

Woman jailed for voting offence at 2011 DC Election

4 January 2016

A registered voter, who was charged by the ICAC, was today (Monday) sentenced to six weeks' imprisonment at the Kowloon City Magistracy for committing a voting offence at the 2011 District Council (DC) Election.

Choi Kai-kwan, 73, a housewife, earlier pleaded guilty to one count of engaging in corrupt conduct with respect to voting at an election, contrary to Section 16(1)(a) of the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO).

In passing the sentence, Principal Magistrate Mr Peter Law Tak-chuen said the voting offence committed by the defendant was serious in nature as it had undermined fairness in the election.

The principal magistrate said he reduced the starting point of 12 weeks in jail to six weeks after taking into account the defendant's guilty plea and other mitigating factors.

The court heard that the defendant's younger brother Choi Luk-sing stood as a candidate of the Wong Tai Sin Lung Sing Constituency at both the 2007 and 2011 DC Elections. Choi won in 2007, but lost in 2011.

An application dated August 28, 2007 and apparently signed by the defendant was filed with the Registration and Electoral Office. It stated that the principal residence of the defendant was a flat at Lung Poon Court in Diamond Hill.

As the flat was within the demarcation of the Lung Sing Constituency, the defendant was registered as an elector of the constituency for both the 2007 and 2011 DC Elections.

The court heard that the flat was co-owned by Choi with his brother, while its utility services had been subscribed under the name of a person since October 2005. Besides, the defendant co-owned a flat at Manning Theatre Building in Yuk Wah Crescent, Tsz Wan Shan with another person.

Upon receipt of a complaint alleging a breach of the ECICO by the ICAC in late 2014, the defendant was invited to attend an interview on March 10, 2015.

Under caution, the defendant said she had been living in the flat at Manning Theatre Building for 18 years and had all along been an elector of the Tsz Wan Shan Constituency. She had never visited or resided at the flat in Lung Poon Court nor did she know the occupant resided thereat.

The defendant also said one day Choi asked her to vote for him as he would run for the election in the Lung Sing Constituency, and told her that if she gave him her identity card number, she would be able to vote for him. She acceded to his request, and gave him her identity card number.

On November 6, 2011, the defendant followed Choi's instruction and voted for him in the Lung Sing Constituency at a polling station situated at Lung Poon Court Commercial Centre in Diamond Hill, the court was told.

The prosecution was today represented by prosecuting counsel Francis Lo, assisted by ICAC officer Samuel Wong.

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女子在二〇一一年區議會選舉觸犯 投票罪行判囚六個星期

2016年1月4日

一名登記選民在二〇一一年區議會選舉中觸犯投票罪行，被廉政公署起訴。被告今日(星期一)在九龍城裁判法院被判入獄六個星期。

蔡熙君，七十三歲，家庭主婦，早前承認一項罪名，即作出關於在選舉中投票的舞弊行為，違反《選舉(舞弊及非法行為)條例》第16(1)(a)條。

主任裁判官羅德泉在判刑時稱，被告所干犯的投票罪行性質嚴重，破壞了有關選舉的公平。

主任裁判官續稱，量刑起點為監禁十二個星期，但考慮到被告認罪及其他求情理由，將刑期減至六個星期。

案情透露，被告的弟弟蔡六乘曾分別於二〇〇七年及二〇一一年區議會選舉中在黃大仙龍星選區參選。蔡六乘於二〇〇七年勝出，但於二〇一一年則落敗。

一份日期為二〇〇七年八月二十八日並看似由被告簽名的申請表被遞交到選舉事務處。表格上顯示被告的主要住所為鑽石山龍蟠苑一個單位。

由於該單位屬於龍星選區的範圍，被告被登記為二〇〇七年及二〇一一年區議會選舉龍星選區的選民。

案情透露，該單位由蔡六乘及其弟共同持有，而有關單位的公共服務自二〇〇五年十月起由一名人士作為登記用戶。此外，被告與另一名人士共同持有一個位於慈雲山毓華里萬年戲院大廈的單位。

廉署於二〇一四年底接獲投訴，指稱有人涉嫌觸犯《選舉(舞弊及非法行為)條例》，遂展開調查。被告於二〇一五年三月十日被邀請接受會見。

被告在警誡下表示，她在萬年戲院大廈的單位已居住了十八年，一直都是慈雲山選區的選民。她從未到訪或居住在龍蟠苑的單位，也不認識該住客。

被告又指，有一天蔡六乘對她說自己將會在龍星選區參選，並要求她投票給他。蔡六乘又表示，只要被告將其身分證號碼交給他，便可以投票給他。被告於是答應其要求，將身分證號碼交給蔡六乘。

被告於二〇一一年十一月六日依照蔡六乘的指示，前往設於鑽石山龍蟠苑商場的投票站，並在龍星選區中投票予蔡六乘。

控方今日由大律師盧慶祥代表出庭，並由廉署人員黃祐鏘協助。

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