

HONG KONG / JUDGMENT

HKSAR v. SHUN TAK PROPERTIES LTD

COURT

Court of First Instance

DECIDED

9 January 2007

CASE / FILE NUMBER

HCMA1014/2006

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bjbj HCMA1014/2006 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF FIRST INSTANCE MAGISTRACY APPEAL NO. HCMA1014/2006 (ON APPEAL FROM ESS 7775/2006)

BETWEEN HKSAR Respondent and Shun Tak Properties Limited Appellant (t gP r or not what is called, the common-law offence, is available to the Appellant who has been convicted under Regulation 4 of the Factories and Industrial Undertakings (Suspended Working Platforms) Regulations.

2. There are different views at first instance on the general availability of such a defence, and it seems to me the matter needs to be resolved as a matter of some urgency because when such prosecutions or similar ones are undertaken in the Magistrates Court some magistrates say it applies, some do not. That is a an unsatisfactory state of affairs.
3. Accordingly, I am going to exercise, at the invitation of both parties, my power under Section 118(1)(d) to reserve the appeal to the Court of Appeal and that is the order I make today. (P Line) Deputy High Court Judge Representation: Mr Joseph Wong, Senior Government Counsel, of the Department of Justice, for the Respondent Mr Toby R W Jenkyn-Jones, instructed by Messrs Johnson, Stokes & Master, for the Appellant PAGE PAGE CRT28/9.1.2007/DB HCMA1014/2006/Reasons for Decision 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 A B C D E F G H I J K L M N O P Q R S T U V &`#\$ JUDGE.DOT setup Microsoft Word 9.0 judiciary Title Microsoft Word Document MSWordDoc Word.Document.8

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Prepared on 27 October 2026 · Esheria