

DC Election candidate charged over alleged false claims of support

3 January 2014

A candidate of the 2011 District Council (DC) Election has been charged by the ICAC today (Friday) with publishing an election advertisement which includes false claims of support and fails to meet certain requirements.

Edward Leung Wai-kuen, 57, faces one count of engaging in illegal conduct to publish an election advertisement that includes false claims of support, contrary to Section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO).

The defendant also faces another count of publishing an election advertisement that does not meet certain requirements, contrary to Section 34(4) of the ECICO.

He will appear in the Kowloon City Magistracy at 9:30 am next Tuesday (January 7) for plea.

The defendant was a candidate of the King's Park Constituency of the Yau Tsim Mong District in the 2011 DC Election.

The election was held on November 6, 2011, with its nomination period running from September 15 to 28. On September 15, the defendant submitted his nomination form to the Yau Tsim Mong District Office of the Home Affairs Department.

At the election, the defendant obtained 1,045 votes and defeated other four contestants in the constituency.

One of the charges alleges that on October 22, 2011, the defendant, being a candidate of the 2011 DC Election, published or authorised the publication of an election advertisement, namely a pamphlet, that included the names of persons or organisations in such a way as to imply, or to be likely to cause electors to believe, that he had the support of those persons or organisations.

It is alleged that before publication of the election advertisement, the defendant failed to obtain consent in writing from all the persons or organisations to the inclusion of their names in it.

The defendant had applied to the Court of First Instance (CFI) for a relief over this breach, but his application was rejected by the CFI.

The other charge alleges that between October 22 and 29, 2011, the defendant failed to furnish two copies of the election advertisement, namely a pamphlet, to the appropriate returning officer within seven days after publishing the pamphlet.

The defendant has been released on ICAC bail, pending his court appearance next Tuesday.

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廉署起訴區議會選舉候選人涉嫌發布假稱獲得支持選舉廣告

2014年1月3日

廉政公署今日(星期五)落案起訴一名二〇一一年區議會選舉候選人，控告他涉嫌發布假稱獲得支持及不符合某些規定的選舉廣告。

梁偉權，五十七歲，被控一項在選舉中作出非法行為罪名，即發布一則假稱獲得支持的選舉廣告，涉嫌違反《選舉(舞弊及非法行為)條例》第27條。

被告另被控一項發布不符合某些規定的選舉廣告罪名，涉嫌違反《選舉(舞弊及非法行為)條例》第34(4)條。

被告將於下星期二(一月七日)早上九時半在九龍城裁判法院答辯。

被告是二〇一一年區議會選舉油尖旺京士柏選區的一名候選人。

該選舉於二〇一一年十一月六日舉行，提名期為九月十五日至九月二十八日。被告於九月十五日向民政事務總署轄下的油尖旺民政事務處遞交其提名表格。

被告在該選舉中獲得一千零四十五票，擊敗該選區的其他四名參選人。

其中一項控罪指被告涉嫌於二〇一一年十月二十二日，作為二〇一一年區議會選舉候選人，發布或授權發布一則選舉廣告，即一份小冊子，當中收納了某些人或某些組織的姓名或名稱，其方式意味著或相當可能導致選民相信被告已獲得該等人士或組織的支持。

被告涉嫌在發布該選舉廣告前，未有獲得所有人和組織的書面同意，讓其姓名或名稱納入該選舉廣告中。

被告曾就上述違規事項向原訟法庭申請寬免，但被原訟法庭駁回。

另一項控罪指被告涉嫌於二〇一一年十月二十二日至二十九日期間，未有在有關選舉廣告，即一份小冊子，發布後的七天內，向有關的選舉主任提供該小冊子的兩份文本。

被告已獲廉署准予保釋，以待下星期二應訊。

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