

HONG KONG / JUDGMENT

Z v. HKSAR

COURT

Court of Final Appeal

DECIDED

26 October 2006

CASE / FILE NUMBER

FAMC22/2006

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bjbj FAMC No. 22 of 2006 IN THE COURT OF FINAL APPEAL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION MISCELLANEOUS PROCEEDINGS NO. 22 OF 2006 (CRIMINAL) (ON APPLICATION FOR LEAVE TO APPEAL FROM CACC NO. 506 OF 2004)

Between Z Applicant

- and - HONG KONG SPECIAL ADMINISTRATIVE REGION Respondent

Appeal Committee : Mr Justice Chan Acting CJ, Mr Justice Bokhary PJ and Mr Justice Ribeiro PJ

Date of Hearing : 26 October 2006 Date of Determination : 26 October 2006

DETERMINATION

Mr Justice Chan Acting CJ: The point of law which the applicant wishes to pursue in the Court of Final Appeal is that useful information provided by a defendant to a law enforcement agency is to be taken into account in mitigation of sentence even if such information was provided before his arrest (and not only, as the Court of Appeal held, if it was provided after his arrest). We certify the point is one of great and general importance involved in the decision of the Court of Appeal from which the applicant seeks leave to appeal against sentence to the Court of Final Appeal, and we grant such leave. (Patrick Chan) Acting Chief Justice (Kemal Bokhary) Permanent Judge (R A V Ribeiro) Permanent Judge Mr Robert Y H Pang and Ms Cancy S S Liu (assigned by the Hong Kong Bar Association Free Legal Service Scheme) for the Applicant Mr Cheung Wai-sun and Mr Robert Lee (of the Department of Justice) for the Respondent - PAGE - heB. heB. FAMC No.dot setup Microsoft Word 9.0 Title Microsoft Word Document MSWordDoc Word.Document.8

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