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Five ordered to serve six to 15 more months for bribing electors

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A defeated candidate of the 2009 Shatin District Council (DC) By-election (Tai Wai Constituency) and four other persons, charged by the ICAC, were today (Wednesday) ordered by the Court of Appeal to serve six to 15 more months for bribing electors after the Department of Justice (DoJ) sought a review of their sentences.

Lee York-fai, 45, a doctor and a defeated candidate of the by-election, and Cheung Shing-kai, 45, a company director, had their jail terms of 21 months increased to 33 months.

Co-defendants Chiang Sai-cheong, 56, and Yu Wai-chi, 38, respectively secretary and treasurer of Mei Lin Community and Welfare Association (the Association), had their jail terms increased from 12 months to 27 months.

Simon Liang Chun-yip, 43, chairman of the Association, had his 21-month jail term increased to 27 months.

The five were jailed in April last year after being found guilty of a total of 10 charges under the Elections (Corrupt and Illegal Conduct) Ordinance - five concerning corrupt conduct and the remaining five relating to illegal conduct.

The DoJ subsequently made an application for a review of sentences imposed on the defendants.

The application was today heard by Mr Justice Robert Tang Ching and Mr Justice Wally Yeung Chun-kuen, both Vice-Presidents of the Court of Appeal, and Madam Justice Maria Yuen Ka-ning, Judge of the Court of Appeal.

A written judgment will be handed down by the Court of Appeal on a date to be fixed.

Meanwhile, the Court of Appeal today dismissed applications from Cheung, Chiang, Yu and Liang for leave to appeal against their convictions.

The court heard that on February 23, 2009, Lee submitted a nomination form to the Registration and Electoral Office (REO) to stand as a candidate for the by-election that was held on March 29, 2009.

Between early January and March 28, 2009, the Association organised 12 dinner banquets costing over \$1 million for its 1,578 members, 981 of whom were registered electors. While the Association only charged each member with \$20, the five defendants provided and met all the costs of entertainment, food and drinks consumed at the banquets for inducing the electors to vote for Lee.

On separate occasions between February 5 and March 29, the polling day, Lee, Chiang, Liang and Yu offered electors food and drinks for breakfasts, free anti-flu injections, 38 one-day local tours or \$100 coupons for settling medical expenses at Lee's clinic for the same purpose.

The court heard that Lee, Chiang, Liang and Yu published printed election advertisements, which failed to meet certain requirements. The election advertisements concerned included a leaflet on the free anti-flu injections, two books on health tips and two other leaflets to recommend a new book.

Chiang, Liang and Yu also engaged in illegal conduct by incurring election expenses in relation to the production expenses of reusable bags.

Lee incurred election expenses totalling over \$2 million, which exceeded the statutory limit of \$48,000. But Lee only reported about \$34,000 to the REO, the court was told.

The prosecution was today represented by Deputy Director of Public Prosecutions William Tam and Senior Public Prosecutor Olivia Tsang, assisted by ICAC officer Winnie Wong.

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