

3. the Respondent do pay the costs and expenses of and incidental to the proceedings of the Institute in the sum of HK\$28,211 under section 35(1)(iii) of the PAO.

Dated the 20th day of June 2016

conviction was dismissed by the High Court in HCMA 230/2014 in September 2014. The Court of Final Appeal refused to grant leave for any further appeal in 2015.

- (d) The underlying facts of the Respondent's conviction are as follows.
 - (e) At about 9 pm on 4 July 2013, a Ms. Ip withdrew \$1,800 from an ATM machine ("ATM 1") of the Hang Seng Bank inside Central MTR Station. She forgot to take the money and left. When she returned to ATM 1 a few minutes later, the money was not there anymore. She reported the matter to the police.
 - (f) CCTV recording shows that, at about the same time, the Respondent withdrew \$900 from another ATM machine ("ATM 2") which was next to ATM 1. While the Respondent was about to leave after withdrawing money from ATM 2, there were some sounds coming from ATM 1. The Respondent then took the \$1,800 from ATM 1.
 - (g) The Respondent was subsequently identified from bank records. She was arrested in February 2014, and subsequently charged with the theft offence.
 - (h) When interviewed by the police, as well as at the trial, the Respondent maintained that she was not dishonest – she forgot from which ATM she had withdrawn her money, thought the money at ATM 1 belonged to her, and took the money. Her version of events was however rejected by the court and she was convicted. She was fined \$5,000.
 - (i) The above conviction also constitutes dishonourable conduct as it would bring or likely to bring discredit upon the Respondent and/or the accountancy profession.
3. The Respondent admitted the Complaint against her. She did not dispute the facts as set out in the Complaint. She agreed that the steps set out in paragraphs 17 to 30 of the Disciplinary Committee Proceedings Rules be dispensed with.
 4. By a letter dated 11 March 2016 addressed to the Complainant and the Respondent, the Clerk to the Disciplinary Committee, under the direction of the Committee, informed the parties that they should make written submissions to the Committee as to the sanctions and costs.
 5. In considering the proper order to be made in this case, the Committee has had regard to all the aforesaid matters, including the particulars in support of the Complaint, the Respondent's personal circumstances, and the conduct of the Complainant and the Respondent throughout the proceedings.
 6. In the present case, the Respondent took the cash which did not belong to her from the ATM machine. She was a senior compliance staff member in a bank

and she was well aware that there is CCTV in locations where cash is exchanged. She claimed that her mind was clouded by work and family matters when she committed the offence. She was fined HK\$5,000 and was left with a criminal record. She also lost her high-paying job at the bank. Compared to the precedent cases identified by the parties (D-12-0690H, D-10-0515C and D-13-0849H), the present case is of a lesser gravity. The Committee agrees that it was likely to be a "fleeting" momentary greed. The Committee considers that a reprimand and a financial penalty be adequate in the circumstances. As regards the costs, the Committee considers that the Respondent should pay the costs and expenses of and incidental to the proceedings of the Institute.

7. The Disciplinary Committee orders that:-

- 1) the Respondent be reprimanded under section 35(1)(b) of the PAO;
- 2) the Respondent do pay a penalty of HK\$5,000 under section 35(1)(c) of the PAO; and
- 3) the Respondent do pay the costs and expenses of and incidental to the proceedings of the Institute in the sum of HK\$28,211 under section 35(1)(iii) of the PAO.

Dated the 20th day of June 2016