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## Press Releases

### Defeated candidate of DC Election sentenced for false claims of support

2017-7-5

A defeated candidate of the 2015 Yau Tsim Mong District Council (DC) Election (Tsim Sha Tsui Central Constituency), charged by the ICAC, was today (July 5) sentenced at the West Kowloon Magistracy for publishing election advertisements – five banners and 1,000 leaflets, which included false claims of support.

Liu Siu-fai, 35, merchant, was ordered by Magistrate Ms June Cheung Tin-ngan to perform 80 hours of community service.

In passing the sentence, the magistrate said the offences committed by the defendant was serious in nature. She imposed a community service order on the defendant after taking into account various mitigating factors, including his guilty plea and remorse.

The defendant earlier pleaded guilty to six counts of engaging in illegal conduct to publish an election advertisement that includes a false claim of support at an election, contrary to Section 27(1) of the Elections (Corrupt and Illegal Conduct) Ordinance.

The case arose from complaints referred by the Registration and Electoral Office (REO). Subsequent ICAC enquiries revealed the above offences.

The court heard that at the material time, the defendant was a candidate of the 2015 DC Election for the Tsim Sha Tsui Central Constituency in the Yau Tsim Mong District.

The DC Election was held on November 22, 2015, with its nomination period running from October 2 to 15. On October 9, 2015, the defendant submitted his nomination form to the Returning Officer of the Tsim Sha Tsui Central Constituency. He was defeated in the DC Election.

On October 22, 2015, the defendant published five banners printed with the words that the Incorporated Owners (IOs) of five buildings in the constituency “fully support” the defendant to run for the DC Election respectively.

The banners caused electors to believe that the defendant had the support of the IOs of the five buildings.

The IOs of the buildings confirmed that they did not discuss or pass any resolution on giving any consent

to the defendant for inclusion of their names in those banners.

The court heard that on November 20, 2015, the defendant published 1,000 leaflets printed with the name of the defendant and the words “full support” from the IOs of five buildings, including four out of the five IOs mentioned in the aforesaid banners, in the constituency.

The leaflets caused electors to believe that the defendant had the support of the IOs of the five buildings.

The IOs of the five buildings concerned confirmed that they did not discuss or pass any resolution on giving any consent to the defendant for inclusion of their names in those leaflets, the court was told.

The REO had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by ICAC officer Wong Ching-kwong.

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## 新聞公佈

### 區議會選舉落敗候選人發布假稱獲支持選舉廣告判刑

2017年7月5日

一名在二〇一五年油尖旺區區議會選舉(尖沙咀中選區)中落敗的候選人發布假稱獲得支持的選舉廣告,即五幅橫額及一千份單張,被廉政公署起訴。被告今日(七月五日)在西九龍裁判法院判刑。

廖紹暉,前稱廖少輝,三十五歲,商人,被裁判官張天雁判處須履行八十小時社會服務。

裁判官在判刑時表示,被告干犯的罪行性質嚴重。她考慮被告承認控罪及有悔意等多項求情因素,遂判他社會服務令。

被告早前承認六項在選舉中作出非法行為罪名,即發布假稱獲得支持的選舉廣告,違反《選舉(舞弊及非法行為)條例》第27(1)條。

廉署早前接獲選舉事務處轉介的投訴,調查其後揭發上述罪行。

案情透露,被告於案發時是二〇一五年區議會選舉油尖旺區尖沙咀中選區的候選人。

該區議會選舉於二〇一五年十一月二十二日舉行,提名期為十月二日至十五日。被告於同年十月九日遞交其提名表格至尖沙咀中選區的選舉主任,但他於該選舉中落敗。

被告於二〇一五年十月二十二日發布五幅橫額,當中印有選區內五幢大廈業主立案法團(法團)分別「全力支持」被告參加該區議會選舉的字樣。

該等橫額導致選民相信被告獲該五幢大廈法團的支持。

有關大廈的法團確認並沒有討論或通過任何決議,給予被告任何書面同意讓法團名稱納入該等橫額。

案情透露,被告於二〇一五年十一月二十日發布一千份單張,當中印有被告的姓名及選區內五幢大廈的法團「全力支持」的字樣。有關法團包括上述橫額中提及的其中四個法團。

該等單張導致選民相信被告獲該五個法團的支持。

該五幢大廈的法團確認並沒有討論或通過任何決議,給予被告任何書面同意讓法團名稱納入該等單張。

選舉事務處在廉署調查案件期間提供全面協助。

控方今日由廉署人員黃正光代表出庭。

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