

Department of Justice's response to media enquiries

In response to media enquiries regarding ESCC 3658/2014 which involved Leung Hiu-yeung and 14 other defendants, a spokesman for the Department of Justice (DoJ) today (March 15) gave the following reply:

The above case was heard at the Eastern Magistrates' Courts. After trial by Magistrate Mr Jason Wan Siu-ming, the first defendant (D1) was convicted of charge 1 and 3; the second to eighth defendants (D2-8), 10th to 12th defendants (D10-12) and 15th defendant (D15) were convicted of charge 1; while all of the above were acquitted of the other charges on December 30, 2015.

The defendants were sentenced to community service orders of various lengths by the above Magistrate on February 19, 2016.

Section 81A(1) of the Criminal Procedure Ordinance (Cap 221) states that, "The Secretary for Justice may, with the leave of the Court of Appeal, apply to the Court of Appeal for the review of any sentence (other than a sentence which is fixed by law) passed by any court, other than the Court of Appeal, on the grounds that the sentence is not authorized by law, is wrong in principle or is manifestly excessive or manifestly inadequate."

After considering the facts, relevant evidence, applicable laws and previous decisions of similar cases, the DoJ applied to the Court of Appeal for leave to review the sentences of the above case on March 9 in accordance with section 81A of the Criminal Procedure Ordinance.

The Court of Appeal granted leave for the DoJ's application for review on March 11 and the DoJ filed a formal application on March 14.

The DoJ will handle the above application for review of sentences in accordance with applicable legal procedure. As the application procedure has commenced, it is not appropriate for the DoJ to comment further.

Ends/Tuesday, March 15, 2016