

HONG KONG / JUDGMENT

HKSAR v. GUO YUYAN

COURT

Court of First Instance

DECIDED

29 November 2007

CASE / FILE NUMBER

HCMA909/2007

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bjbj ant

Before: Deputy High Court Judge Line in Court Date of Hearing: 29 November 2007 Date of Judgment: 29 November 2007

J U D G M E N T

This is an appeal against sentences of imprisonment totalling 15 months. A 15-month sentence was imposed following a plea of guilty to using a forged identity card in circumstances where the Appellant had taken up work in Hong Kong unlawfully. Concurrent sentences of 14 days imprisonment and 4 months imprisonment were imposed for breaches of condition of stay by overstaying and taking up employment. The sentence of 15 months imprisonment was in line with the guideline sentence set out in the case of Li Chang Li. Of course, the guideline is not a straitjacket and the Appellant today has addressed me seeking to put forward reasons why I should depart from it. She has told me of her husband being ill, her brother-in-law confined to bed, she being the sole breadwinner, of being cheated by the person who had got her to come here to work and of not realising the seriousness of using a forged identity card. I regret to say that the nature of what she has told me is very familiar. It relates the sort of matters that people in her situation commonly suffer when they act as she has done and I regret to say that those matters do not carry such force as would justify a departure from the guideline. Accordingly, the appeal against sentence is dismissed. (P Line) Deputy High Court Judge Representations: Ms Olivia

V A B C D E F G H I J K L M N O P Q R S T U V A B C D E F G H I J K L M N O P Q R S T U V A B C D E F G H I J K L M N O P Q R S T U V & `#\$ bZ < =RM/L\$t\ [g\k [g\k =RM/ Normal.dot setup Microsoft Word 9.0 judiciary Title Microsoft Word Document MSWordDoc Word.Document.8

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