

HONG KONG / JUDGMENT

MOK KIN KAU v. HKSAR

COURT

Court of Final Appeal

DECIDED

6 November 2007

CASE / FILE NUMBER

FAMC51/2007

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bjbj FAMC No. 51 of 2007 IN THE COURT OF FINAL APPEAL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION MISCELLANEOUS PROCEEDINGS NO. 51 OF 2007 (CRIMINAL) (ON APPLICATION FOR LEAVE TO APPEAL FROM HCMA NO. 1161 OF 2006)

Between: MOK KIN KAU Applicant

- and - HONG KONG SPECIAL ADMINISTRATIVE REGION Respondent

Appeal Committee : Mr Justice Bokhary PJ, Mr Justice Chan PJ and Mr Justice Ribeiro PJ Date of Hearing : 6 November 2007 Date of Determination : 6 November 2007 D E T E R M I N A T I O N Mr Justice Bokhary PJ : Bringing matters to a conclusion without undue delay is an important feature of our criminal justice system. It is reasonably arguable that a third trial in circumstances like these would constitute a departure from accepted norms to an accused person s disadvantage. We grant the applicant leave to appeal to the Court of Final Appeal under the substantial and grave injustice limb of s.32(2) of the Court s statute. [Hearing of appeal fixed for 17 January 2008.] (Kemal Bokhary) (Patrick Chan) (RAV Ribeiro) Permanent Judge Permanent Judge Permanent Judge Mr Andrew Bruce SC (instructed by Messrs Y L Yeung & Co.) for the applicant Mr Simon Tam (of the Department of Justice) for the respondent PAGE - PAGE - &`#\$ Normal.dot setup Microsoft Word 9.0 Title Microsoft Word Document MSWordDoc Word.Document.8

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Prepared on 30 October 2026 · Esheria