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## Court work may have breached electoral rules

A TSUEN Wan District Board member's hopes for a Legislative Council seat could be jeopardised because of his past service as a magistrate.

Mr David Yeung Fuk-kwong, who is contesting the New Territories South constituency, is now under investigation for possible breach of electoral provisions.

The Legal Department is looking into the validity of Mr Yeung's membership in the electoral college.

The ruling from Attorney-General Jeremy Mathews, which is expected in a few days, might end Mr Yeung's formal ties with Tsuen Wan District Board and thus his political future.

The case arises from legal complications of Mr Yeung's dual role as a temporary magistrate while serving as an elected member of Tsuen Wan District Board.

Mr Yeung, a solicitor, was appointed as a magistrate five times between April and August last year and between March and May this year.

Under Section 19 of the Electoral Provisions Ordinance, he should have vacated his district board seat while serving on the bench.

Mr Yeung, however, retained his seat.

Mr Yeung himself raised the issue with the Government last week following Mr Kwan Lim-ho's decision to quit his Urban Council seat to take up a post as a magistrate.

Acting Regional Secretary (New Territories) for District Administration, Mr Peter Ng, said: "Depending

on the legal advice, the administration may have to declare Mr Yeung's seat vacated and call for a by-election."

Mr Ng said the Attorney-General would advise the Government on whether Mr Yeung had committed an offence for failing to resign from the district board.

There is no legal precedent in this regard.

Also in question is whether the decisions Mr Yeung made in his capacity as a district board member during the period should be nullified.

Mr Yeung is one of four candidates vying for a Legislative Council seat in the 70-electors New Territories South electoral college, comprising the Tsuen Wan, Kwai Tsing, Sai Kung and Islands district boards.

Mr Ng said Mr Yeung's candidature would not be affected if he was not holding a public office when and after he registered.

"It is not the practice for the Judiciary to inform the administration of the appointments of temporary magistrates.

"The administration is not aware of the appointment," he said.

All Judiciary appointments, however, are gazetted.

"District board members may not be aware of these complications.

"They may think they are just doing the Judiciary a favour," Mr Ng said.

Mr Yeung was not available for comment yesterday.

He was first elected a district board member in 1985 and was re-elected in March.