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2015 DC Election defeated candidate penalised for failing to lodge an election return

2017-3-13

A defeated candidate of the 2015 Sai Kung District Council (DC) Election (Kwan Po Constituency), charged by the ICAC, was today (March 13) sentenced at the Kwun Tong Magistracy for failing to lodge an election return as required by the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO).

Antony Lee Sun, 40, accountant, was fined \$5,000 by Principal Magistrate Mr Ernest Lin Kam-hung.

The defendant today pleaded guilty to one count of failing to lodge an election return as required under Section 37 of the ECICO, contrary to Section 38 of the ECICO.

The court heard that at the material time, the defendant was a candidate of the 2015 DC Election for the Kwan Po Constituency of Sai Kung District.

Upon receiving the nomination form of the defendant in October 2015, the Registration and Electoral Office (REO) had served a bundle of documents to inform and remind the defendant of his obligations as a candidate under the relevant electoral laws.

The candidate's obligations included to lodge with the REO a "Return and Declaration of Election Expenses and Election Donations" pursuant to Section 37 of the ECICO.

According to the records of the REO, the defendant had attended a briefing session on October 20, 2015 during which the Chairman of the Electoral Affairs Commission had drawn the attendees' attention to the requirement for lodging the Election Returns within 30 days after the publication of election results.

On November 18, 2015, the REO issued a standard letter to all candidates at the election, including the defendant, reminding them to lodge the Election Returns as required by law.

The court heard that the defendant was defeated in the election held on November 22, 2015. The election results were published on November 30, 2015.

On December 30, 2015, an Electoral Assistant of the REO contacted the defendant to remind him of the deadline for submission of his Election Return.

As the REO did not receive the defendant's Election Return, it referred the case to the ICAC on January

13, 2016, the court heard.

When interviewed under caution by ICAC officers on March 15, 2016, the defendant admitted that he had failed to lodge an election return to the REO on or before the deadline on December 30, 2015 although he was aware of such requirement.

The prosecution was today represented by ICAC officer Simon Ip.

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新聞公佈

二○一五區議會選舉落敗候選人未提交選舉申報書被判刑

2017年3月13日

一名在二○一五年西貢區議會選舉(軍寶選區)中落敗的候選人, 未有按照《選舉(舞弊及非法行為)條例》規定提交選舉申報書, 被廉政公署起訴。被告今日(三月十三日)在觀塘裁判法院被判刑。

李新, 四十歲, 會計師, 被主任裁判官練錦鴻判處罰款五千元。

被告今日承認一項罪名, 即沒有按照《選舉(舞弊及非法行為)條例》第37條的規定提交選舉申報書, 違反《選舉(舞弊及非法行為)條例》第38條。

案情指出, 被告在案發時是二○一五年區議會選舉西貢區軍寶選區的候選人。

選舉事務處於二○一五年十月收到被告的提名表格後, 向被告送達一批文件, 通知及提醒他在相關選舉法例下, 作為候選人的責任。

有關責任包括按照《選舉(舞弊及非法行為)條例》第37條的規定, 向選舉事務處提交「選舉開支及接受選舉捐贈之申報書及聲明書」(選舉申報書)。

根據選舉事務處的紀錄, 被告於二○一五年十月二十日曾出席一個簡介會。選舉管理委員會主席在簡介會上請各與會人士注意, 刊登選舉結果後三十天內必須提交選舉申報書。

選舉事務處於二○一五年十一月十八日向該選舉的所有候選人(包括被告)發出一張標準信件, 提醒他們須按照法例提交選舉申報書。

案情指出, 被告於二○一五年十一月二十二日在該選舉中落敗, 而選舉結果於二○一五年十一月三十日刊登。

一位選舉事務處選舉助理於二○一五年十二月三十日致電被告, 提醒他有關提交其選舉申報書的屆滿日期。

由於選舉事務處並沒有收到被告提交的選舉申報書, 該處於二○一六年一月十三日將個案轉交廉署調查。

被告於二○一六年三月十五日在警誡下接受廉署人員的會見, 承認儘管他清楚知道有關規定, 卻沒有在二○一五年十二月三十日屆滿日期前向選舉事務處提交選舉申報書。

控方今日由廉署人員葉耀明代表出庭。

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