

HONG KONG / JUDGMENT

HKSAR v. LIN, HUASHENG

COURT

Court of First Instance

DECIDED

27 May 2011

CASE / FILE NUMBER

HCMA230/2011

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bjbj HCMA230/2011 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF FIRST INSTANCE MAGISTRACY APPEAL NO. 230/2011 (ON APPEAL FROM STCC NO. 1292 OF 2011)

BETWEEN HKSAR Respondent and LIN, HUASHENG (imprisonment passed concurrently on two charges: the 1st, the using of a false travel document for the purposes of Part 2 of the Immigration Ordinance; and secondly, the making a false representation to an immigration assistant acting under Part 2 of the Ordinance. The facts reveal that the Appellant paid \$30,000 to a middleman in mid-2006 to arrange for him to come to Hong Kong for work and he had used this false travel document since late 2006. The present offences were related to his entry into Hong Kong on 13 March 2011 when he used the false travel document to enter Hong Kong and falsely represented that the date of birth on the false Chinese permit was his true date of birth. The very experienced Magistrate, who deals with very many of these cases, rightly said, that for using a false Chinese permit to come to Hong Kong and making a false representation as to identity the usual sentence is 18 months imprisonment after trial. Thus, given the one-third discount for the plea, the sentences were rightly set at 12 months imprisonment. Today the Appellant very politely urges upon me that which was urged upon the Magistrate, which was really to say that he had wife who was not well. He did not work. He had two daughters to support and he had elderly parents in their 80s. I hope he will understand that in the absence of something exceptional, and his case is not exceptional, that we look for consistency in sentence especially in cases like this where so many cases are so similar. I hope he will understand that people will feel a sense of injustice if they have a longer sentence than the man in the next-door cell who has done exactly the same thing. This is a standard case that attracts the standard sentence. Accordingly, the appeal against it is dismissed. (P Line) Judge of the Court of First Instance of the High Court Ms Rosaline Leung, Senior Public Prosecutor, of the Department of Justice, for the Respondent Appellant: Lin, Huasheng, in person PAGE - PAGE h,L{ |rlrlh h;8= h,L{ &`#\$ - CRT16/27.5.2011/DB HCMA230/2011/Judgment 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 [Content_Types].xml Iw}, \$yi} _rels/.rels theme/theme/themeManager.xml K Y, sQ}# theme/

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