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6 December, 2006

By Fax : 2537 1204
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Chinese translation to follow

Clerk to the Public Accounts Committee,
Legislative Council,
8 Jackson Road,
HONG KONG.

(Attention Ms. Dora Wai)

Dear Ms. Wai,

**The Director of Audit's Report on the
Results of value for money audits (Report No. 46)**

I refer to the Judiciary Administrator's letter of 4 December, and to your subsequent telephone conversation with the writer.

2. On the issue of multiple applications for distress warrants, there have been various discussions and exchanges of correspondence between the Police, the Judiciary Administrator's office and myself.

3. By way of background, the court at which an order for the payment of a fine, additional penalty and any costs will be made, will be determined by the location in which the offence was committed; so that if the offence occurred in the New Territories the court order will be obtained at Shatin Magistracy, if in Kowloon, at Kowloon City Magistracy, and if on Hong Kong Island, at Eastern Magistracy. Distress warrants are currently issued by the same court at which the order for payment was made. Of course the defaulter may live in an entirely different area, and any distress warrant that is issued in the event of non-payment of the sums in court order, will be executed at the defaulter's registered address.

4. Accordingly, it is proposed that applications for distress warrants be made at the designated court for the area in which the defaulter's registered address is located, irrespective of the court at which the order for payment was made. This will mean that when a defaulter has more than one outstanding fine etc., even though the orders for payment may have been made at different courts, that for the purposes of securing the issue of a distress warrant, all applications will be made at the same court i.e. the court nearest to his place of abode.

5. I understand from my discussions with the Judiciary Administrator that, because of the need, in some instances, to move files from one court to another, the processing time for initiating proceedings in respect of those cases, may be lengthened. Further, some adjustment of CASEMAN to facilitate the use of the registered addresses of defaulters, for determining the court at which the distress warrant proceedings will be held, will be necessary.

Yours sincerely,



(John Reading, SC)
Deputy Director of Public Prosecutions

c.c.

Commissioner of Police

[Attention Mrs. Kitty Cheng] - Fax no. 2200 4342

Judiciary Administrator

[Attention Mr. Augustine Cheng] - Fax no. 2530 2648

Secretary for Financial Services and the Treasury

[Attention Miss Amy Tse] - Fax no. 2147 5239

Commissioner for Transport - Fax no. 2511 4158

Director of Audit - Fax no. 2583 9063

Internal

Ms. Teresa Tang SLC I.