



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China

立法會議員 LEGISLATIVE COUNCIL MEMBER

何君堯 律師, 太平紳士
Dr Hon Junius K.Y. HO Solicitor, JP



20 August 2020

Dr Hon Priscilla Leung Mei Fun, SBS, JP
Chairman
Panel on Administration of Justice and Legal Services
Legislative Council Complex
No. 1 Legislative Council Road, Central
Hong Kong

Dear Priscilla,

Re: Concerning the recent decisions of various magistrates on riot-related cases

I am of grave concern over the recent decisions of various magistrates who presided the hearing of riot-related cases.

The decisions taken by the magistrates in question have triggered a public outcry. Citing a couple of examples for reference, in Tam Tak-chi's case, the sentencing of imposing a fine of HK\$3000 is grossly insufficient. Not only did it not achieve any deterrent effect, worse still, it just disseminates a wrong signal to the opposite end: that common assault warrants only a monetary slap on the wrist. Likewise, in the case of the gruesome attack at Ma On Shan MTR station, the couple, Kwong Yiu-man (39) and Chan Hoi-wan (34), were acquitted by the magistrate. Despite the couple's disorderly conduct in a public place which was primarily responsible for escalating their squabbles into Mr Lee Chi-cheung's immolation, the magistrate blatantly erred in acquitting their charges of disorderly conduct in public place both in law and in fact-finding.

I am of serious doubt as to the competency, if not the integrity, of those magistrates concerned. I also wonder if the appellate court has taken any steps to direct or issue any practice guidelines to the courts below as to how they should deal with the sentencing on similar types of cases. If this has not been done, then it begs to question why it isn't the case.

DR. HON JUNIUS K.Y.HO, SOLICITOR, JP

LEGISLATIVE COUNCIL MEMBER

HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA

中華人民共和國香港特別行政區立法會議員何君堯律師，太平紳士

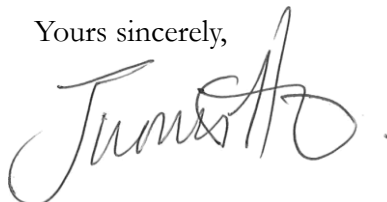
(Our Ref : JH/10024/16)

-P.2-

The riotous storm that began in 2019 albeit extenuated in 2020. It is of common ground to every reasonable person that law and order in Hong Kong have to be restored without further delay. Being lawmakers in Hong Kong, not only do we have the duty to pass the appropriate laws, but we are also duty-bound to monitor the work and performance of the Executive and Judiciary. To see to that those who have been charged and convicted be commensurate with the appropriate sentencing is indeed part of our responsibility too. We cannot afford to let the villains off the hook so haphazardly, otherwise, our rule of law would become a mockery of all time.

I should be grateful if you could write to the Judiciary to seek their response in this regard urgently.

Yours sincerely,



Junius Ho Kwan Yiu

Legislative Council Member (NT West)