

HONG KONG / JUDGMENT

CNT SECURITY CO LTD v. HKSAR

COURT

Court of Final Appeal

DECIDED

30 July 2007

CASE / FILE NUMBER

FAMC35/2007

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bjbj FAMC No. 35 of 2007 IN THE COURT OF FINAL APPEAL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION MISCELLANEOUS PROCEEDINGS NO. 35 OF 2007 (CRIMINAL) (ON APPLICATION FOR LEAVE TO APPEAL FROM HCMA NO. 887 OF 2006)

Between: CNT SECURITY COMPANY LIMITED Applicant

- and - HONG KONG SPECIAL ADMINISTRATIVE REGION Respondent

Appeal Committee: Chief Justice Li, Mr Justice Bokhary PJ and Mr Justice Ribeiro PJ Date of Hearing: 30 July 2007 Date of Determination: 30 July 2007 D E T E R M I N A T I O N Chief Justice Li: The first point raised in this application is the proper interpretation of the phrase other than a housing allowance or other housing benefit in the definition of relevant income in s. 2(1) of the Mandatory Provident Fund Schemes Ordinance, Cap.

485. The judge s conclusion on this question is plainly right. In our view, the contrary is not arguable. The applicant further relies on reasonable excuse under s. 43B(1) of the Ordinance. But wherever the burden in relation to reasonable excuse lies, there is no viable basis for it. Therefore, the question of the burden of proof in relation to reasonable excuse does not arise. Accordingly, the application for leave is refused. (Andrew Li) (Kemal Bokhary) (R.A.V. Ribeiro) Chief Justice Permanent Judge Permanent Judge Mr Gerard McCoy SC (instructed by Messrs Leung, Chan & Pang) for the applicant Mr Kevin P Zervos SC (of the Department of Justice) for the respondent - PAGE - ,!B/ 7lS5 bH7] \oof];hL :=z 9Di{ ,!B/ \oof 7lS5 bH7] 9Di{ & 6" Normal.dot setup Microsoft Word 9.0 Title Microsoft Word Document MSWordDoc Word.Document.8

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