



Press Releases

Defeated candidate of DC Election sentenced for failing to lodge election return and surrender to custody

2018-8-31

A defeated candidate of the 2015 Kowloon City District Council (DC) Election (To Kwa Wan North Constituency), charged by the ICAC, was today (August 31) sentenced at the Shatin Magistracy after admitting that he had failed to lodge an election return and failed to surrender to custody.

Shum Tai-fung, 26, today pleaded guilty to two charges – one of failing to lodge an election return as required under Section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO), contrary to Section 38 of the ECICO, and one of failing to surrender to custody as shall have been appointed, contrary to Section 9L(2) of the Criminal Procedure Ordinance.

Acting Principal Magistrate Ms Wong Sze-lai imposed a fine of \$6,000 on the defendant for breaching the ECICO, and sentenced him to two months' imprisonment for committing the offence of failing to surrender to custody.

The court heard that at the material time, the defendant was a candidate of the 2015 DC Election for the To Kwa Wan North Constituency in Kowloon City District.

The DC Election was held on November 22, 2015, and the result was published in the Gazette on November 30, 2015. The defendant was defeated in the election.

The defendant was required to lodge his election return within 30 days after the publication of the election result in the Gazette, but he failed to do so. The Registration and Electoral Office (REO) referred the case to the ICAC in January 2016.

After investigation, the ICAC sought legal advice from the Department of Justice. Pursuant to the legal advice, the ICAC charged the defendant with one count of failing to lodge an election return as required under Section 37 of the ECICO on June 14, 2017.

The defendant appeared at the Kwun Tung Magistracy on the next day and applied for adjourning the case to seek legal advice. He was granted bail.

The court heard that on five occasions between July 14 and October 19, 2017, the case was brought up for mention, but the defendant applied for adjourning the case to seek legal advice and applied to the Court of First Instance for a relief order pursuant to Section 40 of the ECICO. The bail was extended on the same terms.

On January 23, 2018, the defendant pleaded not guilty to the charge of failing to lodge an election return when he appeared in the Shatin Magistracy. The case was adjourned to March 8, 2018 for a pre-trial review. On that day, the defendant did not attend the court, and a warrant for arrest of him was issued.

The court heard that on August 9, 2018, the defendant was arrested by the Police for a suspected criminal offence. He was then taken to the Shatin Magistracy. Since then, he was remanded in the custody of the Correctional Services Department until today for mention.

The defendant was yesterday charged additionally with one count of failing to surrender to custody.

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

The prosecution was today represented by ICAC officer Franki Law.

[Back to Index](#)



新聞公佈

區議會選舉落敗候選人沒有提交選舉申報書及按照法庭指定歸押 今判刑

2018年8月31日

一名在二〇一五年九龍城區議會選舉(土瓜灣北選區)中落敗的候選人，沒有提交選舉申報書，並沒有按照法庭的指定歸押，被廉政公署起訴。被告今日(八月三十一日)在沙田裁判法院承認控罪後被判刑。

沈泰鋒，二十六歲，今日承認兩項罪名，即一項沒有按照《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，及一項沒有按照法庭的指定歸押，違反《刑事訴訟程序條例》第9L(2)條。

署理主任裁判官王詩麗就被告觸犯《選舉(舞弊及非法行為)條例》罪名判處罰款六千元，並就他觸犯沒有按照法庭的指定歸押罪名判處入獄兩個月。

案情透露，被告於案發時是二〇一五年區議會選舉九龍城區土瓜灣北選區的候選人。

該區議會選舉於二〇一五年十一月二十二日舉行，而選舉結果於二〇一五年十一月三十日在憲報刊登。被告於該選舉中落敗。

被告須於選舉結果於憲報刊登後的三十日內提交選舉申報書，但他並沒有提交任何選舉申報書。選舉事務處於二〇一六年一月將個案轉交廉署調查。

廉署調查後向律政司徵詢法律意見。根據有關法律意見，廉署於二〇一七年六月十四日落案起訴被告一項罪名，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。

被告於翌日到觀塘裁判法庭應訊，並申請將案件押後以尋求法律意見。他獲准保釋。

案情透露，該案於二〇一七年七月十四日至十月十九日期間先後五次提堂，但被告每次均申請再將案件押後以尋求法律意見，並根據《選舉(舞弊及非法行為)條例》第40條向原訟法庭申請作出寬免命令。被告的保釋亦以相同條款獲延長。

被告於二〇一八年一月二十三日在沙田裁判法院應訊時，對該項沒有提交選舉申報書的罪名不認罪。法庭將案件押後至二〇一八年三月八日進行預審。被告當日沒有出庭應訊，法庭於是向他發出逮捕令。

案情透露，被告於二〇一八年八月九日因涉嫌觸犯刑事罪行被警方拘捕。他隨即被帶往沙田裁判法院，由當日起暫時還押懲教署看管，直至今日出庭應訊。被告昨日被加控一項沒有按照法庭的指定歸押罪名。

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羅君傑代表出庭。

[返回目錄](#)