

HONG KONG / JUDGMENT

# HKSAR v. ZENG CUIPING

**COURT**

Court of First Instance

**DECIDED**

14 February 2007

**CASE / FILE NUMBER**

HCMA72/2007

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bjbj HCMA 72/2007 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE  
REGION COURT OF FIRST INSTANCE MAGISTRACY APPEAL NO. 72 OF 2007

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HKSAR and ZENG Cuiping

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Before: Hon Wright, J., in Court Date of Hearing: 14 February 2007 Date of Judgment: 14 February  
2007

**JUDGMENT**  
  
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The appellant appeals concurrent sentences, on pleas of guilty, of 12 months imprisonment for using a false travel document contrary to s. 42(2)(b) of the Immigration Ordinance, Cap. 115, making a false representation to immigration assistant contrary to s. 42(1)(a) of the same Ordinance and possession of a false travel document contrary to s. 42(2)(c)(i) of the same Ordinance. The first two offences arose when the appellant used a false two-way Chinese permit to enter Hong Kong on 15 October 2006: the permit bore her photograph but the personal particulars of another. The third charge arose when she was stopped on entry to Hong Kong on 2 December 2006 and the false travel document previously used was found in her possession. She admitted to the offences committed on the earlier occasion when questioned. The appellant pleaded guilty to each of the charges. The magistrate took a starting point of 18 months imprisonment which he reduced by one third for the plea. The family misfortunes which the appellant relates today, if true, occurred before she came to Hong Kong. There were no further mitigating features personal to the appellant or the circumstances of the commission of the offence which justify a further reduction in sentence. The sentence is in accordance with current sentencing practice in respect of the individual offences. However, the Magistrate would have been justified in viewing the commission of the third offence as an aggravating feature and

ordering that a portion of that sentence be served consecutively to the sentences on the first two charges. He decided not to do so. I do not propose to interfere with the appellant s good fortune. The appeal is dismissed and the sentences are confirmed, as is the order that they all be served concurrently with one another. (A R WRIGHT) Judge of the Court of First Instance High Court Ms Janice Kwan, Government Counsel of the Department of Justice, for the HKSAR Appellant in person. PAGE - 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 1udk 1udk i\$&8 EnS< EnS< HCMA.dot setup Microsoft Word 9.0 Judiciary Hong Kong Title Microsoft Word Document MSWordDoc Word.Document.8

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