

**Letterhead of DEPARTMENT OF JUSTICE
Prosecutions Division Director of Public Prosecutions**

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Tel. No.: 2867 2300

22 February 2001

Mrs. Percy Ma
Clerk to Panel on Administration of
Justice and Legal Services
3/F, Citibank Tower
3 Garden Road
Hong Kong

Dear Mrs. Ma,

**LegCo Panel on Administration of Justice and Legal Services
Meeting on 16 January 2001**

I refer to Ms. Eu's letter of 18 January 2001, containing details of the three cases she asked me about at the meeting on 16 January 2001.

The three cases have been looked into and my comments are these:

(a) **HKSAR v So Wing-yu (TMC 3619/2000)**

This was the case where Ms. Eu queried why I had rejected the defendant's representations that the case against her should not proceed.

Ms. So, aged 16 years old, was charged with possession of 1 paper packet containing 0.07 gm of a solid containing ketamine hydrochloride. She was convicted after trial and was fined \$2,000 on 27 December 2000.

According to our records, no representations - that the case was suitable for a bind over and the offering of no evidence - were made by Ms. So or her lawyers to me, to the Department, or to the police. That being so, there was no reason to suppose that the prosecution of Ms. So was other than appropriate.

Ms. So maintained her innocence throughout, but was convicted as charged.

(b) **HKSAR v Lo Kin (SPC 8320/2000)**

Mr. Lo, aged 17 years old, was charged with one offence of possession of 2 packets containing of 0.41 gm of a powder containing ketamine hydrochloride.

On 8 January 2001, the duty lawyer wrote to us requesting us to offer no evidence against him as he agreed to be bound over. On 15 January 2001, after having considered all relevant factors of the case, including his age and the quantity of Part I Poison involved, we agreed to dispose of the case by way of ONE/BO.

Mr. Lo admitted his guilt to police at the outset.

(c) **HKSAR v Chan Wai-kit, Ray (NKC 8234/2000)**

Mr. Chan, aged 25 years old, was charged with one offence of possession of 1 paper packet containing 0.08 gm of a solid containing ketamine hydrochloride.

On 3 January 2001, representations were made to us by his duty lawyer to deal with the matter by way of ONE/BO. However, after having considered all relevant factors, including the age of the offender, the offer was rejected on 11 January 2001.

Those who possess these types of unlawful substance must, of course, ordinarily expect to be prosecuted. These are serious offences. There will have to exist strong reasons indeed to justify any departure from our usual policy of prosecuting those suspected of such offences.

Whilst I hope these details are of assistance, I regret that, as I was not given forewarning, I was unable to deal with the three cases at the meeting. It will be appreciated, for the future, if Ms. Eu will let me or my colleagues know in advance of any particular cases she wishes to raise. If she does that, we will be able to provide explanations to the Panel at the time of the meeting, rather than ex post facto.

Yours sincerely,

(I. Grenville Cross, SC)
Director of Public Prosecutions