

HONG KONG / JUDGMENT

HKSAR v. CHEN SHIJI

COURT

Court of First Instance

DECIDED

16 May 2007

CASE / FILE NUMBER

HCMA202/2007

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bjbj HCMA202/2007 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF FIRST INSTANCE (Appellate Jurisdiction) MAGISTRACY APPEAL NO. 202 OF 2007 (ON APPEAL FROM ESCC 5428 OF 2006)

BETWEEN HKSAR Respondent and CHEN SHIJI (+ ^ T) -- R E A S O N S F O R J U D G M E N T

AUTONUMOUT The appellant was convicted on his own plea of one charge of using a false instrument , contrary to section 73 of the Crimes Ordinance, Cap. 200 [Charge 1] and three charges of theft , contrary to section 9 of the Theft Ordinance, Cap. 210 [Charges 2 to 4]. He was sentenced to a total of 30 months imprisonment. The appellant appeals against that sentence. AUTONUMOUT Charges 2 to 4 were committed on 25 July 2006, 21 October 2006 and 30 November 2006 respectively. They involved Wanchai, Central and Causeway Bay jewellery shops in which the appellant appropriated high value items with speed, skill and cunning. It was by pure chance that on 5 December 2006 he was recognized by police for theft at the Convention Centre Jewellery Fair in 2004 and was stopped and questioned. He produced a forged two-way permit [Charge 1] and was subsequently brought to book for all the present offences. No stolen property totalling \$136,000 was however ever recovered. AUTONUMOUT The appellant is aged 38 and a mainlander. He has two previous convictions, both for theft and one from the Jewellery Fair in 2004. AUTONUMOUT Individually, the appellant was sentenced to 14 months imprisonment for each count of theft and 15 months for using a fasle document. These sentences were then compressed into 30 months to represent a meaningful discount from the overall maximum in the magistracy of three years imprisonment (per the magistrate). AUTONUMOUT These sentences are appropriate and not open to criticism. The appellant s claim that his father now suffers from cancer or that other offenders had been given lighter sentences are of no relevance. AUTONUMOUT The appeal is dismissed. (D. Pang) Deputy High Court Judge Ms Winnie Lam, GC of Department of Justice, for HKSAR Appellant in person PAGE - PAGE A B C D E F G H I J K 1udk 1udk &`#\$ &`#\$ m_IP m_IP m_IP m_IP m_IP m_IP m_IP m_IP & 6" ABC.dot setup Microsoft Word 9.0 Judiciary Title Microsoft Word Document MSWordDoc Word.Document.8

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Prepared on 29 October 2026 · Esheria