

香港司法機構
司法機構政務長用箋



JUDICIARY ADMINISTRATOR
JUDICIARY
HONG KONG

Tel. 電話 : 2825 4588
Fax. 圖文傳真 : 2530 2648

Our Ref. : SC(CR) 15/1/69
Your Ref. : CB(3)/PAC/R46

By fax : 2537 1204
By e-mail: cwywong@legco.gov.hk

4 July 2006

Clerk, Public Accounts Committee
Legislative Council
8 Jackson Road
Hong Kong

(Attn.: Ms. Dora Wai)

Dear Ms. Wai,

Report No. 46 of the Director of Audit

Chapter 1 – Collection of Fines Imposed by Magistrates' Courts

With reference to the letter dated 19 June 2006 to you from the Commissioner of Police, copied to the Judiciary Administrator and others, I have examined the results of executing the distress warrants by our Bailiffs against the seven defaulters, viz. defaulter nos. 32, 36, 37, 46, 47, 70 and 72. I enclose our findings and observations.

You have also requested for further information similar to that attached to the Commissioner of Police's letter for the other 4,602 defaulters with outstanding fines amounting to \$2,001-\$5,000, \$5,001-20,000, \$20,001-\$60,000 and \$60,001-\$100,000. Such information is not readily available in CASEMAN, and we estimate that we would take about two months for our CASEMAN office to retrieve and collate the data. The steps involve:


- (a) designing a computer programme to retrieve the data from CASEMAN and then generating the raw data in respect of the name, addresses, case numbers, distress warrant numbers and outstanding amounts of every defaulter;

- (b) grouping the defaulters with similar names and confirming they are the same person/company;
- (c) verifying the data by random checking;
- (d) consolidating and summarising the data having regard to the amount of fines, period of accumulation and number of cases involved; and
- (e) tabulating the information and making analyses.

I should be grateful if you would confirm that you would like us to proceed with obtaining further information on the 4,602 defaulters. In the meantime I have asked our CASEMAN office to get prepared for the necessary work.

I will forward to you shortly a Chinese translation of this letter.

Yours sincerely,



(Augustine L.S. Cheng)
Acting Judiciary Administrator

Encl.

c.c. Deputy Director of Public Prosecutions
Commissioner of Police
Commissioner of Transport
Secretary for Financial Services and the Treasury (Attn.: Miss Amy Tse)
Director of Audit

**Execution of Distress Warrants against seven Defaulters
with outstanding parking fines over \$100,000 each**

Defaulter No. 32

Between 13 November 2001 and 26 April 2002, the Bailiffs received 12 distress warrants for execution against this defaulter. The Bailiffs had made five attempts to execute these distress warrants at the address shown therein.

In one attempt, the door was locked and no body answered the door. In the other four attempts, the Bailiffs did not find property belonging to the defaulter for seizure. The Police were informed of the result of each execution attempt.

During the period of their attempts to execute the distress warrants, the Bailiffs had received directions from the court to stay the execution on six occasions.

The defaulter had gone bankrupt and the Police were so informed in March 2006.

Defaulter 36

Between 2 January 2002 and 17 February 2004, the Bailiffs received eight distress warrants for execution against this defaulter. The Bailiffs had made six attempts to execute these warrants at three different addresses as given in the distress warrants or provided additionally by the Police.

The Bailiffs found that one address was inaccurate after two attempts. At the second address, the Bailiffs found the premises locked with no one answering the door in two attempts, and were told by an occupier that there was no such defaulter in their third attempt. The Bailiffs made an attempt at the third address and the occupiers told them that there was no such defaulter. The Police were informed of the execution result of every attempt by the Bailiffs.

Defaulter 37

Between 28 March 2001 and 18 November 2003, the Bailiffs received 23 distress warrants for execution against this defaulter. The Bailiffs had made two attempts to execute these distress warrants at two different addresses as given in the distress warrants or provided additionally by the Police. Both attempts were unsuccessful. In one attempt, the Bailiff found that there was no such address. In the other attempt, the Bailiff found that there was no such defaulter at the address. The Police were informed of the execution result of every attempt by the Bailiffs.

Defaulter 46

Between 29 October 1998 and 27 May 1999, the Bailiffs received 16 distress warrants for execution against this defaulter. The Bailiffs had made ten attempts to execute these distress warrants at three different addresses as given in the distress warrants or provided additionally by the Police. The Bailiffs found that one address was a park. As regards the second address, the Bailiffs found that there was no such address. At the third address, the Bailiffs found the premises locked with no one answering the door in all their attempts. The Police were informed of the execution result of every attempt by the Bailiffs.

Defaulter 47

Between 7 October 1996 and 20 October 1997, the Bailiffs received 21 distress warrants for execution against this defaulter. The Bailiffs had made two attempts to execute these distress warrants at two different addresses. The Bailiffs found that one address was incomplete and that there was no such defaulter at the second address. The Police were informed of the execution result of each attempt and they subsequently asked the Bailiffs to withhold further execution action.

Defaulter 70

Between 3 February 1998 and 29 December 1998, the Bailiffs received 30 distress warrants for execution against this defaulter. The Bailiffs had sent a letter to the defaulter demanding payment. The letter was returned by the Post Office with a remark "Moved". The Police were informed of this result and they subsequently asked the Bailiffs to take no further action.

Defaulter 72

Between 2 September 1998 and 5 January 1999, the Bailiffs received nine distress warrants against this defaulter. The Bailiffs had made three attempts to execute these distress warrants. In two attempts, the Bailiffs found the premises locked with no one answering the door. In the third attempt, the Bailiff found that the defaulter was unknown at the given address. The Police were informed of the execution result of each attempt.