

Ex-Chief Executive Donald Tsang Yam-kuen in court over misconduct in public office

5 October 2015

Former Chief Executive (CE) of the Hong Kong Special Administrative Region (HKSAR) Donald Tsang Yam-kuen appeared in Eastern Magistracy this (Monday) afternoon after being charged by the ICAC with two counts of misconduct in public office.

Tsang, aged 70, faced two charges of misconduct in public office, contrary to Common Law.

No plea was taken. Magistrate So Wai-tak adjourned the case until November 13 this year, when the prosecution will seek committal of the case to the Court of First Instance for trial.

The first charge alleged that between November 2, 2010 and January 20, 2012, Tsang, in the course of or in relation to his public office, namely CE of the HKSAR, without reasonable excuse or justification, wilfully misconducted himself by failing to declare or disclose to, or by concealing from the Executive Council ("ExCo") during ExCo meetings in which various licence applications by Wave Media Limited ("WML"), subsequently renamed as Digital Broadcasting Corporation Hong Kong Limited, were discussed and approved, his negotiations with Wong Chor-bau, a major shareholder of WML, in respect of a lease for a three-storey residential property situated at East Pacific Garden in Shenzhen ("the flat"), and the related payment of RMB800,000 to a company of Wong in November 2010.

The second charge alleged that between or about December 2010 and July 2011, Tsang, in the course of or in relation to his public office, namely CE of the HKSAR, without reasonable excuse or justification, wilfully misconducted himself by failing to disclose to, or by concealing from Kenneth Mak Ching-yu, the then Permanent Secretary for the Chief Executive's Office, the Development Bureau and the Honours and Non-official Justices of the Peace Selection Committee, his interest in the lease of the flat and the engagement of Barrie Ho Chow-lai for interior design work of the flat when he proposed that Ho be referred for consideration for nomination under the HKSAR honours and awards system.

Tsang was granted cash bail of HK\$100,000. He was also ordered to inform the ICAC of his travel itinerary at least 24 hours before leaving Hong Kong and not to interfere with the prosecution witnesses.

The prosecution was represented by Deputy Director of Public Prosecutions Dr Alain Sham, Senior Assistant Director of Public Prosecutions Alice Chan and Senior Public Prosecutor Irene Fan, and assisted by ICAC officer Winnie Lee.

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廉署起訴前行政長官曾蔭權涉嫌行為失當今提堂

2015年10月5日

香港特別行政區前行政長官曾蔭權被廉政公署落案起訴兩項公職人員行為失當罪名，並於今日(星期一)下午在東區裁判法院應訊。

曾蔭權，七十歲，被控兩項公職人員行為失當罪名，涉嫌違反普通法。

被告暫時毋須答辯。裁判官蘇惠德將案件押後至本年十一月十三日，以待控方申請將案件轉介原訟法庭審訊。

首項控罪指曾蔭權涉嫌於二〇一〇年十一月二日至二〇一二年一月二十日期間，在擔任公職期間或在與擔任公職有關的情況，即香港特別行政區行政長官，無合理辯解或理由，故意作出失當行為，即在行政會議舉行會議商討及批准雄濤廣播有限公司(雄濤) — 其後更名為香港數碼廣播有限公司 — 提交的多項申請期間，沒有向行政會議申報或披露，或向行政會議隱瞞他與雄濤主要股東黃楚標就一個位於深圳東海花園的三聯式住宅物業(該物業)的租賃所進行的商議，以及於二〇一〇年十一月向黃楚標的公司所支付一筆金額為八十萬元人民幣的相關款項。

第二項控罪指曾蔭權涉嫌於約二〇一〇年十二月至二〇一一年七月期間，在擔任公職期間或在與擔任公職有關的情況，即香港特別行政區行政長官，無合理辯解或理由，故意作出失當行為，即當他建議將何周禮轉交考慮根據香港授勳及嘉獎制度予以提名時，沒有向當時的行政長官辦公室常任秘書長麥靖宇、發展局和授勳及非官守太平紳士遴選委員會披露或隱瞞他在該物業的租賃的權益，及何周禮獲聘用負責該單位的室內設計。

曾蔭權獲准以現金十萬港元保釋。他亦受命須於離港前至少二十四小時知會廉署其行程及不得騷擾控方證人。

控方由副刑事檢控專員沈仲平博士、高級助理刑事檢控專員陳淑文及高級檢控官范凱琳代表出庭，並由廉署人員李慧兒協助。

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