exhibit P1

XXN BY MR. WINTER:

Transcript of
Accused's evidence
continued

Q. Witness, at the conclusion of your examination by my learned friend, Mr. OGDEN, you said that there were certain information you gave to ICAC that was unfavourable to KU Ming and LO Wing-pong and it was not recorded?

A. Right.

Q. As far as LO Wing-pong is concerned what information did you give them concerning him that was unfavourable? 10

A. Very briefly there was, after the transfer of LO Wing-pong away from Mongkok I continued to pay him. I also told ICAC about the period I was working in the office having indoor duties. During that time at least once a week I had to go out on Vice duty as a substitute for somebody else, sometimes even twice a week. Sometimes I was put on special duty with DI or SDI. Every time I went out on duty with them we visited the music parlour or gambling house. 20

Q. Apart from LO's involvement in the corruption that you've already told us about did you tell the ICAC anything else that was unfavourable to LO Wing-pong?

A. I must think it over. Most of the things I told them was in connection with the corrupt activities.

Q. What about with KU Ming?

A. With reference to KU Ming, what I told ICAC was that he, KU Ming, had taken advantage of and used names of the police force in collecting money. 30

Q. Now, you also gave evidence at one stage you had a conversation with LO at the Empress Hotel. Do you recall that?

A. Yes.

Q. You said after, I think your exact words were, "When we were having a discussion for sometime the SDI of Mongkok came."

A. I have something to add in that respect. When I was discussing the matter of taking charge of the accounts I asked LO Wing-pong as LO Wing-pong was posted 40

to headquarters and not directly in charge of us. While I was directly under SDI, ASDI, and OC sector.

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Exhibit P1

Transcript of
Accused's evidence

continued

COURT: I'm sorry. I want to clarify this. You have said, "I have something to add in this respect. When I was discussing the matter of taking charge of the accounts I asked LO Wing-pong." You said he was posted to headquarters and not directly in charge of us. You were directly under the SDI, ASDI, the OC sector. Who asked what?

10

A. I asked him what would happen if SDI or ASDI wouldn't agree with me in the collection of money even if he supported me because he was only posted to headquarters, Mongkok, and I might be in trouble without the support of those others.

Q. Mr. TSANG, was the arrival of Mr. PELLY at the Empress Hotel on that occasion unexpected?

20

A. When I was with LO Wing-pong in the hotel he told me that he had already made an appointment with Mr. PELLY to have tea together.

Q. But on the arrival of Mr. PELLY did you cease the discussion that you were having concerning corruption?

A. Right.

Q. And why was it necessary to discontinue that conversation because of his arrival?

A. Quite possibly LO Wing-pong had no idea whether or not Mr. PELLY would agree to this course.

MR. WINTER: I have no further questions.

30

MR. NECHOLAS: Your Honour, I don't know whether my friend intends to re-examine. Your Honour, there is a passage in --

COURT: There are two views on this.

MR. NECHOLAS: Indeed your Honour, and your Honour might take the view that I would urge your Honour to take in the sense that --

COURT: Perhaps we'll see if Mr. OGDEN wishes --

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MR. OGDEN: Yes I do, actually, because I want to know what the man's been saying in the last half hour, and I'm not quite clear about one or two things;

and if he says something that I think he does it will
be a question I will wish to put to him.

COURT: Yes, I'll hear your objections, Mr. NECHOLAS.

MR. NECHOLAS: Your Honour, this is at page 222 of the
fourth edition.

COURT: Read it out to me. I don't have it before me.

MR. NECHOLAS: Your Honour, I intend to read the very
last paragraph before the following section. This
is under Unfavourable and Hostile Witness, and
sub-paragraph Hostile Witness, at the very last
paragraph of that.

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COURT: Say it again, please?

MR. NECHOLAS: 222. Your Honour, although there
does not appear to be a reported case on the point,
it is believed that judges take different views on the
question whether a party who has obtained leave to
treat his witness as hostile has a right to re-
examine him. Your Honour, from this obviously
the question had been mooted if not argued through,
and it appeared that no decided case has fallen on
this copy. Your Honour, my submission is that a
party certainly is allowed to examine a witness,
and if there are points arising that no human
ingenuity could foresee, then of course, a party
has a right to re-examine on those points arising;
but your Honour, when a witness has been treated
as hostile then it takes a form of cross-examination
and therefore everything that needs to be canvassed
ought to be canvassed in the sense that the party
calling such witness is already apprised to the fact
that he is hostile to that same party, and therefore
nothing really ought to arise as such, and having
cross-examined a party which is not, then be
allowed to re-examine. Your Honour, it would
appear that although there are not decided cases it
would appear in some cases, some trial judges
feel that a party ought not be allowed.

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COURT: Yes. Well, there's two sides to the coin, Mr.
NECHOLAS, or two faces on one side. The side
that you're advocating one has to cross-examine
so that they don't have cross-examination upon
cross-examination.

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MR. NECHOLAS: That is so, your Honour.

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COURT: And two, that you of course can't rehabilitate a hostile witness. Those are the two real points.

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MR. NECHOLAS: Your Honour, as I said, the authorities do not assist me any further in this, and I have certainly nothing more to advance. Your Honour, I'm just hoping that your Honour might take one of those views, not knowing which one I make this submission.

Exhibit P1

Transcript of
Accused's evidence

continued

10 MR. OGDEN: I can reply to that quite simply. When I sat down there was no evidence given by this witness against one single voluntary defendant, save insofar as there was what your Honour describes as a passing mention of Mr. PELLY which... (illegible)

I say nothing about Mr. WINTER's questions relating to that. As I say, when I had finished this witness had given no evidence against any defendant. Now, my
20 friends chose to cross-examine him in order to elicit evidence from him to assist their cases; and, for example, Miss TAM went back prior to the time when these statements were made and they having chosen to ask him to give evidence about a number of matters quite apart from those which I had covered in my submission, I'm perfectly entitled, and I know of no authority which decided I can't, to cross-examine him about those
30 matters, not, I hasten to say, with a view to rehabilitating him, because I make no bones about it, the Crown's case is this man is a purgerer and a liar. Now, let me make it quite plain I'm not trying to rehabilitate him.

MISS TAM: Your Honour, as far as the previous statements are concerned I understand my learned friend probably had them in his file, and I think it was made available halfway through my cross-examination. Copies were made, etcetera, etcetera, and I thought it should have been canvassed in chief; or in this case, it should have
40 been canvassed during the first cross-examination of the witness. The function of that cross-examination was to cover all previous statements.

COURT: Yes.

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continued

MISS TAM: The function of that cross-examination by the Crown is to contradict the witness with all his previous statements.

COURT: Not all, not necessarily.

MISS TAM: Not necessarily, your Honour, but it should have been done then instead of making use of the re-examination to achieve what the Crown might have done in a re-examination of a witness who's not hostile, i.e. cancelling out any damage that may happen, that may have been caused by defence cross-examination, although I rather think that the weight one can attach to the evidence of this witness is probably very minimal one way or the other. I don't know, that is up to you, up to your Honour; but I think definitely the previous statement should have been canvassed in the first cross-examination.

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MR. OGDEN: Well, in answer to Miss TAM I merely say this, your Honour. As far as one is concerned, when one is doing this operation all one is seeking to do is either to persuade the witness to come back to what prosecution has in its statement in its possession, as indeed one earlier witness in this case did, in which case the evidence then stands as evidence. That is one purpose of doing it. The other purpose, on the other hand, is to cross-examine him and to rid him, if I may use the expression wholly neutral and not to be relied on by either side. I don't understand that I'm under any duty to anticipate if one of my opponents chooses, I having done what I thought was needed in both those respects, if then the matter is enlarged all I seek to do is to do something which I can assure you would be fairly short in respect of one aspect of his evidence arising from those cross-examinations by my friends.

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MISS TAM: Your Honour, if this were not a hostile witness then I can understand my friends right to come back a second time in re-examination to remedy any damage on points or to deal with any points raised in the cross-examination if indeed it caused any damage. Firstly, I don't think my cross-examination caused any damage to the Crown's case because this is a hostile witness; and secondly, the nature of a second cross-examination, if there is such vested, unchallenged right - doubts had already been raised on that - must not be in the nature of a re-examination in the sense that the

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Crown use it to make the witness come back to its original track, so to speak. So, one way or the other I don't see that firstly, any damage had been done to a hostile witness's evidence, and secondly, there is any automatic right of a second cross-examination used in the function of re-examination.

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continued

COURT: I accept there's no automatic right. There are two schools of thought on the matter. I think we accept it's not in reality a re-examination, but a re-cross-examination. There is, of course, no question of rehabilitation. There have been matters raised in the course of the cross-examination by the defence, and as I understand it the Crown wishes to clarify certain matters that have been referred to, and I think in the light of the form of the questions put to this witness and the answers he's given, particularly the very long narrative answers which he gave at one point the Crown should be entitled to clarify.

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FURTHER CROSS BY MR. OGDEN:

Q. Listen carefully. Do I understand your story to be this: When you made those statements before you all the matters which this morning you said were false were suggested to you by ICAC officers at that time?

A. They were partly thought up by myself.

Q. But they were all either thought up by you or suggested to you by the ICAC at that time; is that correct?

30

A. Right.

Q. On the day you were arrested you made two written statements; did you not?

A. I made statements, but I can't remember how many.

Q. On the day you were arrested you made at least one statement; did you not?

A. Right.

Q. That was not a witness statement, it was under caution; was it not?

40

A. But before that statement was made there was a rather long discussion and certain offers which were favourable to me.

Q. Before I forget, let me suggest that's a complete lie. It is, isn't it?

MR. NECHOLAS: Sorry, we haven't got the last answer.

COURT: I stopped the witness, but the last answer was "Before that was made there was a rather long discussion and certain offers were made to me." That is the answer. I stopped the witness at that point.

MR. NECHOLAS: Your Honour, perhaps my learned friend could intimate to us when was the witness arrested? There was no date ever mentioned.

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MR. OGDEN: Certainly. I'm suggesting that he was arrested on the 1st of February of 1977.

A. Yes.

Q. And that you made one statement in fact. I see I've put something inaccurately. You made a statement on the 1st of February, a statement on the 2nd of February, and a statement on the 4th of February?

A. I have no clear recollection.

Q. That was long before those statements there were taken; that's right, is it not?

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A. Must think.

Q. Well, now, look at them and tell us if these are the statements?

COURT: These are the February statements?

MR. OGDEN: They are, your Honour.

A. Am I to read through each?

Q. Just see if they are signed by you?

A. Yes, they are.

Q. All of them?

A. Yes.

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MR. NECHOLAS: Your Honour, I find it somewhat strange. These must have been statements in the possession of the Crown at the moment when they took a certain course with regard to this witness. Then your Honour has given leave to cross-examine the witness on the statements in which it was actually put to him, and the witness identified his signature thereon. The witness persisted in the line that he

took ultimately. It is my respectful submission at the conclusion of that portion the Crown ought to say, "Now, take a look at these. Do you see your signature there?" Your Honour, we often say in a prosecution all that one side possesses ought to be brought to the attention of the court and not in the sense "I am putting so much forward depending on your answers I may not come back to anything further. If you are still unfavourable I would come back on this with more statements." Your Honour, I simply say this, in the sense that the defence may not wish to canvass on these later statements.

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COURT: Well, they have. That's the point.

MR. NECHOLAS: Your Honour, Miss TAM's question, as I understand it was, "You had made other statements which are consistent or in some ways touch upon other statements" and in fact the witness in cross-examination did say so. "I have attended other interviews when no record was made" etcetera, but it is my submission that all this really ought to be put to the court in the sense of in the cross-examination-in-chief, if I may put it that way, so that we all know where we are and not by segments or installments basis.

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MISS TAM: Your Honour, my cross-examination was not to find out the contents of the previous statements, but rather dealing with the point when the witness said that, "They told me because I had supplied false information previously I had put up \$10,000 bail" and my only point was that, "Well, was it because you had given previous statements?" The witness, having said, "I can't remember the contents, I can't remember which was recorded and which wasn't" I had clearly stated, "I'm not interested in your previous statements." The only point I had dealt with in cross-examination is in fact the basis of his belief that he may be charged with giving false information. I don't think I could have made it clearer. I specifically said, "I'm not interested in your previous statements."

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COURT: I'm aware of that.

MR. OGDEN: Yes, Miss TAM did at one stage. Your Honour, as I said earlier at the end when I sat down this man had given no evidence against any of the

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continued

defendants at all. If my friends have chosen to sit tight in their seats, if I may use a colloquialism, so be it. I would not be on my feet now. It was because as a result of Miss TAM's cross-examination that I thought I understood the witness to be saying, and he has now confirmed in his recent answers to me, that he was alleging that the time that those statements that were at first put before him, that the falsities which I took him through, or so he alleged them to be, were all of that time put into his mouth by ICAC personnel. That I merely seek to demonstrate, and abundantly demonstrate that that is quite clearly a lie because when one looks at these statements one sees a great many of the allegations appearing in them. Thereby proving virtually under the witness's own signature that fact that he'd lied. I didn't trouble to do any of this earlier because as far as I was concerned he was a useless witness. He was finished. He had advanced the Crown's case in no material particular at all, he's a nothing person. As I say, my friends chose to open it up. If they hadn't done so I wouldn't be on my feet now.

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COURT: But where is it going to lead? I accept he's a self-confessed liar.

MR. OGDEN: Your Honour, it goes to this extent; my friends are seeking to rely upon some of his testimony for other purposes. That was the sole purpose of their cross-examination. He'd given no evidence against them. They were asking him questions upon which basis they're doubtless hoping to address your Honour in due course when it comes to their defendants' cases, because I'm sure if I may say so, without defence they're not so silly to be standing on their feet for no purpose whatsoever. This witness had done them no harm. Again, I accept this passing reference to Mr. PELLY. I quite accept Mr. WINTER was perfectly entitled to get up and so to speak clear that out of the way, and I made it plain I hope that I'm ignoring that for current purposes, but my friends chose to cross-examine for their own purposes, presumably hoping to get your Honour to rely on some of his answers. It is for that purpose that I want, if he's not already discredited in your Honour's eyes, but it seems to me I ought at the very least, he having now made plain that my understanding of what he said to Miss TAM is correct, that it can be demonstrated to be a lie. That's all.

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COURT: Perhaps I could short-circuit this by saying he's a self-confessed liar and a self-confessed corrupt policeman who holds no credit in my eyes whatsoever.

10 MR. OGDEN: Your Honour, having said that plainly I need not pursue the matter any further at all. Your Honour, the only other thing that I should perhaps say before the witness goes is that of course from now on any arrangements made for him not to report to the police are so far as the ICAC are concerned cancelled, and therefore if he was instructed previously by the police to report to them he should now forthwith continue doing so. There is no embargo or agreement that he should not do so as from this moment. Your Honour, I hope I've made that plain and that it is the proper thing to say.

COURT: In other words, he'd go back to status quo as indeed Friday?

20 MR. OGDEN: Yes.

COURT: Do you understand?

A. Yes.

30 COURT: Mr. OGDEN, I think I intend to take the course that I've taken in an earlier stage in this case in relation to another member of the Royal Hong Kong Police Force who signed the statement knowing it at the time to be a false statement; and I think that the transcript of this witness's evidence should be forwarded to the Commissioner of Police for his information. This witness is, as I understand it, a serving member of the Royal Hong Kong Police Force?

MR. OGDEN: Your Honour, upon receipt of the transcript therefore I will arrange for it to be sent to the Commissioner of Police. If your Honour would be good enough to direct the witness to leave the witness box I'll call my next witness.

COURT: Yes, you're allowed to go.

A. Before I leave may I say something to his Honour?

40 COURT: What do you wish to say?

A. It's about that statement.

In the District
Court of Hong Kong
—
No. 4

Exhibit P1
Transcript of
Accused's evidence
continued

COURT: What statement?

A. The statement dated - the April statement. I'm not going to discuss the contents of the statement.

MR. OGDEN: Your Honour, may I intervene? If the witness says something we may all be obliged to ask questions about what he says, and I would invite your Honour not to hear what he now chooses to say, subject, of course, to anything my friends may wish to say; but it seems to me we are really re-opening something to no value in view of your Honour's expressed view.

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COURT: Just a moment. No, I don't think I shall hear you further, Mr. TSANG. Would you silence the witness, please?

A. This has nothing to do with the contents.

Exhibit P2
Certified trans-
lation of questions
and answers

(TRANSLATION)

EXHIBIT P2

Q. I intend to ask you some questions. You are not obliged to say anything unless you wish to do so but whatever you say will be taken down in writing and may be given as evidence.

20

A. I understand.

Q. What is your name?

A. TSANG Ping-nam.

Q. Do you have any nickname, or are you known by any other name?

A. 'Tung Kwan'.

Q. What is your occupation?

A. Police sergeant.

Q. What is your rank?

A. U.B. sergeant.

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Q. When did you join the police service?

A. 31/3/1958.

Q. Where are you now stationed and what are your duties?

A. A.I.S./Kowloon. I am responsible for supervising the P.Cs investigating traffic accidents.

Q. What other posts have you held, with dates?
A. At Lok Ma Chau in 1958, then V.P.P., Tsuen
Wan, Lau Fau Shan, Wong Tai Sin, Kowloon
Traffic, Mongkok, Kowloon Traffic.

Q. What is your home address?
A. Wong Tai Sin Police Quarters, C-20, 3/F.

Q. What family do you have?
A. Mother, wife, three daughters, a son.

10 Q. Do you have any other address?
A. Flat B, ⁷6/F, Yan Chui Yuen, On Ning Road, Yuen
Long. (initialled illegible)

Q. Do you have a mistress? If so, who is she and
where does she live?
A. No.

Q. Do you have a motor car? If so, what is the index
number, the make and year of manufacture?
A. Private car BL7960, HOLDEN, white colour,
1969 model.

20 Q. Does your wife work? If so, where does she
work, what are her earnings and how long has
she been employed?
A. (She) worked as a broker in Wing On Company in
the past. Now (she) works as a broker in Tai
Luen Company. Tai Luen is in Argyle Street.
She has a monthly income of about one thousand
to two thousand dollars.

30 Q. Do you, or have you ever, had a telephone paging
device? If so, what is (or was) the number and
company used? Whose name was it registered
in?
A. (I) had an ABC page machine, the number was
8800. (initialled illegible)

Q. When persons wish to contact you, what telephone
number do you supply them, and what is the
location of that number?
A. 3-219888, my home or 12-768315, N.T.

40 Q. What bank accounts, fixed deposits do you and your
immediate family have, including bank accounts
which have been previously held?
A. My wife has a savings account. I have a current
account with the Industrial & Commercial Bank,

a savings account with the Hong Kong and Shanghai Bank. There is also a Jockey Club off-course betting account.

Q. Do you, or any member of your family, hold a safe deposit box?

A. No.

Q. Does any other person hold a safe-deposit box on behalf of you or your family?

A. No.

Q. Do you, or any member of your family, have any interest in a building, property, land or business here or abroad, or have you at any time in the past?

A. No, except that my younger brother had a factory in the past. Now it's closed.

Q. When were you first posted to Mongkok?

A. About ~~1970 or~~ 1971. (initialled illegible)

Q. Are you still posted there?

A. No.

Q. What duties have you performed at Mongkok, with dates?

A. Patrol, Nuisance, Vice and office (duties).

Q. What periods, with dates, have you been attached to Mongkok Vice Squad?

A. (I) was on 'Vice' (duties) after being attached to Mongkok for about a year. (I) was on (Vice) duties for about more than a month.

Q. What were your specific duties on that Squad?

A. I was responsible for assisting the inspector in carrying out raids, including gambling, divans, drugs and sex joints.

Q. Who was the officer in charge of the Vice Squad during your posting there?

A. The O.C. was REED.

Q. Who were the other officers attached to the Squad?

A. There were two police constables and a woman police constable. They were just attached for four weeks.

Q. Do you know a man called KOO Ming/or KOO Chiu?

A. I have heard this name, but I don't know him.

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(initialled illegible)

Q. ~~If yes, how well do you know him,~~ under what circumstances did you ~~meet him?~~ hear his name?
(initialled illegible)

A. It was then 1975 when I raided a joint with my superior. The person in the joint told me he knew KOO Ming, but I don't know why (he) mentioned KOO Ming's name.

Q. Do you know LAM Hon - LAM Pak?

10 A. I have heard his name. (initialled illegible)

(initialled illegible)

Q. ~~(If yes) - How well do you know him,~~ under what circumstances did you ~~meet him?~~ hear his name?
(initialled illegible)

20 A. When I was working in the Mongkok office, (I) often went with the A.S.D.I. or D.S. to raid premises. When (we) were raiding a joint, the operator there told me he knew LAM Pak. The people in the joint seldom talked to the inspector. (They) just talked to the sergeant.

Q. Do you have any financial relationship with KOO or LAM?

A. No.

Q. Have you ever visited KOO's shop, TAK SHING HONG on Tong Mei Road? If so, for what purpose?

A. No.

(If visited - On duty or off duty?) When visited and number of times?

30 Q. Have you ever had occasion to telephone KOO, LAM or the TAK SHING HONG?

A. No.

If so, for what purpose?

(If visited) Did you go to TAK SHING HONG alone or with someone else?

(If visited) What was the purpose of your visit(s)?
(initialled illegible)

Who did you see there and to whom did you speak?

40 Q. Do your colleagues visited TAK SHING HONG? If so, for what purpose and who are these colleagues?

A. I don't know.

In the District
Court of Hong Kong

No. 4

Exhibit P2

Certified trans-
lation of questions
and answers

continued

- Q. What premises can you recall raiding during your term(s) with the Vice Squad?
- A. (We) had raided different joints on many occasions, I can't recall. The 'Vice' sergeant was just responsible to the D.S., S.D.I. or A.S.D.I. to (one character deleted here) carry out raids.
- Q. Did you record details in any official books or diaries regarding these raids? If so, which books and who would be responsible for making such records? 10
- A. Usually the case would be recorded in the Report Book or note-book after arrest had been made.
- Q. Who decided which premises would be raided?
- A. (This) was usually decided by officers above the 'Vice' inspector, usually the D.S. or A.D.S.
- Q. Did you personally give information to a senior officer regarding any premises that were, or should have been raided? If so, where and how did you receive such information, how did you report it and to whom? When? 20
- A. I never gave such information. However, sometimes the P.Cs would have information as to where there were street gamblings and we would then go there to have a look.
- (initialled illegible)
- Q. Did you sometimes make raids on people or premises without the knowledge of a senior officer? If so, why, when and which premises?
- A. Never.
- Q. When a raid was to be carried out, how much warning would you receive before carrying out the raid? (initialled illegible) 30
- A. ~~(We) would know when on duty. For instance, if the inspector said that gambling would be taken care of today, we would then do some gambling cases, but we would not know if the W. & J. was going to raid.~~ L.R.J.
- Warning was never given. (initialled illegible)
- Q. When a raid was to be carried out, did you inform your men (or women) beforehand, i.e. did you tell them which premises? 40
- A. (We) would know when on duty. For instance, if the inspector said that gambling would be taken care of today, we would then do some gambling cases, but we would not know if the W. & J. was going to raid.

Q. Explain the usual course of events when raiding premises.

A. The party was usually led by senior officers like D.S., A.D.S. or A.S.D.I. We waited for them at the police station. When the time came, (we) then boarded a car and inside the car they then said what the job was.

Q. Was it usual for the Inspector, or other senior officer, to accompany the raiding party?

10 A. Yes, someone above the inspectorate rank must lead the raiding party.

Q. Who decided what persons should be arrested?

A. If it was a gaming house, we would arrest everyone.

Q. Were any persons released from the premises before anyone was taken to the police station?

A. No. (initialled illegible)

20 Q. Were persons released from the police station after being removed from premises raided? If so, why and who gave authority for such releases?

A. For instance, of the persons arrested during a gambling raid, one could be a person delivering tea to the gaming house and in this case the inspector would release him.

(Signed) TSANG Ping-nam

Translated by Andrew C. CHI
S/N 82/77 4/2/77

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(TRANSLATION)

EXHIBIT P3

I, TSANG Ping-nam, also known as 'Tung Kwan', have been cautioned by ICAC Investigating Officer WONG Kwok-leung, saying 'You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence.'

20.40 hrs. 1.2.77 (Signed) TSANG Ping-nam

(Signed) (illegible)

Exhibit P3

Certified trans-
lation of cautioned
statement dated
1.2.77

I, TSANG Ping-nam, joined the Police Force on 31/3/1958

In the District
Court of Hong Kong

No. 4

Exhibit P3

Certified trans-
lation of cautioned
statement dated
1.2.77

continued

as P.C. 5826. In 1965 (I) was promoted to corporal. In 1971 the Police Force reconstituted and I was promoted to sergeant. I had been posted to Lok Ma Chau, Village Patrol Police, Tsuen Wan, Lau Fau Shan, Wong Tai Sin, Kowloon Traffic, Mongkok. I am now attached to Kowloon Traffic. I am married and have a wife TSANG Yuen-fan, four children and mother living together at Wong Tai Sin Police Quarters. In about November 1971 I was transferred to Mongkok Police Station. At that time (I) had been on patrol duties. In addition, (I) had also been on nuisance squad (duties). In about August to September 1972 I was transferred to the 'Vice' (Squad). At that time all the sergeants were on 'Vice' Squad (duties) by rotation. It was my turn then, so I took over. The preceding sergeant was 6691. Attached to the 'Vice' (Squad) with me were Inspector REED, two police constables and a woman police constable, but I cannot recall their numbers. After taking over the 'Vice' (Squad), 6691, i. e. 'Tai Tau SO' told me that the 'Vice' (Squad) had two thousand dollars a week, two hundred for each police constable, one hundred for the woman police constable, while I myself had one thousand five hundred dollars. Someone would pay the inspector's squeeze separately. I don't know who (one character deleted here, signed illegibly) and also don't know how much. At that time 6691 Tai Tau SO had told me that LO Wing-pong managed the squeeze and LO Wing-pong asked KU Ming to collect (the squeeze). KU Ming had several 'ma chais'. I remember one of them to be called LAM Pak, one to be called 'Hung Pei' and the others cannot be recalled. Before I was on 'Vice' (Squad duties), I already knew that there was squeeze for the 'Vice' (Squad). After taking over the 'Vice' (Squad), Tai Tau SO would give me two thousand dollars in cash every Wednesday, sometimes in the police station, sometimes in (a) tea house. No matter where the payment was made, I would give two hundred dollars to each police constable and one hundred dollars to the woman police constable on the same day after money had been received. There was no fixed place where I paid money to the male or female police constables. (I) just gave them immediately after money had been received. I believe the other sergeants had also collected money from Tai Tau SO just the same, but I did not see (this). The two thousand dollar squeeze for the 'Vice' (Squad) ~~was~~ (signed illegible), to the best of my knowledge, was collected from all the sex joints, gambling stalls, 'tsz fa' (stalls), (one character deleted here, signed illegible) opium stalls and off-course gambling stalls in Mongkok and Taikoktsui areas. Since all the

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joints paid squeeze then, so whenever joints were to be raided, no matter what joints, Tai Tau SO or LO Wing-pong would arrange (one character deleted here) everything and then inform the 'Vice' (Squad) to make arrests. The place was specified beforehand. For instance, if gambling stall was to be raided, the 'Vice' (Squad) had just to go to the specified place and then there would be a gambling stall there, including gamblers and all the exhibits. When these gamblers were prosecuted, they would definitely plead guilty. Apart from street gamblings, all the cases handled by the 'Vice' (Squad) were 'fake stalls', i. e. arrests were all arranged (one character deleted here, signed illegible) beforehand. The 'Vice' (Squad) also went to check sex joints sometimes, but these were just routine checkings and no one would be arrested. To the best of my knowledge, D.S. RANOLD REYNOLDS, (signed illegible) A.D.S. SMALLSHAW and S.D.I. RANNER did not want (squeeze) then. (One character deleted here, signed illegible). At that time we called the D.S. First Brother, the A.D.S. Second Brother and the S.D.I. Third Brother. These three superior officers would sometimes go out to make raids and (one character deleted here, signed illegible) the 'Vice' (Squad) usually went together each time for the raid. These three superior officers would not raid 'fake stalls', so before setting out every time I would telephone Tak Shing Hong for KU Ming, informing him that First Brother, or Second Brother, or Third Brother was going to carry out raids. KU Ming would then inform all the joints and the joints would sometimes 'stop operation' immediately or send someone to keep watch. I cannot recall Tak Shing Hong's telephone number. I had paid a visit to KU Ming two weeks after I took over the 'Vice' (Squad). At that time (I) saw him at Tak Shing Hong, Tong Mi Road. This was the only occasion I went to Tak Shing Hong and saw KU Ming. I paid KU Ming a visit just to show (my) respect for him, since he was the person responsible for managing the Mongkok squeeze account. Every sergeant was on 'Vice' (Squad) duties for six weeks while the police constables were on duties for four weeks. LO Wing-pong was then the C.S.I. of Mongkok. His rank was Chief Inspector. The C.S.I. was responsible for the internal administration of the police station. All the officers on 'Vice' (Squad duties) were (one character deleted here, signed illegible) arranged by him. (Statement stopped here at 22.22 hrs. 1.2.77 TSANG Ping-nam left for the toilet) (TSANG Ping-nam returned at 22.30 hrs. 1/2/77, statement continued). To the best of my knowledge, LO Wing-pong was then the 'caterer' for the

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No. 4

Exhibit P3

Certified translation of cautioned statement dated 1.2.77

continued

In the District
Court of Hong Kong

No. 4

Exhibit P3

Certified trans-
lation of cautioned
statement dated
1.2.77

continued

Mongkok Uniformed Branch, i.e. the person handling the squeeze account. He was responsible for giving squeeze money to the D.S., A.D.S., S.D.I. and A.S.D.I., and all the squeezes were collected by KU Ming. In about the middle of 1973 LO Wing-pong was transferred to the Complaints Section and he was succeeded by WONG Kam-tai. WONG Kam-tai also took over the place of 'caterer', but WONG was just the 'caterer' in name. In fact the person controlling the squeeze account was still LO Wing-pong. He still returned to Mongkok from time to time after (his) transfer. LO Wing-pong had been on a certain period of vacation leave before transferring to the Complaints Section. He (one character deleted here, signed illegible) is now attached to the Kowloon Traffic Office. I still have many things to tell, but I am a little tired (one character deleted here, signed illegible) and would like to rest. I would like to continue tomorrow or next time. WONG Kwok-leung has read over the above statement to me in Punti once. It is all true and no alteration, addition or deletion is required. 23.05 hrs. 1.2.77 (Signed) TSANG Ping-nam (Signed) (illegible).

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Translated by Andrew C. CHI
S/N 64/77 2/2/77

Exhibit P4

(TRANSLATION)

Certified trans-
lation of second
cautioned statement
2.2.77

EXHIBIT P4

I, TSANG Ping-nam, have been reminded by ICAC Investigating Officer WONG Kwok-leung that I am still under caution.

11.10 hrs. 2.2.77 (Signed) TSANG Ping-nam
(Signed) (illegible)

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During the period from about 1974 to 1975 I was then doing office work in Mongkok. It was the usual practice for office staff, including myself and two or three P.Cs, to work a few hours of special duties when (we) were off after five o'clock on the day when the 'Vice' Squad was off. Such special duties were more or less the same as 'Vice' duties. The party leader was usually the woman inspector (or) ASDI/Ops and the woman inspector and ASDI/Ops often asked special duty officers to 'release snake'. 'Release snake' means sending a P.C. to a joint to pose himself as a customer and then arrest the

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girl when she asked for sex transactions. At that time there were many sex joints in Mongkok area (one character deleted here, signed illegible) operated by (one character deleted here) KU Ming's 'ma chais'. Most of the joints having 'snake released' by our special duty (officers) belonged to KU Ming's 'ma chais', so KU Ming was very dissatisfied with me because he thought I led the party to do it. In actual fact only the woman inspector or more senior officers could decide which (joint) should be raided. During the same period there were about ten cricket stalls in Mongkok area and all were for cricket-fighting and gambling. All the crickets were bought by KU Ming from Mainland China and then supplied to all the cricket stalls. When I and the office staff were on special duties, these cricket stalls were also often raided and this move made KU Ming even more dissatisfied with me. There was once in about August to September 1975 when D.S. GOLDSMITH led the party, with office staff including myself as team members, to arrest more than seven people at a cricket stall on the first floor of Shanghai Street near Bute Street. All were subsequently charged with 'gambling in a gaming house' while four others were charged with the offence of 'keeping a gaming house'. At about the end of 1975 there was a 'ku wak chai' called Hak Kwai Loi or Ah Loi. (He) came to me and told me that KU Ming's credit was very poor and that many people did not like him. (One character deleted here, signed illegible). So (he) asked me to cooperate (with him) to collect the 'Vice' account in my name. I agreed to this because there were really many people who did not like KU Ming. Since then Ah Loi sent out his ma chais to all the joints to collect for this account, but KU Ming would not let this account go. (One character deleted here). As a result the 'Vice' account outside was in a mess. I remember that when (I) received the account for the first time, the account was in fact advanced to me by Ah Loi himself and then he went out again to collect it. On the first occasion Ah Loi gave me eight thousand dollars or ten thousand dollars. (I) cannot recall the actual amount. At that time CHAN Yiu-tim was just taking over the 'Vice' (squad), so I told him that I would take over the 'Vice' account in future and that (I) would give him five thousand dollars a week. At that time CHAN Yiu-tim agreed with me, so I gave him five thousand dollars in cash at my office. After that I gave him five thousand dollars every Thursday or Friday and payments had been made altogether for five weeks, i. e. twenty-five thousand dollars. As far as I know, apart from receiving my five thousand dollars, he also went out to collect squeeze himself. At that time CHAN

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No. 4

Exhibit P4

Certified trans-
lation of second
cautioned statement
2.2.77

continued

Yiu-tim was on 'Vice' duties for six weeks and I did not give him money for one week because Ah Loi failed to collect the amount. After CHAN CHOW Yuen took over the 'Vice' (Squad). I also gave him five thousand dollars in the same way as squeeze for the first week. CHOW Yuen came to me two days after receiving the money, saying (he) could not trust me unless I advanced him squeeze for eight weeks because he would be on 'Vice' duties for eight weeks. However, I (one character deleted here, signed illegible) did not have that much money and could not afford to pay him, so he returned the five thousand dollars to me and said he had dinner with Ah LO, i.e. LO Wing-pong, and KU Ming last night. CHOW Yuen trusted LO and KU, so (he) decided to transact with them. During those two days I had seen LO Wing-pong returning to Mongkok Police Station for CHOW Yuen. To the best of my knowledge, the 'Vice' account then was collected in WONG Kam-tai's name because LO Wing-pong was already transferred away and was on leave. Since CHOW Yuen took over the 'Vice' (Squad) Ah Loi already could not collect the account outside. I also washed (my) hand and did not do any more since then. ~~Shortly afterwards I was transferred to Kowloon Traffic~~ (Signed illegible) On about 21/12/1975 ~~Ah Loi had altogether given~~ (Signed illegible) I was transferred to Kowloon Traffic, i.e. I had already left Mongkok about three weeks before CHOW Yuen took over the 'Vice' (Squad). I had altogether received about forty thousand to fifty thousand dollars from Ah Loi. Ah Loi paid me once a week or every two or three days, sometimes ten thousand, sometimes several thousand. I haven't seen Ah Loi for months. I don't know where he lives. WONG Kwok-leung has read over the above statement once in Punt. It is all true and no alteration, addition or deletion is required.

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(Signed) TSANG Ping-nam 13.30 hrs. 2.2.77

(Signed) (illegible)

14.05 hrs. 2.2.77 I, TSANG Ping-nam, have something to add to the above statement. One week after I took over the 'Vice' (Squad) in 1972 I had personally went to LO Wing-pong's office to give him one thousand dollars as a visiting present. This was a usual practice. Every sergeant on 'Vice' duties had to give LO Wing-pong five hundred dollars as visiting gift and I gave one thousand dollars just to please him. As far as I know, all the sergeants went to his office to give him money in cash.

40

14.15 hrs. 2.2.77 (Signed) TSANG Ping-nam

(Signed) (illegible)

Translated by Andrew C. CHI

(TRANSLATION)

EXHIBIT P5

In the District
Court of Hong Kong

No. 4

Exhibit P5

Certified trans-
lation of third
cautioned statement
4.2.77

I, TSANG Ping-nam, have been cautioned by ICAC Investigating Officer WONG Kwok-leung, saying that I am not obliged to say anything unless I wish to do so, but whatever I say will be taken down in writing and may be given in evidence. 16.50 hrs. 4.2.77

(Signed) TSANG Ping-nam

(Signed) (illegible)

10 I, TSANG Ping-nam, make this statement out of my own free will. As far as I know, during the period when I was attached to Mongkok from 1972 to the end of 1975, all the Mongkok U.B. accounts, including the Nuisance (Squad) account, Vice (Squad) account and common account, were controlled by LO Wing-pong, with the exception of the Nuisance account. LO Wing-pong asked KOO Ming to collect for him and KOO Ming in turn directed his ma chais to collect (squeeze). LO Wing-pong had three close ma chais. The first one was
20 Sergeant 4324 WONG Yu-keung. He was then the Barrack Sergeant. He was doing liaison work for LO. If someone wanted to discuss something with him, WONG would pass the message to LO and then discussion would be arranged. The second one was 6691 Tai Tau SO. He was responsible for the payments of a squeeze on behalf of LO to all the 'Vice' Squads. He had a wage of several hundred dollars a week, given him by LO. The third one was 5675 Sze Ngan PANG. He was also doing liaison work. If a certain 'foki' desired to work certain
30 duties, (he) could talk to him and then he would arrange the duties with LO. I was transferred to P.T.U. in about August to September 1972 and then transferred back to Mongkok in about March to April 1973. At that time the Nuisance Squad had an account. The account was paid by all the hawkers' stalls in Mongkok. At that time this account (one character deleted here, initialled illegible) was controlled by two persons, 5675 Sze Ngan FANG together with Ah Chung, (his) number could be 2285, but (I) am not sure. About half of the
40 account collected by the two of them had to be given to WONG Yu-keung. WONG was then the Barrack Sergeant and WONG had to give to the senior officers from the share he got, but I don't know to whom and how much. 5675 and Ah Chung had to give to all the Nuisance Squads and all the Mongkok U.B. sergeants from the half they got. However, the money collected was not enough to

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Exhibit P5

Certified trans-
lation of third
cautioned statement
4.2.77

continued

pass around, so (one character deleted here, initialled illegible) some sergeants were dissatisfied and went out to arrest hawkers. As a result, the hawkers arrested were dissatisfied, so (they) did not pay squeeze or paid less. The Nuisance account consequently became smaller and smaller and things were all in a mess. At that time WONG Yu-keung came to me and talked to me. (He) asked me to think of ways to straighten up the account, meaning assuming responsibility to collect the Nuisance account. I agreed with him. However, LO Wing-pong's approval was required in order to take up the Nuisance account, so WONG Yu-keung and I made appointments to see LO on two ~~three~~ occasions. ~~I can't recall if that were in the office or outside~~ (initialled illegible). The first meeting was at the office. At that time WONG first told LO that (he) wanted me to collect the Nuisance account and asked LO's opinion. LO, however, said (he) had to think it over first and that (he) would talk to me some other day. Two or three days later I met LO again alone. It was then after work at five o'clock and the place cannot be recalled, but we had dinner or tea together then. At that time LO put forward terms to me, saying that he was given \$1,200 a week when Sze Ngan FANG was collecting the Nuisance account and if I took over (I) had to give \$1,500. I said (I) did not know what the situation was and hoped that (I) could give \$1,300 a week first and then raise the amount to \$1,500 later. Thus the two parties agreed. In the second week I went to ask people to collect the account. At that time collections were made up of three groups. The first group was the wooden cart hawkers in Sai Yeung Choi Street at \$30 to \$60 per stall a week, depending on the size of the stall. There were about 100 stalls in this area. I asked Ah Hang ~~who used to collect for Sze Ngan FANG~~ (initialled illegible) to collect for me. Ah Hang was ~~a hawker~~ (initialled illegible) a hawker in Sai Yeung Choi Street. He had no wages, but he did not have to pay squeeze himself and would not be arrested. The other hawkers still would be arrested even if they had paid, but (they) were arrested in rotation. It was guaranteed that (each) would not be arrested more than once a week. About \$5,000 was collected from this area every week. After Ah Hang finished the collection, (he) then gave (the money) to FUNG Hoi-kuen. FUNG was P.C. 9797 in the past. (He) is not working now. (He) quit in about 1975. FUNG himself also collected from hawkers on the east side of Nathan Road for me. (He) collected about \$2,000. After FUNG collected his \$2,000 and Ah Hang's \$5,000,

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(he) gave me (the sum) together, usually on Thursday, Friday or Saturday and the date was not specified. The other area was west of Nathan Road and Tak Chai was responsible for the collection. He was not doing anything himself. He collected about \$3,000 from the west side and then he would give me direct. Sometimes (he) would give (the sum) to FUNG Hoi-kuen to give me together. The total amount I collected was about \$10,000 a week. The methods of distribution were as follows: On a weekly basis, \$1,300 to LO Wing-pong. Payments had been made for four weeks and then (the amount) was increased to \$1,500. I gave him myself every time. \$500 to Barrack WONG Yu-keung. \$300 to \$350 to each Nuisance Squad, altogether eight or ten Squads and each squad had a sergeant and two or three P.Cs. I don't know how distribution was arranged in every squad. I usually gave the money for eight or ten squads to one of the sergeants and then he gave it to the others. Finally there were the other U.B. sergeants, \$50 each. I gave the sum for each shift to one of the sergeants and then he gave (it) to the others. I did not give to any specific person. S/Sgts were usually not given. They seldom cared about hawkers. There was only one, CHAN Yiu-tim. I gave him \$100 a week. In about 1973 LO was on vacation leave and his place was taken over by WONG Kam-tai. After taking over, WONG had talked to me on two occasions about the Nuisance account. The first time was in Ngan Kung Cafe, Boundary Street. ~~The second time was~~ (initialled illegible). At that time WONG suggested that (he) wanted \$1,500 a week as before, but payment had to be made once a month, i.e. \$6,000 a month. Later the two parties agreed that payment would be made once every fortnight, \$3,000 each time. The second meeting took place two or three days later in Mei Lin Cafe in Waterloo Road near Pui Ching Middle School. At that time I gave him \$3,000. In about April or May 1974 I was on vacation leave and the account was handed over to 7345. I returned after leave about one month afterwards and was transferred to do office duties. At that time 7345 could not manage the account, so I took over again. I collected for two or three weeks and then Sergeant 4393, also known as 'Tai Kwo HUNG', told me that I was doing indoor duties and should not take charge of the account and that I better wash my hand and leave (it) to him. Since then I did not handle this account any more and also don't know the subsequent developments. WONG Kwok-leung has read over the above statement

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No. 4

Exhibit P5

Certified translation of third
cautioned statement
4.2.77

continued

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Exhibit P5

Certified trans-
lation of third
cautioned statement
4.2.77

continued

to me once in Punti. It is all true and no addition,
deletion or alteration is required.

19.50 hrs. 4.2.77 (Signed) TSANG Ping-nam
(Signed) (illegible)

Translated by Andrew C. CHI

S/N 94/77 5/2/77

Exhibit P6

Certified trans-
lation of fourth
cautioned statement
15.4.77

INDEPENDENT COMMISSION AGAINST CORRUPTION
WITNESS STATEMENT/REPORT

EXHIBIT P6

C.A.C. Report No.	Other Ref	10
Name TSANG Ping-nam	c.c.c. 2582/3521/0589	Sex Male
Address Nos. 88-90, On Ning Road, Yan Chui Yuen, Flat B, 7/F, Yuen Long.	Tel 12-768315	
Occupation Police Sergeant	Tel	
Nationality and Dialect Chinese/Punti	D.O.B. 11.12.1940	
I.D. Card No.....	C.I. No.....	P.P. No.....
Taken by WONG Kwok-leung in Punti Language		
at 1430 hrs. on 15.4.77 at (Place) Hutchison House, 7/F.		
Interpreter.../.....	D.L. No.....	

I am as above-stated, married. My wife is TSANG Yuen-fan. We have altogether four children living at the above address. I joined the Police as a constable No. 5826 on 31.3.1958. In 1965 I was promoted to corporal and then to sergeant in 1971 when a reshuffle took place in the force. I have been attached to Lok Ma Chau, Village Patrol Police, Tsuen Wan, Lau Fau Shan, Wong Tai Sin, Kowloon Traffic Office and Mongkok. My last attachment was to the Kowloon Traffic Office. I work in the Uniformed Branch all the time. 20

2. On 16.11.1971 I was transferred to Mongkok Police Station. My duties included patrol and the 'Nuisance Squad' duties. I also worked in the 'Vice' squad for six 30

weeks. Since I am not a 'red-shoulder-strap' sergeant, so I was not assigned to do 'Duty Officer' duties. All the duties were performed in rotation, usually beat patrol duties for one or two weeks and then 'Nuisance Squad' duties for one or two weeks. Beat patrol duties were divided into three shifts, 'morning', 'middle' and 'night' shifts. An inspector or a S/Sgt., 3-4 sergeants and 12 P.Cs were on duty each shift. The 'Nuisance Squads' were divided into 'morning' and 'middle' shifts. There were altogether 8-10 squads with a sergeant and two P.Cs in each squad. Their duties were the arrests of hawkers. There was only one 'Vice' squad made up of an inspector, a sergeant, two policemen and a policewoman. Each squad was usually on duty for six weeks.

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Certified trans-
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continued

3. After my transfer to Mongkok I found \$80 in my locker every Friday or Saturday. This \$80 was made up of two wads, one wad for \$50 and another for \$30. I soon learnt from my colleagues that the \$50 was the Mongkok common account while the \$30 was the 'Nuisance Squad' account. At that time I did not know who put the money in my locker and I also did not have to know who that was. However, I believe that person was the Room boy Ah Ping or Ah Wing because only they knew the number of my combination-lock for the locker. Several weeks afterwards I was on 'Nuisance Squad' duties for the first time and two P.Cs worked with me. I can't remember their numbers. Whenever we were on duty each shift several hawkers were arrested so as to show that duties were carried out. That Friday or Saturday I found the \$30 'Nuisance Squad' account in my locker increased to \$60 or \$80. I can't remember the exact amount. I believe the 'Nuisance Squad' account increased because I was on 'Nuisance Squad' duties. I also knew that the two P.Cs under me also got \$20 to \$40 per week. However, I did not know who was responsible for giving them the money.

4. In August or September 1972 I was transferred to the 'Vice' squad. The inspector was REED and I can't remember the numbers of the policemen and policewoman. My predecessor was Sergeant 6691 nicknamed Tai Tau SO. When I took over Tai Tau SO told me that the 'Vice' squad got \$2,000 per week, \$200 for each policeman, \$100 for the policewoman and \$1,500 for the sergeant (i.e. myself). Someone else was responsible for paying the inspector, but the amount was not known. Tai Tau SO also told me that LO Wing-pong was the caterer. He sent KOO Ming to collect the account. I knew KOO Ming had several ma chais. One was called LAM Pak, one was called Hung Pei and the

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continued

names of the others cannot be recalled. After I took over the 'Vice' squad Tai Tau SO gave me \$2,000 every Wednesday, sometimes inside the police station and sometimes in restaurants. After receiving the money I immediately handed \$200 to each policeman and \$100 to the policewoman.

5. The duties of the 'Vice' squad were specialized in the handling of sex, gambling and drug cases. All the squad members were on plainclothes duties. As far as I know, the 'Vice' squeeze was collected from all the sex joints, gambling establishments, 'tsz fa' stalls, off-course joints and opium divans, but how the collection was made was not known. Because all the joints paid squeeze then, they were naturally under protection after payments of squeeze and no arrest would be made. However, the 'Vice' squad had to do some cases, so KOO Ming also had to arrange fake joints to be raided by the 'Vice' squad. 'Fake joints' were also known as 'staging shows'. KOO Ming located some 'Chu Chais' as 'scape-goats'. Whenever I agreed with the inspector on the type of case to be handled, I then telephoned KOO Ming in advance. I rang up Tak Shing Hong to inform him whether opium or gambling case was to be handled, the number of people required, the time and place. When the time came, I would lead the party, maybe with the inspector, to the specified place to make arrests. There were never wrong arrests. From my experience, I could tell at first glance if the joint was genuine or fake. Shows were usually staged only for opium cases or gambling cases. I never handled sex joint cases. Apart from making arrests, the 'Vice' squad also had to carry out routine checkings at sex joints and apartments. I would telephone Tak Shing Hong to inform KOO Ming before the checking took place and KOO Ming would pass the message to all the joints so that they could make arrangements beforehand and customers would not be disturbed. LO Wing-pong had ordered the 'Vice' squad to 'stand-by' in the police station and then he led the party to raid a gambling joint, arresting scores of people. However, I could tell that the gambling joint raided was nothing but a show and I believe that was arranged by LO Wing-pong and KOO Ming in advance.

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6. After working in the 'Vice' squad for a week I went to LO Wing-pong's office to pay him a visit. I also gave him \$1,000 as gift for the first meeting. No other person was present then. He said 'thank you' after

receiving the money and then told me that I could approach him in case of trouble. This was the usual practice. Every incoming 'Vice' sergeant visited LO Wing-pong and paid \$500 as gift for the first meeting because he was responsible for arranging 'Vice' squad members. I paid him \$1,000 to give him a good impression.

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continued

10 7. In the second week after I took over the 'Vice' squad Tai Tau SO brought me to Tak Shing Hong to see KOO Ming with a view to introduce us to each other so that we could get into direct contact if there was trouble. When I met him he gave me \$500 as gift for the first meeting. I believe this was the same with every sergeant. As far as I know, the two or three 'Vice' squads after me also received the \$2,000 weekly payment from Tai Tau SO. After that the 'Vice' sergeant collected money direct from KOO Ming.

20 8. LO Wing-pong was a C.I., the C.S.I. of Mongkok. I did not know him before my transfer to Mongkok Police Station. The C.S.I. was responsible for internal administration. He also had the right to pick any person for a certain job.

30 9. On 20.11.72 I was transferred to the P.T.U. On 30.5.73 I was transferred back to Mongkok. As far as I know, the 'Nuisance Squad' account was managed by Sgt. 4589 nicknamed 'Ah Pau' when I was first transferred to Mongkok. By the time I returned to Mongkok the 'Nuisance Squad' account was already taken over by Sgt. 5675 nicknamed Sze Ngan PANG. Sze Ngan PANG, however, did not manage the account well and many sergeants were dissatisfied. Some sergeants even arrested hawkers in random outside, thus some hawkers refused to pay squeeze. The situation then was very chaotic. At that time the Barrack Sergeant was WONG Yu-keung 4324. He invited me to his office for a meeting. I went to his office to see him. He asked if I could rearrange and manage the 'Nuisance Squad' account. I agreed with him. However, he said LO Wing-pong's approval was required for me to be the 'Nuisance Squad' caterer, so he brought me to LO Wing-pong's office. WONG told LO that I was interested to be the 'Nuisance Squad' caterer. LO indicated that he had no objection and asked me to go ahead. He also said that he would talk to me some other day. Several days afterwards I met LO again in a restaurant. At that time we talked about matters concerning the hawkers and the duties of the 'Nuisance Squad'. Several more days

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later I went to his office to see him. He put forward his terms to me, saying that Sze Ngan PANG paid him \$1,300 per week when he was the caterer and that I had to pay him \$1,500 per week if I was going to be the caterer. I told him that the situation was not clear yet and asked him if I could pay \$1,200 first and then raise the sum to \$1,500 if the situation was favourable. He agreed to my terms.

10. After getting LO's approval, I began the location of rent-collectors. I found O Wah, Tak Chai, FUNG Hoi-kuen, Ah Sui, and Ah Hang. O Wah was also called Ah O, ex-P.C. He was then a watchman at a gambling joint in Mongkok. I saw he was very smart, so I hired him to be my assistant and to gather information. The real name of Tak Chai was CHUNG Tak-ming. He lived in Tai Hang Tung. His brother-in-law was P.C. 7264, then attached to Mongkok. Tak Chai had been collecting the 'Nuisance Squad' account all the way, so I continued to employ him. FUNG Hoi-kuen, alias Ah Hoi, was then serving P.C. 9797. I had worked with him in the 'Nuisance Squad'. He was a dare-devil, so I asked him to give me a hand in the collection of account. He left the police force in 1975. Ah Sui, real name unknown, was then a P.C. He had been collecting accounts for the preceding 'Nuisance Squad' caterers, so I continued to employ him. He is now retired. Ah Hang, real name HANG Siu-ting, was a hawker in Sai Yeung Choi Street. I don't remember who introduced him to me.

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11. I invited all the rent-collectors, including O Wah, Tak Chai, FUNG Hoi-kuen, Ah Hang, Ah Sui to a tea house, introduced them to know each other and then arranged their duties. I divided Mongkok into three main districts. The first district was the licensed hawkers in Sai Yeung Choi Street, including Shantung Street and Soy Street. Ah Hang was responsible for the collection of squeeze from this district. There were 10-odd stalls in Soy Street and \$80 was collected from each stall per week. There were only several stalls in Shantung Street. \$60-70 was collected from each stall per week. There were 100-odd stalls in Sai Yeung Choi Street and \$30-\$50 was collected from each stall per week. I instructed Ah Hang at the same time to write the licensee's name in Chinese at any corner on the overleaf of every paid hawker's licence to certify that squeeze was paid. They would not be arrested more than once a week in return for the squeeze they paid. If

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they were arrested for the second occasion in a week, they could show their licences and the receipts of bail or fine for their previous arrest to the police officer arresting them. In this case the police officer would give them a chance and let them go. Ah Hang collected about \$5,000 to \$7,000 per week, since some of the hawkers stopped operation from time to time. Ah Hang had no wages for himself, but he did not have to pay squeeze for his own hawking stall and would not be arrested. Ah Hang collected squeeze for about three months and then stopped because there were too many complaints in that district and the hawkers had moved elsewhere, being unable to hawk there.

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12. The second district were all the cooked food stalls east of Nathan Road, the Fa Yuen Street market and the Soy Street market. FUNG Hoi-kuen and Ah Sui were responsible for the collection of squeeze. Ah Sui collected from large cooked food stalls, about \$30 to \$100 per week from a stall. FUNG Hoi-kuen collected from small cooked food stalls outside theatres, about \$10 to \$30 per week from a stall. In addition, FUNG Hoi-kuen and Ah Sui sent other people to collect squeeze from the Fa Yuen Street and Soy Street markets, but I don't know who these people were. The weekly income from this district was about \$2,000 to \$3,000. I paid Ah Sui a wage of \$500 per week and \$300 weekly to FUNG Hoi-kuen.

13. The third district were all the cooked food stalls west of Nathan Road, the Poplar Street market and the Canton Road market. Tak Chai was responsible for this district. He undertook to pay me \$3,000-odd per week. I can't remember the exact amount. I also did not care how many stalls there were in his district. I knew Tak Chai asked Sha Pi Kau and a fishwife Ah Hing to collect squeeze from the hawkers at the Poplar Street market and CHAN Kau to collect squeeze from the hawkers at the Canton Road market. Tak Chai's father Ah Hon also gave a hand in the collection of squeeze. I never saw him.

14. O Wah was my assistant. If I considered the collection from a certain district unsatisfactory, I sent O Wah to that district to check how many stalls there were to see if the rent -collectors had taken me in or not. Apart from this, he also collected 'ticket-scalping' squeeze for me. 'Ticket scalping' existed in two or

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continued

three theatres in Mongkok and this was operated by the same group of people. O Wah contacted this group direct and if there were 'ticket scalpers', no matter which theatre they operated at, they would pay squeeze to O Wah. I paid O Wah \$500 per week as wage.

15. After each rent-collector collected the squeeze from his district, he would hand it on Friday or Saturday to me direct or to O Wah for him to pass it on to me. Money was handed at no fixed time and place. The place of payment was usually confirmed on the phone. They paid money to O Wah more often than to me direct because I was more difficult to locate while O Wah had a paging machine ABC 36 and it was easier to locate him.

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16. Because I was the 'Nuisance Squad' caterer, so I was often on 'Nuisance Squad' duties. P.C. 7264 Ah Chun, i.e. Tak Chai's brother-in-law, handled things pretty well, so I often engaged him in my 'Nuisance Squad'. If any stall refused to pay squeeze, I usually asked him to arrest that hawker. I gave him \$50 to \$100 per week. The sum was not fixed. It was all up to me. He could only get \$40 per week at most if he worked in other 'Nuisance Squads', but he did not take part in the collection of squeeze. There were several other P.Cs who often worked with me in the 'Nuisance Squad'. They too could get \$50 to \$100 per week. On the whole the P.Cs who worked under me had a better income. One of them was P.C. 5267 and the names of the others cannot be recalled.

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17. The weekly collection totalled about \$11,000 to \$12,000. The collection and distribution of money were all on weekly basis. The method of distribution was as follows:- \$1,200 to LO Wing-pong, increased to \$1,500 four weeks afterwards, payment was made at his office by me direct every week. \$500 to Barrack Sergeant WONG Yu-keung 4323. Money was handed to him by me at the Barrack Sergeant's office every time. Because the Barrack Sgt. had frequent contacts with superior officers, so he got a share from each account. There were altogether 8-10 'Nuisance Squads' and each squad got \$300 to \$350, depending on the income. There were 2-3 P.Cs in each squad. I don't know how much the P.Cs got, as the amounts varied from squad to squad, but I believe each got \$20 to \$40. The 'Nuisance Squad' was divided into two shifts, a.m. and p.m. Every time I handed the money due to the whole shift to one of the

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sergeants and then he passed it onto the other sergeants. The other sergeants not working in the 'Nuisance Squad' could have \$50 each. The money due to the whole shift was also handed to one of the sergeants on each shift for him to distribute it to the others. When 8/9 months later, I gave the money to the two Room Boys Ah Wing and Ah Ping to put the money into each sergeant's locker. Apart from CHAN Yiu-tim whom I gave \$100 per week, payment to S/Sgts was not required, because CHAN was greedy. The S/Sgts did not have to handle hawker business. The total pay-out was about \$8,000. - and I got about \$4,000. - per week.

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18. In October 1973 LO Wing-pong was on vacation leave and transferred away from Mongkok. His place was succeeded by WONG Kam-tai. Shortly after WONG came I met him in Ngan Kung Restaurant, Boundary Street to talk about the 'Nuisance Squad' account. At that time WONG agreed to the weekly payment of \$1,500 as before, but payment was to be changed to once a month at \$6,000 each time because he did not want to see me too often. I felt somewhat difficult to pay him \$6,000 a month and both parties finally agreed on a fortnightly payment of \$3,000 each time. Two or three days afterwards I met WONG at Mei Lin Restaurant opposite to Pui Ching Middle School in Waterloo Road. I gave him \$3,000 in cash. After that I went to his office to give him \$3,000 every fortnight.

19. In about April or May 1974 I was on vacation leave for 1 month. During the period I was on leave I handed over the management of the 'Nuisance Squad' account to Sgt. 7345. When I returned from leave I was transferred to the office. Sgt. 7345 could not manage the account, so I took over again. I took over for about two to three weeks and then a Sgt. 4393 nicknamed Tai Kwo Hung told me that I was doing indoor duties and should not handle the 'Nuisance Squad' account and that I had to hand over the account to him. Thus I washed my hands and let him manage it.

20. One day in about October or November 1975 O Wah invited a 'ku wak chai' 'Hak Kwai Loi', also called Ah Loi, to meet me at a restaurant in Mongkok. At the time of meeting O Wah and Ah Loi told me that many people did not like or trust KOO Ming and that they hoped I would step out to manage the 'Vice' account. I agreed, but stated that the squeeze should be collected in the name of the 'group' instead of mine. Shortly after the discussion

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Ah Loi paid me money for the first time. I can't remember if it was \$8,000 or \$10,000. This sum of money was not squeeze collection. He just advanced it to me himself. After that he went to collect squeeze in the name of the 'group', but the operators of joints refused to pay because they knew WONG Kam-tai was managing the 'common account'. Ah Loi again discussed with me and I agreed to collect the 'Vice' squeeze in 'Tung Kwan's' name. Subsequently all the joints paid squeeze to Ah Loi.

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21. When I became the 'Vice' caterer S/Sgt. CHAN Yiu-tim just took over the 'Vice' squad. I told him that in future I would pay the 'Vice' squeeze, \$5,000 per week. I also asked him not to collect money from KOO Ming any more. CHAN agreed to my proposals and I paid him \$5,000 per week afterwards. He worked in the 'Vice' squad for six weeks and I paid him squeeze for five weeks, i.e. \$25,000. I did not pay him squeeze for one week because Ah Loi failed to collect it. I don't know how CHAN distributed the money to the sergeant and P.Cs under him. Ah Loi had totally given me about \$35,000 to 40,000, deducted the \$25,000 to Vice Squad, I have got about \$10,000.

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22. After CHAN Yiu-tim CHOW Yuen came to the 'Vice' squad. After he came I also told him that in future I would pay the 'Vice' squeeze at \$5,000 per week and asked him not to collect money from KOO Ming. He did not say anything and I immediately paid him \$5,000 for the first week. He left after taking the money. Two days later he invited me to a meeting and told me that he had dinner and discussions with KOO Ming and Ah LO, i.e. LO WING-pong. He decided not to take my money and was going to take KOO Ming's instead because he did not trust me. He also returned the \$5,000 to me. He further said that if I wanted him to trust me, I had to advance him the squeeze for eight weeks because he would be in the 'Vice' squad for eight weeks. Since I had no money I gave up and there was no more reference to the collection of squeeze after that. I was transferred to the Kowloon Traffic Office on 18.12.75. In fact I was already transferred away from Mongkok for three weeks when CHOW Yuen was on 'Vice' duties.

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25. During the time I was the caterer of 'Nuisance Squad', I had personally handed squeeze money to a lot

of Sgts. I cannot recall their numbers, but if I can see their photographs I am able to identify them.

24. I have read over the above statement once, all correct. I have no correction or deletion.
1730 hrs. 15.4.77

(Signed) (TSANG Ping-nam)

(Signed) (WONG Kwok-leung)

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10 25. In Paragraph 19 I mentioned that 4393 Tai Kwo
Hung came to my office and asked me to give up the
Nuisance Squad account. Sgt. 7548 was then also
present. I believe the two of them managed the
account together. I also mentioned in the same para-
graph that I had been on vacation leave. I had been on
vacation leave on two or three occasions in 1974. I
was on vacation leave for 1 month in March on one
occasion. I went to Taiwan for one week and stayed
in Hong Kong for the remaining period. Sgt. 7345
managed the account for me when I was on leave and
20 all the rent collectors handed the squeeze to him
direct. He also paid squeeze to the other police
officers direct as I did.

26. I had personally informed Tak Chai when I gave
up the Nuisance Squad account and asked him to pass
the message to the other rent collectors.

30 27. There were 8 Nuisance Squads in Mongkok when
I was the Nuisance Squad caterer from 73 to 74. I
worked in the Nuisance Squad most of the time. The
other 'Nuisance Squad' sergeants were mostly black
shoulder straps, i.e. they did not know English and
the red shoulder straps usually took up indoor duties.
If a Nuisance Squad was on leave, then there would
be one squad short that day and there was no relief
squad. If a Nuisance Squad sergeant was on vacation
leave or sick leave for several days, then the general
patrol sergeant would take his place. I usually did
not pay squeeze to the relief sergeant. I just handed
the squeeze for the whole shift to one of the sergeants
on that shift. At that time there were only about ten
40 sergeants, including myself, on regular Nuisance Squad
duties.

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28. I already mentioned in the aforesaid statement the payments of squeeze to WONG Yu-keung and CHAN Yiu-tim. There was another Sergeant 3298. Originally I should not have paid him squeeze because he was a red shoulder strap and was seldom on Nuisance Squad duties. However, his wife was a hawker in Sai Yeung Choi Street. Apart from refusing to pay squeeze, she even threatened to report to the Anti-Corruption Office. In order to hush her, I had but to pay 3298 several ten dollars per week. However, I only paid for several weeks.

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29. On 20.6.77 WONG Kwok-leung showed me a name list of sergeants' numbers at Hutchison House, 7/F. After close examinations, I remember I had handed squeeze personally to the following sergeants during the first six months when I was the Nuisance Squad caterer. By squeeze I mean the squeeze for the whole shift. I handed it to one of them and then he paid the others. They were Sergeants 888, 926, 1727, 1765, 2252, 2760, 4298, 7345. I am not sure if I had handed squeeze to 3860 and 4669 or not because the two of them were red shoulder straps. 16.00 hrs. 20.6.77.

20

(Signed) TSANG Ping-nam

(Signed) K. L. WONG

Translated by Andrew C. CHI

S/N 923/77 22/6/77

181.
Exhibits

201
Exhibit P7

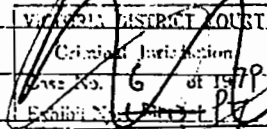
155	P1	2 ?	(188)	7344 7345	P37	3	11	(2528)
158	P3	1		7343	P46	9		Shantung
160	P4	2 ?		7345	P48	6		196X 7-75-11-78
160	P5	8 ?	(216)		P50	1		Changyin
	P6		(900)		P52	1		Changyuan
26 234	P7	1, 12	(1230)	1893	P61	11		? Pak Chai
165	P8	10	(888)	3526	P71	8		(3826)
	P9							2-12-74
459	P10	6	(1459)	? Not sure if 1/5 rule.				
	P11				Miscellaneous			P.51-12. Wong Yu Kuan
	P12							P49-9 4298.
195	P13	3	(328)	Paid				plus 1727
	P14							
	P15							
	P16	11 ?						Ab. hu
	P19							
	P20							
	P21							
	P23	12	(4893)					
	P24							
152	P25	10						tra. Chung
	P26							
	P27							
	P28							
	P29							
	P30	11	(4689)					
	P31							
	P33							
	P35	4						Vice. Tai Tan 80
	P36	1	(7345)					Paid

In the District
Court of Hong Kong

No. 4

Exhibit P7

A piece of paper



634.79

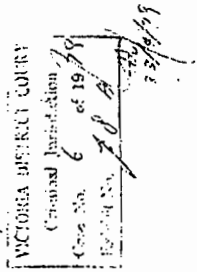
In the District
Court of Hong Kong

No. 4

Exhibits P8 A&B
Two pieces of paper

Exhibit P8A

IN THE DISTRICT
COURT OF
HONG KONG
Exhibit P8A



Comp. No.	Occ. Books	Per. I.C.D.	Comp. of	Occ. Books	Per. I.C.D.	Comp. No.	Occ. Books	Per. I.C.D.		
		FROM TO			FROM TO			FROM TO		
175	001	13-1-74	1593	0069	19-1-75	8-11-75	4139	0205	2-1-72	1-5-73
188	204	27-10-74	2009	0099	2-1-72	30-3-72	4298	0492	22-8-72	25-8-74
216	543	1-1-72	2213	0506	3-1-72	13-2-74	4301	0003	27-4-72	24-5-72
225	008	12-11-75	2252	1039	13-11-72	4-7-73	4304	0006	3-6-72	28-6-72
305	095	5-8-74	2277	0352	22-6-72	4-4-73	4324	0068	15-5-72	15-11-72
329	007	4-3-74	2311	0300	1-2-72	25-11-72	4393	0160	3-2-74	29-3-75
406	000		2349	0173	30-1-72	25-9-72	4419	0130	4-8-74	9-1-75
437	036	28-1-73	2361	0124	11-1-74	4-11-75	4578	0077	29-3-72	29-5-72
449	001	5-74	2431	0152	7-5-73	5-11-74	4586	0054	30-7-73	22-9-73
487	011	10-12-73	2486	0005	12-7-72	25-8-72	4589	0490	16-5-72	6-11-72
535	082	1-5-72	2501	0059	11-8-74	8-9-73	4645	0001	19-11-74	
618	369	10-2-74	2624	0004	3-2-72	10-4-72	4656	0096	19-11-74	27-12-74
642	231	2-1-72	2718	0125	4-9-74	28-12-74	4669	0167	17-6-73	30-11-73
826	010	4-3-72	2739	0006	10-11-75	24-11-75	4722	0177	1-1-72	13-6-72
888	347	10-2-73	2760	0884	18-1-72	31-11-74	4769	0015	1-2-72	16-3-72
897	066	3-1-72	2844	0395	2-1-72	19-1-73	5009	0010	12-7-72	16-9-73
926	1001	4-10-73	3235	0032	4-5-72	19-8-73	5023	0001	16-10-72	
1052	102	28-1-73	3229	0011	11-3-75	14-3-75	5042	0008	22-7-72	23-11-73
1234	289	21-2-74	3279	0001	27-2-74		5044	0004	19-1-72	14-6-72
1309	477	2-1-72	3298	0027	24-3-73	23-3-74	5048	0003	19-5-72	17-3-74
1394	260	23-8-72	3325	0001	26-10-73		5085	0001	12-5-74	
1459	007	14-11-75	3745	0001	23-12-73		6098	0001	13-7-74	
1500	009	14-3-72	3760	0044	14-9-72	28-9-72	5102	0028	2-5-73	1-4-75
1615	071	2-1-72	3826	0096	19-2-74	28-12-74	5150	0017	12-3-74	5-4-75
1626	032	3-1-72	3860				5157	0066	15-10-72	19-11-72
1727	1065	20-1-72	3897	0069	3-2-74	12-5-73	5277	0006	22-1-73	7-5-74
1775	0381	1-2-72	3910	0086	6-2-72	4-3-72	5114	0001	6-2-72	
1763	0210	5-5-72	3933	0005	11-12-73	15-12-73	5331	0319	1-1-72	19-3-72
1765	0464	3-7-73	3948	0006	11-12-73	16-12-73	5582	0002	30-1-72	3-6-72
1767	0545	12-1-72	4059	0003	11-12-73	18-12-73	5591	0127	24-8-73	29-11-74
1855	0109	28-1-73	4112	0001	19-12-72		5775	0583	14-11-72	3-11-75

IN THE
DISTRICT OF
HONG KONG
EXHIBIT P8B

VICTORIA DISTRICT COURT.
Criminal Jurisdiction
Case No. 8 of 1973
Exhibit No. P8B
2/10/73

In the District
Court of Hong Kong

No. 4

Exhibits P8 A&B
Two pieces of paper
continued

Exhibit P8B

No.	Occ. Books	PERIOD	
		FROM	TO
5824	0680	1. 1. 72.	25. 1. 75.
6272	0083	5. 2. 75	1. 4. 75
6375	0001.	8-11-75.	
6411.	0005	26.11.74	10.12.74.
6421.	0538	1. 1. 72	8. 8. 72.
6501	0001.	23-5-74	
6520	0001.	16-1-73	
6541	0001	13-2-74	
6543	0004	1. 1. 72	1. 1. 72.
6548	0002	11. 12. 73	18. 12. 73
6611	0051	30. 5. 72	31. 8. 72.
6691	0082	9. 8. 72.	28. 6. 74
7260	0175	21. 12. 72	21. 6. 73.
7345	0495	22. 1. 74	20. 10. 75.
7529	0160	16. 2. 75	13. 4. 75
7548	0008	23. 3. 75.	7. 4. 75.
8033	0001.	26. 7. 74.	
8148	0001.	13. 7. 72.	
8035	0005	15. 1. 75	17. 11. 75.
8075	0004	17. 11. 73	19. 12. 73
8541.	0003	16. 12. 73.	18. 12. 73.
8564	0007	5. 4. 72	15. 5. 72.
8578	0009	26. 5. 72	26. 7. 72
8615	0002	3. 4. 74	3. 4. 74
8617	0005	21. 12. 73	16. 3. 74.
8800	0126	7. 9. 74	24. 1. 75
8978	0001.	24. 3. 72.	
9500	0001	No FDRM.	
10528	0001	No FDRM.	
10635	0221	1. 9. 74.	14. 2. 75.

No. 4

Exhibit P9

Certified trans-
lation of fifth
cautioned statement
10.10.77

I, TSANG Ping-nam, Sgt. 5826, make a statement as follows:
I joined the Police Training School on 31/3/1958. There
was no payment of squeeze money during this period. I
passed out in the middle of September that year and was
posted to Lok Ma Chau Police Station. About six months
later I was transferred to the Village Patrol Police.
During this period I was on duty in various areas in the N.T.
There were temporary gambling stalls when there were 10
celebrations in the villages and I got \$10 or \$20 of squeeze
money on each occasion. At the end of 1959 I was trans-
ferred to Tsuen Wan Police Station. I remember the
squeeze money in the locker then was about \$3 per week.
I was promoted to corporal on 1/5/1969 and was still
stationed at the above place. The squeeze money in the
locker has then increased to about \$20-odd. In about
March 1966 I was transferred to Lau Fau Shan Police
Station. The circumstances there were rather peculiar. 20
Squeeze money had to be collected in person from various
gambling stalls and opium dens. However, I received no
squeeze money because I was not familiar with the joints
and also because I was then working as a D.O. and seldom
went out on patrol. In November 1966 I was posted to
Wong Tai Sin Police Station and the squeeze money was
about \$30 per week. I had also served on the Nuisance
Squad and my weekly income was about \$200-\$300. How-
ever, I can't remember the name of the person responsible
for the collection of squeeze money. On 1/11/1968 I was 30
transferred to the Kowloon Traffic Office and the squeeze
money then was about \$40-50 per week (maybe per month,
I am not sure). I can't remember the number of the P.C.
responsible for the distribution of squeeze money, but I
know he was found guilty in the Kowloon Traffic Office
corruption case. On 1/11/1971 I was transferred to
Mongkok Police Station. At the end of 1972 I was trans-
ferred to the P.T.U. I was posted to Mongkok Police
Station again in the middle of 1973 and the details are as
stated in the previous statements. In December 1975 I 40
was posted to the Accident Investigation Section of
Kowloon Traffic Office until I was arrested and inter-
dicted. There was no corruption during this period.

(Signed) TSANG Ping-nam

10.10.1977

I received altogether about \$80,000 of squeeze money

when I was in Mongkok and this was all spent on gambling, purchasing jewellery and travelling. Both I and my wife don't have any deposit in our bank accounts now. In 1971 I used about \$12,000 to buy a flat in Po Shing Lau, Kau Yuk Road, Yuen Long by instalment payments. Two years later I sold the flat at the purchased price and did not buy any other flats. I and my wife have not invested in any business. I have bought two lots of Mai Hon shares and made a profit of about \$1,000. My wife has also bought two lots of Wah Kwong Properties shares and made a profit of about \$500-600. We have no other investments in shares. With regard to bank accounts, I have now a Chartered Bank account for salary payments. I also had a current account with the Industrial & Commercial Bank, but that was cancelled a few months ago. My wife has a savings account with the Hong Kong and Shanghai Bank for salary payments by the insurance company. We don't have any other bank accounts apart from the above-stated. My father had left behind a two-storey house when he died, but that was sold 10 years ago. There is also a shop which is now let to others. About 10 years ago my younger brother TSANG Yung-keung had operated Hop Keung Paper Factory and Hop Wai Manufactory in Kwan Tong, but these two factories were closed down two or three years ago. As far as I know, he is now doing investment business.

(Signed) TSANG Ping-nam

Translated by Andrew C. CHI

S/N 1401/77 11/10/77

In the District
Court of Hong Kong

— —
No. 4

Exhibit P9

Certified trans-
lation of fifth
cautioned statement
10.10.77

continued

In the District
Court of Hong Kong
No. 4

EXHIBIT P10

INDEPENDENT COMMISSION AGAINST CORRUPTION
WITNESS STATEMENT/REPORT

Exhibit P10
Certified trans-
lation of sixth
cautioned statement
9.5.78

C.A.C. Report No. Other Ref.
Name TSANG Ping-nam c.c.c. Sex Male
Address Tel.
Occupation Tel.
Nationality and Dialect D.O.B.
I.D. Card No. C.I. No. P.P. No.
Taken by WONG Kwok-leung in Chinese Language 10
at 14.25 hrs. on 9.5.78 at (Place) Rm. 957, M.R.C.6.
Interpreter D.L. No.

I wish to add the following concerning the arrests of 'actors' during the period when I was the 'caterer' of the Nuisance Squad in Mongkok.

2. 'Actors' were men and women arrested by the Nuisance Squad as 'stand-ins' and they appeared at places in Mongkok where hawkers were operating. In 1973-74 there were 20-30 such 'actors', employed by the hawkers themselves and not arranged by the police. Whenever the Nuisance Squad officers were going to arrest hawkers at a certain place, the hawker to be arrested would hire an 'actor' to take his place and the Nuisance Squad officers did not care the identity of the arrested person as far as someone was arrested. 20

3. 'Actors' were present in hawking areas such as Fa Yuen Street market, Canton Road and Poplar Street. There were also one or two at Chung Wui Street, Taikoktsui. However, most of them were at Fa Yuen Street and then Canton Road. 30

4. When the Nuisance Squad officers and the van went to make arrests at a certain hawking area, the 'actor' would step out and talk to the hawker going to be arrested. The hawker paid the expenses. In addition to the required expenses such as bail money and fines, the hawker also had to pay \$15-20 of wages to the 'actor', but such things had nothing to do with the police.

5. I may be able to recognize some of these 'actors',

but I can only remember the names of two, YUEN Lan and WAI Sim, both aged women. These 'actors' used their real names at the time of arrest, but I don't know if they used real addresses or not.

6. WONG Kwok-leung has read the above statement to me once in Punt. It is all true.

15.10 hrs. 9.5.78 (Signed) TSANG Ping-nam
(Signed) WONG K.L.

Translated by Andrew C. CHI
S/N 595/78 9/5/78

In the District
Court of Hong Kong

No. 4

Exhibit P10

Certified trans-
lation of sixth
cautioned statement
9.5.78

continued

10

EXHIBIT P11

TO: TSANG Ping-nam

I hereby inform you that, on condition that you give full and true evidence in the proceeding of R. v. Edwards and Others, Case No. V.D.C. 221 of 1977 for offences of conspiracy relating to the corrupt activities of Police and ex-police officers of the Royal Hong Kong Police, no prosecution will be instituted against you in respect to any offence involving corruption disclosed by you in the course of your testimony in the said proceedings.

20

(B.A. Sceats)

for and on behalf of the
Attorney General

Exhibit P11

Copy of letter
from Attorney
General to Tsang
Ping-nam dated
14.4.78

In the District
Court of Hong Kong

No. 4

Exhibit P12

Charge Sheet re
So Siu-kuen

25th October 1977

EXHIBIT P12

INDEPENDENT COMMISSION AGAINST CORRUPTION

I. C. A. C. OFFICE AT 7th floor, Hutchison House, Central,
Hong Kong.

OFFICER IN CHARGE OF CASE Mr. D. C. CASS

INTERPRETER'S NAME Miss LEUNG Lo-yu

TIME AND DATE 10.05 hours 25th October 1977

NAME OF DEFENDANT SO Siu-kuen

CHARGE:- Conspiracy

Statement of Offence:- Contrary to Common Law 10

Particulars of Offence:- (See annex 'A' attached)

CHARGE:- Conspiracy

Statement of Offence:- Contrary to Common Law

Particulars of Offence:- (See annex 'B' attached)

Defendant was cautioned in the following terms in Punti dialect

Do you wish to say anything
in answer to the charges?

States:- (I have nothing to say
SO S.K.)

You are not obliged to say
anything unless you wish
to do so, but whatever you
say will be taken down in
writing and may be given
in evidence

(MICHAEL J. AGAR)

(Signature illegible)

20

Annex 'A'

<u>CHARGE:</u>	Conspiracy	In the District Court of Hong Kong
<u>Statement of Offence:</u>	Contrary to Common Law	----- No. 4
<u>Particulars of Offence:</u>		Exhibit P12 Charge Sheet re So Siu-kuen 25th October 1977 continued
	David John EDWARDS	Superintendent of Police
	Norman Edward HUMPHREYS	Superintendent of Police
	Marcus Nigel Webster PELLY	Superintendent of Police
	LAM Ying	Chief Inspector of Police
	MOK Sau-tim	Chief Inspector of Police
	WONG Kam-tai	Chief Inspector of Police
10	CHAN Fuk-hing	Chief Inspector of Police
	TSE Tung-yuen	Chief Inspector of Police
	CHEUNG Wah-yan	Senior Inspector of Police
	LAU Wai-man	Station Sergeant
	LI Pak-ping	Retired Station Sergeant
	WONG Yu-keung	Station Sergeant
	LI Chok-kam	Police Sergeant 1234
	WONG Kang-po	Police Sergeant 1459
	FUNG Wing-kwok	Retired Police Sergeant 1727
20	CHI Wai	Police Sergeant 2252
	CHEUNG Fung-tin	Police Sergeant 2501
	LUNG Fai	Retired Police Sergeant 3760
	WONG Chit-hung	Police Sergeant 4393
	KAN Yiu-pui	Police Sergeant 4669
	PANG Ho-ying	Police Sergeant 5675
	CHENG Yau-cheung	Police Sergeant 6378
	SO Siu-kuen	Police Sergeant 6691
	YEUNG Ying-kit	Police Sergeant 7345
30	WONG Wun-kuen	Police Sergeant 7529
	WONG Pak-wang	Police Sergeant 10736
	KONG Kee-sang	Police Constable 5582

You are charged that being public servants, namely, police officers in the Royal Hong Kong Police Force, you did between the 1st day of January 1970 and the 30th day of November 1976, in this Colony, conspire together and with LIN Hsing-chih, KONG Fung-cheuk, Ernest Percival Max HUNT, KWOK Ling-yang, HUEN Hung, CHOW Yuen, LO Wing-pong, TSANG Ping-nam, 40 KOO Chiu, LAM Kam-hon, LO Ping, TANG Wah-hon, HAU Man-li, TSIU Lam, and operators of illegal establishments, and other persons, to obstruct the

In the District
 Court of Hong Kong
 ———
 No. 4
 Exhibit P12
 Charge Sheet re
 So Siu-kuen
 25th October 1977
 continued

course of Public Justice in that you David John EDWARDS,
 Norman Edward HUMPHREYS, Marcus Nigel Webster
 PELLY, LAM Ying, MOK Sau-tim, WONG Kam-tai,
 CHAN Fuk-hing, TSE Tung-yuen, CHEUNG Wah-yan,
 LAU Wai-man, LI Pak-ping, WONG Yu-keung, LI Chok-
 kam, WONG Kang-po, FUNG Wing-kwok, CHI Wai,
 CHEUNG Fung-tin, LUNG Fai, WONG Chit-hung, KAN
 Yiu-pui, PANG Ho-ying, CHENG Yau-cheung, SO Siu-
 kuen, YEUNG Ying-kit, WONG Wun-kuen, WONG Pak-
 wang, KONG Kee-sang, LIN Hsing-chih, KONG Fung-
 cheuk, Ernest Percival Max HUNT, KWOK Ling-yang,
 HUEN Hung, CHOW Yuen, LO Wing-pong and TSANG
 Ping-nam should act contrary to your public duty as
 police officers in connection with the responsibilities of
 the Special Duty Squads of the Mong Kok Division and the
 proper administration of the law.

10

Annex 'B'

<u>CHARGE:</u>	Conspiracy	
<u>Statement of Offence:</u>	Contrary to Common Law	
<u>Particulars of Offence:</u>		
David John EDWARDS	Superintendent of Police	20
Norman Edward HUMPHREYS	Superintendent of Police	
Marcus Nigel Webster PELLY	Superintendent of Police	
LAM Ying	Chief Inspector of Police	
MOK Sau-tim	Chief Inspector of Police	
WONG Kam-tai	Chief Inspector of Police	
CHAN Fuk-hing	Chief Inspector of Police	
TSE Tung-yuen	Chief Inspector of Police	
CHEUNG Wah-yan	Senior Inspector of Police	
LAU Wai-man	Station Sergeant	
LI Pak-ping	Retired Station Sergeant	30
WONG Yu-keung	Station Sergeant	
LI Chok-kam	Police Sergeant 1234	
WONG Kang-po	Police Sergeant 1459	
FUNG Wing-kwok	Retired Police Sergeant 1727	
CHI Wai	Police Sergeant 2252	
CHEUNG Fung-tin	Police Sergeant 2501	
LUNG Fai	Retired Police Sergeant 3760	
WONG Chit-hung	Police Sergeant 4393	40
KAN Yiu-pui	Police Sergeant 4669	

PANG Ho-ying Police Sergeant 5675
CHENG Yau-cheung Police Sergeant 6378
SO Siu-kuen Police Sergeant 6691
YEUNG Ying-kit Police Sergeant 7345
WONG Wun-kuen Police Sergeant 7529
WONG Pak-wang Police Sergeant 10736
KONG Kee-sang Police Constable 5582

In the District
Court of Hong Kong

No. 4

Exhibit P12

Charge Sheet re
So Siu-kuen

25th October 1977

continued

10 You are charged that being public servants, namely,
 police officers in the Royal Hong Kong Police Force,
 you did between the 15th day of May 1971 and the 30th
 day of November 1976, in this Colony, conspire
 together and with LIN Hsing-chih, KONG Fung-cheuk,
 Ernest Percival Max HUNT, KWOK Ling-yang, HUEN
 Hung, CHOW Yuen, LO Wing-pong, TSANG Ping-nam,
 KOO Chiu, LAM Kam-hon, LO Ping, TANG Wah-hon,
 HAU Man-li, TSUI Lam, and other persons unknown to
 accept advantages as inducements to or rewards for or
 otherwise on account of your performing or abstaining
20 from performing, or having performed or abstained
 from performing acts in your capacities as police
 officers in relation to the duties of the Special Duty
 Squads within the Mong Kok Division of the Royal Hong
 Kong Police Force.

In the District
Court of Hong Kong
No. 4

EXHIBIT P13

INDEPENDENT COMMISSION AGAINST CORRUPTION

Exhibit P13

Charge Sheet re
Wong Kam-tai

25th October 1977

I. C. A. C. OFFICE AT 7th floor, Hutchison House, Central,
Hong Kong.

OFFICER IN CHARGE OF CASE Mr. D. C. CASS

INTERPRETER'S NAME Mr. LEE Sak-hung

TIME AND DATE 1053 hrs. 25th October 1977

NAME OF DEFENDANT WONG Kam-tai

1. CHARGE:- Conspiracy
Statement of Offence:- Contrary to Common Law 10
Particulars of Offence:- (See annex 'A' attached)
2. CHARGE:- Conspiracy
Statement of Offence:- Contrary to Common Law
Particulars of Offence:- (See annex 'B' attached)
3. CHARGE:- Conspiracy
Statement of Offence:- Contrary to Common Law
Particulars of Offence:- (See annex 'C' attached)
4. CHARGE:- Conspiracy
Statement of Offence:- Contrary to Common Law
Particulars of Offence:- (See annex 'D' attached) 20

Defendant was cautioned in the following terms in Punti dialect

Do you wish to say anything
in answer to the charges?

States:- I am not guilty.

You are not obliged to say
anything unless you wish to
do so, but whatever you say
will be taken down in writing
and may be given in evidence.

(Signature illegible)

Annex 'A'

In the District
Court of Hong Kong

No. 4

Exhibit P13

Charge Sheet re
Wong Kam-tai

25th October 1977

continued

CHARGE:

Conspiracy

Statement of Offence:

Contrary to Common Law

Particulars of Offence:

	David John EDWARDS	Superintendent of Police
	Norman Edward HUMPHREYS	Superintendent of Police
	Marcus Nigel Webster PELLY	Superintendent of Police
	LAM Ying	Chief Inspector of Police
	MOK Sau-tim	Chief Inspector of Police
	WONG Kam-tai	Chief Inspector of Police
10	CHAN Fuk-hing	Chief Inspector of Police
	TSE Tung-yuen	Chief Inspector of Police
	CHEUNG Wah-yan	Senior Inspector of Police
	LAU Wai-man	Station Sergeant
	LI Pak-ping	Retired Station Sergeant
	WONG Yu-keung	Station Sergeant
	LI Chok-kam	Police Sergeant 1234
	WONG Kang-po	Police Sergeant 1459
	FUNG Wing-kwok	Retired Police Sergeant 1727
20	CHI Wai	Police Sergeant 2252
	CHEUNG Fung-tin	Police Sergeant 2501
	LUNG Fai	Retired Police Sergeant 3760
	WONG Chit-hung	Police Sergeant 4393
	KAN Yiu-pui	Police Sergeant 4669
	PANG Ho-ying	Police Sergeant 5675
	CHENG Yau-cheung	Police Sergeant 6378
	SO Siu-kuen	Police Sergeant 6691
	YEUNG Ying-kit	Police Sergeant 7345
30	WONG Wun-kuen	Police Sergeant 7529
	WONG Pak-wang	Police Sergeant 10736
	KONG Kee-sang	Police Constable 5582

You are charged that being public servants, namely,
police officers in the Royal Hong Kong Police Force,
you did between the 1st day of January 1970 and the 30th
day of November 1976, in this Colony, conspire together
and with KIN Hsing-chih, KONG Fung-cheuk, Ernest
Percival Max HUNT, KWOK Ling-yang, HUEN Hung,
CHOW Yuen, LO Wing-pong, TSANG Ping-nam, KOO Chiu,
40 LAM Kam-hon, LO Ping, TANG Wah-hon, HAU Man-li,
TSUI Lam, and operators of illegal establishments, and
other persons, to obstruct the course of Public Justice in
that you David John EDWARDS, Norman Edward

In the District
Court of Hong Kong

No. 4

Exhibit P13

Charge Sheet re
Wong Kam-tai

25th October 1977

continued

HUMPHREYS, Marcus Nigel Webster PELLY, LAM Ying, MOK Sau-tim, WONG Kam-tai, CHAN Fuk-hing, TSE Tung-yuen, CHEUNG Wah-yan, LAU Wai-man, LI Pak-ping, WONG Yu-keung, LI Chok-kam, WONG Kang-po, FUNG Wing-kwok, CHI Wai, CHEUNG Fung-tin, LUNG Fai, WONG Chit-hung, KAN Yiu-pui, PANG Ho-ying, CHENG Yau-cheung, SO Siu-kuen, YEUNG Ying-kit, WONG Wun-kuen, WONG Pak-wang, KONG Kee-sang, LIN Hsing-chih, KONG Fung-cheuk, Ernest Percival Max HUNT, KWOK Ling-yang, HUEN Hung, CHOW Yuen, LO Wing-pong and TSANG Ping-nam should act contrary to your public duty as police officers in connection with the responsibilities of the Special Duty Squads of the Mong Kok Division and the proper administration of the law.

10

Annex 'B'

CHARGE:

Conspiracy

Statement of Offence:

Contrary to Common Law

Particulars of Offence:

David John EDWARDS	Superintendent of Police	
Norman Edward HUMPHREYS	Superintendent of Police	
Marcus Nigel Webster PELLY	Superintendent of Police	20
LAM Ying	Chief Inspector of Police	
MOK Sau-tim	Chief Inspector of Police	
WONG Kam-tai	Chief Inspector of Police	
CHAN Fuk-hing	Chief Inspector of Police	
TSE Tung-yuen	Chief Inspector of Police	
CHEUNG Wah-yan	Senior Inspector of Police	
LAU Wai-man	Station Sergeant	
LI Pak-ping	Retired Station Sergeant	
WONG Yu-keung	Station Sergeant	
LI Chok-kam	Police Sergeant 1234	30
WONG Kang-po	Police Sergeant 1459	
FUNG Wing-kwok	Retired Police Sergeant 1727	
CHI Wai	Police Sergeant 2252	
CHEUNG Fung-tin	Police Sergeant 2501	
LUNG Fai	Retired Police Sergeant 3760	
WONG Chit-hung	Police Sergeant 4393	
KAN Yiu-pui	Police Sergeant 4669	
PANG Ho-ying	Police Sergeant 5675	40
CHENG Yau-cheung	Police Sergeant 6378	

SO Siu-kuen	Police Sergeant 6691
YEUNG King-kit	Police Sergeant 7345
WONG Wun-kuen	Police Sergeant 7529
WONG Pak-wang	Police Sergeant 10736
KONG Kee-sang	Police Constable 5582

In the District
Court of Hong Kong

—
No. 4

Exhibit P13

Charge Sheet re
Wong Kam-tai

25th October 1977

continued

10 You are charged that being public servants, namely,
police officers in the Royal Hong Kong Police Force,
you did between the 15th day of May 1971 and the 30th
day of November 1976, in this Colony, conspire
together and with LIN Hsing-chih, KONG Fung-cheuk,
Ernest Percival Max HUNT, KWOK Ling-yang, HUEN
Hung, CHOW Yuen, LO Wing-pong, TSANG Ping-nam,
KOO Chiu, LAM Kam-hon, LO Ping, TANG Wah-hon,
HAU Man-li, TSUI Lam, and other persons unknown to
accept advantages as inducements to or rewards for or
otherwise on account of your performing or abstaining
from performing, or having performed or abstained
from performing acts in your capacities as police
officers in relation to the duties of the Special Duty
20 Squads within the Mong Kok Division of the Royal Hong
Kong Police Force.

—————
Annex 'C'

<u>CHARGE:</u>	Conspiracy
<u>Statement of Offence:</u>	Contrary to Common Law
<u>Particulars of Offence:</u>	
WONG Kam-tai	Chief Inspector of Police
WONG Yu-keung	Station Sergeant
LIU Kwong-hung	Police Sergeant 888
TSUI Man-fai	Retired Police Sergeant 926
30 FUNG Wing-kwok	Retired Police Sergeant 1727
YUEN Tai-fu	Police Sergeant 1765
CHI Wai	Police Sergeant 2252
WONG Tung-yan	Police Sergeant 2760
LEUNG Yip	Police Sergeant 4298
WONG Chit-hung	Police Sergeant 4393
CHIU Chung	Police Sergeant 4589
PANG Ho-ying	Police Sergeant 5675
YEUNG King-kit	Police Sergeant 7345
40 LI Yiu-kwan	Police Sergeant 7548

In the District
Court of Hong Kong

No. 4

Exhibit P13

Charge Sheet re
Wong Kam-tai

25th October 1977

continued

You are charged that being public servants, namely, police officers in the Royal Hong Kong Police Force, you did between the 1st day of January 1970 and the 30th day of November 1975 in this Colony, conspire together and with LO Wing-pong, TSANG Ping-nam, WU Chiu-hing, CHUNG Chung-hon, CHUNG Tak-ming, HANG Siu-ting, FUNG Hoi-kuen, OR Wah, CHAN Kau, MOK Kwok-sui and other persons unknown to obstruct the course of Public Justice, in that you the said WONG Kam-tai, WONG Yu-keung, LIU Kwong-hung, TSUI Man-fai, FUNG Wing-kwok, YUEN Tai-fu, CHI Wai, WONG Tung-yan, LEUNG Yip, WONG Chit-hung, CHIU Chung, PANG Ho-ying, YEUNG Ying-kit, LI Yiu-kwan, LO Wing-pong, TSANG Ping-nam, FUNG Hoi-kuen, and other persons unknown should act contrary to your public duty as police officers in relation to hawker control and proper administration of the law in the Mong Kok Division of the Royal Hong Kong Police Force.

10

Annex 'D'

CHARGE:

Conspiracy

Statement of Offence:

Contrary to Common Law

20

Particulars of Offence:

WONG Kam-tai

Chief Inspector of Police

WONG Yu-keung

Station Sergeant

LIU Kwong-hung

Police Sergeant 888

TSUI Man-fai

Retired Police Sergeant
926

FUNG Wing-kwok

Retired Police Sergeant
1727

YUEN Tai-fu

Police Sergeant 1765

CHI Wai

Police Sergeant 2252

30

WONG Tung-yan

Police Sergeant 2760

LEUNG Yip

Police Sergeant 4298

WONG Chit-hung

Police Sergeant 4393

CHIU Chung

Police Sergeant 4589

PANG Ho-ying

Police Sergeant 5675

YEUNG Ying-kit

Police Sergeant 7345

LI Yiu-kwan

Police Sergeant 7548

You are charged that being public servants, namely, police officers in the Royal Hong Kong Police Force, you

10

did between the 1st day of January 1970 and the 30th day of November 1975 in this Colony, conspire together and with LO Wing-pong, TSANG Ping-nam, WU Chiu-hing, CHUNG Chung-hon, CHUNG Tak-ming, HANG Siu-ting, FUNG Hoi-kuen, OR Wah, CHAN Kau, MOK Kwok-sui and persons unknown to accept advantages as inducements to or rewards for or otherwise on account of your performing or abstaining from performing or having performed or having abstained from performing acts in your capacities as police officers in relation to the duties of Nuisance Squads of the Mong Kok Division of the Royal Hong Kong Police Force.

In the District
Court of Hong Kong

—————
No. 4

Exhibit P13

Charge Sheet re
Wong Kam-tai

25th October 1977

continued

In the District
Court of Hong Kong

No. 4

Exhibit P14
Charge Sheet re
Wong Yu-keung

25th October 1977

EXHIBIT P14

INDEPENDENT COMMISSION AGAINST CORRUPTION

I. C. A. C. OFFICE AT 7th floor, Hutchison House, Central,
Hong Kong.

OFFICER IN CHARGE OF CASE Mr. D. C. CASS

INTERPRETER'S NAME Mr. LIANG Iu-yeung

TIME AND DATE 1142 hours 25th October 1977

NAME OF DEFENDANT WONG Yu-keung

- | | | | |
|----|--------------------------|--------------------------|----|
| 1. | CHARGE:- | Conspiracy | |
| | Statement of Offence:- | Contrary to Common Law | 10 |
| | Particulars of Offence:- | (See annex 'A' attached) | |
| 2. | CHARGE:- | Conspiracy | |
| | Statement of Offence:- | Contrary to Common Law | |
| | Particulars of Offence:- | (See annex 'B' attached) | |
| 3. | CHARGE:- | Conspiracy | |
| | Statement of Offence:- | Contrary to Common Law | |
| | Particulars of Offence:- | (See annex 'C' attached) | |
| 4. | CHARGE:- | Conspiracy | |
| | Statement of Offence:- | Contrary to Common Law | |
| | Particulars of Offence:- | (See annex 'D' attached) | 20 |

Defendant was cautioned in the following terms in Punti dialect

Do you wish to say anything
in answer to the charges?

You are not obliged to say
anything unless you wish to do
so, but whatever you say will
be taken down in writing and
may be given in evidence.

States:-

- (1) STATEMENT IN
- (2) CHINESE NOT
- (3) TRANSLATED
- (4) Signature illegible

Peter Liang

CHARGE:

Conspiracy

Statement of Offence:

Contrary to Common Law

Particulars of Offence:

	David John EDWARDS	Superintendent of Police
	Norman Edward HUMPHREYS	Superintendent of Police
	Marcus Nigel Webster PELLY	Superintendent of Police
	LAM Ying	Chief Inspector of Police
	MOK Sau-tim	Chief Inspector of Police
	WONG Kam-tai	Chief Inspector of Police
10	CHAN Fuk-hing	Chief Inspector of Police
	TSE Tung-yuen	Chief Inspector of Police
	CHEUNG Wah-yan	Senior Inspector of Police
	LAU Wai-man	Station Sergeant
	LI Pak-ping	Retired Station Sergeant
	WONG Yu-keung	Station Sergeant
	LI Chok-kam	Police Sergeant 1234
	WONG Kang-po	Police Sergeant 1459
	FUNG Wing-kwok	Retired Police Sergeant 1727
20	CHI Wai	Police Sergeant 2252
	CHEUNG Fung-tin	Police Sergeant 2501
	LUNG Fai	Retired Police Sergeant 3760
	WONG Chit-hung	Police Sergeant 4393
	KAN Yiu-pui	Police Sergeant 4669
	PANG Ho-ying	Police Sergeant 5675
	CHENG Yau-cheung	Police Sergeant 6378
	SO Siu-kuen	Police Sergeant 6691
	YEUNG Ying-kit	Police Sergeant 7345
30	WONG Wun-kuen	Police Sergeant 7529
	WONG Pak-wang	Police Sergeant 10736
	KONG Kee-sang	Police Constable 5582

You are charged that being public servants, namely, police officers in the Royal Hong Kong Police Force, you did between the 1st day of January 1970 and the 30th day of November 1976, in this Colony, conspire together and with LIN Hsing-chih, KONG Fung-cheuk, Ernest Percival Max HUNT, KWOK Ling-yang, HUEN Hung, CHOW Yuen, LO Wing-pong, TSANG Ping-nam, KOO Chiu, LAM Kam-hon, LO Ping, TANG Wah-hon, HAU Man-li, TSUI Lam, and operators of illegal establishments, and other persons, to obstruct the course of Public Justice in that

In the District
Court of Hong Kong

—
No. 4

Exhibit P14

Charge Sheet re
Wong Yu-keung

25th October 1977

continued

you David John EDWARDS, Norman Edward HUMPHREYS, Marcus Nigel Webster PELLY, LAM Ying, MOK Sau-tim, WONG Kam-tai, CHAN Fuk-hing, TSE Tung-yuen, CHEUNG Wah-yan, LAU Wai-man, LI Pak-ping, WONG Yu-keung, LI Chok-kam, WONG Kang-po, FUNG Wing-kwok, CHI Wai, CHEUNG Fung-tin, LUNG Fai, WONG Chit-hung, KAN Yiu-pui, PANG Ho-ying, CHENG Yau-cheung, SO Siu-Kuen, YEUNG Ying-kit, WONG Wun-kuen, WONG Pak-wang, KONG Kee-sang, LIN Hsing-chih, KONG Fung-cheuk, Ernest Percival Max HUNT, KWOK Ling-yang, HUEN Hung, CHOW Yuen, LO Wing-pong and TSANG Ping-nam should act contrary to your public duty as police officers in connection with the responsibilities of the Special Duty Squads of the Mong Kok Division and the proper administration of the law.

10

—
Annex 'B'

CHARGE:

Conspiracy

Statement of Offence:

Contrary to Common Law

Particulars of Offence:

David John EDWARDS	Superintendent of Police	20
Norman Edward HUMPHREYS	Superintendent of Police	
Marcus Nigel Webster PELLY	Superintendent of Police	
LAM Ying	Chief Inspector of Police	
MOK Sau-tim	Chief Inspector of Police	
WONG Kam-tai	Chief Inspector of Police	
CHAN Fuk-hing	Chief Inspector of Police	
TSE Tung-yuen	Chief Inspector of Police	
CHEUNG Wah-yan	Senior Inspector of Police	
LAU Wai-man	Station Sergeant	
LI Pak-ping	Retired Station Sergeant	30
WONG Yu-keung	Station Sergeant	
LI Chok-kam	Police Sergeant 1234	
WONG Kang -po	Police Sergeant 1459	
FUNG Wing-kwok	Retired Police Sergeant 1727	
CHI Wai	Police Sergeant 2252	
CHEUNG Fung-tin	Police Sergeant 2501	
LUNG Fai	Retired Police Sergeant 3760	
WONG Chit-hung	Police Sergeant 4393	
KAN Yiu-pui	Police Sergeant 4669	
PANG Ho-ying	Police Sergeant 5675	40
CHENG Yau-cheung	Police Sergeant 6378	

SO Siu-kuen	Police Sergeant 6691
YEUNG Ying-Kit	Police Sergeant 7345
WONG Wun--kuen	Police Sergeant 7529
WONG Pak-wang	Police Sergeant 10736
KONK Kee-sang	Police Constable 5582

In the District
Court of Hong Kong

No. 4

Exhibit P14

Charge Sheet re
Wong Yu-keung

25th October 1977

continued

10 You are charged that being public servants, namely,
police officers in the Royal Hong Kong Police Force,
you did between the 15th day of May 1971 and the 30th
day of November 1976, in this Colony, conspire
together and with LIN Hsing-chih, KONG Fung-cheuk,
Ernest Percival Max HUNT, KWOK Ling-yang, HUEN
Hung, CHOW Yuen, LO Wing-pong, TSANG Ping-nam,
KOO Chiu, LAM Kam-hon, LO Ping, TANG Wah-hon,
HAU Man-li, TSUI Lam, and other persons unknown to
accept advantages as inducements to or rewards for or
otherwise on account of your performing or abstaining
from performing, or having performed or abstained
from performing acts in your capacities as police
officers in relation to the duties of the Special Duty
20 Squads within the Mong Kok Division of the Royal Hong
Kong Police Force.

Annex 'C'

<u>CHARGE:</u>	Conspiracy
<u>Statement of Offence:</u>	Contrary to Common Law

Particulars of Offence:

WONG Kam-tai	Chief Inspector of Police
WONG Yu-keung	Station Sergeant
LIU Kwong-hung	Police Sergeant 888
TSUI Man-fai	Retired Police Sergeant 926
30 FUNG Wing-Kwok	Retired Police Sergeant 1727
YUEN Tai-fu	Police Sergeant 1765
CHI Wai	Police Sergeant 2252
WONG Tung-yan	Police Sergeant 2760
LEUNG Yip	Police Sergeant 4298
WONG Chit-hung	Police Sergeant 4393
CHIU Chung	Police Sergeant 4589
PANG Ho-ying	Police Sergeant 5675
YEUNG Ying-kit	Police Sergeant 7345
40 LI Yiu-kwan	Police Sergeant 7548

In the District
Court of Hong Kong

No. 4

Exhibit P14

Charge Sheet re
Wong Yu-keung

25th October 1977

continued

You are charged that being public servants, namely, police officers in the Royal Hong Kong Police Force, you did between the 1st day of January 1970 and the 30th day of November 1975 in this Colony, conspire together and with LO Wing-pong, TSANG Ping-nam, WU Chiu-hing, CHUNG Chung-hon, CHUNG Tak-ming, HANG Siu-ting, FUNG Hoi-kuen, OR Wah, CHAN Kau, MOK Kwok-sui and other persons unknown to obstruct the course of Public Justice, in that you the said WONG Kam-tai, WONG Yu-keung, LIU Kwong-hung, TSUI Man-fai, FUNG Wing-kwok, YUEN Tai-fu, CHI Wai, WONG Tung-yan, LEUNG Yip, WONG Chit-hung, CHIU Chung, PANG Ho-ying, YEUNG Ying-kit, LI Yiu-kwan, LO Wing-pong, TSANG Ping-nam, FUNG Hoi-kuen, and other persons unknown should act contrary to your public duty as police officers in relation to hawker control and proper administration of the law in the Mong Kok Division of the Royal Hong Kong Police Force.

10

Annex 'D'

20

CHARGE:

Conspiracy

Statement of Offence:

Contrary to Common Law

Particulars of Offence:

WONG Kam-tai
WONG Yu-keung
LIU Kwong-hung
TSUI Man-fai

Chief Inspector of Police
Station Sergeant
Police Sergeant 888
Retired Police Sergeant
926

FUNG Wing-kwok

Retired Police Sergeant
1727

YUEN Tai-fu
CHI Wai
WONG Tung-yan
LEUNG Yip
WONG Chit-hung
CHIU Chung
PANG Ho-ying
YEUNG Ying-kit
LI Yiu-kwan

Police Sergeant 1765
Police Sergeant 2252
Police Sergeant 2760
Police Sergeant 4298
Police Sergeant 4393
Police Sergeant 4589
Police Sergeant 5675
Police Sergeant 7345
Police Sergeant 7548

30

You are charged that being public servants, namely, police officers in the Royal Hong Kong Police Force, you

40

10 did between the 1st day of January 1970 and the 30th day of November 1975 in this Colony, conspire together and with LO Wing-pong, TSANG Ping-nam, WU Chiu-hing, CHUNG Chung-hon, CHUNG Tak-ming, HANG Siu-ting, FUNG Hoi-kuen, OR Wah, CHAN Kau, MOK Kwok-sui and persons unknown to accept advantages as inducements to or rewards for or otherwise on account of your performing or abstaining from performing or having performed or having abstained from performing acts in your capacities as police officers in relation to the duties of Nuisance Squads of the Mong Kok Division of the Royal Hong Kong Police Force.

In the District
Court of Hong Kong

—————
No. 4

Exhibit P14

Charge Sheet re
Wong Yu-keung

25th October 1977

continued

In the Court of
Appeal

No. 5

No. 5

JUDGMENT OF ROBERTS, C.J.

Judgment of
Roberts, C.J.

IN THE COURT OF APPEAL

1979 No. 470
(Criminal)

2nd October 1979

B E T W E E N :

TSANG Ping-nam Appellant

- and -

THE QUEEN Respondent

Coram: Roberts, C.J.
 McMullin, J.A. and
 Leonard, J.

10

Date: 2nd October, 1979

J U D G M E N T

Introduction:

TSANG Ping-nam, who was at all relevant dates a serving sergeant in the Royal Hong Kong Police Force, was convicted in the District Court on three counts of attempting to pervert the course of public justice, contrary to Common Law.

The particulars of offence of the first charge were as follows :

20

"TSANG Ping,nam, on a date unknown between 31st January, 1977 and 21st June 1978, in this Colony, attempted to pervert the course of public justice relating to the prosecution of SO Siu-kuen, Police Sergeant 6691 of the Royal Hong Kong Police Force, for the offences relating to the involvement of the said SO Siu-kuen in a corruption conspiracy in the Mongkok Division of the Royal Hong Kong Police Force."

The particulars of the other charges were identical, save that the second charge related to the prosecution of Chief Inspector WONG Kam-tai and the third charge to the prosecution of Sergeant WONG Yu-keung.

30

The appellant was convicted on all three charges and sentenced to two years' imprisonment on each, the sentences to run concurrently.

In the Court of
Appeal

—
No. 5

The corruption conspiracy referred to in the charges was the subject of a long trial in 1978, which we will refer to as the "Mongkok trial", in which the appellant was an important Crown witness.

Judgment of
Roberts, C.J.

2nd October 1979

continued

Facts:

10 On the 1st February 1977, the appellant was arrested by officers of the Independent Commission Against Corruption (ICAC) for suspected complicity in a corruption syndicate, which was said to have operated in the Mongkok Division of the Royal Hong Kong Police Force between 1972 and 1975.

During the afternoon of that day, the appellant was asked a number of questions, but made no admission of any involvement in corruption in the Mongkok Division or of any knowledge of it.

20 Later that same day, however, he was again interviewed by the same two ICAC officers and made his first statement, in which he admitted that he had received substantial sums of corrupt money, during his service as a Police Sergeant in the Mongkok Division, from Sergeant SO Siu-kuen, who was also known as "Tai Tau So", the subject of the first charge.

30 He received these sums regularly every week from Sergeant So and believed that the money came from "sex joints", gambling stalls, 'tsz far' stalls and opium stalls. Either Sergeant So, or Inspector LO Wing-pong, would notify the Vice Squad as to which places should be raided and which, having paid their bribes to the police, should be left alone.

He added that, in mid-1973, Inspector LO Wing-pong was succeeded, as the Chief Inspector who was responsible for internal administration in the Mongkok Division, by Inspector WONG Kam-tai, the subject of the second charge.

40 On the following day, 2nd February, 1977, the appellant made a second statement in which he amplified the version of events which he had given in his first statement. Apart from repeating his assertion that money had been collected in the name of Inspector Wong, this statement did not implicate further any of the officers named in the three charges.

In the Court of
Appeal

—
No. 5

Judgment of
Roberts, C.J.

2nd October 1979

continued

On the 4th February, the appellant made a third statement, in which he described how the Mongkok uniform branch accounts were controlled by Inspector Lo, who was assisted by various other police officers, among them Sergeant WONG Yu-keung, the Barrack Sergeant, the subject of the third charge. About \$10,000 a week was collected from hawkers in the district, through a police officer and two other men who were not members of the Force. Of this sum, Sergeant Wong received \$500 a week. When Inspector WONG Kam-tai took over from Inspector Lo in 1973, it was agreed that the appellant should pay Inspector Wong \$3,000 twice a month.

10

On the 23rd February, 1977, the same two ICAC officers interviewed the appellant. One of them, Mr. Picken, invited him to make a full witness statement which, provided that the appellant told the whole truth, would not be used against him in any prosecution for corruption. To this the appellant agreed.

Mr. Picken later gave evidence, in the Mongkok trial, that in February 1977 it had not been decided who would be prosecuted, though he said that he had it in mind that the appellant might be called as a witness and that the invitation to make a witness statement was made to the appellant on the advice of a member of the Attorney General's Chambers. It was made clear to the defendant that he might nevertheless still be prosecuted. Only later, at some time between the 20th June and 10th October, 1977, was the appellant told that he was going to be called as a prosecution witness.

20

On the 15th April, 1977, at ICAC Headquarters, a witness statement was composed by Mr. Wong (an ICAC officer) from the appellant's previous statements and from additional information which the appellant had provided at various other meetings.

30

When the witness statement was complete, Mr. Wong read it to the appellant, who signed it. Some additions to it were made on the 20th June, 1977, when Mr. Wong asked the appellant further questions. These additions were also read to, and agreed and signed by, the appellant.

40

On the 16th June, 1978, in the Hilton Hotel, where the appellant was being kept in protective custody, another ICAC officer, Mr. LI Chuen-kwok, asked him if he wished to read his statement; Mr. Li handed him a copy of it, which the appellant read. When he finished,

he said "Okay". Mr. Li asked him "Do you still agree the contents are true and accurate?" The appellant replied "Yes. I can still remember everything very clear. It's all true".

In the Court of
Appeal

————
No. 5

Judgment of
Roberts, C.J.

2nd October, 1979

continued

10 Later that day, Mr. Li handed the appellant a letter of indemnity signed on behalf of the Attorney General. This was dated the 14th April, 1978 and undertook that, on condition that the appellant gave full and true evidence in the proceeding of Reg. v. Edwards & Others for offences of conspiracy relating to the corrupt activities of police and ex-police officers of the Royal Hong Kong Police Force, no prosecution would be instituted against him in respect of any offence involving corruption disclosed by him in the course of his testimony in the said proceedings.

The Mongkok trial began on the 17th April, 1978. The appellant was called as a witness by the prosecution on the 19th and 20th June, 1978.

20 In the course of his evidence, the appellant frankly admitted his own part in the Mongkok corruption syndicate. He confirmed those parts of his witness statement which implicated in corruption Inspector LO Wing-pong and various other police officers who were not defendants in the Mongkok trial. But he denied there was any truth in those parts of his statement which implicated Sergeant So, Inspector WONG Kam-tai, or Sergeant WONG Yu-keung, (who were defendants in the trial) or any of the other defendants, or any other members of the Police Force who were not defendants.

30 He alleged that the allegations in his statement against these persons had been fabricated by ICAC, that he knew the allegations against them were false, and that he agreed to sign the witness statement, which included these allegations, in order to secure a letter of indemnity from prosecution and out of fear that he would otherwise himself be charged with corruption.

40 On the application of the Crown, he was declared a hostile witness and subjected to cross-examination by Mr. Ogden on his witness statement. He admitted that he had led the ICAC officers to believe that he was going to give evidence in court along the lines of his witness statement, and that he knew that this statement would be a factor which would be taken into account by the Attorney General when deciding who should be prosecuted. At the time he signed the witness statement, on the 15th April, he was prepared

In the Court of
Appeal

No. 5

Judgment of
Roberts, C.J.

2nd October 1979

continued

to stick to his story and to repeat the falsities in court,
but he changed his mind on the 20th June, 1978.

There can be no doubt, (and this was not contested
by counsel for the appellant) that the statement and the
evidence of the appellant are irreconcilable in many major
respects and that both cannot be true; one, or the other,
or both, must be untrue.

The Crown's Case:

The prosecution of the appellant was conducted
throughout on the basis that the Crown was unable to prove
either that his evidence at the Mongkok trial was untrue or
that his witness statement was untrue.

10

The Crown's case was that, whichever was untrue,
the appellant must be guilty of the offence of attempting to
pervert the course of public justice on one of two alter-
native grounds (which we will call the "conflicting stories"
and the "change of mind", though these were not phrases
which were used in argument).

The Crown alleged, in essence, that there was no
explanation of the appellant's conduct which was reason-
ably consistent with his innocence of the offence charged.

20

"Conflicting stories". The Crown's argument on
this basis, is that the appellant had either falsely accused
innocent persons of corruption and agreed to testify to that
effect, or lied when giving evidence during the Mongkok
trial, thereby preventing the court from coming to a true
and just verdict at that trial.

"Change of mind". The Crown's contention on this
basis is that the appellant embarked on a course of conduct
whereby, in order to avoid his own prosecution, he impli-
cated a number of persons in criminal offences by his
witness statement, leading the Crown to believe that he
was telling the truth and would give evidence in court about
their criminal activities. At a later stage, before he gave
evidence in the Mongkok trial, he changed his mind and
decided to testify that the allegations in his statement were
lies and had been fabricated by ICAC.

30

Time of offence:

The particulars of the charges allege that the offences
were committed between 31st January 1977 and 21st June
1978. Although it was not argued before us in this appeal

40

that the particulars were incorrect in this respect, we feel that we should deal with the question, for future guidance, on the assumption that the Crown's submissions, as set out above, are correct.

In the Court of
Appeal

————
No. 5

Judgment of
Roberts, C.J.

2nd October 1979

continued

10 Conflicting stories. If both the witness statement and the evidence were false, the Crown says that the offence would have been committed at the time when the first false statement was given. If the statement was true, but the evidence at the Mongkok trial was false, the offence would have been committed when the appellant retracted his statement in evidence at the Mongkok trial.

 If the statement was false, but the evidence given at the Mongkok trial was true, the offence would have been committed when the first false statement was given to ICAC.

20 Change of mind. The time of completion of the offence would be different if the Crown relied on the appellant's change of mind as constituting the offence. In this event, it would have been committed when he changed his mind, which must have occurred between the time when he gave his first false statement and the time when he gave evidence.

30 The appellant testifies that he had intended, when giving the statements, to repeat them in court; it was only at a much later stage, after he had received his indemnity, that he made up his mind not to repeat the statements in court but to "tell the truth when called as a witness". On this basis, the offence would have been committed when he decided not to repeat his witness statement in evidence.

 Thus, all hypotheses lead to the conclusion that the offence, if there was one, must have been committed between the first statement on 1st February, 1977, and the moment when he retracted his statements in evidence during the Mongkok trial on 20th June, 1978. The particulars of the charges so assert, and were thus properly laid.

Defence:

40 The appellant's case was to the effect that the evidence which he gave at the Mongkok trial was true and that his statements were untrue. And that he signed them out of fear that he would be prosecuted if he did not and in

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order to secure his own indemnity.

Counsel for the appellant argued that :-

(a) it was for the Crown to establish what its case was against the appellant and that the appellant was entitled to know the substance of what he had to meet;

(b) he could not have known this from the particulars contained in the charges;

(c) the Crown, instead of relying on the general nature of the offences charged, should have prosecuted him either with giving false information to ICAC contrary to section 13B of the Independent Commission Against Corruption Ordinance, or with perjury. 10

To establish a charge under section 13B, the Crown would have had to prove that the statements given to ICAC were false. Although this would have involved calling those three police officers who were the subject of the charges, it was submitted that, however unlikely it might be that they would be prepared to give evidence of the falsity of the appellant's statements against someone who had protected them at the Mongkok trial, the possibility was open to the Crown. 20

Crown Counsel, Mr. Reid, replied that -

(a) it is for the Attorney General to select the offence with which a person shall be charged;

(b) the maximum penalty for an offence under section 13B is six months' imprisonment, which would be wholly inadequate for an offence as grave as this;

(c) it was observed in R. v. Rowell⁽¹⁾ that the equivalent English section 5(2) of the Criminal Law Act, 1969, was not appropriate where individuals were exposed to the risk of wrongful arrest, prosecution and conviction by reason of the false information tendered to the police. 30

Alternatively, Mr. Ching said, the appellant could have been charged with perjury, in respect of his evidence at the Mongkok trial. He conceded, however, that in fact the Crown would have been unable to substantiate a charge of perjury. This could only have been proved if the officers named in the statements were prepared to testify to the effect that they were corrupt, as the statements

(1) (1978) 1 W.L.R. 132

alleged, and that consequently the evidence given by the appellant at the Mongkok trial must have been perjured.

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10 What the Crown sought to do, he objected, was to charge an offence without being able to prove a particular set of facts which would justify a conviction. Instead, the Crown hoped to establish that the appellant had been guilty of one of two alternative acts, either of which might have justified the conviction, but without being able to establish which and without warning the appellant as to the precise grounds upon which the Crown was relying.

The offence of attempting to pervert the course of public justice

This offence appears to have had its origins in the early development of the law of conspiracy. Accordingly it was at one time the general practice to prosecute conduct which tended to pervert the course of public justice as a conspiracy.

20 Nevertheless, there is no doubt that at common law a wrongful obstruction of the course of justice is an offence by itself notwithstanding the absence of any element of conspiracy. In Rowell⁽¹⁾, Lord Justice Ormrod, delivering the judgment of the Court of Appeal, said :-

"In the light of the judgments in that case, we do not think that it is now arguable that a single-handed attempt to pervert the course of public justice is not a criminal offence known to the law."

Lord Justice Ormrod was referring to R. v. Vreones⁽²⁾. In the latter case, at page 369, Baron Pollock said :-

30 "The real offence here is the doing of some act which has a tendency and is intended to pervert the administration of public justice."

40 In Vreones⁽²⁾, the defendant, having been instructed to take samples of a consignment of wheat, which it was thought was likely to be the subject of arbitration between the buyers and the sellers, took samples and placed them in sealed bags, but later deliberately substituted other wheat for the wheat from the consignment and placed it in the sealed bags, intending to deceive the arbitrators. No arbitration in fact took place, but, nonetheless, he was

(1) (1978) 1 W.L.R. 132

(2) (1891) 1 Q.B. 360

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held guilty of attempting to pervert the course of public justice.

In Rowell⁽¹⁾, the defendant made a detailed statement to the police, in which he alleged that T had demanded one pound from him at gun point when they were sitting in a bus. As a result T was arrested and remanded in custody. A few days later the defendant, after further questioning, retracted his statement, and T was released.

The following day, the defendant asked a friend of his to search the buses, where the latter found a toy pistol. Later the defendant admitted to the police that he had placed the pistol in the bus to lend credence to his original statement. He was convicted of attempting to pervert the course of public justice, by making a false allegation that he had been robbed and threatened with a firearm by T. 10

On appeal, it was held that the indictment disclosed an offence known to the law and distinct from the statutory offence of causing wasteful employment of police created by section 5(2) of the Criminal Law Act 1967 (which is in the same terms as section 13B of the I.C.A.C. Ordinance) in that the defendant had not only wasted police time but exposed another person to the risk of arrest. 20

The indictment in Rowell⁽¹⁾ alleged that the defendant had attempted to pervert the course of public justice "by falsely alleging that he had been robbed and threatened with a firearm by Edward Fontaine Timms."

It is clear, therefore, that the appellant would be guilty of attempting to pervert the course of public justice if it could be proved that the statements which he had made to the ICAC officers contained false allegations against the officers who were the subject of the three charges on which he was convicted. 30

Although we have not been referred to any authority to the effect that the giving of false evidence or perjury, amounts to an attempt to pervert the course of justice, we see no reason why this should not be so, since the giving of false evidence is undoubtedly an act which has a tendency, and is intended, to pervert the administration of public justice (see Vreones⁽²⁾). Indeed, Vreones⁽²⁾ 40

(1) (1978) 1 W.L.R. 132

(2) (1891) 1 Q.B. 360

establishes that it is an indictable offence to fabricate evidence with intent to mislead a judicial tribunal, even if that evidence is never used. A fortiori, the giving of such evidence must surely amount to the same offence. It is worth noting that the authors of Smith and Hogan (4th Ed. page 254) express the opinion that to persuade a witness to tell lies is both an attempt to pervert the course of justice and an offence of sub-ornation of perjury.

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10 Thus it may be concluded that the offence charged could be committed either by the false statements to the ICAC officer or by perjury at the Mongkok trial, though as the Crown has always admitted, it could merely show that either the statements, or his evidence, or conceivably both, must have been false.

Basis of conviction

20 The judge found that there was no explanation of the accused's conduct which was consistent with his innocence of the charge and that he could convict, whether the statements or the evidence or both were untrue, because he was satisfied beyond reasonable doubt that one or the other was false.

30 It might perhaps not have been necessary for the judge to convict the appellant by this route. He could have relied upon the appellant's own admissions in evidence at his trial that his statements were false, even though he rejected his evidence that pressure was put upon him to secure them. But he did not, so that we have been obliged to consider whether it was open to the Crown, in this instance, to base its case on the irreconcilable nature of the statements and the sworn evidence, rather than on the proved falsity of either or both.

Change of mind theory rejected

 It was submitted by the Crown that the offence could also have been committed at the moment when the appellant, having given statements to ICAC officers, decided in his own mind that he would not give evidence at the Mongkok trial which was consistent with the statements.

40 Mr. Ching, on behalf of the appellant, warned that the acceptance of such a proposition would mean that any person who gave a statement to the police would be liable to prosecution if at a later stage he did not come up to proof, or even if he refused to give evidence. This, he

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continued

urged, would have wide reaching ramifications and would create a new offence, the essence of which would be a mere refusal, or failure, to give evidence in accordance with a previous statement to a police or ICAC officer.

At present, a person who gives false information to an ICAC or police officer can be proceeded against under section 13B of the Independent Commission Against Corruption Ordinance (Cap. 204) or under section 64 of the Police Force Ordinance (Cap. 232); but it is necessary in either case to prove that the particular statements concerned were false. 10

We are asked to find (if the change of mind theory is adopted) that where a person gives a statement to the police, it should be an offence of attempting to pervert the course of public justice if (a) he subsequently gives evidence which is contrary to it; or (b) he refuses to give evidence; or (c) he decides, before he gives evidence, not to do so in accordance with the statement.

In our view, a mere refusal to give evidence is not of itself capable of amounting to "the doing of an act or a series of acts which has a tendency and is intended to pervert the course of justice" (Rowell⁽¹⁾ at p.138). Further, the mere formulation of an intention not to give evidence in accordance with a statement cannot amount to the offence. There must be an overt act, which will usually be, as in this case, the contradiction on oath of his statement. 20

So we do not consider that the offence can be given such wide frontiers, and believe that the offence should not be extended beyond the limits envisaged by (a) above. 30

Conclusion

We are unaware of any authority which entitles a court to convict of the offence of attempting to obstruct the course of public justice, without the Crown being able to establish the precise basis for the conviction, but only a choice of alternatives each of which is reconcilable only with guilt.

But we do not see the proposition as being, in essence, in any way novel. To take the offence of murder as an analogy. If the Crown were able to establish that the accused had both shot and stabbed his victim 40

(1) (1978) 1 W.L.R. 132

and that either wound would, by itself, have caused death, but was unable to prove which had done so, could it be doubted that the assailant would be properly convicted of murder?

We do not, therefore, consider that we are being asked to create a new offence. At the most we are identifying another way in which an old one can be proved.

10 It is urged upon us that to do so would cause unfairness to an accused, who would not know, because the particulars do not contain them, the details of the facts on which the Crown relies. But particulars, of themselves, tell little. For example, an indictment for murder will say only that X murdered Y on a certain date. It will not say how the Crown alleges the offence was committed any more than the particulars of these charges did.

20 If it were thought necessary (and we express no view on the matter) for further particulars to be given of the statement and evidence on which the Crown relies in a prosecution of this nature, these could surely be given without difficulty in sufficient detail to enable the accused to know what is alleged against him. In any event, the presence or absence of particulars is a matter of importance only in so far as it may mislead or prejudice the accused.

30 In this case, any injustice which might have been caused to the appellant (and there can surely have been more, since it would be fanciful to imagine that he did not know, after his cross-examination at the Mongkok trial and in view of his long service as a police officer, exactly what the Crown's case must be) was cured by the outline of the prosecution case which was supplied to his legal advisers before the trial began. Indeed, such a document is of far more value to an accused, as an indication of the case which he has to meet, than the attenuated particulars which appear in a charge.

40 Our conclusion, therefore, is that an accused may be properly convicted of the offence of attempting to pervert the course of public justice if the Crown establishes -

(a) that a statement was given by him to a law enforcement officer in relation to criminal

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continued

activities (other than a statement which implicates himself);

(b) that he subsequently gives evidence which is irreconcilable in one or more material particulars with the statement;

(c) he gives no satisfactory explanation of the conflict (e.g. that the statement was not voluntary) notwithstanding that the Crown is unable to prove whether either, or both, is untrue.

We confess that we have not reached this conclusion without some degree of intellectual discomfort. But we have not allowed this to divert us from the inescapable conclusion that the appellant, on any possible interpretation of the evidence, attempted and intended to pervert the course of public justice.

10

Accordingly, the appeal against conviction is dismissed.

(Sd.) DENYS ROBERTS

C. Ching, Q.C. & Y.C. Mok (W.K. Lore & Co.) for
Appellant

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C.W. Reid for the Crown/Respondent.

PETITION FOR SPECIAL LEAVE TO APPEAL
IN FORMA PAUPERIS TO H.M. IN COUNCIL

No. 6

IN THE PRIVY COUNCIL

Petition for Special
Leave to Appeal
in forma pauperis
to H.M. in Council

ON APPEAL FROM THE COURT OF APPEAL
HONG KONG

13th May 1980

B E T W E E N :

TSANG PING-NAM Petitioner

- and -

THE QUEEN Respondent

10 TO THE QUEEN'S MOST EXCELLENT MAJESTY IN
COUNCIL

THE HUMBLE PETITION of the above-named
Petitioner SHOWETH :

(1) That your Petitioner prays for leave to appeal in
forma pauperis to your Majesty in Council from the
judgment of the Court of Appeal of Hong Kong (Sir Denys
Roberts C.J., McMullin, J.A. and Leonard, J.) dated
the 2nd day of October 1979 dismissing your Petitioner's
Appeal against conviction in the District Court of Hong
20 Kong holden at Victoria on the 9th day of May 1979 on
three counts of attempting to pervert the course of
public justice. He was sentenced to two years imprison-
ment concurrent on each count.

(2) The particulars of offence of the first charge were
as follows :

TSANG Ping-Nam on a date unknown between 31st
January, 1977 and 21st June, 1978, in this Colony,
attempted to pervert the course of public justice relating
to the prosecution of SO Siu-Kuen, Police Sergeant 6691,
30 of the Royal Hong Kong Police for the offences relating
to the involvement of the said So Siu-Kuen in a corruption
conspiracy in the Mongkok Division of the Royal Hong
Kong Police Force.

The particulars of the other two offences were

In the Privy
Council

—
No. 6

Petition for Special
Leave to Appeal
in forma pauperis
to H.M. in Council

13th May 1980

continued

identical save that they related to the prosecution of
Chief Inspector Wong Kam-Tai and Sergeant Wong Yu-
Keung respectively.

(3) The case for the Crown was as follows :

(4) On the 1st day of February 1977 your Petitioner
was arrested and interviewed by officers of the Indepen-
dent Commission Against Corruption (hereinafter
referred to as "ICAC"). From the 1st until the 4th
days of February aforesaid your Petitioner made three
statements admitting receiving substantial sums of money
in a corruption conspiracy (hereinafter referred to as
the "Mongkok conspiracy") during his service as a Police
Sergeant in the Mongkok division. He also implicated
inter alia Police Sergeant So Siu-Kuen, the subject of the
first count; Inspector Wong Kam-Tai, the second count;
and Sergeant Wong Yu-Keung, the third count.

10

(5) From the information contained in the above men-
tioned three statements a witness statement was com-
posed by an officer of ICAC and on the 15th day of April
1977 your Petitioner signed it. On 20th day of June
your Petitioner signed an addendum to this said witness
statement.

20

(6) On 16th day of June 1978 your Petitioner was
granted immunity from prosecution provided he gave
full and true evidence at the trial of various Mongkok
conspirators including the three above named defendants.

(7) At the Mongkok conspiracy trial your Petitioner
gave evidence in which he admitted his part in the said
corruption conspiracy and he confirmed those parts of
his aforesaid witness statement implicating persons who
were not defendants in the said trial.

30

(8) At the aforesaid trial the Crown obtained leave to
treat your Petitioner as a hostile witness and the said
witness statement was put to him. He stated that the
allegations concerning the three named defendants were
fabricated by ICAC officers and that he implicated them
because he was threatened that if he did not your Peti-
tioner would be prosecuted for his part in the conspiracy.
Your Petitioner denied that there was any truth in those
parts of his witness statement implicating the said three
named defendants.

40

(9) At the trial of your Petitioner the learned Judge,
Bewley, D.J. found that the said witness statement and

the evidence of your Petitioner were irreconcilable. He rejected your Petitioner's evidence relating to the circumstances surrounding the making of his statements but made no finding as to whether either his statements or his evidence or both concerning the three named defendants were false.

In the Privy
Council

No. 6

Petition for Special
Leave to Appeal
in forma pauperis
to H.M. in Council

13th May 1980

continued

10 (10) The case for the Crown, which was accepted by the Court of Appeal, was that your Petitioner had either falsely accused innocent persons of corruption and agreed to testify to that effect; or lied when giving evidence at the aforesaid trial, thereby preventing the court from coming to a true and just verdict.

(11) The Court of Appeal concluded "not without some degree of intellectual discomfort" that the offence of attempting to pervert the course of public justice is made out where the Crown establishes that :

- 20 (a) a statement is given by a person to a law enforcement officer in relation to criminal activities, and
- (b) that person subsequently gives evidence which is irreconcilable in one or more material particulars with the statement, and
- (c) that person gives no satisfactory explanation of the conflict (e.g. that that statement was not voluntary) notwithstanding that the Crown is unable to prove whether either, or both is untrue.

(12) The grounds of this Petition are :

30 (i) Hitherto the making of materially irreconcilable statements per se has never been held to constitute an offence under the Common Law of Hong Kong, England or any other Commonwealth jurisdiction.

(ii) To found a conviction for attempting to pervert the course of public justice the act or acts complained of as constituting the offence have to be identified.

(iii) The making of materially irreconcilable statements per se ought not to constitute the offence of attempting to pervert the course of public justice :

In the Privy
Council

No. 6

Petition for Special
Leave to Appeal
in forma pauperis
to H.M. in Council

13th May 1980

continued

(a) in order to safeguard innocent defendants from the risk of conviction by the repetition on oath by a prosecution witness of a lie which he has previously told to a law enforcement officer. (See the recommendations of the Law Commission Report No. 96 on Criminal Law, Offences relating to Interference with the course of Justice, paragraphs 2.57 to 2.63).

10

(b) It is a contempt of court for a person to bring pressure to bear on a witness to repeat a statement in evidence which that person does not know to be true.

DEREK ZEITLIN

No. 7

Order Granting
Special Leave to
Appeal in forma
pauperis to H.M.
in Council

28th July 1980

No. 7

ORDER GRANTING SPECIAL LEAVE TO APPEAL
IN FORMA PAUPERIS TO H.M. IN COUNCIL

AT THE COURT AT BUCKINGHAM PALACE

The 28th day of July 1980

PRESENT

20

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 7th day of July 1980 in the words following viz:-

"WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition of Tsang Ping-nam in the matter of an Appeal from the Court of Appeal of Hong Kong between the Petitioner and Your Majesty Respondent setting forth that the Petitioner prays for special leave to appeal in forma pauperis

30

from a Judgment of the Court of Appeal of Hong Kong dated 2nd October 1979 which dismissed the Appeal of the Petitioner against his conviction in the District Court at Victoria on 9th May 1979 on three counts of attempting to pervert the course of public justice: And humbly praying Your Majesty in Council to grant the Petitioner special leave to appeal in forma pauperis against the Judgment of the Court of Appeal of Hong Kong dated the 2nd October 1979:

10

"THE LORDS OF THE COMMITTEE in obedience to His late Majesty's said Order in Council have taken the said humble Petition into consideration and having heard Counsel in support thereof no one appearing at the Bar in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that special leave ought to be granted to the Petitioner to enter and prosecute his Appeal in forma pauperis against the Judgment of the Court of Appeal of Hong Kong dated 2nd October 1979:

20

"AND Their Lordships do further report to Your Majesty that the proper officer of the said Court of Appeal ought to be directed to transmit to the Registrar of the Privy Council without delay an authenticated copy of the Record proper to be laid before Your Majesty on the hearing of the Appeal."

30

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

WHEREOF the Governor or Officer administering the Government of Hong Kong and its Dependencies for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

N. E. LEIGH

In the Privy
Council

No. 7

Order Granting
Special Leave to
Appeal in forma
pauperis to H.M.
in Council

28th July 1980

continued

O N A P P E A L
FROM THE COURT OF APPEAL OF HONG KONG

B E T W E E N :

TSANG PING NAM

Appellant

- and -

THE QUEEN

Respondent

RECORD OF PROCEEDINGS

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