

# Acquittal may force new poll

Kieron Flynn

Last Sunday's election for the Urban Council seat of Ap Lei Chau could be scrapped and a new election held after a failed candidate, Cheng Kar-foo, was cleared of corruption charges yesterday.

Cheng had faced three charges of making false claims in posters and leaflets distributed in his successful campaign to become a member of the Southern District Board last September.

After his acquittal at Western Magistracy yesterday, he said his campaign for the municipal council elections had been influenced by the case against him, with the charges potentially costing him "many, many votes".

Cheng lost the election by the relatively small margin of 381 votes. Wong Man-chiu polled 4,901 votes to Cheng's 4,520.

Speaking outside the court, an emotional Cheng thanked the magistrate, Mary Yuen, for clearing his name but said his faith in Hong Kong's system of justice was far from being restored.

"I had lost my faith in justice and now I am just getting a little of that faith back," he said, with tears in his eyes.

A spokeswoman for the Constitutional Affairs Branch said any decision on whether or not to scrap the Ap Lei Chau constituency vote and call a new one could partly depend on a submission from Cheng.

"He could make an election petition and it would be up to the [High] Court to decide," she said. "He could also approach the Boundaries and Election Commission directly."

Cheng was charged after an investigation by the Independent Commission Against Corruption into claims that he made false claims in election campaign material.

Specifically, the charges alleged he claimed to have fought on behalf of Ap Lei Chau residents to force the Housing Department to make changes to its control of rubbish on the island.

It was alleged that Cheng claimed his action had resulted in the contracting of a new cleaning company, the introduction of a new type of bin with square plastic hinged lids and new schedules for garbage collection.

Cheng won the district board election against Vivian Chih by 176 votes and continues to serve as a member of the Southern District Board.