

CRIMINAL APPEAL NO. 269, HONG KONG HIGH COURT, JUDGEMENT OF FEB 2006

Presented by Mr. MEAS Bora, LLD

Lawyer, August 2022

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KEYWORD AND PROCEDURE

- Organized crime, principles of sentencing
- Three Mainland Chinese resided in Hong Kong, accused of commission of crime of fraud, four counts
- Lower Court Judge sentence him to 4years and half in prison
- Prosecutor was not happy with imposed sentence and appealed to High Court, proposing to increase sentence (para. 7).

APPLICABLE RULE/ STANDARD

- For determination of sentence, there are four stages: 1. Sentence starts from 2 years, reduced $\frac{1}{3}$ if there is a mitigating circumstance (2) or without reduction, sentence in prison will be 2 years (3); if there is aggravating circumstance, 50% will be added to.

ARGUMENT AND CONCLUSION

- The Court Judges agreed that the crime is organized one.
- Sentence imposed is already reasonable: since he pled guilty; thus, sentence starts from 2 years of 3 years for one count; due to aggravating, 50% is increasing (24 months + 12 months: 36 months). Together with 18 months of 3 counts. Therefore, his total sentence is 54 months.

NOTE ON RESOURCE

▶ For the whole decision:

▶ <http://www.measboralaws.com/images/pdf/verdict/bc05beef5785d4226dac5f9ac5a2f4aa.pdf>

▶ For summary of the decision:

<http://www.measboralaws.com/images/pdf/books-magazines/1ae4a48a8d2b1498bee1efe52d926e86.pdfpdf>