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Election candidate has jail term increased to 12 months after review of sentence

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A candidate of the executive committee election of the 2011 Sheung Shui District Rural Committee (RC), charged by the ICAC, had his original jail term for offering a bribe of \$130,000 to a village representative (VR) increased to 12 months by the Court of Appeal (CA) today (Friday) following a review of his sentence.

Brian Kan Ping-chee, 75, a retired horse trainer, was immediately sent to prison to serve the remaining of the 12-month jail term.

Kan was sentenced to 14 weeks' imprisonment at the Fanling Magistracy in December 2011 after being found guilty of one count of engaging in corrupt conduct at an election, contrary to Section 11(1)(a) of the Elections (Corrupt and Illegal Conduct) Ordinance.

The Department of Justice (DoJ) subsequently applied for a review of the sentence, which was today heard by Mr Justice Andrew Cheung Kui-nung, Chief Judge of the High Court; Mr Justice Wally Yeung Chun-kuen, Vice-President of the CA; and Madam Justice Maria Yuen Ka-ning, Justice of Appeal of the CA.

In allowing the DoJ's application today, the CA agreed that the original 14-week jail term imposed on Kan was manifestly inadequate, and increased it to 12 months.

The court heard that the Home Affairs Department announced in February 2011 that the executive committee election of the 2011 Sheung Shui District RC would be held on March 15 to elect the chairman, two vice-chairmen and 14 executive members. On February 28, Kan submitted his nomination for the election.

In mid February, Kan visited Liu Fu-sau, a VR of the Sheung Shui District, at the latter's store, and asked the latter to support him at the election. Liu did not give any positive reply.

The court heard that on February 27, Kan paid another visit to the store. Having been informed by his wife, Liu returned to the store and met Kan.

Inside a room of the store, Kan asked Liu to support him at the election. But Liu replied that he would decide the matter later.

When Kan was leaving the store, Kan said he had left something for Liu in the room. On being asked by Liu what that was, Kan replied that it was \$130,000.

Liu immediately asked Kan to take the money back, but Kan ignored him and left. Liu returned to the room, and found a wad of banknotes, totalling \$130,000, which was placed on a table.

The \$130,000 was subsequently handed over to the ICAC by Liu, the court was told.

The prosecution was today represented by Deputy Director of Public Prosecutions William Tam, assisted by ICAC officer Lawrence Kam.

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