

HONG KONG / JUDGMENT

HKSAR v. YEE HOK CHUN

COURT

Court of First Instance

DECIDED

19 May 1999

CASE / FILE NUMBER

HCMA252/1999

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bjbj 1999, No. MA252 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF FIRST INSTANCE (APPELLATE JURISDICTION) MAGISTRACY APPEAL NO. 252 OF 1999

BETWEEN HKSAR Respondent and YEE HOK CHUN Appellant

Coram : The Honourable Mrs Justice V. Bokhary in Court Date of Hearing: 19th May 1999 Date of Delivery of Judgment: 19th May 1999

J U D G M E N T

On 19th February 1999 before J.T. Glass Esquire at the North Kowloon Magistracy, this Appellant was convicted on a charge of managing a vice establishment contrary to section 139(1)(b) of the Crimes Ordinance, Cap. 200. He now appeals against that conviction. The particulars of offence set out in the charge read as follows: YEE Hok-chun, you are charged that on the 30th day of August, 1998 at Floor: 1, Shop Name: Wan Yau Happy Chung Seung Club, 516, Shanghai Street, Mongkok, Kowloon West, in Hong Kong, you managed the said premises which were kept as a vice establishment. In convicting the Appellant, the Magistrate relied on the evidence of two undercover police officers who visited the premises on the day in question posing as customers. If what these two police officers said is reliable, the Magistrate was fully entitled to feel satisfied beyond reasonable doubt that the premises were a vice establishment and that the Appellant was managing the same. The magistrate who saw and heard them felt sure of the reliability of these two officers. Counsel for the Appellant has advanced a lengthy argument attacking the Magistrate's acceptance of their evidence. Having considered that argument, I find no basis for disturbing the Magistrate's view of their reliability. Counsel for the Appellant also advances legal arguments. The core of these arguments is that because the officers suspected the Appellant of managing a

vice establishment, they should have cautioned him rather than posed as customers. In short, the argument is that there should have been no undercover operation in the present case or perhaps ever. I reject this argument. The appeal is dismissed. (V. Bokhary) Judge of the Court of First Instance, High Court Mr. David Boyton (inst d by M/s. Miller Peart De Witt) for the Appellant Mr. Johnny Chan (of the Department of Justice) for the Respondent - PAGE - ,M%u ,M%u & 6" IN THE DISTRICT COURT OF HONG KONG Alice LH Yu bokhary-ma Microsoft Word 8.0 IN THE DISTRICT COURT OF HONG KONG Title _PID_GUID Microsoft Word Document MSWordDoc Word.Document.8

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