

HONG KONG / JUDGMENT

HKSAR v. CHEN YULAN

COURT

Court of First Instance

DECIDED

21 June 2007

CASE / FILE NUMBER

HCMA482/2007

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bjbj HCMA 482/2007 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE
REGION COURT OF FIRST INSTANCE MAGISTRACY APPEAL NO. 482 OF 2007

HKSAR and CHEN Yulan

Before: Hon Wright J in Court Date of Hearing: 21 June 2007 Date of Judgment: 21 June 2007

JUDGMENT

The appellant was convicted on 21 April 2007 by a magistrate on her own pleas of guilty to three offences of using a false travel document contrary to s. 42(2)(b) of the Immigration Ordinance, Cap. 115 and three consequential offences of making a false representation to an immigration assistant contrary to s. 42(1)(a) of the same Ordinance. After previous criminal proceedings in Hong Kong which resulted in her serving a sentence of 15 months imprisonment before repatriation to the Mainland, the appellant returned to Hong Kong on three separate occasions, 21 March 2003, 6 October 2003 and 21 May 2006. On each occasion in order to gain entry she presented a Chinese permit the contents of which did not relate to her save for the photograph. On each occasion she was permitted to enter. The offences came to light when she attempted to enter Hong Kong using her own identity. The magistrate sentenced her to a term of 12 months imprisonment on each of the six charges. Those sentences are proper and in accordance with authority. He ordered that the two sentences in each pair of charges be served concurrently with one another: that approach is apposite. He then considered the overall issue of totality and ordered six months imprisonment of the second pair of charges to be served consecutively to the first pair of charges and three months imprisonment of the third pair of charges to be served consecutively to the first two pairs of charges. The effect is that the appellant is to serve a term of 21 months imprisonment overall. The appellant repeats today the mitigation she previously

advanced. She says that, since then, her father has suffered a stroke. However, a letter from her children indicates that that occurred at Lunar New Year (February) 2007, before she attempted to come to Hong Kong. Be that as it may, that fact alone does not warrant a further reduction in sentence. In circumstances of this matter, the sentences and the orders are entirely appropriate. The appeal is dismissed. (A R WRIGHT) Judge of the Court of First Instance High Court Henry Hung, Government Counsel of the Department of Justice, for the HKSAR Appellant in person. PAGE - A B 1udk 1udk i\$&8 EnS< [<e? EnS< [<e? HCMA.dot setup Microsoft Word 9.0 Judiciary Hong Kong Title Microsoft Word Document MSWordDoc Word.Document.8

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