

HONG KONG / JUDGMENT

HKSAR v. YEUNG CHOI MING

COURT

Court of First Instance

DECIDED

28 March 2007

CASE / FILE NUMBER

HCMA116/2007

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bjbjU d8nv JiMb pellant

Coram: Deputy High Court Judge Line in Court Dates of Hearing: 28 March 2007 Date of Judgment: 28 March 2007

J U D G M E N T

This is an appeal against sentence for unlawfully remaining in Hong Kong. The appellant pleaded guilty and received 21 months' imprisonment. It had been increased from the habitual 15 months by reason of the fact that on five previous occasions beginning in the year 2000 and going up to the year 2005, he had committed identical offences and had been sentenced then to terms of either 15 months, 18 months or 21 months. It goes without saying if you keep committing the same crime, you will get a bigger sentence and there is nothing wrong with a sentence of 21 months' imprisonment for this. The appellant today does not really disagree with that. What he seeks to do is to say that he has had a telephone call from home saying that his father has heart disease, that his elder brother has had a car accident and is seriously indisposed, and that the brother's wife has run away leaving a child in need of care. Even if all of those matters are true, they do not, in my judgment, amount to strong enough humanitarian grounds that would reduce the sentence. The history of convictions demonstrates that this appellant well knew what would happen if he was caught and he therefore knowingly took the risk of absenting himself from his own home and so being absent when domestic matters, such as he has described, arise. The JiMb son PAGE - PAGE CRT27/28.3.2007/MMcG HCMA116/2007/Reasons for 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 A B C D E F G H I J K L M N O P Q R S T U V & `#\$ & `#\$ >BmV JUDGE.DOT Unisys Microsoft Word 9.0 IHav 2v"nv judiciary Title Pfr8nv Pfr8nv Pfr8nv Microsoft Word Document MSWordDoc Word.Document.8

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